

FARMINGTON PLANNING COMMISSION PROCEEDINGS
December 14, 2009

Chairperson Gronbach called the meeting to order at 7:00 p.m. in the Farmington City Council Chambers, 23600 Liberty Street, Farmington, Michigan.

ROLL CALL

Present: Bowman, Christiansen, Crutcher, Gronbach, Ingalls, Kuiken, Scott, Sutton, Wiggins.

Absent: None.

A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Building Inspector Koncsol, City Manager Pastue, Recording Secretary Schmidt, City Attorney Schultz.

OTHERS PRESENT: Sherrin S. Hood and Jeff Purdy, LSL Planning, Inc.

Chairperson Gronbach welcomed Mike Wiggins, as City Council representative on the Planning Commission.

APPROVAL OF AGENDA

MOTION by Christiansen, seconded by Ingalls, to approve the agenda as amended and corrected to move item no. 6 before item no. 4. Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

MOTION by Kuiken, seconded by Sutton, to approve the items on the consent agenda as follows:

- Regular meeting minutes of October 12, 2009.
- Regular meeting minutes of November 9, 2009.

Motion carried, all ayes.

DISCUSSION – WORLD WIDE SHOPPING CENTER FAÇADE IMPROVEMENTS

Present: Ryan Kattoo, Nu-Vest Associates, Inc., Steven Beale, Beale Group, Inc., Joe Barbat, Owner, Miles Gatland, Miles Gatland & Associates.

City Manager Pastue reviewed recent information regarding a national tenant, O'Reilly Auto Parts, at the World Wide Center; due to their reconsideration of their commitment to the shopping center because they felt it is important to have their corporate look present at their stores. The new owners were going to address the issues at the shopping center dealing with the façade, parking, landscaping and signage, as stressed by City Administration, LSL Planning, Inc., and the Planning Commission members. Due to the current economic climate, it was discussed that O'Reilly's would obtain a

building permit to do interior renovations. The owner would come back to the City at a later date to provide a complete façade improvement to the center and address the other issues. The owners felt it was important to have a national tenant, such as O'Reilly's, to anchor the center. The City stated a national tenant would make it possible for future improvements. Pastue suggested the Planning Commission stipulate that the owner present a plan for improvements to the center at a date in the future that would complement the O'Reilly's façade and comply with the existing Zoning Code.

Miles Gatland, 1717 Stutz Drive, Troy, Michigan, was present to speak on behalf of O'Reilly Auto Parts. He commented they were anxious to start business in Farmington; however, the existing façade does not meet their prototype. He stated it would not be a problem to move the overhead door from the front elevation to the west side of the building and if the Commission approved their plan for façade renovation they are ready to proceed.

Gronbach noted some of the Commissioners and Ms. Hood had met with the proponent a week ago and that there were some concerns with just doing a partial façade change and not addressing the whole center. He reiterated there is not sufficient funding at present to consider the entire façade change, but there was discussion about moving the overhead and the main door. He commented the entire center needed upgrading, but the only way the tenant can move forward is to proceed partially and hopefully the Commission can work with the landlord to commit to other façade improvements and enhancements to the center after O'Reilly's opens.

Commissioner Christiansen verified this was a permitted use by right in the Zoning District, not a special approval use and that it had been vacant for a couple of years. He noted if this use was to come in and was conforming, this would be considered a change of occupancy, if there were no changes. Gronbach commented they had suggested to O'Reilly's to temporarily cover over the west end of the glassed area and have the owner come back at a later period to provide a complete façade improvement to the center, along with addressing the other issues that had been noted and obtain a building permit. O'Reilly's was before the Commission for review in order to have permission to make façade changes in order to maintain their identity. Christiansen further verified that the petitioner is looking to occupy the space with the permitted use, obtain a building permit for internal improvements, provide the plans for structural changes for the overhead door, moderate façade adjustments to provide for the identification and if there are any other changes beyond that there is a commitment and discretion on the part of the petitioner to make further changes to reappear before the Planning Commission to continue with the process. He noted the plans show the minor façade changes and removal and relocation of the door. He commented the petitioner would need to follow procedure for signage.

Commissioner Sutton asked if the petitioner had color samples. Sherrin Hood, LSL Planning replied the colors would be red, white and black. Gronbach noted it would be best if the background were a cream color. Sutton voiced concern regarding the entire

strip mall using O'Reilly's primary colors of red and green. Mr. Barbat, owner, responded he preferred having an earth tone such as cream on the façade. He noted O'Reilly's had mentioned they required a red stripe band that would sit behind their signage and it could be limited to that. Sutton asked for clarification of the shade of red to be used.

Sutton referenced the addition of a new light pole on the plans and questioned the type of fixture that would be on it. The owners noted they would be reviewing the lighting with Building Inspector Koncsol after the meeting. Sutton noted information was not provided regarding what type of lighting would be used. She stated approval would not be made on the lighting since the type was not listed on the plans.

Commissioner Kuiken asked if there had been discussion about future façade improvements once the credit market no longer seizes. The owners replied they do not want the rest of the center to stick out and they would do their best to match O'Reilly's.

Commissioner Crutcher verified the doors would be moved to the west side of the building, but questioned what was going to be done with the windows. Gronbach commented it had been discussed to temporarily use a neutral window film, which would be cheaper. Discussion followed regarding the façade and color. Hood commented that the red band behind the O'Reilly letters is not considered part of the legal sign. She stated the area of the sign would be measured by taking a box around the letter portion of the sign and measuring the area inside that. Gronbach suggested a red stripe with some beige on the top and bottom and the rest of the façade could be beige.

Commissioner Scott noted the area appeared to be higher on the west end and to use beige on the rest of the center. He commented other tenants coming in would want to duplicate O'Reilly's in order to obtain their own identity. He voiced concern if it would meet the signage requirements. Gronbach noted the Commission would not be approving the signage. He commented the proponent would need to submit a sign permit and they would have to follow the sign permit guidelines and Administration or the Zoning Board of Appeals would resolve the issue.

Scott commented the proponent should double-check the requirements of the ordinance regarding signage. He noted the light pole at the main entrance would probably be a floodlight, but voiced concern about the residential area. The proponent noted the light would be for customers going in and out of the store. Scott noted the graphics show a floodlight and advised caution. Gronbach commented lighting would be discussed with Administration and when the Commission looks at the whole site the lighting will need to be addressed in order to comply with the code.

Christiansen commented there is no detail regarding lighting, petitioner noted on the plan adjustment of doors, no color scheme for the sign, there is no structural change to the building at all, just the modification of the mansard frontage on half of the façade

with the parapet extension, and a change of use. He noted the Commission had spent a lot of time on the Master Plan, especially in regards to redevelopment and individual areas; noting a lot of the centers needed improvements. He commented that in order to maintain a cohesive look to the center, he would like to grant temporary permission to O'Reilly's and the final façade should be consistent with the Master Plan. He wanted the other issues such as parking and landscaping to be addressed later. He wondered if there could be a time limit to address these issues. Sutton commented they could not set a time limit.

Sutton stated the only issue before the Commission at this meeting is a way that O'Reilly can make their changes that would make it work with the neutral colors and not the blaring red façade. The issue is not for the Commission to force the owners to address all of the issues now, but each time they appear before the Commission there is the option to address all of the problems to make the center look nice for the community. She commented the proponent has offered to do neutral striping above and beyond at the top and bottom of the new façade, which is a great solution. She noted the Commission has to consider that if new businesses are to come into Farmington they are going to have their brand colors; the Commission needs to find a way to have well known companies come in that have an established brand that will draw their customers because of their signage, but also maintain a pleasant looking structure even if the colors of their logo are not as enjoyed by all. She stated she was in agreement with the stipulation made in the motion that the façade opposed to showing one color behind the signage, that the façade include the neutral colors at the top and bottom, that the photometrics or any lighting plan is submitted to the City or to the Planning Commission and it has to comply with City Code.

Christiansen stated he was not concerned with the time line of completion of the center, but if they act on what the issue is in front of the Commission and at a later time the façade of the rest of the center changes the comprehensiveness would be taken away if O'Reilly's was completely different. He asked if the Commission approves what is before them tonight on a temporary basis until such time and the rest of the center would come back, as a whole, and the Commission would review it. He noted once it is approved, it is approved and he wanted to make a decision that would make everyone happy.

City Attorney Schultz stated the Commission is initially looking at the site plan and they have authority, according to the ordinance, to look at the ultimate design, and color, and there is enough language in the ordinance to say this is not a neutral color. Gronbach stated they want the proponent to come to the City and they need to see how the Commission and proponent can make it work. Schultz noted there is enough language in the ordinance that would permit the Commission to say they are not approving anything for the rest of the center and that this is appropriate for its intended use and this particular area. He commented there could be a condition or notation in the motion that says, this is just for the O'Reilly's site and not for the entire property; the owner would have to reappear to do the rest of the center. He noted the Commission could

also impose a condition in the motion that there be no stripe and to use neutral colors. He stated the ordinance gives the Commission the discretion to say "yes" and impose conditions.

Kuiken noted it is in the best interest of the owner to make the rest of the center look cohesive. She commented the Commission needed to work with the proponent in order to bring in other businesses to the center.

Ms. Hood commented the red could be worked out and if the Commission decides to approve this that any future changes to the façade needs to be consistent with the character that is being approved. Sutton asked why it has to be a stipulation today. Schultz replied they are only talking about the O'Reilly site; nothing else applies to façade changes and to keep options open in the motion.

Christiansen stated he does not have a problem and he wants to work with the petitioner, but he does not want this to be the look for the rest of the center.

Kuiken commented on the Murray's located at Six Mile and Newburgh and that their logo did not interfere with the other businesses in that strip mall.

Mr. Barbat noted the tenant would be using 20% of the center and that it would be a situation where O'Reilly's would be the main anchor with their own identity and the other businesses would have co-tenancies with their look. Christiansen commented this is more of a neighborhood strip center versus a regional one and typically there is a consistent exterior façade theme and the only difference is the signage. He concurred with Sutton that it is a landlord issue eventually and that it might come up at a later date.

Scott noted 40% of the remaining center on the west side is in shambles. He stated he felt this reinforces the marquee issue that it is all signage, and felt it is an issue about continuity and asked for clarification regarding the band. Discussion followed regarding the red centered behind the words "O'Reilly's Auto Parts with the color beige below and above.

Commissioner Ingalls referenced the center located at Nine Mile and Farmington Road being different.

Gronbach stated color is an issue and that the red shown as a band would be a compromise. He commented all improvement is needed at the center.

Commissioner Bowman asked for clarification of what the Commission was to approve or disapprove at this meeting.

Gronbach stated the Commission would be approving the roll up door and the man door located on the west elevation as opposed to the north; the façade, the parapet wall

across the top; colors to be used; and the lighting would be subject to administration approval. Discussion followed regarding wording of the motion.

Scott was still concerned about the remaining 40% of the center.

Christiansen questioned if the owners were going to do 3 brick wall footers. Hood replied the footers are not needed. The owners of the property stated there is no need to have 3 doors and they will be removed and will fill in the lower brick and put in the glass.

Crutcher verified the commission would be approving a partial façade improvement.

MOTION by Christiansen, seconded by Sutton, to approve the Site Plan modifications, as amended, for the World Wide Shopping Center, for O'Reilly Auto Parts, as shown on the submitted plans, dated November 6, 2009, on the condition that the parapet elevation shown on the south elevation be the color scheme as indicated by the petitioner, the combination of cream, red and cream banding, to be coordinated by the Administration; and that the lighting shown on the plan be reviewed and approved by the Administration, as no details of fixture types are shown on the plan; and that this approval is only for O'Reilly Auto Parts, as shown on the submitted plans and that the man door and the overhead door shown on the south elevation of the plan which is actually the north elevation, are to be located on the west elevation of the building and that the petitioner provide a window treatment as discussed at the preliminary meeting and this evening, to be of a film type along the façade on the windows to obscure the windows as intended, as opposed to the E.F.I.S. as shown on the plan. Motion carried, all ayes.

CONTINUED REVIEW OF PROPOSED ZONING TEXT AMENDMENTS – DRAFT #4

Sherrin Hood, LSL Planning, Inc., reviewed the revised proposed ordinance amendments. She noted the standards for outdoor seating had loosened to give the Building Official some leeway in allowing seating past the October 31st deadline, weather permitting. She reviewed the standards for drive-through uses; no drive-through uses allowed in the CBD; provisions for low decibel levels at drive-through; special land uses only in the C2 for drive-through restaurants, banks, dry cleaners and pharmacies; and in the C3, drive-through banks, restaurants and those accessory to retail uses are allowed as special land uses while those for dry cleaners and pharmacies are allowed by right.

Gronbach asked if a proposed tenant wanted a drive-through could they go before the Zoning Board of Appeals. Jeff Purdy, LSL Planning, Inc., replied it would be considered as a use variance and they are hard to obtain.

Gronbach verified existing drive-throughs in the CBD would be grandfathered in and if the business changes, the use would stay the same and remain with the business.

Purdy commented if the business changed from a bank to a restaurant the drive-through would probably not be permitted.

Hood continued her review of Article 7, Commercial Districts noting the Building design standards were simplified and corrected that the upper story windows were given a minimum requirement of 30% of the upper floor wall area; used the term "first floor" and added a definition to Article 21 for clarification.

She commented the provision for on-site parking in the CBD was qualified to say that on-site parking may be waived if other facilities are available within 500 feet of the site, which enables the Planning Commission some room to discuss parking in areas located at the fringe of the district. Discussion followed regarding funding for parking, involvement of the DDA and a study for revamping of parking in the downtown.

Commissioner Wiggins noted one of the components of the parking study that hasn't been completed was Grove Street to the Plaza on the east side. He felt a number of parking spaces had been added compared to what is there presently.

Hood reviewed Article 13, Site Plan Review, adding additional flexibility in the information required for Site Plans, but added additional detail for Architectural Site Plans. She noted they request a narrative of all uses with the submittal, and allow the Building Official or Planning Commission to request additional information as needed. She commented that Discussion of Engineering Plans was added as the final step in the approval process.

Scott discussed issues on page 13-10 regarding lighting details and waste receptacles be shown on the Site Plan and more details how calculations and location of plantings were made for landscaping on Page 13-11 of the Architectural Plan. Discussion followed regarding details regarding landscaping.

Koncsol returned at 8:29 p.m.

Purdy noted landscape calculations would be needed on a new-engineered site plan, but full upgrades aren't normally required for modification of an existing building. Discussion followed regarding the greenbelt and parking on the dry cleaner site. Hood noted screening of roof top equipment could be added. Pastue noted there are only a few times an Architectural Plan would be appropriate for non-residential buildings; a building renovation modification to the building façade or Architectural features and underline it do not result in any revisions to the floor area; which would be to the façade or open air businesses. Gronbach questioned if new site plans needed the caveat, subject to the Commission's approval, that the proponent has to submit engineered site plans meet all City Codes and Ordinances. Pastue noted they have been required in the past. Gronbach suggested there be a paragraph added noting subject to various required approvals and meets all ordinances and codes, for site plan approval. Hood commented this issue could be presented in their future letters to the Commission.

Scott voiced concern that the Commission does not receive all of the information for their review of the site plan. Hood noted they wanted to avoid having the proponent spend the money twice. Scott stated he would like to have the Architectural Site Plan expanded to show the majority of what is needed by the Commission and then full-engineered plans at a later date. Discussion followed regarding details of drainage and detention on plans on Page 13-10. Scott noted on Page 13-12 it was generic regarding recreation and to add a line for clear distinction between new and existing building structures and impervious surface on the Architectural Site Plan.

Ingalls noted most units are self-contained on a building. Hood noted screening would not be needed if the roof top units were not seen. Scott commented it was a design issue. Pastue suggested any façade improvements include screening of roof top units and that it be included on the checklist if applicable.

Koncsol questioned if there was an aesthetic difference between Industrial and Commercial. Christiansen noted most of the Industrial is not heavy industry.

Hood reviewed the changes that were made in Article 14, Off-Street Parking and Loading Standards and Access Design; changing the basis of calculations of restaurants from gross leasable area to a per seat calculation; and specified that deferred parking cannot be located in required landscape areas.

Pastue stated administration will be meeting with LSL Planning, Inc. and will review the changes suggested by the Commission and will return with amendments.

Sutton noted not all of the Commissioners had commented on changes and questioned how the amendments would be determined. She noted she concurred with the change under 5 – Building and structure details that colors be included on the Architectural Plan since it would give the Commission direction as to façade improvement. Pastue commented they would compile a list to be included on the table and if not included why.

Gronbach noted another marked copy with changes would be presented for Planning Commission review and discussion.

DISCUSSION – ADULT REGULATED BUSINESSES

City Attorney Schultz commented the permitted uses for Adult Regulated Businesses are currently in the C3 District. Schultz stated the Industrial District would allow the permitted use of 1000 ft. versus the 750 ft. from schools and churches in the C3. He noted in order to make a district change with broader definitions there is a process that must be followed. He stated it is in the draft process that LSL is working with. He noted the issue is whether or not the Commission wants to discuss the districts these are permitted in as zoning districts or an area of the City. He commented there are other

general questions such as is the City going to regulate adult uses such as: sexually oriented businesses, or bring in a broader definition which would include tattoo parlors, massage parlors, billiard halls, pawn shops and others.

Schultz asked if the Planning Commission was prepared to discuss the issues after reviewing the DVD that contained a number of reports, studies, and ordinances pertaining to adult regulated businesses.

In response to a question by Gronbach, Schultz replied the Commission needed to have discussion before getting to the specific language that indicates they have had a chance to read the information presented and accept or not accept the idea that they are not regulating the speech aspect, but the effects these kinds of uses would have on other uses. He noted then the next issue would entail where they would go, and what the regulations would be.

Kuiken questioned if there is current language that deals with this issue. Schultz replied there is a short section that permits the use to location. Purdy stated presently the ordinance reads: 750 ft. from a school, library, park or playground, daycare, church, or temple. Schultz commented planners and staff might feel the C3 District is not where they want this use, but the Commission has to say they understand how and why they need to regulate this.

Gronbach asked how detailed the discussion should be and Schultz replied it is up to the Commission. He commented there is a general correction: proposal is Industrial District, what properties in Farmington would be considered and same as with distance requirements. If the Commission decides the Industrial District is ok, next time they need to have a map that shows this location and next would be location requirements, or should we regulate with no uses or pick up distance requirements. He stated then they would prepare an ordinance.

Gronbach asked the Commission if they were prepared to discuss the issue this evening or later. Schultz stated they have to follow proper guidelines with the right purpose in mind to satisfy the courts.

Ingalls questioned how limited the City was in regards to distance. Schultz replied it is a two-sided inquiry: is it a reasonable distance. He commented LSL would need to provide a list of businesses that there are a reasonable number of properties in Farmington that meet the requirements. Purdy stated they have proposed 400 ft. Sutton commented they have to be mindful of the crime that could happen, littering, children in vicinity, and they must look at not the use as much as to what happens to the surrounding community with this use and how to protect the surrounding community or minimize the impact of this particular use. Purdy commented they are proposing separation requirements since this type of business can attract blight. Purdy reviewed property distances from schools, churches, etc.

Sutton verified LSL Planning would prepare a map reflecting different distances of property location.

Schultz stated, for the record, a number of Commissioners to go on record, have said 'yes, I think the idea of a different set of regulations needs to set, in view of all of the information that has been read, that it makes sense to regulate secondary uses. He noted all of the comments would be compiled and LSL would come back with a more complete ordinance that would incorporate the thoughts and comments.

Sutton stated she did not have a problem with the use itself. She commented her concern was how appropriate is it in a C3 District since the secondary effects can be felt stronger the closer you are to the C3 District and the Industrial District would make it more suitable.

Discussion followed regarding the reason for discussion of this issue.

Sutton stated she does not have a problem with tattoo parlors since they are different from the past. Purdy commented they might decide to not regulate tattoo parlors as an adult regulated use; however, they might say an adult regulated use cannot be located within a certain distance of a tattoo parlor, which would avoid the clustering of those types of businesses. Sutton noted tattoo artists are really selling their art and there is a broader section of client base. Discussion followed regarding a pattern being set with some businesses.

Schultz commented they would come back with the broader issues to be discussed and businesses such as: tattoo parlors, pawnshops, spas and massage parlors.

Christiansen stated it might be helpful to see where these businesses would be in the C3 and Industrial for comparison purposes as to distance. Purdy commented they are looking at the dimensions for consistency between the Zoning Ordinance and the General Ordinance pertaining to this issue.

Wiggins asked if the distances involved were cross-jurisdictional. Purdy replied they were. Wiggins noted placement of these businesses in areas of Livonia and Farmington Hills could eliminate the City's Industrial District.

Christiansen asked how the court would react if limiting these types of businesses to the Industrial District and their uses tend to be commercial uses, would it be a challenge to the commercial nature in an Industrial District. Schultz replied the court would probably focus on whether or not it is a reasonable regulation in that the use is permitted and the business can function for the most part as commercial. Discussion followed regarding distance separation. Hood noted the effect would be on the other industrial businesses. Purdy reviewed the nature of the Industrial District in Farmington.

Scott noted distances would be affected if churches came into the area in question. Schultz stated the issue needs to be looked now to establish a record. He commented the ordinance couldn't predict what will happen in the future.

Schultz stated they would prepare maps and return to the Commission.

PUBLIC COMMENT

There were no public comments.

COMMISSION COMMENTS AND ANNOUNCEMENTS

Pastue stated his appreciation to amend the agenda to review the issues regarding the World Wide Shopping Center.

ADJOURNMENT

MOTION by Sutton, seconded by Kuiken, to adjourn the meeting. Motion carried, all ayes.

The meeting adjourned at 9:44 p.m.

Respectfully submitted,

Secretary