

FARMINGTON PLANNING COMMISSION PROCEEDINGS
Monday, January 11, 2010

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, Gronbach, Ingalls, Kuiken, Scott, Sutton, Wiggins.

Absent: Christiansen, Crutcher.

A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: City Clerk Halberstadt, Building Inspector Koncsol, City Manager Pastue, Attorney Schultz.

APPROVAL OF AGENDA

MOTION by Kuiken, seconded by Wiggins, to approve the agenda as submitted. Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

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

- Regular meeting minutes of December 14, 2009

Motion carried, all ayes.

PROPOSED ZONING TEXT AMENDMENTS

Present: Sherrin Hood, LSL Planning, Inc.

A. Review of Draft #5

Sherrin Hood advised Draft #5 represented a number of minor changes made as a result of the meeting last month as well as a compilation of all amendments made thus far. She provided a brief review of the proposed amendments to the Zoning Ordinance reflected in Draft #5.

Hood discussed a number of changes to Article 12, Special Land Uses, as they relate to adult regulated business uses. She stated these businesses are regulated based on location and the application of a number of particular standards. She reviewed a zoning map that designated areas for adult business use based on location standards.

Hood identified three location standards for adult business use: 1) buffer from institutional uses, such as church, school, etc.; 2) may not be located within 1000' from the property line of another adult business use; and 3) the structure of an adult business use shall be located at least 400' from the nearest property line of a residential zoning district.

Gronbach confirmed there are currently no adult businesses in Farmington.

Scott confirmed the map would change if any of the school buildings closed down. Hood noted a number of schools are in residential districts and the residential restriction would apply.

Scott confirmed part of a parcel could be impacted by the adult business use location standard. He further confirmed parking is included as part of the adult business use standard.

Hood discussed other requirements of adult business use including: hours of operation; alcohol prohibited; no person under the age of 18 is allowed; and entrances need to be visible.

Attorney Schultz confirmed the "no alcohol" provision has been upheld by Michigan courts.

Sutton confirmed adult business use regulations apply to second hand dealers which would include resale shops.

Hood, noting the provision for pawn shops under regulated uses for adult businesses, asked if an amendment should also be made to the special land use provision for pawn shops in the C3 District.

Schultz advised the pawn shop provision is included in the adult business use regulations primarily for the distance requirement. He stated it can be pulled out of the regulated uses and placed in the distance requirements.

Gronbach clarified certain classifications, such as a pawn shop or a resale store, can be allowed in the C3 District as long as they are not identified as adult use. He noted the City would not want to restrict resale shops that are currently in the community.

Schultz stated this could be achieved by pulling second hand dealers out of Section 3, Uses Regulated, but leaves them under distance requirements.

Kuiken asked why second hand dealers were included under Adult Regulated Uses. Hood suggested that Use was included because it also covers pawn shops. Schultz advised the City has been very lucky with the level of tenants for this type of business.

Discussion followed regarding a number of businesses in the downtown that would be identified as second hand dealers.

Gronbach recommended removing second hand dealers from Regulated Uses and distance requirements.

Sutton expressed concern regarding unregulated second hand shops. She noted resale shops that have not maintained their facilities both inside and out.

Hood noted Attorney Schultz's suggestion to remove second hand stores from Regulated Uses; however, adult businesses would still have to separate from those stores. She stated the imposition would not be on the second hand stores, but the adult businesses.

Schultz advised massage facilities could be treated in the same way.

Pastue noted it is very easy for a City such as Farmington to get a concentration of pawn shops, sexually oriented businesses, tattoo parlors, etc. in a short period of time. He further noted these types of businesses can bring an additional challenge to the Public Safety Department.

Schultz confirmed that based on the proposed regulations the resale stores currently in the downtown may be nonconforming due to their distance from each other.

Kuiken stated there is merit to avoid clustering of resale shops.

Discussion followed regarding secondary affects of adult business uses. Sutton stated the goal is to "prevent the need for prevention."

Gronbach asked if under the proposed ordinance there would be a mechanism in place that would allow a second hand dealer, considered to be an asset to the City, to locate here.

Schultz responded the business would have the opportunity to go to the Board of Zoning Appeals. He suggested placing second hand dealers in another section of the ordinance, but retaining the distance requirement.

Sutton asked for clarification between "Adult Business Uses" and "Uses Regulated." She pointed out under Section 4a, Location, the distance requirements are applied to adult business uses which would omit businesses such as tattoo parlors and pawn shops.

Hood concurred that under Section 4a, Location, the term "Adult Business Uses" should be replaced with a designation that would include all regulated uses.

Sutton suggested changing the title of Section 3, "Uses Regulated" to "Regulated Uses" for more readability and uses it to replace "Adult Business Uses" in Section 4a, Location.

Gronbach asked if the latest amendments to the ordinance reflect parking clarifications suggested by the DDA Design Committee for Article 7.

Pastue stated the clarifications are not included. He stated from a policy standpoint the Design Committee is very supportive of the changes related to the Central Business District. He has notes he will pass on to LSL regarding the parking clarifications. He stated the Committee may want to revisit regulations regarding drive-throughs.

Gronbach confirmed the Planning Commission will have an opportunity to review the proposed amendments to the ordinance once the changes discussed that evening have been incorporated.

B. Consideration to Schedule Public Hearing Regarding Proposed Text Amendments for February 8, 2010

MOTION by Kuiken, seconded by Sutton, to schedule a public hearing for Monday, February 8, 2010, regarding proposed text amendments to the City of Farmington Zoning Ordinance. Motion Carried, all ayes.

DISCUSSION – GRAND RIVER CORRIDOR IMPROVEMENT AUTHORITY

Pastue advised the Cities of Farmington and Farmington Hills have received a grant from the Land Information Access Association to form a Grand River Corridor Improvement Authority. He discussed a number of challenges related to the commercial properties along that corridor.

Pastue stated the cities will establish a stakeholders committee with three representatives from Farmington. He advised anyone interested in serving on the committee should inform his office.

PUBLIC COMMENT

No public comments were heard.

COMMISSION COMMENTS AND ANNOUNCEMENTS

Gronbach asked if there was any further activity concerning the World Wide Center and O'Reilly Auto Parts. Pastue confirmed O'Reilly Auto Parts still intends to locate in the Center.

ADJOURNMENT

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

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Secretary