

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
December 13, 2021

Chairperson Majoros called the meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:00 p.m. on Monday, December 13, 2021.

ROLL CALL

Present: Crutcher, Majoros, Mantey, Perrot, Westendorf
Absent: Kmetzo, Waun
A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Christiansen; Building Official Bowdell; Recording Secretary Murphy; Beth Saarela, City Attorney; Brian Golden, Director of Media Services; Brian Belesky, Audiovisual Specialist.

APPROVAL OF AGENDA

MOTION by Westendorf, seconded by Crutcher, to approve the agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. October 11, 2021 Minutes

MOTION by Perrot, seconded by Crutcher, to approve the items on Consent Agenda.
Motion carried, all ayes.

REQUEST TO SCHEDULE PUBLIC HEARING FOR SPECIAL LAND USE – PROPOSED SAVVY SLIDERS, 22420 FARMINGTON ROAD

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated that if we could just quickly go through the staff report. I know that we have representatives here of the Applicant and also we have OHM Advisors here in attendance this evening, so it might be appropriate if you like, an introduction of those attendees, and maybe just a quick overview by the Applicant and then they can make their request and we can move on.

Majoros replied I'm comfortable with that but I'll be honest, I don't think we need to go through this twice. If we have a public hearing which we will in the month of January, we'll go through that in great detail, we've got a couple other topics we need to get through today. I'm happy with an introduction and I think the team is as well, but we don't need to go through letters of opinion and informal proposals because we'll do that in detail at the appropriate forum.

Christiansen said that's great and we'll take that tactic. I appreciate that, Mr. Chair, and with that I'll just quickly go through this overview. As indicated in the staff report that you have before you, the Applicant/Petitioner which is Savvy Sliders and their interest is represented by Steven Bacall, with Bacall Group Associates, and Steven Bacall also is coordinating with Stonefield Engineering and Design on behalf again of the Applicant and the Special Land Use application that's been submitted again on behalf of Savvy Sliders. The purpose is to renovate and repurpose the former TCF Bank which is located at 22420 Farmington Road, and there's a review letter from OHM in your packet. The existing former bank is currently vacant which I think you're aware, but that the proposed project would result in interior improvements, façade modifications to the existing building and also includes a new reconstructed drive-thru which is the reason for the Special Land Use. Exterior building and site improvements are also proposed, plans are attached with your packet. The existing commercial property is C-2, Community Commercial in its current zoning. As indicated, drive-thru establishments are a Special Land Use in the C-2 Community Commercial District and require a public hearing, a Special Land Use consideration and a site plan review and approval. The Applicant is here again this evening. The purpose this evening as indicated is to introduce the project and to briefly review some of the materials submitted and then to entertain a request to schedule the required Public Hearing which at this point is being requested for the January 10, 2022 Planning Commission meeting.

Chairperson Majoros thanked Christiansen for the overview. He stated out of the respect for the Applicants that are here, would you like to come up please and give your name and address and again, just a quick overview that we'll be going through in detail at the January session if that indeed happens which I'm assuming it will and we'll probably do the same for OHM. So, thank you very much for being here, take it away.

Michael Gold, Stonefield Engineering & Design, came to the podium and stated their address is 607 Shelby Street, Detroit, Michigan, here representing the Applicant, Steven Bacall, Savvy Sliders. As Mr. Christiansen said, we're just renovating and retrofitting the existing drive-thru bank and proposing a drive-thru restaurant at the hard corner of Farmington and Nine Mile. We also recognize that it's a nice gateway into the City and want to bring more life to this property, so we're proposing some more greenery and landscaping and again, liven the place up. With that, I'll let Steven introduce himself.

Steven Bacall, Bacall Group Associates, came to the podium. He stated that Mike pretty much took the words out of my mouth. But we're excited about this project. I'm Steven Bacall by the way, address is 7091 Orchard Lake Road in West Bloomfield, Suite 260, with Bacall Group. We're basically a family run commercial retail development company. Outside of West Bloomfield we specialize in being developers of Walgreens, Family Dollar, Auto Zone, and a few others. We've partnered with Savvy Sliders to do this

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development for them and we're looking forward to bringing this project to life at Nine Mile and Farmington, the former TCF, so to bring some new energy there.

Majoros thanked them both and stated he is looking forward to a more detailed review. He stated I'd like to turn it over to the representative from OHM, if there are any headlines of what we should be kind of thinking about as we go through the January details with you.

Austin Downie, OHM Advisors, came to the podium and stated I am here along with Matt Parks, thanks for the introduction. We conducted a very preliminary review of the application for Savvy Sliders and so far so good, in January we'll be happy to go over more comments. Right now the comments in our letter are more so for the benefit of them prior to their next submittal which will involve a more detailed review and I'll be happy to go over more comments in January like I said. And now, the Planning comments which Jennifer Morris who was not able to make it here tonight, went through for us, I'm sure if need be Kevin could shine some light on those for you guys but until then we'll look forward to further review in January.

Majoros asked do we anticipate that from what we've read in your correspondence now to what we review in January, will there be any subsequent perhaps revisions or points of view on what was pointed on in what was a pretty detailed note.

Christiansen replied the possibility of some modifications between now and the Public Hearing if it is schedule as requested, certainly then would be identified in any updated correspondence. Also, too, this is, as Mr. Downie indicated, a preliminary review, they'll do a deeper dive particularly as it relates to the Special Land Use because there's special considerations and also, too, they will conduct an engineering review as well with respect to support facilities, water, sewer, road, circulation, etc., so you'll have an expansion of this instrument here with a detailed review, more comprehensive, for the January meeting if that's where it's going to go.

Majoros stated I think we've all had a chance to look at it, there's a lot of things in here that are pretty standard, run of the mill type stuff, so I look forward to more detail then, I appreciate it. I'll now open it up to Commissioners if there's any comment or question for either OHM or for the Petitioner.

Crutcher asked if the floor plans submitted, that's just an idea of the plan, it's not the plan for the building and Bacall replied those are not full plans. Gold stated the floor plan that was submitted was more of a conceptual of what the interior layout could look like but no, that is not of this building.

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Bacall stated like Mike said, this is just a conceptual plan to give you an idea of what to expect and Gold stated it doesn't have a drive-thru either on the plans.

Christiansen put up the most current and accurate plans on the screen and stated these are supplemental.

Majoros said I do have a couple questions and one is I don't know Savvy Sliders as a business so is this the first, is it the tenth of ten, or is there 100 of them? And the second thing is when we consider a lot of drive-thrus we often go through, I remember doing this for Panera, how much business is going to be drive-thru? I mean obviously that's going to be one of the biggest items here, I mean the rest of it looks relatively good, of course the engineering drawings, etc., will go through their site plan approval. But when we do that will probably an area that will be addressed in January, is this 50% drive-thru, is it 10%? I know it's hard to predict but if there is any metrics or data from other establishments.

Crutcher asked for clarification, is this a carry-out that you can sit down at or a sit down that you can carry out?

Bacall replied it's going to be more of a sit down with carry-out, family style sit down dining with carry out.

Chairperson Majoros opened the floor for a motion from the Commissioners.

MOTION by Crutcher, supported by Perrot, to approve the request to schedule a public hearing for Special Land Use for proposed Savvy Sliders, 22420 Farmington Road, for the January 10, 2022 Planning Commission meeting.

Motion carried, all ayes.

DETERMINATION OF SIMILAR USE – PROPOSED DASHMART, 22054 FARMINGTON ROAD

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated this item is a review and consideration of a proposed DashMart business intended to be located at 22054 Farmington Road in the Farmington Crossroads Shopping Center as proposed. The business is currently not permitted in the Zoning District and location which is proposed. As such, the Applicant is requesting a determination of similar use by the Planning Commission in accordance with Zoning Ordinance Section 35-30, a copy of which is attached with your staff packet. The subject property is zoned C-2, Community Commercial. The existing shopping center commercial unit at the shopping center proposed to be used by DashMart is currently occupied by

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Brixmore Properties, property manager of the Farmington Crossroads Shopping Center for their offices. A proposed floor plan, a layout for the interior of the unit has been submitted for DashMart. No exterior building modifications or site improvements are proposed. The Applicant has submitted the site plan application for this item and support material for the proposed DashMart business. Mr. Jason Nesler, representing Brixmore Properties on behalf of DashMart, is here in attendance this evening to review the proposed DashMart business with the Commission. This is somewhat of a unique situation, Mr. Chairman, this is not something typically that is engaged with respect to uses that don't fit specifically within a particular zoning district for various reasons. As such, this section of the Zoning Ordinance allows for Applicants to petition the Planning Commission for the Commission's determination, in this case as to whether the use being proposed is a use similar to ours and can enjoy the same sort of opportunities in that Zoning District. I will tell you and in attendance this evening as well, is Mr. Jeff Bowdell, the City Building Official Code Enforcement Officer. Mr. Bowdell and myself and the Economic and Community Development Department were engaged by Mr. Nesler and the interest to locate this use a while back. We've had several engagements, meetings, discussions, the interesting thing about the use as proposed and there's a lot of detail in the materials here that didn't fit within the C-2 District based upon how the use functions and operates. And it also, though, didn't fit within another Zoning District, the Industrial Zoning District, where initially it was really most appropriate to be situated but because it had some commercial elements to it, it doesn't fit within that Zoning District as well. What I will tell you and Mr. Bowdell can certainly make some comments, too, from his perspective and in his capacity as Building Official, that what's being proposed is to establish a DashMart operation at Farmington Crossroads in an existing commercial unit where the unit will be used as it would be a grocery store; however, it's not customer based, parking in the parking lot, coming in the front door, and shopping for your groceries. It is more akin to a warehouse type operation where the grocery store provides opportunity for items to be packaged together via online ordering and then instead of an individual consumer yourself, myself, coming into the front door, those items are delivered to those purchasers, those customers. So, it was more akin to a warehouse with a distribution and in so it did not fit within the context of the definition of commercial retail within the C-2 and so it most appropriately after review looked to fit within an Industrial designation, however, there is a commercial customer element to this. So, I'll let Mr. Nesler expound upon that, that's really the overview I'm giving to you. After all of this, Mr. Bowdell and I had a meeting with Mr. Nesler and having dialogue back and forth it was decided that this was the course of action to be taken in accordance with this section of the Zoning Ordinance. The City Attorney then has been engaged and provided you with an overview of the circumstances here that we did send to you in a separate correspondence for this evening so that's something to consider as well and the City Attorney is here to help guide us through this as well and help answer any questions. so, with that, Mr. Chair, I'll turn this back over to you. One thing I will ask is that Mr. Nesler,

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again here with Mr. Brixmor, who just had hip surgery and we're glad to see him here this evening and if it's okay, Mr. Chair, to allow him to speak from his chair.

Majoros thanked Christiansen for the overview and welcomed Mr. Nesler.

Jason Nesler, Brix more Properties, addressed the Commission. He stated basically at this point Door Dash provides a service of delivering foods from restaurants or from groceries, they'll basically pick up almost anything and take it to a place when it's ordered online. They came across a problem, they weren't always able to get the items from the stores or from the restaurants that they wanted when orders came in. They would get to a drugstore and there wouldn't be anything and then that would cause a problem because you've got somebody who is spending a lot of money for it. so, somebody in the company came up with a plan to create DashMart, this is basically set up like the back stock room of a grocer, everything is up on shelves, everything is ready to go. You come in and you say I want some Hostess Cupcakes and a jug of this milk, the order comes in to DashMart, somebody in the front goes and picks a couple things off the shelves, brings them to the front. Door Dash would then come in, grabs it, and is on their way. It's a pretty simple operation but I think somethings that's really going to be seen a lot in the future. We actually put one into our shopping center in Ypsilanti and it's been up and running now for about four months and is doing very well, hasn't caused us any problems, it gets a lot of use, DashMart has been very happy with it.

Majoros asked Christiansen if it would be proper to get a perspective from City legal or ask questions of the Petitioner first and Christiansen replied I think I would ask through the Chair to the City Attorney what she things the appropriate next steps are here in light of those items.

Majoros stated there will probably be a lot of dialogue and discussion, I would probably recommend we get the City Attorney's perspective now and we can hear that and direct questions accordingly.

City Attorney Saarela stated due to the fact that we don't have any particular use for this in our Zoning District, we have to try and figure out what Zoning District it fits into. What you're really doing is you're looking for a Zoning District that supports similar types of uses of the Zone and comparing the characteristics of the type of use with the types of uses in the District. So, in this case, there's two possible districts it may fit into, the C-2 and the Industrial Districts. So, what you're going to be looking at is it more like a C-2 retail drug store commercial type use or is it more like an industrial warehousing type use. and the types of things you're going to be looking at is visual similarity, does it look like a warehouse, does it look like a retail store; you're looking at traffic, does it have the type of traffic you're going to see with a retail store or is this the type of truck traffic or in and out traffic in a warehouse. Again, you can look at things like type of product that they're

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going to have on site, is it more of a retail product or is this something you will see in a more industrial warehouse setting. Is there outside storage, what is the visual impact of how they're keeping the products on site. You can look at the noise that can be generated and compare it to noise generated similar to a retail store use or similar to a warehouse type use, hours of operation, lighting, size and use, these are the types of factors you're going to want to look at, maybe ask questions about it or ask the Applicant for more detail so they can plan. And once you pick a district for this type of use, all future applications for this type of use in the future will go in there.

Majoros thanked Saarela for the information and he then opened the floor up to questions and comments from the Commissioners.

Commissioner Westendorf asked just to clarify, is the general public a shopper, if you will, and be able to access this store or is the building really just for employees and dashers.

Nesler replied they actually have a model set up that people can walk into the front area which is a little vestibule reception area, order on an I-pad, pick-up at that time, but the largest percentage is definitely for Door Dashers.

Westendorf stated so there's no register, check-out area, if someone wanted to come and shop like at a regular grocery store and Nesler replied no, it's not like a regular cash register line-up like that, it will be like an I-pad, a tablet, credit card only. Westendorf said so no long lines and by far the bulk of the people here are going to be the employees and Nesler replied the Door Dashers, yes. Westendorf asked roughly how many employees are we talking about and how many Dashers, how big of an operation is this?

Nesler replied right now we're seeing about four or five employees at any given time at the current DashMart, and I really don't have any numbers on the number of cars that it would produce. The one thing that is good to note about that, though, because that area they're going to be taking over is my office right now and we have great access on the back side with parking stalls and everything, so we wouldn't be tying up traffic in the front. You know certainly people would be able to come to the front if they needed to, but the back will be the main access, the doors, Door Dash would be able to park back there.

Westendorf stated so the Dashers would line up on the back and the front of the building would really be the occasional walk-in and Nesler replied correct.

Director Christiansen stated to help Commissioner Westendorf, there is an overview that is in your staff packet dated November 18th, 2021, submitted by Door Dash as part of this application and it does indicate a little about Door Dash. they do talk about that Dashers are independent contractors and utilize personal vehicles to complete the deliveries from the facility on average. they expect to see between 75 and 150 independent contractor

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delivery drivers arriving throughout the day with order volumes spread across all their operating hours. and then they indicate here that a typical DashMart facility employs between 15 and 20 employees, with four to six employees on site simultaneously. Now, this is a very general summary so there are probably some variations depending upon this particular location or level of operation, but just an FYI to maybe help answer your question.

Majoros asked can an individual consumer come in as if they were going to any other of the facilities in your property or anywhere else and walk around the facility and choose individual items and the answer to that question is no and Nesler replied that's correct.

Majoros stated I think that's a pretty critical distinction.

Commissioner Crutcher stated that's not unusual in grocery stores in some places, you walk in and you can't walk and pick up stuff off the shelf, you have to go to a counter and ask someone to give it to you, that's not unusual for that to happen in a store.

Majoros stated but I would say I can walk into about 98.9% of Farmington businesses and if it's an individual retail establishment, granted pharmacy, understood, right, special use case, but in most instances, I can walk into a retail establishment in Farmington and pick the items I'm going to be choosing and pay for them.

Commissioner Mantey stated what stood out to me when I read the letter that was provided is that the main access would be in the rear and Nesler replied correct. Mantey went on to say I also noticed that it had peak hours for the traffic they would expect would be from 7:30 to 11:00, later at night, which I know would overlap with the time of the close of the restaurants at the center and would be taking trash out to the one dumpster, so I was a little worried about Dashers who are in a rush at peak time, that being a little bit dangerous for them to use those back drives while people are trying to take trash out at the restaurants. so, I was curious, I did look at DashMart and I notice there's one in Ferndale but the other operations in that shopping center were closed before those peak hours. So, I'm curious at the Ypsilanti location are there any restaurants or anything open late or does it kind of shut down and then it kind of builds up with the Dash runners.

Nesler replied in Ypsilanti they have a restaurant next door to them, I believe they close at 9:00, there's a Planet Fitness, Dollar Tree, Big Lots, all close at 9:00, too.

Mantey asked is it a similar layout with kind of traffic flow in the back and Nesler replied it's very similar.

Crutcher asked if the Door Dash people have to get out of their vehicle or is it sent to their car window and Nesler replied no, they get out of their vehicle and walk in, and they let

the person at the desk know that they're there and then they get their order. Crutcher asked why don't they enter through the parking lot instead of the alley and Nesler replied because if we put them in the back, there wouldn't be any traffic congestion. This particular space is in the elbow of the center and it's just high traffic anyway, so this will push them to the back out of everybody's way.

Director Christiansen stated Mr. Chairman, if I might be able to provide you with some information, up on screen right now, this is the aerial view of the Farmington Crossroads Shopping Center and as Mr. Nesler is indicating, the unit proposed to be occupied by DashMart is 22054, which is right at the elbow, and what is unique about this center in its construction and configuration you'll see that pretty substantial parking area that's in that southeast corner that's directly behind this unit and so there's access to the rear of the unit, there's significant parking, there's circulation, there's means of ingress and egress that then is pretty much restricted from Farmington Road and back out to Nine Mile Road, a little bit of constriction as you get past the larger buildings on the north end of the center. but this is just the conditions for your information which has also been part of our discussion between Mr. Bowdell, Mr. Nesler and myself, they were certainly very much concerned about the impact on the existing tenant while trying to blend in together. and to answer Mr. Crutcher's question, they did present then this as their desired needs facilitating their drivers choosing not to use the front parking lot because it does get very heavily used, this is informational for you.

Crutcher then said other than the fact that they're Door Dash going into this building, it doesn't look any different than a shopper going to pick something up from the store and Nesler replied right. Crutcher then stated you said someone could using an online app, go in, order something, and pick it up and Nesler replied if the item is available, yes. Crutcher then asked if they paid at the door or on the app and Nesler replied they can pay with a credit card on the app.

Majoros stated it's a pick and pack operation. A consumer is not going to be walking the aisle, picking up purchases. other companies can do it, right, but your cost structure would go through the roof.

Commissioner Perrot asked if Door Dash's corporate give any kind of guidance as to what is preferred, a stand-alone versus a strip mall, you talk about the Ypsi location being in a strip mall, do they give any kind of governance or advisement of what they prefer to see?

Nesler replied not that I've seen so far, this being the second store that we're looking at with them, I haven't seen a preference anywhere, I think they're just tightening the demographics, this is where we want to be and they want to be here in Farmington.

Perrot stated the glaring concern for me is, and shame on me for not driving through here, but are these alleys, do they have dedicated traffic flows, are they one way in? Christiansen replied they're two-way and in my earlier comment I made there is a little constriction between the wells that are adjacent to the rear of the bigger box on the north end. but most of it is two-way flow, it's not restricted egress and ingress so it's two-way ingress and egress and flows the whole south and then east side of the shopping center. Perrot said there's entrances to Farmington Road, there's entrances to Nine Mile, so if everybody decided to use the alleyway staying out of the traffic flow, sushi House is wildly popular, that parking field immediately right in front of there is always full. So, adding to that there are a lot of people that will sit and wait for people that are in the dollar store and the hardware store, so there's a lot of traffic that flows through this one corner of town but I'm just looking at the utilization of the alley and like I said having a dedicated traffic flow, Kevin said it's a two-way flow, so that can handle it in the back although it does look pretty cozy, that's the only concern I have with this. It's great there are dedicated entrance points to the two main roads, Farmington Road and Nine Mile, just it would be lovely if seeing this come to light being able to basically keep the business in the back versus out front.

Crutcher stated this looks like a grocery store other than you don't pick groceries yourself, you order stuff on line and have shoppers go in and get your stuff and walk out.

Majoros stated I have a couple questions. How do the Dasher delivery people know to go in the back, are there instructions to pick up in the back? Nesler replied there are pick-up instructions when they're headed to the facility. Majoros then said it's not like 25 new people a day, these are people's means of employment, they're going to figure out this is where I go. But do you know what percent of the business, of the volume, comes from walk-up consumer versus ordering online and Nesler replied the percentage of walk-in would be very low. Majoros then asked what the desired hours they're proposing are and Nesler replied they are looking for a 24-hour operation. Majoros then stated if you look at the one thing, 24-hour operation, traffic, etc., especially on the back side, alexander is what borders this. and if you look at this, at least on the parallel to Alexander and then Dollar Tree, you know there's no residential bordering that site there, I'm not sure what exactly is sharing the alley there and Christiansen replied it's industrial, a combination of use. there's no single family residential, there's a multiple family complex there, an apartment complex and then there is the office complex.

Majoros asked what would happen if they were not 24/7, if there were hours placed on it; would the company that is looking for this not want to do this, is 24/7 a mandatory? Nesler replied I can't say it would be breaking the deal but they push very hard to be able to do that.

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Crutcher asked if there were any 24-hour businesses in Farmington now and Christiansen replied I guess you know if you were to take a look at the retail or the commercial, typically not; however, you do have some operational type businesses, you may have some industrial that has some overnight work depending on which business it is and which location it is. It's not necessarily typical but it's not unprecedented for that. Crutcher then asked but no retail or commercial and Christiansen replied not typically. Crutcher then asked and no restaurant is 24 hours, or is Greene's? Christiansen replied sometimes, it just depends on the circumstances, time of year, the day of the week, whatever it might be. So, again, all that together. But it's not typical, but it's not unprecedented, it does happen.

Crutcher then said if anything, probably gas stations, and Christiansen replied that's true and gas stations have typically been 24/7, although that is changing, too. But what I can tell you is the City has a very strong Code of Ordinances and certainly an excellent Public Safety Department implementing those ordinances with respect to activity and to impact, delays, those kinds of things. And those businesses are very cognizant of their operation and mindful of that, Public Safety is pretty much on top of it. so, we have those rules and regulations in place, procedures, practices, if there's concern about that for those that do operate during the nighttime hours.

Perrot asked if the Petitioner had spoken to any of the surrounding businesses and Nesler replied I've had a couple of conversations with a couple of the tenants, nothing too deep. No one really had an opinion about it other than they want more people in the plaza so they want to make sure it stays occupied, you know, those people will go over and frequent the restaurant hopefully and everything, so there really hasn't been any questioning of what do you think about this.

Majoros asked if the type of inventory they carry is relatively fixed or is it based on availability or market conditions, is it basically dish soap, and as the Farmington demography dictates, they'll say hey, that's not moving, we're going to go to this, is it perishable, nonperishable, is it low cost items that are \$1.00, are there \$25.00; what is the composition of what they desire to be in the mix that's sold? Nesler replied from what I've seen in Ypsilanti, they come in with a set, okay, this is what they put in and as they go along just like any business that wants to grow, they're moving and changing their product, then they adjust as they go along, and they create probably within six months what's moving and what's not. Majoros asked if there is fresh fruit and vegetables and Nesler said yes, there are perishables, I've seen dairy and fruit in Ypsilanti. Majoros said so perishables, and household goods, and canned goods, and cleaning supplies and paper towel and all of that and Nesler replied correct.

Chairperson Majoros opened the floor for comments and/or questions from the Commission or staff. Hearing none, he stated what you had noted here is this could be a

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pivotal moment here as we look at this determination of similar use, with to your point kind of a changing economic model for businesses, that what we do here today could kind of be a forward looking determination as subsequent businesses come in, and this may help set the precedent for whether this goes into C-2 or Industrial District and Attorney Saarela replied correct.

Crutcher stated I have a question related to that. As an example, what they're trying to do here now is to start a business, start a thing to do, a business like that, like the Dollar Tree down the street, could they do the same thing?

Saarela responded are you talking about opening a different location and Crutcher replied if Dollar Tree decided to do a similar thing, have Door Dash come and pick up stuff? Saarela stated I think they can do that right now; I don't think there's anything in the Zoning Ordinance prohibiting online orders, I think places that we have in town already under the current retail structure has Door Dash coming, delivering from there.

Crutcher then asked so a neighboring business could start doing a curbside business and Saarela replied a lot of them already do. Crutcher asked how does that change moving forward and Saarela replied if you have any use coming in or you frequent a restaurant or a clothing store, if you have something coming in with online ordering only, this is the type of Zoning District you're going to be looking to put it in, so I think what you're looking at is the type of items they're selling, too. If you have online orders for large landscape materials or something of course, you're looking at something different.

Majoros stated you're right, the reality today is any business that's not looking to conduct business online, a convenience for consumers, right, there's only three ways to go here. One way to go is consumers can order online, the existing business can pick and pack, you can pay, you can come in and say just like you go to Panera, there's my order, I can pay, walk in, grab it and I'm out, very similar model. I'm the end consumer, not the Door Dasher. Then there's I'm sure what's called a pick and pack operation where 95% is much more of a --- let's not call it a direct consumer engagement, but businesses today you can pick up and you can order online and you can come get it, you can do the same thing and that's why the Ubers and everybody else is saying look, we have to fill up capacity so when Uber rides are down, I'll go deliver groceries or what have you. So, it's changing for sure. I think the fundamental question for this one is it's pretty much exclusively that. Whereas everyone at Dollar Tree today if they don't do online ordering, they're 100% direct consumer. Now that business model may change but they will always have that offering. This one does not have that offering.

Crutcher stated my question is what if they decided to change their model, Dollar Tree says they're going to go totally online ordering and no customers in the store and only pick-up would that now fall under this and Majoros replied would they get booted out, I

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don't know what would happen in a situation where an individual business that exists starts reframing and reshaping their business model to a what I'll call ---

Saarela stated you can have the Dollar Tree all of a sudden wanting outdoor items, you have to look how it fits into the current Zoning District and what's permitted. But if they start doing something at some of these other businesses that is not currently permitted, Jeff would write them a ticket and they would have to come into compliance or get some kind of variance or a site plan, so that's how it would work if there's something that is outside of what's permitted.

Christiansen stated another approach that is probably worth our discussion and consideration in light of our efforts currently with respect to the Zoning audit, is when we get to the Commercial portion of the Zoning Ordinance, Commercial District, we may have some dialogue about the changing nature of uses and how they function and operate and it may be that you might consider amending the Ordinance to provide standards. Maybe it's a Special Land Use, then there has to be Special Land Use statements and have certain criteria that it has to comply with in order to operate. I'm just saying this now in our discussion quickly but I think those things are worth consideration if you have an interest in doing that and that's what we're finding, quite a bit of change, in how things are operating and being conducted. Whether it is commercial, food and beverage, whether it is residential and we're going to talk a little bit about that tonight, the nature of how our uses are functioning to change current need, current demand. So, that's just an alternative, an approach like that. But this is unique, it's something we don't right now have in place and this situation tonight is specific to this situation which is what's before you. And I know there's been quite a bit of again, engagement with the Applicant on behalf of staff and back and forth and with the City Attorney, and correspondence with the City Attorney, and other information provided. So it is specific to this circumstance, to this application, at least this evening's consideration before you, and this location. And so you as a Commission in this session and I would defer back to the City Attorney, maybe there's some clarification needed, or more direction, you have the ability to put into place any standards or any requirements that you would feel would be necessary if you were to explore something like this, whatever the findings that need to be made to do that and whatever those standards are to be. Or you know whatever you choose as a Commission, depending upon if you feel there is some similarity or not. But I know that the attorney has prepared information to both those instances for you.

Westendorf asked just to clarify we said that if we approve this, the determination of similar use, then it would kind of be always available in the C-2 in the future; would we have to say tonight that it would be a Special Land Use in a C-2, how do we lay out those requirements in there?

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Saarela replied well, I think if you're going to start going in that direction, I think for C-2, next month in our review of C-2, at that time seek to have some more considerations, it will take some time to consider what standards, what Special Land Use standards would be appropriate other than just trying to come up with those right now.

Westendorf asked if the Applicant would have to put their project on hold because we can't determine until we amend the Ordinance or we can do a determination of similar use for the time being and Saarela replied you could, then you can amend the Ordinance. If anywhere it would fall under their site plan review process, so you could slot them in there but you don't have Special Land Use standards now unless you want to try and determine all that right now. But they would still be subject to go through site plan review, I don't know where they would be in their process depending on how long it takes to go through that review, if you're going to decide to amend that section, the typical time it takes to amend the Zoning Ordinance is at least a few months depending on how it goes with the recommending body, Council.

Christiansen stated the circumstance that is before you this evening as proposed for this use, their interest is in occupying an existing unit in an existing shopping center, with no exterior modifications, with interior changes only necessary for their operations and using an existing outside parking area with no improvements because you know the condition it needs to be in to operate and utilizing the rear for the ingress and egress for service so they're not really changing anything but the use itself is something that the City has not experienced, hence it doesn't have an approach for it currently.

Crutcher stated the only difference between this and if it were a true warehousing type facility is the fact that it's passenger vehicles coming up there, not trucks, for the drop off.

Saarela replied and it's the type of product and the visual aspect of it. I think Kevin is talking about the fact that the whole set up.

Christiansen said the other element is that they have indicated there will be some level of potential customer traffic to come in and whatever the percentage is and so if you look at the ordinance regulations in the Industrial District for warehouses, there's no commercial operation provided for in that warehouse which is why it didn't fit within the Industrial District as currently defined and it doesn't fit in the Commercial District either.

Majoros stated you can say the same thing, industrial use is probably a limited number of employees or whatever, heavy truck delivery and not this constant turn.

Crutcher asked how this would be different from an Amazon center?

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Christiansen replied if we were to look at that specifically and we don't have all the details on that but just generally and Mr. Bowdell is here, too, we would look at that kind of use as a warehouse distribution operation and that fits within the Industrial. and it depends on products, too and Mr. Bowdell and I have had this conversation about what is being transferred from warehouse and what type of product and the service of those products are.

Crutcher stated the point that is setting the precedent here the online retail delivery type center for what Door Dash is selling, to pick up and take somewhere. that's kind of the same thing that Amazon does with its contractors, they're not Amazon employees, they're going to drive up in a vehicle and pick stuff up and take it somewhere. I think in the language we have, we probably would not want to have that kind of thing in this district.

Saarela replied they're limited by size of operation, too, so we're not talking about a huge Amazon facility.

Majoros said it's the notion that Amazon has massive distribution facilities but you never know, they may want to take over Cowley's and have a micro distribution center.

Crutcher said but to do this type of thing, we could wind up with multiple.

Majoros stated it's not overnight, it's give this to me in three hours.

Christiansen stated in what we do in our capacity here at the City and what we're charged with and responsible for is the economic and community development department as a staff and our review of all proposals that come before the community, this one didn't fit. and there are others and the nature of things are changing and evolving and we expect and anticipate more of this in some sense if and when so it's very likely we need to take a hard look at what you as a Commission may want to do to prepare, and others, too, because there are a couple other nuances that are coming up as well. I mentioned some of the use types earlier and also things like conversion of commercial space just to open box assemblage type uses or gathering uses, older facilities that were never structured or equipped for that but that's a different conversation and we'll get there. So, we may have to look at amending our ordinance to certainly address this situation and derivatives thereof or however that turns out to be.

Majoros stated I don't know which way this will go but let's say hypothetically this is denied and we clarify ordinance language, the Petitioner has the ability to come back at a subsequent time, is that a fair statement?

Christiansen replied if they had not been through a particular process, let's just speculate for a minute that that is what transpires and if there were to be an amendment to the

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Zoning Ordinance that would provide for this type of use or something similar with Special Land Use consideration, having not gone through a Special Land Use process, that would be available. But again, in light of that it may be a period of time before that happens.

Perrot stated I have one last question for the Petitioner just because this comes up pretty regularly for us. and I might have missed it but there's no outdoor storage of any kind of product in the back, nothing like that, and Nesler replied that's correct. Perrot asked everything is contained within the confines and Nesler replied correct.

Westendorf said I don't know how important this is but I'm curious and I don't see it in the application, how many square feet is this space roughly and Christiansen replied in the packet there is a floor plan layout after application, I'm scrolling down to it, here it is right here, I don't know if it's in there, I'm having trouble reading it on screen and Nesler replied I believe it's around 4,500 and Christiansen replied something like that, give or take.

Mantey asked if there will be signage that will be marked as a DashMart and Nesler replied the location we have now does have a DashMart sign up.

Chairperson Majoros stated there's some thought to be put into it but I would call for a motion.

Further discussion was held regarding the contents of the motion.

MOTION by Crutcher, supported by Perrot, to move to approve the request of Door Dash Essentials, LLC, with respect to the property located at 22054 Farmington Road, I move to approve Applicant's request to find that the proposed use as an online retail and delivery center is most similar to a permitted use in the C-2, Community Commercial District. Although an online retail and delivery center is not specifically permitted in any zoning district currently established under the city of Farmington Zoning Ordinance, the proposed use is most closely resembles a general commercial/retail business or shopping center with 50,000 square feet of floor area or less, or a wholesale establishment because the delivery of fast serve grocery and fast food items and snacks is a retail service that provides convenience shopping of persons residing in nearby residential areas. the use is similar to a grocery store or restaurant use to the extent nearby residents are able to shop its food selections for delivery to the surrounding area for immediate consumption. The snack food selection is similar to the type of product found in a grocery store, convenience store, baker or restaurant. These types of uses typically also now have online order and delivery options. The use is consistent for placement near adjacent multiple-family residential, such as apartments, and surrounding residential neighborhoods because the users will be seeking to use the service for immediate delivery of food items for consumption. Long distance commutes for this type of item are not warranted as they are typically required for immediate consumptions and a delay in

commute would impact the usefulness of the service. Additionally, because the use will have limited patrons shopping at the delivery center in person, traffic will be limited to delivery trucks and contract delivery driver pick-up and the parking around the back delivery area is adequate for these purposes. Furthermore, the use appears similar to the surrounding retail and restaurant establishments as there will be no outdoor storage of products and the products for sale are similar to a restaurant or grocery store establishment. The use will not result in odor, glare or other exterior impacts that would disturb adjacent or surrounding retail users or residential uses and to include compliance with all Building Code requirements and the Zoning Ordinance, including rubbish and trash operations and disposal.

Director Christiansen stated within the context of that motion there are findings and there's also some specific considerations or items that have to be complied with in terms of its operations and I think that relates to the plans, too, so that seems to make sense and the only thing you need to do is get support for your motion, Mr. Chair.

Building Official Bowdell stated I don't know if this is appropriate but this is a business office presently going to go to a more grocery store type use, they don't create a lot of cardboard, they don't have the same trash needs, they're completely different, most grocery stores have cardboard bailers and a place to store that cardboard and things of that nature, as long as we can take care of that administratively as part of the motion, I think it's very necessary that something like that happen so I'd like to get that under control.

Crutcher amended his motion to include compliance with all Building Code Requirements and the Zoning Ordinance, including rubbish and trash operations and disposal.

A roll call vote was taken on the foregoing motion with the following result:

AYES: Crutcher, Perrot

NAYS: Majoros, Mantey, Westendorf

Motion failed for lack of support.

Attorney Saarela stated there are two options at this point, a motion to deny for whatever reasons you're seeking to deny, or a motion to table the request.

MOTION by Westendorf, supported by Crutcher, to move to table the request for Determination of Similar Use – Proposed DashMart, 22054 Farmington Road, for consideration at a future date and allow for time to amend the Ordinance accordingly.

Director Christiansen stated that the Petitioner should be consulted as to the desired action they wish to take.

Nesler stated he would like to table it for future consideration.

A roll call vote was taken on the foregoing motion with the following result:

AYES: Crutcher, Majoros, Mantey, Perrot, Westendorf

NAYS: None

Motion carried, all ayes.

REVIEW AND DISCUSSION – ZONING ORDINANCE AUDIT

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated this item is a review and discussion of the audit of the City of Farmington's Zoning Ordinance. Attached is a link to Chapter 35 – Zoning, City of Farmington, Code of Ordinances, and that link is listed here below. Attachments with this staff report and as the Commission is aware, this is an ongoing activity of the Planning Commission that we have undertaken for the last several months since summer. We were not able to continue with that at our November meeting as we were not able to convene in November, so we moved all the materials from the scheduled November meeting that was cancelled to this evening. So, what you have with your packet is a memorandum from the Assistant City Attorney, Ms. Saarela, and this letter which again is an October date prepared for the November meeting but certainly it is carried over this evening is Zoning Audit, Ordinance Audit Articles 4 and 5. Mr. Chair, I'm going to turn this back over to you and you certainly may wish to engage the Assistant City Attorney here with respect to the memorandum and what we're looking to achieve this evening.

Majoros stated with that I'll turn it over to Ms. Saarela for any help, consultation.

Attorney Saarela stated generally the dialogue just goes through, we went through the Master Plan, what the goals were in residential areas and highlighted each one of the Zoning Districts, there are goals in the Master Plan for each one of the Zoning Districts. So what I did is I went through and just pulled out the Master Plan to highlight the goals and the range of areas where we have residential zoning. And go through general topics of how the goals, what type of housing, what do we think in the future for types of housing, walkability, housing value, what the marketing locations are for the future, what are the main goals to support medium intensity growth and for development and redevelopment in key areas throughout the City. So, really with respect to, you'll be looking at each one of these types of zonings, residential zoning districts, low density residential, medium density and mixed use, so for each one of these you have focus areas in the City and the Master Plan talks about what the hope for the residential focus here is trying to determine whether you need to amend any of the regulations to meet the type of goals for long term.

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So, going through those residential zones is there anything that we feel is missing, the way things are developing for the future, is there anything that needs to be changed from what is already in place for residential.

Director Christiansen thanked Saarela for her coordinating together with respect to this overview and what we really need to be looking at in terms of the audit for the residential section. What I did just distribute to you, it's hard to have two things up on the computer and the screen at one time so I figured we would keep a reference to suggestions from the City Attorney if it's okay, Mr. Chair, on screen, and I produced a hard copy of the Zoning Ordinance Sections Article 4 and Article 5 for us to go through if that's reasonable for you. I think What might be most appropriate and as we have been working together and then back through the Chair then maybe address any concerns we have. the first section of the article, Article 4, and Article 4 is R-1, R-1A, R-1B single-family residential, R-1C single-family residential (country estates), and R-1D single-family residential (planned unit development districts). The reason we have different R classifications is because of the spatial requirements are different in those zoning districts. So, R-1 is your single-family residential Zoning District with the smallest minimum lot size, the smallest lot width requirement. and so if you were to look at that and you can scroll through and you'll see when you get to that point, the lot and yard regulations, you'll see R-1 has minimum lot area of 8,500 square feet and the minimum lot width of 70 feet. Whereas the R-1D is your largest single-family residential lot, it's 18,000 square feet and a minimum lot width of 100 feet. So, you go from R-1 to R-1D, so that's the differentiation. The intent section is pretty standard. I don't know, Mr. Chair, if anybody has any issue with the intent section. going on, next is the Table of Uses. the Table of Uses lists the permitted and SLU, Special Land Uses in the R-1 through R-1D District and you can see residential, all permitted, single-family detached, service office, you'll see bed and breakfasts, Special Land Use, home occupations, kennels, other associated uses, institutional, adult and child care facilities, cemeteries, institutional uses, churches, schools, municipal buildings, public, quasi-public and then other, accessory, essential public services, accessory buildings, etc. So, our ordinance, single-family section in those districts are pretty specific to what you might typically find in most traditional ordinances and that's single family residential, institutional, and some public properties.

Residential buildings, the lot and yard requirements as I alluded to, refer to spatial requirements in R-1 to R-1D, minimum lot area and width, front yard, side yard, side yard total, rear yard setback, building height and lot coverage. These are pretty standard requirements that we've had in place for quite a period of time and the City really was developed with these requirements and we've applied them pretty consistently over the years and it appears that it served the City well. We haven't been made aware of any real concern. You might recall that I believe back in 2015 there was an amendment to the Zoning Ordinance and for those of you on the Commission at the time may remember that we considered and approved a Zoning Ordinance Text Amendment reducing the front

yard setback to allow for expansion of existing buildings utilizing the front yard in exchange for certain architectural elements, windows and other things in the building, so we could allow expansions, people could expand and add onto their homes, expand their homes and still stay within the Ordinance requirements. So that was done in 2015. What's interesting about that and I think I can find it here, if you then as we go through here, I'll show you as we go, if you get out of the spatial requirements for nonresidential buildings, again, those are your not single-family that are permitted. If we keep going, Special Provisions, if you go then to the end of the Special Provisions which is the end of Section 35-74, that's on page 6 of 14, if you go to the end of Section 35-74, you see that little footnote down there (ordinance) in parentheses, you see on the end of it, 9/21/15, that's when the amendment to the Single-Family Section for reducing the front yard setback was approved and made effective. so you did that within the last five or six years in order to address the need for the ability to expand and for people to stay in their homes, that was all provided for. Again, back in the section above Special Provisions, that really relates to the R-1D single-family PUD District, and the only areas that were affected by that is Chatham Hills, larger lots, and these provisions in there. the older single-family subdivisions around the downtown and in proximity to are under regulations that are different than that with smaller lots, etc.

Chairperson Majoros opened the floor for questions from the Commissioners. He then said the only comment that I have and this is actually what Mr. Crutcher brought up one time before, the bed & breakfast Special Land Use, remember the notion just as we were talking about new retail paradigms previously air bnb's, rentals, is this something, because now we're into residential, is there anything we need to tackle or discuss at this point or not?

Christiansen replied the attorney and I looked back and forth at each other, there's an issue we've been dealing with in different ways. I've been dealing with it in my capacity here and as a Planner and in the industry with my planning colleagues and my engagement with nuances today that are needing to be addressed. I know the City Attorney has been dealing with that in her capacity as well. We do not currently permit by ordinance definition or as a permitted use or as a Special Land Use like we do for Bed & Breakfasts, like we do for home occupations, like we do for child care, adult, and youth, childrens' child care facilities, we don't provide for the air bnb scenario or short term rentals and it's something that is really at the forefront today at the local level in communities throughout the country. There's a different level of interest depending on what region you go to, where you're at, and what the demand and interest is. We haven't had a push in that direction yet, but there was a bill that was before the State legislature that went through the State House, that passed through the State House, allowing for short term rentals that now must go through the Senate and it's very possible, although speculative currently, that if it does more through the Senate and pass through the Senate the way that the bill practically has been written, it would usurp local authority or not

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require any sort of engagement at the local level because we would not have the ability to regulate. So, with that, Mr. Chair, I would like to defer back to the City Attorney because I know she is well aware of this, too.

Attorney Saarela stated there is legislation out there and there is a push to contact your Legislator about discussions of either modifying the proposed amendment to incorporate more local control, so I think that's sort of where it stands right now, I think it slowed down a little bit because it also got some level of pushback.

Christiansen stated it went through the House pretty quick and it's at the Senate's doorstep right now.

Majoros stated we have due process in place and we can deal with what happens at the State level.

Christiansen said the next section, Mr. Chair, 35-74, is site development requirements and it's what you would expect, there are provisions in here required for properties to have provided certain elements, parking, landscaping, other sorts of things, pretty standard, pretty consistent over the years, we haven't had any issues with it. All there is in our ordinance with respect to single-family, it's very specific, it's very structured, it has implemented our long range plans, our Master Plan, current Master Plan, as well as preceding Master Plans for years. Again, except for the change in 2015 and the item we're talking about right now, there hasn't been much concern that has been brought to our attention.

The next section is the two-family, three-family townhouse and single-family cluster. This is a multiple-family. So, the multiple-family defines in here in the intent section what a two-family dwelling is and you can imagine that's the duplex style dwelling typically, R-3 multiple-family, a higher density apartment style multiple-family, R-5 townhouse residential, townhouses, attached units, individual entrances. R-6 is a cluster to a large development of dwellings, low density but clustered with common walls, etc. We have you know multiple family throughout the community. We have attached product throughout the community, condominium type development. We have PUDs that have implemented a lot of that and so the underlining zoning has been kept and there's a PUD overlay for a lot of it and most of our apartments are traditional type apartments. So, we haven't been made aware that there's not a structure in our ordinance that currently doesn't accommodate any residential interest I can tell you and I think you probably see it, too, the demand for residents opportunities for single-family homes or condominiums, owner occupied condominiums or lease/rent apartments, is very strong and we continue to have a lot of interest there that want to build, don't want to blow my development update but the single-family homes at Liberty Hills, in the span of about four months, moving past being half sold out and permits issued and being built right now and that's not dissimilar

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with what happened with River Walk, with the thirty-three homes there in nine months. but in any event, we've got the MTC and others, so I think our regulations are doing really well to implement most of what we're seeing asked for consideration.

Crutcher asked are there R-2, two-family residential and Christiansen replied you know we don't have a specific duplex community but we do have duplexes in certain locations. not that they're zoned that way because there's some permissiveness with some older but we have that opportunity. You look here, you can see what's permitted, right, R-2, 3, 5, 6, single-families permitted, the duplex, all of that. What is SLU is Senior Assisted Living, we don't have a specific complex like that except for Farmington Place and we do have other apartment complexes.

Crutcher then asked in an R-2 area there are single-family homes and Christiansen replied that's correct.

Christiansen stated and you see home occupations and again, institutional uses, and public uses, it's very similar to single-family residential.

Westendorf said you mentioned that we don't have a lot of multi-family, that people have done PUD overlays instead; is it due to a lack of something in the ordinance or that was a better way to go for that particular project; is there something in the ordinance that we should be adjusting to accommodate that?

Christiansen replied that's a great question. I think that PUDs were used in some circumstances because it provided opportunity for some unique circumstances to become part of a development agreement or PUD agreement or how services are provided and how things were then able to be worked out. I think that the zoning provisions can achieve some of the same things that have, but I think just in so those circumstances and that's why PUDs were used, unique conditions or the ability to enter into agreements together.

He stated the next section then is similar, lot and yard requirements, pretty standard, we don't have any issue that's been brought to our attention. Nonresidential buildings is the same. Special provisions, as you get into the higher density districts, there's just some provisions that relate to some of the site spatial requirements, density and setbacks, etc., there hasn't been any issue with those as we move forward. Section 35-84 just refers to again site development requirements. Article 2, general provisions, specifies site plan review, focuses on parking and also talks about landscaping, so very similar to the single-family section.

So, I guess what I might suggest, Mr. Chair, if there's no issue with these provisions that maybe just go back now if it's reasonable and just take a look at the memorandum from the City Attorney with respect to these elements here that have been identified which are

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in our Master Plan. because these are just things that you as a Commission put in the Master Plan to make sure that in our residential developments, we were making sure that we took them into consideration, so I will refer that back to you.

Chairperson Majoros thanked Christiansen and stated I think that we all went through this in advance, you know the work that you, Kevin, City staff, our board, City Council, everyone that's done to put the framework in place I think has allowed us to achieve what we achieved now and what we will in the future. I think we've got a good line of sight for the needs for low, medium, high density. We've got a lot of diversity in our housing stock as it exists now and I think that we're well situated and are moving forward with these regulations and the things that are here. As I looked through this, I didn't see anything that felt warranted significant discussion but that was just me but I'll open it up for any commissioners that want to make any points or ask any questions. Our resident expert, Commissioner Waun, who I remember had a good point during the election. There was a debate about Maxfield and there was this notion of people were either looking to downsize or what have you, and she was making a good point about three-story residences, okay, maybe going for younger folks, but if we're looking for diversity of stock and things like that, that's probably much more down the road, that's not for something here. but those are just good things to keep in consideration when you've got someone with that long experience in residential real estate, right, you don't think about it, but then you're like, oh, boy, this is a nice development but three flights of stairs, right, those are real issues. I'll open the floor up for any questions.

Crutcher said I have a comment more than a question. How does this or does this even address some of these houses, especially some of these older houses not being able to accommodate multi-generational living; that's usually the place for two-family dwellings; is it possible as written for two families to live where we currently have designated as single-family?

Christiansen replied that's a great question because again with the changing interests come about and the way that the existing uses look to continue to be used or now want to be modified or changed to be used somewhat differently, we have to look to see if the regulations provide for that. Currently we have a definition of single-family and we have a limitation on occupancy and we have specifics in terms of how single-family dwellings within single-family neighborhoods are occupied and maintained and used, etc. And so when you start to see some changes where instead of what you might consider the traditional family structure and then extended family and then numbers of generations per se within one single unit, that starts to deviate from what's allowed by definition in the single-family district. and we haven't had any real issues or concerns or any interests that have come forward to consider any modifications but it's something that we've talked about. we know there's a dynamic that appears to be changing a little bit with respect to the interest of using single-family homes, that's one of them. We talked about a couple

other ones earlier, someone owning a unit and wanting to rent out, lease out, all of the units or all of the rooms, bedrooms in the unit; air bnb, short term rental, this is another scenario, it just hasn't come to us at this point so we're not seeing any call for change, but it's something we're paying attention to and it would require probably some ordinance adjustment if it gets to that point.

Attorney Saarela stated in that context you're looking at the definition of family and that coming up also in discussion in short term rentals and Christiansen replied potential legislative changes, so it could be family, could be caregiver. And I don't want to start talking about things that we're aware of that are possible in the future more than these are things that are currently being discussed and that's one of them. You know, something like being able to occupy a single-family home with successive generations that would involve age and place, maybe the original residents are long term residents, parents and their children are in the house and then their children's children, so you have three generations in the house, then all of a sudden you're converting a garage to part living space, then all of a sudden in the back you're wanting to build a detached structure to allow for family occupancy, that's beyond our ordinance currently.

Crutcher said you mean looking out my kitchen window and Christiansen replied and seeing all of the various structures on your property and Crutcher stated my daughter just moved back home. Christiansen stated but that hasn't come about yet and if it were to come, you know, a level of interest certainly, that would be something that we'd have to bring through the City's policy makers, yourself included, in terms of ordinance adjustment to accommodate that or not, having to go through that process. We haven't had any real significant interest and demand for that.

Chairperson Majoros inquired if this is an actual action item here or was this just a review and Christiansen replied as we have done with the previous sections now, we've gone through Articles 1, 2, 3, 4, 5; our next step is then to go through Articles 6 and 7. Article 6 is the Office Section of the Zoning Ordinance and Article 7 are the Commercial Districts. I would ask the City Attorney through the Chair if it might be reasonable to combine both of those, 6 and 7 together, unless you feel we need to focus on 6 and/or 7.

Saarela replied 7 may have issues, you might be able to development potential regulation, you might want to look at that in conjunction with Office and how does that potentially relate.

Majoros stated I'm not sure the timeline on the calendar, do they feel separate and distinct and Christiansen replied I think because of the level of Office use that we have in the Office District designation throughout the community, it wouldn't be unreasonable to combine that. I think we're going to want to concentrate, do a real thorough job, a deep dive of course of any district in our audit of the Commercial District because the

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Commercial Section is the CBD, Central Business District, and the Commercial District as well as there are other areas of change that are coming about, too. We had one tonight and there are others as well you might want to consider and we can do that at the next meeting if it's reasonable, Mr. Chair.

DISCUSSION OF 2023/2028 CAPITAL IMPROVEMENT PROGRAM

Chairperson Majoros introduced this item and turned it over to staff.

Direction Christiansen stated this is the calendar that's now up on screen and in your packet for Fiscal Year 2023/2028, six-year Capital Improvement Program. The process that we have typically followed that we're looking to follow with this CIP Program update as you are aware, this is an annual task. The City prepares a six-year Capital Improvement Program on a yearly basis in preparation for entering into a budget period. this eventually is an instrument of the Planning Commission in accordance with the Michigan Planning Enabling Act and is part of the Master Plan process and is an instrument of the Planning Commission that is then acted on after a Public Hearing as required is held and is forwarded to the City Council and the City Council really folds this into all the work they do with the budget. It's not a budget, but it is part of the whole budgetary process and certainly a very useful and required tool for the City to have. So we started this year's CIP for 2023/2028, those six years upcoming, in October. We then looked to in November to have the DDA meet, discuss, and select their representative on the Steering Committee. The same thing with the Planning Commission on November 8th but as we were not able to meet, we moved that to this evening. So, you need to do that this evening, you move through. Other City boards, commissions, committees, have met and are doing the same thing. The CIA did not meet in November so they're going to do the same thing as you at their meeting coming up this month on the 16th. So, as we move through you'll see now to this evening, the Planning Commission should formalize items for submission to the CIP Steering Committee. What we really want to do is just take a quick broad brush stroke here, Mr. Chair, at the current CIP to see as a general overview is there anything that sticks out, anything really of issue to any of the Planning Commissioners, that you don't see in the current CIP, you don't recall from all of your work to date has had a part of any previous CIP or certainly the current 2022/2027 and the we'll take anything along those lines and move it forward to Administration in preparation for the Steering Committee meetings that are going to be scheduled to take place. the Steering Committee is set to meet the first week of January and into February, that's their time period. So, if there's something that as we'll look through quickly, we don't really get to tonight and/or that doesn't come about and it's still of interest to you, as we've done in the past, we can communicate certainly via email and share together as a Commission to make sure we've addressed everybody's issue. So, with that, Mr. Chair, I'll turn it back over to you and the first thing to do is select a representative and then we

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can just take a look at the current CIP and see if everybody is comfortable with where things are at right now and if there's anything new.

Majoros stated as I think we all know, I've been filling this row for X numbers of years, I'm happy to do it again, you know, it's good experience, it's a good process to get to know other people within the City, so you know I'm certainly not saying I have to do it and if someone else wants to come forward I'd be happy to kind of tell them kind of how I've done it before, but we'll open it up and see if anyone has a vested interest in doing it.

Commissioner Perrot stated Majoros has advocated on our behalf and is doing a bang up job there, and if you're available. Majoros replied I am, it's not a daunting timeframe, a couple meetings, and I think as a Board we do a pretty good job of talking about what our priorities are and what our philosophy is in approaching these items, we've been pretty well aligned there. the process has worked very well from that perspective, we're very just kind of asking questions, we know we're not the expert on Parks and Recreation, or equipment or what have you, we're just asking the right questions and setting ourselves up for success. It's not a budget but an assessment and I'll take that role on if that's okay.

MOTION by Westendorf, supported by Crutcher, to appoint Chairman Steve Majoros to the CIP Steering Committee for the 2023/2028 Capital Improvement Program.

Motion carried, all ayes.

Director Christiansen that he as Director of the Department, made a formalized submission that was a reflection of continuing to implement the current CIP and the number of projects and the level of requirement for implementing those projects, from all of our work administratively, my work, my department, our work in Economic and Community Development, it's ongoing and so that was the recommendation. There are some projects that are identified and we'll look at them real quick here that are at the top of the priority list and from our Department's perspective, we feel it's still a valid list and it's still a valid prioritization of those projects for the City. So, that being the case, all submittals including PC based upon our discussion tonight, you'll see the Steering Committee is going to be created. the Planning Commission, your first action is going to be in February, to schedule a Public Hearing for March, to let you know a draft will be created then in March you're scheduled to hold a Public Hearing and in April you're scheduled to approve the CIP if you don't do it at the March meeting, and that's your charge. So, as we go forward, Mr. Chair, this is the 2022/2027 CIP, we will not go through the Table of Contents beginning section, I think everybody is very well aware of the responsibilities, your resolution, your letter, your creation of what the CIP is, again, it's not a budget, it's a requirement by State law, by City Ordinance, Michigan Planning Enabling Act, the Capital Improvement Program is updated annually for six years and accompanies the Master Plan as an implementation tool. Again, benefits, it calls attention to community deficiencies, provides a means to correct them, identifies long term/short term goals,

expenditures, enhances the ability to secure grants, increases the likelihood of departmental/intergovernmental cooperation, also encourages efficient governance. Again, it's not a budget; some would say it's "a wish list". It's really identification of needs, prioritization of them, and identification of timeline and funding sources. Here is the Executive Summary, here's where the City budgets, and the expenditures in the budget for capital improvements, infrastructure, equipment goes to. And you can see in this pie chart, that a significant amount of revenue goes toward infrastructure related to roads, water and sewer, sidewalk and streetscapes; those are the big three pieces of the pie on the left side. Then to the right side you see, drains, buildings, grounds, land acquisition, redevelopment, recreation, culture, parking lots, vehicles and equipment. 2022/2027 CIP, a total of 117 projects at a cost total value of 28 million dollars. Project by year laid out in this document over six years, you can see 2022 9 million, all the way down to 2027 2.3 million at that time. And so quite a bit of resources are needed to implement this plan if all of these projects were to come to fruition but certainly the reality is one of the priority items. We get to the Executive Summary and this just lays out project costs, project added, completed, this is the summary that was done last year, this will be put together this year for this new document. Again, your charge this evening is anything new, anything that really you feel are priorities that aren't in this document. As we move through, the program summary, you know that this instrument, again, 117 projects, 28 million what's identified, CIP, the different categories I mentioned there, various tools in this City are used to get to this point. And you are involved in almost every one of them, in fact probably every one of them. City Master Plan 2020, Recreation Master Plan 2016, Vision Plan 2013, Downtown Area Plan 2015, Grand River Corridor Authority Plan 2013 that's currently being updated, the Orchard Lake/Ten Mile redesign analysis 2015, the Rouge River Nature Trail Project 2016, and the Downtown Master Plan 2017, all current plans and this is a current instrument as well. So, we're trying to make sure we stay on top of things by being current with these tools that you as a Commission work to help create and then moving forward with the implementation thereof. The Zoning Ordinance is one implementation tool, the CIP is another. Here's the funding sources, again, you absolutely need to think outside of the box continually with where are available revenues to implement what the City's goals and objectives are and we work on that daily in many different ways. Project prioritization, the CIP Program, I mentioned the nine categories, buildings and grounds, drain systems, land acquisition, redevelopment, parking lots, recreation, and culture, roads, sidewalks, streetscapes, building and equipment, water and sewer systems. If we go into this document and it's broken down into these nine areas, there's overviews for each one of these areas, but if it's appropriate, Mr. Chair, what I'd like to do is go to the Executive Summary and that really has the projects listed for each one of these areas I'm scrolling through right now that I mentioned. And in fact, I'm going to back up real quick just one second, we talk about implementation, okay, and this right here, does anyone know what that picture is right now? Drake Park, excellent. this is in the Capital Improvement Program. What just happened at Drake Park in this plan, we did the parking lot, the tennis courts were repurposed, the existing restroom

facilities are being modified and reconditioned and retrofitted and brought back to a very reasonable and good level of use by being repurposed. And you see the fields there as well, there's fencing out in the fields now that's coordinated with various interests. So, this is the tool that facilitated allowing that to happen because it was in the Recreation Master Plan and was part of the Capital Improvement Program, the implementation of the Recreation Master Plan, it then was eligible for certain resources to be used and gave Council a basis as well to make budgetary decisions. This is how this all works. Anyways, back to the Executive Summary, roads, boy, we know about roads, don't we, a lot going on there with priority projects. So what this is here, this is the Capital Improvement Plan Appendix A, the overview, so this lists project category and project names and really end up identifying as a summary each project within the nine categories and where they fall and the categorization of them, the rank, necessary short term, necessary long term, desired but not necessary: so, that's the ranking here. If you continue to go down, this right here are the nine categories here and this refers to projects within those nine categories and what they're named and just kind of gives an overview to each one of the areas in total in terms of the total costs of the projects and future costs, just identifies those from a general sense. This is really kind of a summary area here. But ultimately, it's this tool right here that probably is the priority or the main instrument of use. You can go and see the breakdown of all nine of those areas, all the projects, but right at the top of the list, sidewalks and streetscapes, Farmington Road Streetscape, priority project for 2022. It's been ongoing and has been moving forward, planned, designed, grant, engineering, all the elements required with the engineering design plans moving forward, construction plans, acquisition of easements, both physical easements, construction easements, putting everything into place so this project can be kicked off in 2022. It's at the top of the list, it's a priority project within the community as decided by yourselves and all those involved, all the departments, administrative staff, City management, all the boards, commissions, committees, yourselves and Council. You'll see in here Recreation and Culture, Drake Park improvements, we know that is something being achieved so that will probably come off the list unless there's some remaining items that necessitates them being on there. Shiawassee Park, downtown connection, the current consideration of the project proposed by Robertson Brothers Homes that City Council has entered into a purchase agreement with, for the acquisition and redevelopment of the Maxfield Training Center, part of that includes this connection in the plan and there it is. The other real big projects, Mr. Chair, that the City is considering right now in accordance with this overview, is the downtown parking lot center redevelopment which is the City's parking lot which serves all of the commercial building uses there, the municipal lot, so that might involve without having details in front of me, it might involve either a mill and fill or a pulverization, some storm water management, adjust of circulation, some other elements in that whole parking lot, so that's at the top of the list for redevelopment. I mentioned the connectivity with the Maxfield Training Center project which is a priority, parking lots as a whole, the municipal parking lots, all of them have some level of priority, there are some road elements and some sidewalks and streetscapes as well. So, these really have been

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the top projects, the ones that continue to be implemented as resources are identified and available and are budgeted for. So, I'll turn it back over to you, Mr. Chair, to ask the Commission if there's anything on this list that's of concern to you, anything else on the CIP or anything that you have some issue or concern about that you want to bring to the City's attention.

Chairperson Majoros opened the floor for comments from the Commission. He said I think we're well trained on the process, and it is an ongoing process, so when I'm on the Steering Committee I'm bringing things forward, so if you have something tonight, great; if not, you can certainly send me a note, we've done that in the past and I'll try to keep you updated as we move forward. So if there's anything from the Commissioners, if not, we'll kind of treat this as a process that we're well trained on and we'll move it forward.

2022 SCHEDULE OF PLANNING COMMISSION MEETINGS

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated the Planning Commission holds its meetings on the second Monday of the month.

MOTION by Westendorf, supported by Crutcher, to move to approve the 2022 schedule of Planning Commission Meeting dates.

Motion carried, all ayes.

UPDATE – CURRENT DEVELOPMENT PROJECTS

Director Christiansen stated there are 147 pages of current development projects of which a link was provided to the Commission in their packets. He stated that's the level of work we have on our plates right now. We knew we were going to be doing these things right now and we are.

So, just quickly, Farmington States Savings Bank has windows, the Nine Mile gas station is moving really nicely in there and they're really repurposing the inside, we'll see what happens with the other corner we talked about tonight. We've got interest in that southern area which is nice. As I mentioned to you earlier, Liberty Hills, are half sold out and building on, you can see the addition that you approved for Krazy Krab with that nice park area that's going to be there, the parking lot is done, infrastructure going and we're working very closely with Robertson Brothers Homes as they continue to move through their due diligence with the Maxfield Training Center. You might note you see World Wide Center, Tropical Smoothie and all that, a bit shined and polished, a building permit out for the old Panera for Farmington Grill which is going to be like a coney island type of grill there coming along, you see some new uses in the downtown as well and we're just

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starting to see things get back to their business and business operations, we're very excited about that. So, we have quite a bit going on and a lot of that is very much in part thanks to your efforts so thank you very much.

Majoros opened the floor for questions from the Commission.

Crutcher asked if we're preparing for the winter with shelters coming in and Christiansen replied that's an issue that has still not been resolved and is scheduled for Monday night's Council meeting to determine whether that's going to continue or not because without belaboring it there were four separate actions by Council to provide for that in 2020 and 2021, being a resolution, so that has to be acted on again, they'll be considering that on Monday.

Perrot stated the only comment I have is kind of recurring every year, for me it is I have absolute confidence with you being on the Steering Committee for the CIP, I would just reiterate the fact just how critical it is that we listen to our subject matter experts and that Council cannot cherry pick projects, we can't take a project off of page 5 and put in on page 1 just because we feel it should be there, we have to be scientific, we don't have the funding to cherry pick projects.

Majoros concurred stating and that's why we have great staff because they're the experts, not us, they know what equipment we need, they know what our priorities are, so the plans help guide us but yet it's a wish list and not a complete to do list and I believe our philosophy is and we've all talked this through, sometimes it's not the most glamorous project, but it's the most necessary project.

Majoros thanked Christiansen and stated in the last couple months think of the work that's been done, the MiMosa work is done, the work where the deli and the old dry cleaner, just a lot going on. Christiansen said the façade modification of the Olive Tree Plaza on Grand River in Farmington, you've got the bakery and Gift of India and the foot, ankle doctor there, so it's turned out really nice.

Christiansen thanked the Commission. 2021 has been a year of having to get back on track and continue to move forward with the goals and objectives you've set as a Commission. Just to let you know, I did meet today with our representative from the Michigan Economic Development Corporation that monitors our Redevelopment Ready Certification to make sure that with all of the things we have in place that we stay in step with our certification, that we're current with all the tools we have and that we are doing the things we need to do to maintain our certification, our recording, our annual report, our CIP planning, all of our planning tools that we have are current and in place and everything else that goes along with that and they were very pleased and we had a nice meeting today. They were very excited to be here in the City because they're helping us

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with some redevelopment opportunities now because as an RRC community we get to use their redevelopment services team resources for design and redevelopment. So, kudos to you and all of your efforts. and with that, Mr. Chair, thank you for agreeing again to serve on the CIP Steering Committee, it is absolutely much appreciated because you are excellent at it and certainly serve as a very valuable resource representing the omission on that committee. Merry Christmas, Happy New Year everyone.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENT

None heard.

ADJOURNMENT

MOTION by Crutcher, supported by Perrot, to adjourn the meeting.
Motion carried, all ayes.

The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Secretary