

FARMINGTON PLANNING COMMISSION PROCEEDINGS
Monday, September 14, 2009

Chairperson Gronbach called the meeting to order at 6:59 p.m. in the Farmington City Council Chambers, 23600 Liberty Street, Farmington, Michigan.

ROLL CALL

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

Absent: None.

A quorum of the Commission was present.

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

OTHERS PRESENT: Sherrin Hood, LSL Planning, Inc.

APPROVAL OF AGENDA

MOTION by Sutton, seconded by Buck, to approve the agenda. Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

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

- Regular meeting minutes of July 13, 2009.

Motion carried, all ayes.

REZONING REQUEST, 33106 EIGHT MILE ROAD FROM INDUSTRIAL TO C-3

Applicant's Presentation of Rezoning Request.

City Manager Pastue noted there have been many conversations with the applicant, John Koncsol, and Kevin Gushman regarding the site. He commented the property has been foreclosed. Pastue stated the purpose of the agenda item is to allow the applicant to provide a general description of the request and to request that the Planning Commission schedule a public hearing in October. He noted 3 or 4 more signatures need to be obtained by the new owners.

Dave Lear, of Midwestern Consulting, LLC, respresented one of the prospective buyers of the property, William Ditzhazy. Mr. Lear proceeded to request the change in

rezoning from Industrial to C-3. He stated the property is currently covered with building and parking areas noting the building has a lot of interior problems. He commented a base line environmental has been completed on the building noting what needs to be done. It was the viewpoint it would be better to redevelop the property as Commercial zoning instead of Industrial since the Industrial has been vacant for 5 years with no interest in the building. Mr. Lear commented several realtors had contacted the owner, but they only showed an interest if the location was rezoned to Commercial use. He noted parcels located to the west were zoned C-3, south of the property parcels are zoned Commercial on the Livonia side also. He stated it is a blank slate and rezoning to Commercial would allow more flexibility depending on the final user.

Chairperson Gronbach verified their intent is to demolish the existing structure, clear the land and build an entirely new development. Mr. Lear responded it was not feasible to justify the cost to retrofit the current building.

In response to a question by Commissioner Christiansen, Mr. Koncsol responded the former use of the building was to produce duct fabrication for a sheet metal company and Mills Products, a heat treating company, prior to that over twenty years ago.

Christiansen questioned how long the building had been vacant and how old the building was. Mr. Lear commented it had been vacant for 5 years and Koncsol stated the building went back to the 1950's.

Christiansen verified there is some non-conformity with the existing building and lack of compliance with today's existing standards.

Commissioner Kuiken questioned what commercial redevelopment the applicant was thinking of constructing. Mr. Lear replied it was still undecided, but they were thinking of either getting a large user to buy the entire property or sub-divide it up into 5 one (1) acre lots. He noted one of the drawings depicted a way to split up the lots where there would be 3 lots for restaurant type facility matching the south side along Eight Mile and more of a commercial type of structure along the north side facing the residential.

Kuiken verified they want to mimic the south side.

Commissioner Sutton voiced concern that with intent of open spaces once the property is rezoned it is rezoned and the owner can do what they please with the property. She stated that does not carry any weight in the decision-making. Lear responded a site plan approval would have to be presented to the Planning Commission. Sutton advised the Commission is limited as to what they can do. Pastue noted there are 3 forms of Commercial zoning: Commercial, C-2, and C-3.

Sutton stated they have limited land available zoned for Industrial according to the Master Plan and she noted this would take that away. She commented if the rationale for rezoning is because it has been vacant for 5 years due to the owner hasn't been

able to do anything with the property due to the economy. She questioned if other businesses would apply for rezoning since they can't do anything with their property.

Sutton noted on the other hand it is not a bad use for that area overall since there are other commercial businesses in the area. She commented she didn't think it would detract from the aesthetics or interfere with the neighboring uses. Lear concurred with Sutton and stated there is no way to sell the property as zoned at the present time. Sutton commented it is not known if the previous owner, before foreclosure, could not rent the property due to their failure to take care of the building deterioration.

Kuiken stated there is a benefit to making the property useful in this economy by being flexible.

In response to a question by Commissioner Scott, Lear responded their intent is not to incorporate the properties to the west in the overall plan.

Scott voiced concern that at the present time there is no access except at Chesley Drive and if that end is changed to Commercial there would be a need to access off that road which would change the dynamics on what would happen to the corner. He noted if combining with the other parcels and then take the whole corner it would help to clean up some of the curb cuts. He commented in order to accommodate retail traffic there would be a need for a traffic light on Chesley Drive in order to turn left. Scott noted the applicant had acknowledged these issues by providing a traffic study. Lear responded any future use would require a traffic study with projected traffic and on the south side they set it up with cross access, limiting the number of curb cuts.

In response to a question by Scott, Lear responded there are 3 accesses off Eight Mile: Walgreens, where Walgreens and Taco Bell meet and one farther down to the east. All of the parties are involved in the cross access, and he noted there are limited turns out of those. He stated there is one access point off Farmington Road through Walgreens.

Scott stated the ownership issues need to have a sign off and that it is made clear if you don't buy it, it is still rezoned.

Commissioner Crutcher asked if they are intending to rezone the property to develop it or to resell it. Lear responded, "Whichever they can do first". He commented the owner would like to sell it if they can get one good buyer and are also prepared to split the property and develop it themselves which they did on the south side. He stated that is still undecided, but the C-3 would give them enough flexibility with the usages that are permitted to be able to develop it.

Christiansen concurred with the concerns of the other commissioners and noted they had looked at several of the corridors in detail when redoing the Master Plan. He noted the Master Plan is a guide that is followed in dealing with traditional zoning. He presented two other possible options; the development agreement and contract zoning.

He further commented that recently the two other possible options have been reworked and felt they might be considered as additional tools in zoning. He stated if the site is traditionally rezoned to C-3, that anything permitted in C-3 could be built on the site. Christiansen commented if a mutually advantageous specific agreement or plan could be worked out between the City and the applicant that would go hand and hand with the rezoning, the City could have more control over the specifics and the applicant would prepare a site plan accordingly.

Pastue stated Administration and the applicant had discussed the recently adopted Master Plan in regards to Industrial opposed to Commercial. Pastue noted City Attorney Schultz would be at the Public Hearing in October, if the Commission decides to schedule it, to voice his concerns.

Crutcher questioned if the applicant was thinking of splitting the property up and it was rezoned to C-3 and there is an Industrial use where they could use half of it, would it have to be rezoned back to Industrial. Mr. Lear commented it would have to be done that way unless it was done as a PUD with some sort of split or define the boundary and go to a half with a C-3. Crutcher stated he would be more willing to support the change if the applicant had a definite plan of what they were going to do. Lear responded the realtors wouldn't speak with them until there is a change in zoning.

Sutton commented one of the purposes of the Master Plan is to have that area zoned is to allow any current non-conforming uses based on the new Master Plan to move to the Industrial so they will be in a conforming spot. She asked if there are any current Industrial uses going on in non-Industrial areas. Pastue responded all Industrial is in Industrial.

Sutton stated they have to maintain some Industrial zoning.

Kuiken questioned if there are other unused Industrial parcels in the Industrial zoning district that are currently unused. Pastue responded there are a couple of buildings along Eight Mile that are unoccupied and along Nine Mile.

Sutton stated one of the reasons they could agree to change the zoning of this particular parcel is it abuts other commercial areas and the property is so large it is hard to redevelop this property as Industrial, where there are enough available uses for a smaller building.

Gronbach noted LSL Planning would prepare a report if the Commission decides to proceed. He asked for comments from Ms. Hood from LSL Planning, Inc.

Ms. Hood reiterated that there had been discussion about preserving the Industrial District for approved Industrial uses during the update of the Master Plan. She commented there was also discussion about allowing heavier commercial type uses since that what was more in demand. She recommended that the Commission look at

the long-term use of that site and be prepared to accept the decision that is made forever. She noted the large size of the property. She voiced concern regarding traffic on Chesley due to the size of the site. She discussed potential uses that could be compatible. She stated if there are any changes to the zoning there should be an update to the Master Plan Map. She stated their recommendation was to keep it Industrial in the Master Plan, but they were not opposed to considering something else. She noted she wanted to hear the concerns of the Commission.

Commissioner Buck discussed the potential of another owner looking at this particular site. He noted the value of these properties is dropping whereas the taxable value could drop significantly. He commented across the street the Personal Property taxes are zero so there would have to be an abatement on personal property for a facility such as this. He commented by changing the use of the property there would be activity.

Commissioner Bowman concurred with Buck.

In response to a question by Kuiken, Lear responded they did not find any major issues in Phase 1.

Consideration to Schedule Public Hearing

MOTION by Christiansen, seconded by Sutton, to schedule a Public Hearing for the rezoning request at 33106 Eight Mile Road from Industrial to C-3, for October 12, 2009. Motion carried, all ayes.

Gronbach suggested the applicant reappear with a proposal and as much information as possible for the Commission to consider rezoning.

SITE PLAN REVIEW –DEMOLITION AND RECONSTRUCTION OF GARAGE IN HISTORIC DISTRICT, 23626 WARNER STREET

Joe Dompierre of A. J. Dompierre Construction was present to discuss the Site Plan for demolition and reconstruction of a garage at 23626 Warner Street. He thanked City Manager Pastue and Building Inspector Koncsol for putting his request on the agenda. He noted the application for the Historical Commission could not be submitted in time, but hoped his request could be approved and then go to the Historical Commission for their approval.

He discussed the plans for the demolition and reconstruction of a new garage that would be 4 ft. wider and 9 ft. more in depth. He noted the textures would be consistent with the house. He noted there would be a 9 ft. extension in the back of the garage that would be a dry walled 9'x24' area for storage with an octagon window on the front gable.

Gronbach asked for building samples. Mr. Dompierre provided photos of the existing home and noted the garage would be the same color and other materials would match the house.

In response to a question by Sutton, Dompierre responded the existing foundation will be removed and they will start from scratch and will come out 4 ft. on the left side and adding 9 ft. to the rear of the garage.

Buck asked Administration if they knew of any concerns the Historical Commission might have regarding this project. Pastue responded they would rather have wood siding versus vinyl and the pitch of the roof. Pastue noted the applicant wanted to start the project before inclement weather set in.

Dompierre noted his client signed the papers two days after the meeting of the Historical Commission meeting.

Pastue commented if the Commissioners approved the application that it be based on approval of the Historical Commission.

Kuiken asked if the current setback on the right hand side of the garage is in compliance. Dompierre responded it is within the 3 ft. requirement.

Scott inquired if the water or sewer would be extended. Dompierre responded they would not be and there is an existing water line that does not work.

Bowman stated the request is consistent with the Master Plan to improve their home.

MOTION by Sutton, seconded by Buck, to approve the demolition and reconstruction of a larger garage, located at 23626 Warner Street, subject to approval by the Historical Commission. Motion carried, all ayes.

PUBLIC COMMENT

Annabell Gabel, a Farmington resident, questioned the large building being constructed on Grand River. Gronbach explained that it is closer to the street in order to provide a more urban feel to the area and there would be condominiums above the new dry cleaner building.

COMMISSION COMMENTS AND ANNOUNCEMENTS

Pastue advised he and Koncsol had met with representatives of Walgreens and noted they were going to submit a preliminary application to redo the original site plan with plans to remove the west building. He commented the owner wants to try and have the east building and the center building occupied. Pastue advised the representatives that the sign ordinance had been redone.

Pastue stated the West K-Mart had closed. He noted Administration has had many discussions with the owner of the property, Standard Construction. Pastue commented they are happy with the mixed-use in the Master Plan for more flexibility since they are actively marketing the site.

Pastue stated he has not heard back from Worldwide. He commented they had indicated they would like to maintain the footprint of the building with modifications to the parking lot and landscaping.

Gronbach verified a permit needed to be obtained to remodel and approval would be based on required improvements.

Sutton noted violations at Harvest Fresh in regards to blocking their sidewalk with their outdoor display. She requested they not have an automatic renewal in the spring and they come back to the Commission for approval. Pastue noted Administration would look into the situation.

ADJOURNMENT

MOTION by Ingalls, seconded by Bowman, to adjourn the meeting. Motion carried, all ayes.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Secretary