

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
June 13, 2022

Vice Chairperson Perrot called the meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:00 p.m. on Monday, June 13, 2022.

ROLL CALL

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

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

APPROVAL OF AGENDA

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

APPROVAL OF ITEMS ON CONSENT AGENDA

A. May 9, 2022 Minutes

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

SITE PLAN AMENDMENT/FAÇADE MODIFICATION – THE APOTHECARY, 23366 FARMINGTON ROAD

Vice Chairperson Perrot introduced this item and turned it over to staff.

Director Christiansen stated this item is a site plan amendment/façade modification and site improvements for The Apothecary located at 23366 Farmington Road. The city has received a site plan application for proposed modifications, improvements to The Apothecary, the former Tres Sorrell in downtown Farmington. The subject property is currently zoned CBD, Central Business District. The Downtown Development Authority, DDA, reviewed the submitted site plan and the proposed modifications and improvements to The Apothecary at their 6-9-22 meeting but did not make a recommendation at this time. There's a copy of their draft meeting minutes attached with your staff packets this evening.

Attached for your review and consideration is also a copy of the site plan application, a proposed site plan and support materials submitted by the Applicant. The proposed

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modifications and improvements to the existing building and site will include a lot rear site outdoor area and rear building façade upgrades and enhancements. And again, that's all included with the application and has been provided to you in your staff packet for this evening.

I'm going to scroll down, Mr. Chair, the Applicant is here to present his site plan application to you. I'll scroll real quickly, these are the draft minutes of the DDA Design Committee, site plan application that's been submitted by the Applicant, that's included with your staff packet. Also, there is a letter submitted by the Applicant that outlines his request and that was included for your information and submitted with the application. Then I will turn this, if you'll bear with me for a minute here, this is the site plan submitted by the Applicant prepared by his consultant, Michael L. Priest & Associates, this shows the rear of the existing site located again off Farmington Road here in downtown Farmington, the rear building area, and the area of improvements outside that include the bioswale shown here on the site plan, the details are shown for you over on the right hand of this site plan. I'll turn it back to you, Mr. Chair, and you can turn it over to the Petitioner to explain some details. This is the rear elevation of the existing building. You see an existing exterior photo, two windows, and the mansard roof. You also see an existing interior photo as well and you'll see some details for the site improvements proposed, you'll see interior elevations inside, work being done again, that's in the existing building. But then you'll see the new exterior elevation with replacement of the two windows to the new exterior elevation and the new window configuration you see here on this elevation plan. Also attached and I have two different copies so I included them with the staff packet, this is the proposed rear elevation, finished elevation with the treatments on the exterior. You see some elements over the entryway, you'll see the new windows, façade, you'll also see some goose neck lighting shown here as well and again, conceptual for the rear of the building. There was a second one that was also submitted so I included that as well, it had a little bit of different color scheme, I'm not sure, I'll let the Petitioner address that with, Mr. Chairman, and the Commission.

Again, this was the material that was submitted. The city has been coordinating with the owners of this property, the former Tres Sorrell Boutique, for about two years or so, modifications to that business for The Apothecary, some modifications that included demolition of the inside of the existing unit and repurpose of the existing inside area for the Apothecary. So that includes some build out and some changes, both at demolition and the new interior work have been reviewed and permits have been issued. So, it's been approved and permits have been issued and that work has been ongoing. This work before you this evening is proposed enhancements to the exterior which requires the review and approval of the Planning Commission, site plan application and review, so that the façade modifications with the windows and what you're seeing here and also improvements to the outside area that is shown on the site plan as well. With that, Mr.

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Chairman, I'll turn it back over to you and again, the Applicant is here to present the site plan application this evening.

Vice Chairman Perrot invited the Applicant to the podium.

Miguel Williams came to the podium stating that he is currently a member of the DDA Board as well as a member of the DDA Design Committee with your fellow member Ken and as Mr. Christiansen explained for the last two years we've been undergoing some developments at our property at 23366 Farmington Road and hopefully this will give you a nice glimpse of what we're planning for the future here. So, as far as the materials in front of you go, we've been in contact with OHM, the city's engineers, regarding these plans themselves and I know some concerns have been brought forward by the Design Committee. We are currently working with OHM to work those solutions into place here. As far as the questions go that the Design Committee had on Thursday, those questions are being addressed on an engineering standpoint as we speak.

Another concern that was raised by the Design Committee on Thursday was a lack of exterior elevations and just overall detail. So we worked with an engineer over the weekend to provide more details for the exterior. We are proposing a full paint color change to the exterior bricks and we have a paint swatch as well to be an antique white color. So, we are proposing the exterior bricks be changed to that antique white color as well as expansion of that existing window and hopefully this will give a more concise image of what we're proposing here. And all of the confusion involving the following image on the screen, this image was only supposed to show the proposed color, so I'm hoping this updated version will give you a better idea of that. But otherwise, again, I hope this handout will give you a better idea of what we're hoping to do there. And I also brought along my general contractor Mario to answer any more technical questions that I may not be suited.

Vice Chairman Perrot opened the floor for questions and/or comments from the Commission.

Commissioner Crutcher asked the exact scope of work is in regard to the exterior portion and Miguel replied the scope is to paint the exterior, extend the existing windows and implement a courtyard patio. Crutcher asked if the wall was part of the patio and Miguel replied the wall you see is currently existing and they're hoping to adjust it with some engineering to help facilitate the drainage so that may be a question Mario may be better suited to answer but it is part of the scope here to adjust the boundaries of the wall. Crutcher asked if there were samples of the materials for the patio and Christiansen replied he sent everything that was submitted. Miguel then stated he had sample patterns in book and provided it to the Commission. Crutcher asked if the wall had always been there and Miguel replied the wall follows the previous curb line that was in the landscaping

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there so the wall was not always present, but the boundaries of the wall have always been there and the purposes of the wall currently, are not retaining, there's nothing structural involved in the foundation of that wall, it's strictly esthetic currently, so it's not serving any sort of boundary keeping purpose, it's not stopping water, it's not retaining land flow or land fall, it's currently esthetic. Crutcher stated that they need to see details of that. He then asked regarding the site plan, is that the current or the proposed layout for the wall and Miguel replied this is the proposed layout for the wall, so currently the north and south boundaries of the wall, these are in place. So, we're proposing that this current boundary to the east is private property and it's about 10 feet westward. Crutcher said the property line, the wall is on your neighbor's property and Miguel replied that was brought up at the Design Committee Meeting, that it's a question of the property boundary, that what is shown is not what is existing and that is something we are working out with OHM and our engineer currently to see where in translation that was lost, so that is being addressed.

Joe Williams came to the podium to ask how the property line was determined and Crutcher replied it's on the drawing and further discussion was held.

Mario Gargaro, general contractor, Gargaro Construction, came to the podium to say that the current property line, the building itself steps in a foot, so I'm not certain how Priest came up with that. He said I don't think the property line should be an issue, we will work that out.

Crutcher stated part of the information we want to be reviewing here, what your property site plan actually, where the wall is actually going to go and what exactly is it going to be made of, what it actually is going to look like.

Gargaro replied the new wall will be the exact same as the existing wall, it's just going to be removed and bumped out to include bioswales which will be somewhat like a French drain, described there, that's going to capture some of the water that will be draining from the front obviously into these two bioswales. This buffer here is meant to capture any water running towards there as well. We have confirmed no roof water, there's no curb gutters out there that will be draining into this portion here, it all drains off the north side of the building. So this wall would be whatever surface water is in that general area.

Crutcher asked if there would be drainage connected to that system and Gargaro replied that is not the plan. The way we engineered this initially was to run off, you've got a six-foot buffer here that will be either mulch or grass. From what they had previously this is the same amount of nonporous surface with a lot more green space to capture some of the water. Before most of it was asphalt and concrete, so this actually adds to the green space.

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Crutcher then said so it's still in process and Gargaro replied from what we understood they were going to try and come to an agreement between OHM and their engineer and they were hoping to get some sort of approval with the thought that the engineers would come to an agreement what's proper for drainage.

Miguel stated OHM and their engineers have been in constant contact and OHM has assured us and Mr. Christiansen as well, that so long as they approve a plan there shouldn't be any engineering issues and they have nothing but confidence in continuing to work with our engineers so were assured the engineering aspect is checked for lack of a better term.

Commissioner Westendorf stated currently the building is red brick, are you planning on painting all three sides of the building, just the back, the north, Farmington Road, from the photo it looks like you're painting two sides of the building and Miguel replied yes, that's correct. He stated currently there's a siding divider on the north side of the building, so we would be painting up to that siding divider. The west side of the building, the Farmington Road facing, the side will remain red brick, that's sort of colonial style.

Westendorf stated it also looks like there's an elevation change, a step down into this little plaza area and Miguel replied that is existing currently, that wasn't part of any new construction and that the drainage is being addressed in the new streetscape plans.

Joe Williams stated I've owned the property since 2007, and the step down has always been there, and the grade has always been there, we've had absolutely no problems with water flow, with planing or anything along those lines with concrete before and we're going to add some softer, more absorbing material but the steps have been there for probably thirty, forty years.

Commissioner Kmetzo stated there's been a lot of discussion about your engineering and OHM and going back and forth, so what is the anticipated completion or agreement of all of these engineering changes or proposals.

Gargaro replied we're hoping to get this started as soon as possible, we'd like to get the business operating, they can't open obviously without some sort of a walkway from the parking lot to the front door, so we submitted these plans and are working side by side with OHM and Matt Parks, we were planning on sitting down tomorrow to hash out some of these grades and just to ensure drainage and that water is retained on this property and not spilling over. Our hope was to at least get some sort of approval on the brick paver portions so that we have some sort of walkway into the business. One of the things, these bioswales and this buffer are all new, prior to this it was all concrete and asphalt or a lot more was concrete and asphalt and as Dr. Williams mentioned, he had no issues of flooding prior to with all this additional green space, these two bioswales and the six-foot

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buffer between this business and Mimosa I think they've actually added some insurance to flooding more than anything.

Westendorf asked about ADA access to this space and Gargaro replied there won't be any this is all one level and there are no barrier free requirements.

Kmetzo asked Christiansen since there are no recommendations made by the DDA in their meeting, is there a plan or a need to go back to the DDA with the recommendations and the final site plan?

Christiansen replied the city's zoning ordinance requires that any site plan application that's submitted for any property in the downtown go to the Downtown Development Authority Design Committee for their review and recommendation and that process then has been initiated, they did not make a recommendation at their last meeting, they need to act in some form as a matter of their responsibilities, however, that does not negate your action, you can always condition your action, have your action if there is consideration to do that, contingent with their recommendation whenever that would be made, that's not unprecedented, that's been done before. But again, they have a responsibility under the zoning ordinance to review and make a recommendation. The Planning Commission has the responsibility for this kind of site plan application to consider that recommendation if and when it's made, then to act on the site plan, it's the Planning Commission's responsibility for the site plan, the Planning Commission can go ahead and require any conditions that they feel are necessary in order to implement any site plan. So, maybe just per your information to help you as I mentioned earlier with the conversion of this space from the retail boutique that it has been for a number of years to the Apothecary which is a coffee shop and will have food and beverage to a certain extent. There was plans required for the demolition which were prepared and submitted, reviewed, those plans were approved for the demo and then the permits were issued and that work has been ongoing so that has been taking place and took place. The second step then was plans for the build out of the interior, so the repurpose of the interior from retail to a coffee shop and those plans were prepared, they were submitted, they were reviewed, they were approved and they were permitted. Oakland County is also required to be involved because it's food and beverage so that is also part of the process for the interior. The third step now is the exterior building façade which requires a site plan application as I indicated earlier and that's what's before you this evening, a site plan application, the exterior façade modifications, the building painting, the windows and whatever elements are going to be modified on the outside, those are required for the DDA Design Committee's consideration and recommendation and the Planning Commission's action approval for that to take place. So, subsequent then to that it will require construction plans for that work and that will then have to be reviewed and approved and permitted. The fourth thing is then the site improvements and the site improvements which are shown on the plans here are for the wall, for the repurpose of

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the existing outdoor area at the rear, the bioswales and also you just received some patterns for hard surface, hardscape, that then the exterior outdoor improvements again, the DDA is to consider and make a recommendation to the Planning Commission. Subsequent to that then for the outdoor area enhancements, the construction plans needed to be submitted for that, that's also going to include engineering plans because we're dealing with stormwater management and we just talked about that and we're trying to get a handle on that between the city's engineers, OHM Advisors and the property owner, Applicant's engineers which is Michael L. Priest & Associates and they've been working on that and in fact they've got a meeting scheduled to continue that tomorrow, that's for the construction plans and the engineering plans that are required for that area. And so subsequent to your action on the façade modification and the outdoor area, that has to take place, engineering plans have to be approved by the city's engineering department and the construction plans for that outdoor area and permits need to be reviewed and issued through the building process. And so once that is done then the façade modifications if again recommended, approved, and then plans submitted for approved and permitted and the same thing for the outdoor area including engineering plans for that, so all that construction can take place on the façade and in the outdoor area. So, that's the fourth step, these are the works in progress. The engineering and the building responsibilities are separate from your consideration of a façade and the outdoor area plans for that, that's the details then subsequent to your actions which have been ongoing because it all works together and everyone is trying to get a handle because you've got an older building, and you've got a site that's been in its existing configuration with its construction and its stormwater management for a long time. And now that all that is being changed, what's interesting is that part of this whole project, too, is kind of overlapping with Farmington Road Streetscape, so engineering has been ongoing for the Streetscape which also involves this property but not only to what's going here individually for the transition of this property to something else. So, it's kind of interesting, there's been a little bit of a crossover so the engineering has been ongoing, but I think the engineers are pretty close to working that out as far as the stormwater management goes. And again, subject to approvals by you, then there's the building permit process.

Miguel asked to clarify as well the recommendation of the DDA Design Committee is independent of this Commission's decision, correct, so what is now before the Design Committee does not affect, yes or no?

Christiansen replied it's their charge and they make their recommendation based upon the plans submitted and handing that off to the Planning Commission for their consideration and it's up to the Planning Commission on how they handle that in their consideration of site plan application.

Miguel said that is a correct understanding then, they are two independent, and Christiansen replied independent but as I just indicated all these things work together,

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you can't have one without the other. So, with the streetscape and all the drainage improvements and everything else and the rear improvements, let along what's going on with the building and all, ends up working hand in hand.

Miguel said but theoretically, to put it in layman's terms here, what comes down from the Design Committee does not necessarily equate to what comes down to the Planning Commission, is that right and Christiansen replied I would ask the City Attorney on that one.

City Attorney Saarela stated with the zoning you have to have site plan review and if the site plan meets the zoning ordinance requirements, it shall be approved. So, if the DDA Design Committee chooses not to make a recommendation, yet the plan still meets the zoning ordinance requirements, it shall be approved. So, in that way, it is independent. However, our zoning ordinance does require them to make a recommendation at some time.

Miguel stated I think that answers my question, they need to make a recommendation and Saarela replied they do and that is intended to be helpful to the Planning Commission as to whether or not the DDA likes it, however there are some statutory standards with respect to site plan approval and if the site plan meets the zoning ordinance it must be approved.

Perrot stated I have a question for Mr. Christiansen. Typically when we get a presentation like this, we already have the letter from OHM advocating on our behalf with their recommendation and Christiansen replied if it necessitates that but this type of site plan was not one that was vetted by OHM in preparation for your consideration of the façade modifications and the outdoor improvements. Their work is with respect to the construction part of it, so they're not at this point doing a detailed engineering review that is for the Planning Commission's consideration, that's a matter of construction. So, they're doing it for that purpose and in accordance with all the other drainage improvements and in accordance with the streetscape. So for the rear area here they're working as a matter of what's going to have to be what's put together and applied for, to do any construction and subsequent to the Planning Commission's action should you so choose approving the site plan for the façade modifications and the site improvements, that's when the detailed engineering plans need to be prepared and submitted and construction plans need to be prepared and submitted and permits issued at that point.

Miguel said OHM has confirmed they will be going through those reviews, correct, and Christiansen replied they have been working with Mr. Evan Priest for quite a period of time right now and Miguel said there is confidence they will be completed on OHM's part and Christiansen replied again, the engineering plans will be submitted by your engineer, working with OHM so they can be in agreement on what those plans should include and

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then those plans prepared by your engineer will be reviewed and approved by OHM and added to the construction documents that will be considered for the building permits and all of that will be permitted and once that is done then construction can commence. I hope that answers your question, Mr. Chair.

Gargaro said I think most importantly if at all possible some of these other items will really not hold them up on opening, we're close on the interior build out, there's really nothing inside of this general area right now, it's all just compacted gravel, It would be tough to get opened without some sort of hardscape in place. The thought here what we hoped to do is just get approval on the hardscape portion if at all possible outside and independent of some of those other building, you know the window, and some of the other façade modifications we're talking about. I think most importantly and to a bigger degree is to get this hardscape area addressed so that we can at least get started with the plan and get materials on site. As long as OHM approves the drainage and works through with Priest & Associates, that was the thought.

Christiansen stated this application involves a couple different elements. It includes both the façade and the outdoor site area enhancement, that's what the application is, that's what you have before you, those are the two elements for your consideration. And as far as details as to how that construction takes place, what permits are required, what construction materials, documents, etc., what the engineering needs to involve, and what those engineering plans need to be subsequent to your consideration if there is support and approval of the site plan it can move forward with construction and engineering planning but that's where that's at right now as far as being able to address an immediacy and it rests with you, this site plan application first before anything else can be finalized which includes engineering and construction, again, subsequent to action from the Planning Commission, from you, and you were speculatively to approve this application, whatever those conditions might be and those conditions then certainly accompanying that approval will be followed whatever they are, whether it would be to include any consideration and support for this application a review and recommendation of the DDA Design Committee as a condition, to also require that any required engineering plans to be prepared and submitted and then any construction plans, any required construction plans to be prepared and submitted and all engineering and construction to be permitted, if those are things you would think about, that you've been talking about, that you would want to indicate as conditions and in any support or motion of approval and again I would defer to the City Attorney if she has anything different than that.

Miguel said I think this is a question for the attorney but I do think that a lot of the things we've been talking about are contingent upon OHM's completion of what they've offered to do and Christiansen replied they don't offer to do anything, that's their contract with the city. They're required to review any engineering issues that are brought to them by the city in the city's interest of the public's health, safety, welfare, so they are charged with

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doing that, so they'll review any engineering issues if they need to. It's typical what this body then hands off to them anything from a construction standpoint, anything with the building, etc., as is our process is through construction plans and review and approval and permit process, so all that is pretty much understood and typical and is a matter of course. Again, the responsibility of the Planning Commission is consideration of the site plan application, the site plan for the façade modifications and then the enhancements or improvements to the outdoor area.

Attorney Saarela clarified that the engineering plan review, its approval doesn't need to be conditioned on that because it is automatically part of the zoning ordinance and comes under Section 35-153 of procedure for site plan review.

Gargaro stated what we were hoping for is almost an approval contingent upon a lot of these OHM pieces and Saarela replied that doesn't need to be with that, you won't get a permit to move forward unless the engineering plans are approved. But that is automatically a separate thing that happens after this. Gargaro then asked if we get engineering approval it does not need to go back to the board again because I think the next meeting is July 11th and Saarela replied no, it does not, this Planning Commission does not review engineering plans and construction plans, they review the site plan.

Christiansen stated the only reason I made comment so such conditions such as required engineering plans, it's not unprecedented, you can do that, it's been something that the Commission has done before and your required construction plans and all required permits, again, that's just information.

Attorney Saarela said even if it is not a condition, it would be a condition regardless because it is in the ordinance.

Crutcher clarified that they are before the Commission for façade and site work and you've presented information where we can review the façade, but you haven't really presented enough information for us to review the site. So, there's a couple drawings and what you said, but none of it all kind of coordinates with each other, so in terms of where the wall is, where the property line is, what's going on with the steps, how are you getting in and out and Gargaro replied that is some of the stuff that will be coming from the engineers and if there's anything more specific, I can address it, we have no problem with that. The wall itself is a sitting wall, it sits maybe 18 inches, maybe 22 inches off the ground, a very small sitting wall.

Crutcher asked if the wall is something that needs to be brought before the Planning Commission and Christiansen replied if it's part of the outdoor improvements, yes, that's why it's shown on your plan right here, so that's part of the whole outdoor enhancements. Crutcher then asked if the existing wall is that part of the previous thing we talked about

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and Christiansen replied no, it was never brought before you before tonight for either the building façade or any outside enhancements or improvements and Crutcher said so that wall was built without permits and Miguel replied we were given poor information a year and a half ago and we have made the adjustments accordingly and we are here today to fix it and moving forward here. So, we operated on bad info and we're here trying to fix it and further discussion was held. Crutcher said we may see enough for the façade and how you're going to be changing the color and the windows, we understand that part of it, but the site in terms of the patio and whatever you're doing on the site, I'm still not clear what exactly is going where, I don't think there's enough information to understand what you're doing, you know where the wall is, where the property line is, where the steps are. Miguel asked is that specifically like materials and Crutcher replied specifically materials, patterns, the details of the wall, the details of the paving you're going to put in, specifically where the wall is going to go, specifically where the parking is relative to the property line, relative to the building, relative to the steps, relative to the sidewalk. Gargaro stated it's spelled out right here and Crutcher replied actually it is not, you haven't shown us a plan on what you're planning to do, a site plan that shows where things are going to be on the site and that plan does not reflect this wall.

Miguel stated I apologize for the miscommunication on my part, this handout was submitted to show only the paint color and the window elevation, so this is not an accurate depiction of the landscaping, nor should it be taken as such and I apologize for my lack of communication on that one, but this handout is purely for those purposes, not for showing the finished product, the landscaping.

Crutcher said so you can appreciate my confusion when I see this picture and that picture and then there's something that's built on the site that's not either one of them, so I don't have enough here to consider the site plan.

Perrot said this kind of illustrates parking space, wall, landscaping, but then when you look at the drawing that was in the packet, it shows the nice bordered wall but there's a paver patio area and we're trying to tie everything together to get a better understanding.

Miguel replied that he thought those questions would be answered in the updated engineering plans, so it was my understanding those would be incorporated into the updated engineering and Crutcher stated this is something you do before you get to engineering and Miguel asked can it be incorporated afterwards and Crutcher replied it's what we're here to review. Gargaro asked what if the wall was removed and we just went back to basically the same type of nonporous surface that was existing, I think obviously we're trying to beautify the property, there's probably going to be much less nonporous surface than what is existing and there's a lot more drainage. If the wall is the concern, we can hold off on the wall portion until further approval and Crutcher replied you'll have

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to show us a plan, it's going to be hard to move forward without that information and further discussion was held.

Miguel stated for clarification you need to see exact drawings of the wall, correct, even though it is esthetic and Crutcher replied there's a checklist of information that must be submitted with a site plan, that's the information we're looking for, so a plan that shows what you plan to do.

Saarela stated just to clarify if you're doing a building in the Central Business District there is a list of standards and some of those are building design standards, under Section 35-105 of the zoning ordinance, there's a list of standards that are considered when a site plan is being reviewed for the Central Business District, nonresidential developments, and these are standards typically commented on by the DDA Design Committee.

Gargaro asked if the wall is removed and we go back to a nonporous surface for the walkway, things that can be hashed out through the engineers, and Crutcher replied then you would show us the details for the nonporous surface you're going to use and Gargaro asked then we'd have to come back July 11th, there's no way to push that through, that's the next time to get that in front of you and Perrot replied that is the next meeting.

Joe Williams, Applicant, stated we are just trying to beautify and I think it's pretty clear that this makes a heck of a lot of sense and so if we get a list of categories, we can go through them, we have everything and all we need is some minds that are creative and want to help the downtown area and beautify the area, it's a wonderful town we live in and I think all of us pay taxes and I would pay more taxes to beautify the area. But in the meantime I don't think that being petty, and I'm sorry, I'm a little different level of speaker than my sons, I think I taught them well, but I think this is very petty and upsetting. I'm not here to make a friend, I'm here to help our community, don't you want to make it beautiful, do you live in Farmington and Crutcher replied we all do. Joe Williams asked what is not clear on this rendering that you don't understand and Crutcher replied the site plan that you show doesn't reflect this image you've presented of the wall or the site and Joe Williams replied that is context for the rendering of the big window we're going to put in, it's only that window, and hopefully you can get beyond it.

Crutcher stated we can all imagine what we want there, but I think the purpose of coming before the Planning Commission is that you're going to present an image and illustration, something that describes what it is you're going to do so that we can all understand and further discussion was held.

Gargaro stated I can understand the wall part completely, so if that is something that needs to be addressed and maybe brought forward at the July 11th meeting, it is completely understood. As far as the rest of the hardscape, again, it's removing or

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replacing the same type of nonporous surface that was there existing, to hold up their opening for something along these lines is a bit ridiculous to me. If we could remove the wall for the meantime and have it redrawn and represented and in the meantime would you allow us to move forward with the brick pavers to get them open? Again, it's the same area and it's something the engineers can confirm, that they're removing and replacing the same amount of nonporous surface, the drainage would be almost even if not better.

Crutcher stated I can't answer whether I like it or not and Gargaro asked is that something we'd be able to move forward with and Crutcher replied I don't know, I can't see what you're presenting. Gargaro then asked if the engineers can hash this out between the two of them just in regard to the nonporous area being installed, brick pavers, concrete removed, brick pavers installed, walkway installed from the parking lot.

Vice Chairperson Perrot stated I think we're at a point where we have what's in front of us, we have swatches and we have some images and some materials and some pavers and stuff like that, we have what's in the staff packet, we have what's in the 35-105 like Beth had said, what are the standards that are basically the minimum information that is presented for Central Business District properties and developments. If there's any additional questions from Commissioners for the Petitioners, unless the Petitioners have additional information for us, we're at a point where it's up to us to decide if we're comfortable with this to proceed, if we're going to table it until July, if we have additional items that we'd like to see before we would be able to go, something along those lines, or we can make a lot of different motions. I understand the frustration and the difficulty in dealing with the city, we do this every month, but I think we're at a point where we've been talking about this for almost an hour and we're at a point where and obviously this isn't a part of your every day, so we're at a point where it's back to us unless you have additional information for us right now to decide how we're to act essentially going forward.

Miguel asked City Attorney Saarela where to find the checklist needed for his project and she responded it's in the Zoning Ordinance, Chapter 35, 35-105, there's a list of elements that are being considered. Miguel then said so our submission should have hit those boxes before it was placed on the agenda and Saarela replied correct, you have to make sure your site plan meets the standards.

Commissioner Kmetzo stated before a motion is made I would like to make two comments. One, is the DDA did not come up with any recommendations, they did in the last bullet say "that the Committee recommends going through the checklist for site plan approval and having all materials ready for the Planning Commission." I think we can agree that not all of the materials were provided to use for review this evening. And secondly, I also want to make a comment, doctor, that we are all residents of Farmington and we are all interested and worked towards the goal of the beautification and the

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success of the city and so it is now we as a Planning Commission have also certain rules and qualifications and guidance that we have to follow in order to make a decision or a motion of what is going to be approved or not approved as presented. So, it was a little disheartening to think that we are not here and that we don't have a love for this city based on the comments. We just want to make clear that we have our guidance and we have our own rules and we will make the motion which we think is appropriate for what is being presented to us.

Joe Williams thanked Kmetzo for her comments and apologized, saying I didn't want to ruffle anyone's feathers, disrespect anyone at all, but we all pay our taxes and some of us pay more of our fair share of taxes and I'd rather pay more taxes, quite frankly, to beautify your town. I don't mind doing that and that's what's happening when we beautify our building, it beautifies everybody's ambience and it makes people enjoy the downtown area that much more. However, let's say it comes down to July and Miriam, you're not satisfied, I kind of upset you and you're voting down and this goes to August, then what's the other recourse that we have, Kevin, what would be the last recourse and Christiansen deferred to the City Attorney for the answer.

Saarela stated if your present with everything possible and you meet all the standards of the zoning ordinance including recommendations of the DDA Design Committee, the Planning Commission is required to approve a site plan, it's not a discretionary approval. But if you meet all the standards and you show that you meet all the standards, then the site plan has to be approved.

Joe Williams asked what recourse and stated it's been two years and as you can see kind of expensive and Saarela stated it depends the reason why, you have to see why it wasn't approved and the Planning Commission found you didn't meet one of the standards, then you could apply to the ZBA and Joe Williams asked then what's the next step. Saarela replied it just depends what the reason is for the non approval, you're asking me to speculate what the next step is but we have to have approval of a site plan at this point, as far as missing information, you provide it and we'll go from there.

Miguel asked what resources are available and Saarela replied Mr. Christiansen and he then asked if there are formal avenues for that, correct, especially in regard to site plan where we would meet and review and make sure we're checking the boxes before arriving in front of you folks.

Crutcher stated that I'm sure your architect should also help get you through the process in terms of putting together the package for a site plan.

Gargaro stated that typically just for a nonporous surface if we could have the two engineers hash it out, it seems like that would be a pretty simple process and maybe not

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have to be brought back up a month from now in order to help these folks out a bit, you know, to get open, is how I see it, but understood.

Vice Chairperson Perrot called for a motion from the Commissioners.

MOTION by Kmetzo, supported by Westendorf, to move to approve the site plan amendment and façade modifications of The Apothecary located at 23366 Farmington Road, on the condition of one, the recommendation is made by the DDA; two, agreement and approval by OHM of all engineering requirements and plans for proper construction; and three, review and approval and permitted by the City of Farmington of all building permits necessary to commence any enhancements.

A roll call vote was taken on the foregoing motion by Kmetzo, supported by Westendorf, with the following result:

AYES: Kmetzo, Mantey, Perrot, Westendorf

NAYS: Crutcher.

Motion carried, 4-1.

Perrot thanked the Petitioners.

UPDATE – CURRENT DEVELOPMENT PROJECTS

Director Christiansen updated the ongoing projects in the City, with Savvy Sliders moving forward, the gas station as well at Nine and Farmington which is one of the five focus areas included in the Master Plan.

Other updates included the repurpose of the Brixmore parking lot, the Streetscape, the Farmington State Savings Bank with a predicted completion date of July 1, the Maxwell Training Center, the old Panera/new Farmington Grill now open, and Liberty Hill having its last available sites. The Grand River Corridor Improvement Authority has been very active, working on RFQ for sale of Cassel Dental and repurpose of that as well, and Page's having new owner, Jill's Pharmacy moving into Joe's Barber and now The Apothecary and it's a busy time in the city and thanked the Commission.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENT

None heard.

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ADJOURNMENT

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

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Secretary