

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
June 12, 2023

Chairperson Majoros called the meeting to order in Council Chambers, 23600 Liberty Street, Farmington, Michigan, at 7:00 p.m. on Monday, June 12, 2023

ROLL CALL

Present: Crutcher, Majoros, Mantey, Perrot, Westendorf, Waun
Absent: Kmetzo

A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Kevin Christiansen; Recording Secretary Bonnie Murphy, Brian Belesky, Director of Media Specialist

APPROVAL OF AGENDA

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

APPROVAL OF ITEMS ON CONSENT AGENDA

A. May 8, 2023 Minutes

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

SITE PLAN REVIEW – WORLD WIDE CENTER, 34701-34805 GRAND RIVER AVENUE

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

Director Christiansen stated the Applicant is proposing changes to the existing commercial site at the World Wide Shopping Center. The proposed changes include replacement of a portion of the existing damaged masonry screen retaining wall located along the west lot line of the existing shopping center site. No changes regarding building dimensions or other site improvement are proposed. The existing commercial property is zone C-2, Community Commercial. The Applicant has submitted the site plan for the proposed changes including plans and details including a 6-foot high combination vinyl fence and wall, intended to be repaired and replaced along the west property boundary. A copy of the plans and support materials were attached with the application and included in your packet with your staff report.

What is shown here on the aerial photo on the screen is the World Wide Shopping Center, it is located on the south side of Grand River at Whitaker, it is a shopping center property with one building consisting of multiple units and was built in three phases in 1971, 1973 and the 1974, successively from east to west. You'll see the parking field that is out front of the shopping center building. You may recall that the center underwent an extensive renovation with the approval by the Planning Commission of the satellite building in the parking lot for Tropical Smoothie. And that also included modifications to the existing building. There was repair, restoration of the roof, basically a new roof that was part of that site plan approved, there were façade modifications in the entire center and also then improvements on site, not just the building which is a brand new building on the east end of the site and that's out in front of the Chinese Mercantile and several units there and Tweeny's. Other items that were part of that were new parking lot lighting, new landscaping, resurfacing and restriping of the parking lot and some other site elements that again enhanced the existing shopping center site.

The issue this evening is the west wall, that west wall is a wall that was built with the third phase which was the last phase in 1974 and that masonry wall was in place since that time. Unfortunately that wall was damaged, it had a circumstance then with some cracks a period of time ago and the City working with the owner of the shopping center, Barbat Holdings, is looking to have that damaged wall repaired. The Applicant/Petitioner is seeking through site plan application and your review and consideration to replace that wall in part with a combination of masonry material and also some vinyl fencing. And those materials showing that wall as proposed by the Applicant with their site plan is in your packet. This is the wall location on the west wall between the World Wide Center and Chatham Hills Apartments. This is the site plan packet that was submitted and this is the wall as proposed, the combination of masonry and the vinyl fencing submitted in the application by the Petitioner. With that, Mr. Chairman, I will turn it back over to you. The Applicant, Mr. John Moran, with Barbat Holdings is here in attendance this evening.

Chairperson Majoros thanked Christiansen and invited the Applicant to the podium.

John Moran, Barbat Holdings, came to the podium. He stated Kevin did a nice job explaining the intent here and asked the Commissioners if they had direct questions as to what is being proposed.

Majoros asked if any of the brick wall is retaining, is the brick all new, if we went along here to understand what's new versus what remains, etc.

Moran replied the vinyl would be new and the retaining portion remains so there would be some masonry veneer that would be brought back against the existing concrete block. The retaining portions, I'll break it up into two things, you have the wall portion which

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would be from the retaining wall up and then you have existing retaining that we've had discussions with Jeff on whether that's theirs or not, but in any event the vinyl fence that we're proposing will be on our side of the property. The existing footing for the retaining portion is on the property line so there's like a brick wedge on the low side which is the apartment complex, it will carry the masonry brick veneer and that will be brought back to the retaining portion. And then you can see by the profile section that the fence post was vinyl and the vinyl matches the existing apartment complexes white vinyl fence so we're going to continue that along. So, any portion of the fence that you see on this profile is new and does require some masonry repair and we have additional demolition from what's existing now for part of the wall that's there that has not fallen over, for safety reasons we're going to demo that and vinyl fence will continue on to the front part of the property, we'll still have the remaining brick masonry wall on top of the retaining wall. So the combination of masonry brick wall, concrete block, retaining portion and the vinyl fence which will be on our side.

Commissioner Crutcher asked how much of the brick wall is going to be kept in the front and Moran answered he believes it's 60 plus feet.

Christiansen stated if you look at the drawing that's up on screen and in your packet, the first overall elevation on which is sheet A 1.0, shows the entire west property line wall from Grand River sixty feet to the south or in is to be maintained, no work on this section of wall and that says that on the plan. That's 60 feet. After that you have 190 additional lineal feet, 126 feet of that 190, from what is going to be kept. What is going to be kept is 60, the next 126 they're going to remove the top portion of the wall and keep the bottom portion of wall and put the vinyl fencing on top. After that 126 feet, so now you're in 186 feet to the south, the remaining 64 feet, all brick is going to be removed, this is in the damaged portion and new or reclaimed brick to match the existing and cap is going to be installed as well as in the vinyl fence. So you're going to end up with no work in the first 60, and then a combination of masonry and vinyl fencing for the next 190 lineal feet.

Majoros said so this is all looking east so this is if we're standing in the property of the apartment complex and Christiansen replied that is correct. Majoros stated what he was looking for was a west view, so what does it look like from the parking lot, is the vinyl fence on top of the brick?

Moran replied you'll probably be looking at just the fence because the retaining portion is on the low side so when you're looking east you'll see what looks like the brick base and then the fence built on top of the retaining masonry wall.

Majoros stated I guess my question is the fence on top of the wall or is the fence in front of the brick? So if I'm in the parking lot of the World Wide Center looking back towards

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the apartment, am I seeing 6 feet of white and Moran replied yes. Majoros stated so the brick is only exposed on the apartment side except for that

Moran replied essentially what you're going to see is a full section of white fence on the World Wide side; on the apartment side you'll see a full section of fence on top of the masonry base.

Christiansen stated if you look at your proposed wall section, the cross section that's on this sheet, you'll see that if you were to be on if you're looking at it from the west side, that's the World Wide Center property and looking to the west as Mr. Moran is indicating, if you look at that, you are on the west side of it looking back at it, so looking from east to west you'll see just fence. If you're on the apartment side you're going to see that in that cross section you have a footing and foundation that's about 3.5 feet down below grade. On top of that then you have and it says buried, maybe 2 feet or so of brick, and that's what you're going to see, that exposed brick from that apartment side looking back east.

Moran stated he would show grade from the World Wide Center side and then from the apartment side. So, looking at this you'll see the profile of this center. On the low side this is grade and you'd be looking at the full fence plus the retaining portion here.

Majoros asked about the height from the apartment side grade to the top of the fence is approximately how much and Christiansen replied with the foot at 6-feet, it's probably another foot or so, it varies.

Moran stated it varies but he would say between 9 and 10. Majoros said 9 to 10 feet total inclusive of the brick and what you see of the new proposed World Wide on the other side.

Crutcher said my question was more to how long, if the property is 250 feet deep, how much of that brick is going to remain on the 250 feet. Moran replied on the front it was 60. Christiansen said on the front you've got 60, no work. You've got 126 combination existing brick and fence on top, they're going to remove about 4 feet or more of that down. Then the remaining 64 feet, that's all damaged right there, that's going to be new brick to match and fencing on top, so you're going to have about 190 lineal feet that will be the combination. Crutcher then asked where is the front of the building relative to the change in material and Christiansen replied it's about where the damage to the wall is, it's a little bit back. Crutcher then said so part of the white fence will be in front of the building and Christiansen replied 126 feet. Crutcher stated where cars can bump into it. Christiansen said no, there's actually a curb and a landscape bed, if you look at the aerial photograph again, the asphalt ends right there, and you've got a rock garden, rocks and then trees.

Crutcher asked what caused the damage to the wall in the first place, was it time or did something hit it and Moran replied it's not definitive, he thinks a truck hit it and it decayed

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over time, there are deliveries back there. The fence that we're proposing would withstand a hit much better than a masonry wall.

Perrot said going from masonry to vinyl, aside from cost, is this a preference of the owner because a big part of our responsibility is esthetics and how it changes to an area, whether it's a neighborhood, it's a business, it's residential, whatever it is, is how it affects the surrounding area. So this is a huge change to what has been existing since the '70s, early to mid '70s. Aside from cost, is that really the root cause of putting up a massive white vinyl fence?

Moran replied cost is always a consideration part of the equation but the other part is it kind of gets us away from a boundary dispute about the responsibility of the wall. And we had a hearing and our response is the site plan to a civil infraction that was imposed. Our position is that there should be sharing with the adjacent property owner, I think this mitigates that in terms of what the economics are going to be that we are in dispute over. Because the wall is built on the property line and the profile of that wall shows the low side brick masonry on the west, that's on the property. So our position is that should have been built back by them. But in any event you can give weight to the factors, cost is a factor, esthetics, we do like the esthetics, it continues the fence line that's existing for the apartment complex that has already a white vinyl fence, so we're continuing an existing use of a white vinyl fence, not at another location, at this location that's already in place, we're continuing that on.

Majoros asked where is the white vinyl fence that the neighboring property and Moran replied at the back corner of our property all the way running from north to south along the property line to the apartment. Majoros said it's not visible from Grand River, it's tucked into the property line and Moran replied depending on where you're at.

Perrot said just to clarify there's the boundary, there's the brick that goes around the World Wide Center, and the vinyl that you're referring to is actually further south back behind the residential properties, so in between the residential properties and the apartments and Moran replied correct. Perrot said so it's not even surrounding the World Wide Center and Moran replied correct.

Perrot stated we were involved with Tropical Smoothie coming in and there was a large amount of investment in this property including a roof and different things, and we were really happy with the way it turned out, the way Tropical Smoothie turned out and all that, so to see, unfortunately to see the brick wall to come down and it seems like this could have been addressed to match what is already really nice, was there any kind of interest, a plan to relandscape this or anything like that or is it just a matter to put the fence out there and call it good?

Moran replied we didn't address the landscape plan, you know, we could plant something along the – we can't plant on the low side, we could look at the high side on our side, there's no real landscape there to mention.

Majoros stated you were referencing property ownership, Kevin, is there a perspective from the City on anything we should know when it comes to thinking about this proposal, when it comes to ownership or any consideration we should be taking into account?

Christiansen replied per the City's records, the ownership of the property is Barbat Holdings. The original construction, '71, '73, '74, was related to the Paulson family, it was World Wide TV, again built in three phases. The center changed hands over time, there hasn't been a lot of change to this center since that time until the enhancements that I described that were part of Tropical Smoothie, so the additional building and then the other site improvements and then the façade and the roof and some other elements, signage, etc, and lighting. The ownership records of the City currently show that this entire site and I did include the plan set from 1974, this is from our archives, so this goes back again 50 years. This is Phase III as it's called in our records, so it's the western portion, this then, the rear of the units and this is the wall, the bottom two drawings, see the wall on the west lot line, that's the one we're talking about today and you have a wall on the south which is the rear which is the single family to the south and the alley is behind the building. These are the records we have today. These are the landscape standards, so these are the standards in Section 35, Article 15 of Section 35-184, you'll see design standards and landscaping is required for commercial properties, you'll note A, B, C and Item 5 specifies walls and where walls are required and the requirements for walls, A, B, C and you go down and see subsection F, that the Planning Commission can make determinations in looking for compliance with this requirement or addressing this requirement where there can be a variation of materials, that's up to the Planning Commission and this was included in your staff packet. Again, the last item in F, what it says here, building materials must be reviewed and approved by the Planning Commission, during site plan review the Planning Commission may approve the use of a privacy fence where it's determined to be more compatible with adjacent residential uses, that's the section of the ordinance you are considering this evening.

Majoros replied but before that it says walls shall be constructed of brick or other masonry material compatible with the principal structure as determined by the Planning Commission, shall be made of unpierced and reinforced poured concrete false brick design, capped brick wall, etc., cement or slide blocks shall not be permitted, so part of the debate here I suppose the compatibility with adjacent residential uses and part of that is what do most people see. My thing is most people see Grand River and they see brick structure and they see a brick wall. So there might be a white fence in this property, but

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the harmonious nature and compatibility seems more what we want most people to see who drive by and who are experiencing the World Wide plaza and not going into the residences.

Crutcher agreed, stating the white vinyl fence is probably more suited for a residential area but not on Grand River.

Perrot asked if the apartment complex had been notified and Christiansen replied no, it wasn't a requirement for public hearing, and given the circumstances it does not involve Chatham Hills Apartments.

Perrot asked if the owners of the apartment complex had been contacted and Moran replied indirectly through Jeff we've had communication whether or not there was a shared responsibility but part of the dispute is that they were hands off and did not want to accept any responsibility. Perrot then asked if they had communication with the apartment complex the fence and Moran replied no. The owners of the center made considerable investment when Tropical Smoothie came in and don't feel they are compromising esthetics at all and is consistent with the character of the apartment complex and the World Wide Center as well.

Commissioner Westendorf said if was to come in and drive around the building I'd see brick wall for 60 feet or so, what 200ish feet of vinyl fence and then brick wall again behind it and Moran replies yes, I think it ends at the corner so you'd see a section of the brick wall with the white fence.

Crutcher asked if one side of the fence will be all slats and the other side is posts and slats and Christiansen stated typical vinyl fence construction is usually posts and usually 8-foot sections and the sections are attached in the middle of the vinyl support posts.

Crutcher stated I would tend to suggest keep as much as the masonry wall as possible, having the vinyl is not something that we want along Grand River and the character of the rest of the center being masonry, the vinyl would be out of character with the center itself.

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

MOTION BY Perrot, supported by Crutcher, to make a motion to deny the application of the site plan review as submitted by World Wide Center, located at 34701-34805 Grand River Avenue as listed and spelled out based on the Petitioner's submission in our staff packet.

Majoros asked if any amendment should be made to the motion.

Christiansen replied the reasons for the denial should be included in the motion with support.

Perrot made a Friendly Amendment to the motion to read as follows:

MOTION by Perrot, supported by Crutcher, to make a motion to deny the application for site plan review for the World Wide Center, 34701-34805 Grand River Avenue, based on esthetics as discussed and not being aligned with surrounding structures and area; that the existing vinyl fencing is south of the actual property in question here, and that the ordinance that the wall was constructed under back in the 1970's specifically lists masonry in the commercial space versus vinyl white fencing which has more of a residential characteristic.

Motion carried, all ayes.

**PUBLIC HEARING – PROPOSED CITY OF FARMINGTON CODE OF ORDINANCES
TEXT AMENDMENT**

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

Christiansen stated this item is a public hearing regarding signs and would amend existing provisions of the code of ordinance signs. Appropriate Notice was sent of the Public Hearing and published indicating that certain sections of the ordinance needed to be changed in light of recent court rulings.

MOTION by Perrot, supported by Crutcher, to open the Public Hearing.

Motion carried, all ayes.

(Public Hearing opened at 7:40 p.m.)

PUBLIC HEARING

No comments heard.

MOTION by Waun, supported by Perrot to close the Public Hearing.

Motion carried, all ayes.

(Public Hearing closed at 7:40 p.m.)

MOTION by Mantey, supported by Waun, to recommend approval of the Text Amendment and forward it to City Council for their review.

Motion carried, all ayes.

UPDATE – CURRENT DEVELOPMENT PROJECTS

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

Christiansen updated the Commission on the many projects in the City that are occurring, including the opening of Farmington Road with the completion of the Streetscape, Savvy Sliders looking to open soon, Jill’s Pharmacy, the repurposing of Fitness 19 for a suite of salons, GLP looking to re-tenant their spaces, Cannelle of Farmington going into the former Kickstart space, the Maxfield Training Center obtaining preliminary approval for PUD, Drakehire Plaza and its new tenants, and the near completion of Liberty Hill as well as other projects on the horizon with a Public Hearing for Legion Square scheduled for the July Planning Commission meeting.

PUBLIC COMMENT

None heard.

PLANNING COMMISSION COMMENT

Majoros thanked Commissioner Waun and stated this is her last meeting as she is not seeking reappointment and she thanked the City for the pleasure and honor to serve her community.

Christiansen thanked Waun as well for her years of service on the Commission and knows her commitment to the City will be keep her front and center in the community.

ADJOURNMENT

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

The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Secretary