

FARMINGTON PLANNING COMMISSION PROCEEDINGS
Monday, November 22, 2010

Chairperson Gronbach called the meeting to order at 7:00 p.m. in the Farmington City Council Chambers, 23600 Liberty Street, Farmington, Michigan.

ROLL CALL

Present: Bowman, Christiansen, Crutcher, Gronbach, Scott, Sutton, Wiggins
Absent:

A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: City Manager Pastue

APPROVAL OF AGENDA

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

APPROVAL OF ITEMS ON CONSENT AGENDA

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

- Regular meeting minutes of October 11, 2010
- Acceptance of Building Department 1st Quarter Report - July 1, 2010 through September 30, 2010

Motion carried, all ayes.

Orchard PUD Amendments

- **Public Hearing**
- **Consideration to Recommend Approval of Orchard PUD Amendments**

Gronbach stated that this is a two-part item on agenda; first is a public hearing and then consideration by Planning Commission to recommend approval of amendment if appropriate. He called on City Manager Pastue to bring everyone up-to-date on what is entailed in item.

Pastue indicated that the request before the Commission is an amendment to a Planning Development Agreement for Orchard Condominiums. When agreement was originally contemplated 5 years ago, two 16-unit townhouse type developments were planned on site. The amendment proposed does two things:

1. Allow development and design of building for second unit to have flexibility but stay

within 16-unit concept but allow for changes or terms of design which would ultimately come back before Planning Commission for approval in form of site plan.

2. Allow it to be converted to phased development to allow second building.

MOTION by Christiansen, supported by Bowman to open public hearing.

Motion carried, all ayes.

PUBLIC HEARING

Public hearing was opened and Chairperson Gronbach invited interested parties to step up to microphone to make their comment.

Sandy McArthur, 33264 Slocum, Unit 13, inquired about ownership of land across from current condos.

Gronbach responded the vacant land is currently owned by current condo development.

She further inquired about the esthetics of the land and if it could be spruced up until land is developed.

Pastue responded that is a possibility down the road depending on outcome of tonight's meeting and other issues.

Carlo Tarditti, co-owner 33130 Slocum with mother, last house adjacent to day care. Agrees with previous comment and complained about maintenance of property.

Hal McLellan, 33248 Slocum, co-owner with daughter. Agrees with prior comments concerning maintenance of vacant land. Asked for further clarification on ownership and Pastue responded it is still in Farmington Development Group, of which they're part owners, but Farmington Development Group still is majority owner including building and vacant land, original developer of site. McLellan further commented that he hopes nothing is done moving forward that would be detrimental to property values.

Sara Scott, 33317 Orchard Street, house backs up against condos. Inquired of notices being posted on empty lot citing default in back taxes with a date of March 31st.

Pastue responded there may be delinquent taxes at this point in time on parcel but hadn't seen notice and indicated it might be from County treasurer.

Ms. Scott further queried about type of unit that may be built there and whether or not it would be low-income housing.

Gronbach responded that no discussion by Commission had been held regarding that but intent was to move forward with proposed change in property to try and maintain a quality development and timeframe is approaching for future development to be limited and restricted and cause a long term vacancy.

Pastue confirmed there had been no talk of subsidized housing. He further explained that if development of second building doesn't take place by state statute, is that vacant parcel would revert to sixteen owners of single building on west side.

Scott further commented on sodding vacant land until such time it is developed.

Sandy McArthur inquired as to what would happen at end of March deadline and Pastue responded he is uncertain as to what stage in the process the tax delinquency is at on parcel and hypothetically that land could go up for sale for delinquent taxes. He assured that no single family home could be constructed on parcel unless it went through Planning Commission and City Council process.

Bill Wilson, 33262 Slocum, owner/not occupant of unit questioned about turning parcel into park. Stated that eyesore is not necessarily vacant land but Day Care Building. He inquired about drawback short of revenue loss.

Pastue responded that development was done in the context of the downtown Master Plan, including additional housing, additional tax revenues generated within downtown to help with other infrastructure improvements within downtown area. The contemplation of a park probably would not have garnered the support needed to fund project but development of parcel is still vision of all.

Wilson inquired as to potential in current economic climate and Pastue responded that it would be beneficial to keep project open with the hopes of development down the road.

Wilson also suggested for plantings to be utilized to spruce up land adjacent to building.

John Varvararkis, he and wife first tenants in building, bottom unit, complained about moving of dumpster closer to his unit and noise involved with trash collection, would like dumpster moved.

Pastue responded to query from Gronbach that dumpster is not city-owned. Gronbach indicated as such, being privately owned by condo association which has contract with waste management, that that issue should be brought before condo association and not Planning Commission and city has no responsibility as it is on private property.

Varvararkis further inquired if there was a law governing dumpster placement.

Gronbach stated there are guidelines for commercial property but this is private property and an issue that must be dealt with at condo association level.

Hal McLellan, 33248 Slocum, stated he felt timing is bad for meeting as it is Thanksgiving week and people are out of town and is asking public hearing to be moved out so that more owners can attend.

Chairperson Gronbach responded that meeting was already moved out two weeks so ample notice could be given and that written comments are welcome in lieu of live attendance at same.

McLellan further stated if this is private property, who should be the determining body for outcome of land, and Gronbach responded that not being an attorney he can not respond legally but it is a part of the Planned Unit Development that was approved by the City and the City has interest in it as capital improvements were put into property.

McLellan summarized statements at hearing if owners do not feel issues are not being addressed as they feel should be, that the appropriate next step should be taken and Gronbach reiterated that tonight's meeting was to discuss consideration of a change in the way that the land is put together and that the issues raised by members present seemed to be more of maintenance matters. McLellan inquired as to what else could be at issue on vacant property other than maintenance and that is where their concerns were focused.

Pastue stated that the dumpster was part of the site plan approved for development and that for change to occur it would have to come before Commission through association and they would be open to listen.

Bill Wilson, 33262 Slocum, commented that condo development is best kept in town but problem is in vacant land next store. Land was seeded two years ago and is mowed and maintained. He himself maintains land and states owners didn't know they were allowed to do anything to it and asks if they can go forward and do so.

Pastue stated he would defer to Attorney Schultz, but as a lay person he assumed if the Commission recommends amendment and Council approves it and the Master Deed gets recorded, at that point in time the association would be limited to the 16 units on their site.

Further discussion was held concerning the upkeep of the vacant property.

Steve Schneeman, owner of the 16 nonexisting units and empty land clarified that Master Deed that is recorded for property does give developer rights to develop that extra land as they deem appropriate in accordance with the original PUD and includes provision that might be withdrawn after that period. Up until Spring 2011 it is solely under control of developer as to what gets done and when.

Gronbach thanked him for clarification.

MOTION by Christiansen, supported by Sutton to close public hearing.
Motion carried, all ayes.

Consideration to Recommend Approval of Orchard PUD Amendments

Christiansen stated charge of Planning Commission this evening is to serve in an advisory capacity to City Council on this issue and are being requested to consider an amendment to Orchard Condominium PUD plan in the agreement. A copy of original PUD agreement, 7/21/04 was included in Commission's packet, and is binding on that property, that agreement and the site plan that goes along with it which is attached Exhibit B. Commission is being asked to amend that agreement and that plan, not to change development in its entirety but to take parcel of one building 16 units and vacant portion with infrastructure and leave building with 16 units as Orchard Condominium in accordance with plan and PUD agreement and to opt out or collapse the 32-unit condominium to one building of 16 and pull out vacant portion where other 16 units were to be which would require an amendment of the PUD plan site plan approved in '04 and PUD agreement, that Commission is being asked to consider that and make a recommendation to City Council.

Pastue confirmed Christiansen's summarization.

Christiansen further stated City has Master Plan for downtown in which the Orchard Condominium PUD resides. The Master Plan for this property calls for mix of uses for this property; i.e. commercial or other uses that fit within downtown plan. There are also zoning ordinances that call for what can and can't be there. The site already has an approved plan which is binding on that property but with economic crisis there was a downturn in development and not feasible to carry out plan. There is timeline involved in plan and if deadline not met for development, the undeveloped portion will be mandated to remain as part of condominium and developed in accordance with PUD agreement and plan approved in '04. He stated developer is asking Commission to amend that plan and agreement to opt out undeveloped portion, leaving other portion as/is with no changes, or collapsing the PUD, the plan would be effected, the Master Plan would be effected, and the overall development would become a 16-unit development instead of 32 and if Commission made recommendation to Council to amend the PUD, the opted out piece then continues to be held by the owner of property, Farmington Development Group, and plans for that piece are governed by Master Plan, zoning ordinance, codes and regulations, and any plans to develop that portion would have them starting at ground zero by bringing site plan to Planning Commission, etc. and go through the process from the beginning.

On the other hand, if the Commission were not supportive to modify plan and recommendation was not made to Council, by March of 2011, the half of development not developed, would remain in perpetuity part of the whole 32, and that piece would no longer be in the interest of Farmington Development Group, but becomes part of condominium in perpetuity, and if and when it in its entirety is turned over to the Homeowners Association, the developer is done and all maintenance of buildings, grounds, infrastructure, falls on HOA, as well as taxes.

Sutton corrected one issue, that no construction of second building can occur until developer has gone through site plan process regardless, regardless of whether he's sticking with exact same unit, or any construction comes in front of Commission and is open to public comment regardless.

Pastue agreed with Sutton's statement as his one qualifier to Christiansen's comments.

Christiansen stated that any and all intent to build on that property will have to come for site plan review and reiterated choice to leave it as 16 unit two building condo with one not built and vacant or opting it out and allowing the developer some flexibility to come back at some point with something else.

Chairperson Gronbach entertained questions or comments.

Scott commented that development will be divided in two if they decide to go forward with recommendation but there is a central drive that two sites share which is private drive and inquired as to divying up of parcel as far as responsibility for same and Pastue stated the original agreement put in place a deed that City can accept and record at any point in time where that drive becomes a City right-of-way.

Pastue stated in response to query from Christiansen that there are no cross infrastructure issues other than access drive on east side of existing building that he is aware of and that the 16 unit building could stand alone.

MOTION by Christiansen, seconded by Sutton to recommend to City Council amendment of Orchard Condominium PUD Plan and Agreement in order to 1, allow the developer to modify the design of the second building so long as the building continues to have no more than 16 units, stays within the spirit and intent of the original PUD agreement and is harmonious and compatible with the existing building in terms of design, façade and location and the like, subject to approval of an amended site plan by the City; and 2, allow the project to be converted to a phased development and allow the second building to be located on a legally separate parcel, subject to review and approval of all necessary documents to accomplish that alteration by the City.
Motion carried, all ayes.

Gronbach and Pastue reminded audience members that City Council would review this at December 20th meeting and if there were any additional comments or thoughts they should be submitted in writing ahead of time or to come to meeting to be a part of that discussion.

PUBLIC COMMENT

None heard.

COMMISSION COMMENTS AND ANNOUNCEMENTS

Pastue apologized for pushing PUD issue out so far and also said as it stands there are no issues before the Commission thus far to hold a December meeting.

Wiggins stated from a Council perspective that some of the maintenance issues may come up at December 20th City Council meeting and that he would like those

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addressed as best as possible with City and owner in conjunction with the sixteen parcel owners to meet some of their concerns, i.e. dumpster, vegetation, and see if some of those can be handled unofficially and meet their needs.

Pastue indicated he would have some answers by then and Sutton stated that is a grey area where they are on the verge of asking Commission for legal advice which they are unable to render. Some issues may require legal intervention. Sutton also asked about conditions of noise ordinance as to early waste pick-up time.

MOTION by Wiggins, seconded by Scott, to adjourn the meeting.

Motion carried, all ayes.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Recording Secretary