

**VILLAGE OF FRANKLIN
PLANNING COMMISSION
Minutes of Meeting
January 19, 2011**

I. CALL TO ORDER

The regular meeting of the Village of Franklin Planning Commission was called to order by Chairman Pamela Hansen at the Franklin Village Office Building, 32325 Franklin Road, Franklin, Michigan, at 7:30 P.M.

II. ROLL CALL

Present: Al Beke, Calvin Cupidore, David Goldberg (7:32), Pam Hansen, Mary Hepler (7:33 p.m.)
Mike Heisel, Dean Moenck, Joe Roisman
Absent: Connie Ettinger, (excused)
Also Present: Planning Consultant Christopher Doozan-McKenna and Associates, Administrator Amy Sullivan, Clerk Eileen Pulker, Main Street Franklin Administrator, Vivian Carmody

III. ADOPTION OF AGENDA

Motion by Beke supported by Cupidore to approve the agenda as submitted.

Ayes: Beke, Cupidore, Hansen, Heisel, Moenck, Roisman

Absent: Ettinger, Goldberg, Hepler

Nays: None

Motion carried.

IV. ADOPTION OF MINUTES

A. Special Meeting of October 11, 2010

Motion by Roisman supported by Cupidore to approve the minutes for the special meeting of October 11, 2010, as submitted.

Ayes: Beke, Cupidore, Hansen, Heisel, Moenck, Roisman

Absent: Ettinger, Hepler, Goldberg

Nays: None

Motion carried.

B. Regular Meeting of December 15, 2010

Hansen inquired if the draft minutes incorporate the corrections submitted by Commissioners with Pulker answering in the affirmative. Moenck noted that in Section VI in the last line on the page, there should be a period after the word McKenna.

Motion by Beke supported by Cupidore to approve the minutes for the regular meeting of December 15, 2010, as amended.

Ayes: Beke, Cupidore, Goldberg, Hansen, Heisel, Moenck, Roisman

Absent: Ettinger, Hepler

Nays: None

Motion carried.

V. COUNCIL LIAISON REPORT

Sullivan advised that at Council's January 10th meeting, Council discussed 3 items of relevance to the Commission and provided a brief overview as follows: 1) In closed session with the Village Attorney, Council discussed the vacant piece of property at the corner of Inkster and Northwestern, as the property owner had contacted the Village expressing interest in developing the property as a non-residential use. Sullivan noted the property is unique being that a Consent Judgment allows non-residential development. The Commission discussed the site (location, size, ownership, retaining wall) and process with Sullivan providing input and noting Council has requested additional information, which she will provide and the property owner's next step would be to submit a site plan with Council using its discretion as to whether

it would entertain non-residential development on that site. 2) Council approved the extension of the Medical Marijuana moratorium. 3) Council extended the sunset date to December 31, 2011, for non-conforming permanent signs to be brought into compliance with the hope that there will be a new sign ordinance in place at that time. Moenck noted that a budget shortfall was discussed at Council with Sullivan advising that the information presented to Council had not been reviewed by her prior to the meeting, the shortfall did not take into consideration revenue amendments, she is in the process of doing a more in-depth analysis, and projected the shortfall will be less than discussed at the meeting. Moenck referenced Council's website discussion with Sullivan advising that Council authorized the Website Committee to negotiate a proposal with Municipal Web Services and bring that information back to Council for its consideration. Moenck also noted that Morrow expressed great concern over the Village's current budget situation and stated that any new expenditure should be counteracted with a cut somewhere else with Sullivan in agreement. Discussion ensued regarding budget process with Sullivan providing a brief review and Cupidore suggesting there might be a benefit in considering tonight's State of the State Address when developing the budget.

VI. BUDGET EXPENDITURE REPORT

Hansen led the Commission in a review of the submitted Budget Report. Discussion ensued regarding McKenna's fee structure and budgetary impact, potential for other issues that could impact the budget, parking study costs (not included in McKenna's flat fee arrangement, Council's funding of \$1,800.00 incorporated in Commission's budget, authorized to request additional funding from Council if necessary), and charge for development of the tree list (Sullivan advised charge is reasonable when factoring in hourly rate and discussions/e-mails).

A. McKenna Letter of Agreement-Comparison Actual Hours vs. Flat Fee Schedule

Hansen noted that per last month's discussion, Doozan prepared and submitted a comparison of hours devoted to the Village in CY 2010 using McKenna's customary hourly rate and the agreed upon monthly retainer and further advised the Agreement was e-mailed to Commissioners on December 16th. Discussion ensued as follows: 1) Merits of and concerns with inclusion of Kreger House hours (fee donated back) in the total; 2) Consultant's hours for site plan review billed to petitioner (yes); 3) McKenna's in essence in-kind contribution to the Village under the flat fee schedule; 4) Value of partnership with McKenna (two sided, good relationship, good service); 5) Monthly flat fee constant regardless of cancellation of meeting (yes, implied in agreement, monthly work involves more than meeting attendance); 6) Budgetary concerns (McKenna line item is high percentage of budget, Council's intent was to tailor budget to fixed costs to cover routine work and meetings, no funds for special projects, request additional funds of Council if necessary to cover costs of unforeseen Commission responsibilities); 7) Agreement (Agreement is with the Village, no specific termination date relative to monthly retainer in letter); 8) Pros and cons of changing to hourly rate; and 9) Process for moving forward.

Motion by Beke supported by Cupidore to receive and file the Letter Agreement with McKenna.

Ayes: Beke, Cupidore, Goldberg, Hansen, Hepler, Heisel, Roisman

Absent: Ettinger

Nays: Moenck

Motion carried.

Moenck noted he was opposed as he believes the Agreement should reference a termination date, Hansen advised Sullivan as to the Village's informal practice of seeking input relative to projected expenditures and suggested this be added to the next Commission meeting agenda, and Goldberg restated that regardless of whatever contract the Village has with McKenna, the Commission's costs for routine work is capped at \$750.00 per month.

VII. PUBLIC COMMENTS

None.

VIII. UNFINISHED BUSINESS

A. To Do List Items Report

Hansen led the Commission on a review of the To Do List with the consensus being that all items with the exception of Huda School are or by the end of the meeting will be completed. Sullivan provided an update on Huda School advising that she met with the Principal and discussed procedure/requirements. The consensus of the Commission was to carry this item over to the next Commission meeting. Hepler requested if there is a summary of the Court of Appeals opinion provided to Commissioners regarding Medical Marihuana with Goldberg offering to check. Goldberg provided a brief overview of the tree ordinance relative to bonds, noting the requirements of the ordinance are all encompassing and opined, procedurally, a property owner should post enough money to cover performance/replacement based on a set amount per tree. Discussion ensued with Sullivan in agreement and noting this has not been the practice. Goldberg requested Village forms be sent to him for review and Hansen advised she is reviewing the tree list with the consensus being to add the tree ordinance to next month's agenda for a discussion relative to performance/replacement bonds, fee schedule, and tree list.

B. Revised Parking Study Proposal from McKenna Associates, Inc.

Hansen noted that Agenda items B and C are intertwined and are best discussed together. Cupidore provided a status update noting that data collection from MSOC and MSF is in process with a due date of February 18th, with the merits and relevance of new data vs. previous studies being discussed. Cupidore reviewed the next step which is to prepare and send out a survey to all stakeholders, noting this is a collaborative effort with MSF with results/recommendations/concerns incorporated into its charrette planned for mid March, will be based on prioritized issues, MSF Design Committee will take ownership of the study and provide results, with the sub-committee reviewing and making recommendations to the Commission relative to parking for its consideration as charged by Council after the charrette.

Discussion ensued as follows: 1) Schedule (should study/recommendations/report precede charrette or should recommendations/report flow from the charrette, benefit of authorizing action and then managing process); 2) Charrette (Doozan/Carmody provided process overview with Commission discussion as to process and benefits); 3) Projected costs/budgetary impact (proposal capped, Commission budget is tight); 4) Potential to exceed budget and course of action to protect against that occurring (potential to approach Council for additional funding if necessary, transfer tree list expense out of Commission's budget, eliminate subscription line item, approach other benefitting Board's/Commissions for contributions for the study from their budgets); 5) Potential for other items to impact budget (ordinance work relative to restricting downtown businesses to retail may be forthcoming); 6) Parking Study (collaborative effort with Main Street which can drive results, realistic vs. conceptual approach, rejuvenated spirit dealing with downtown development matters currently exists, Main Street more comprehensive focus); 7) Data collection concerns (Carmody explained the collaborative efforts of the sub-committee, MSOC, MSF and McKenna has determined what data is necessary/relevant, expanded upon the need for and benefits of the study from both a parking and more comprehensive perspective, noted that design guidelines will flow from the charrette, and pointed out MSOC's substantial resources/in-kind contributions to this effort, followed by Commission discussion of data collection related concerns); 8) Moenck's concern relative to Commission formally approving expenditures (Hansen noted this would be a procedural change and a separate discussion, Moenck noted that sidewalk considerations set precedent, Cupidore noted the study is a directive from Council and is necessary to move forward on Village goals); and 9) Process to move forward (motion required to accept or turn down McKenna's proposal with Commission input on the motion and funding).

Motion by Cupidore supported by Heisel to approve McKenna's proposal on a costs not to exceed \$3108.50 basis on the condition that the total expenditure is accommodated within the Commission's budget.

Ayes: Cupidore, Goldberg, Hansen, Hepler, Heisel

Absent: Ettinger

Nays: Beke, Moenck, Roisman

Motion carried.

C. Village Parking Plan Development Update

Discussed during Agenda item B.

D. Medical Marihuana Facilities Regulations Update

Goldberg provided an overview of a recent court case which was in favor of the medical marihuana community, reviewed how surrounding communities are handling the issue, noting he had an opportunity to briefly meet with Southfield's planner who has compiled an excellent power point presentation relative to this issue, and identified two issues the Commission needs to consider (Staran's future input on what are the Village's rights in writing an ordinance relative to medical marihuana and decision on what approach to recommend the Village take on this issue - regulate in some fashion, prohibit, or do nothing and let state law control). Discussion ensued relative to timing of future discussion with the consensus being to add to the next meeting agenda and merits of further educating Council on this topic with the suggestion made to approach Southfield's planner to see if the Village can access his power point or engage him to make a presentation with Goldberg offering to facilitate this request.

E. Discussion on Main Street Franklin Update

Hansen requested this item be postponed to the next meeting due to time constraints.

IX. DISCUSSION

A. Conditional Rezoning, Educational

Doozan led the Commission on a review of the concepts behind conditional rezoning as follows: 1) Similar to conventional rezoning in that reclassification of property is the goal; 2) Property owner can voluntarily offer conditions which the community may elect to approve or reject (conditions are specific and usually equal to or more strict than current regulations); 3) Alternative to traditional rezoning; 4) Authority lies with the Zoning Enabling Act; 5) Allows parcel specific zoning decisions; 6) Unilateral process – property owner proposes/community approves or denies with no negotiations; 7) Staff can meet with applicant to help guide the applicant in terms of what it may want to consider while forming a proposal; 7) Process: a) landowner initiated, b) submittal of application, c) conditions submitted in written form, d) site plan may be required, e) conditional rezoning agreement encapsulating all pertinent information (recommended by McKenna); 8) community cannot add to or alter conditions after the fact; 9) Typical conditions: a) restrictions on land use (height, setback, open space), b) physical improvements to property, c) right-of-way issues, d) reverter clause (reverts to former classification if conditions not met); 9) Pros and Cons: a) Provides flexibility and certainty to land use decisions, b) gives communities certainty as to what use and development plan the community will get, c) provides communities a legislative standard of review, d) prevents communities from unilaterally imposing conditions on property owners, e) could subject communities to claims of violation of equal protection (McKenna recommends establishing guidelines), f) may encourage officials to compromise on planning and zoning standards. Doozan agreed to e-mail Commissioners a copy of his presentation. Discussion ensued as to how this planning tool could be used in the Village with the Inkster property and Snow House being used as examples, benefits of using this as a planning tool, reverter clause, potential for litigation, potential for changes to the Zoning Ordinance enabling use of this tool, with Moenck noting he is uncomfortable with staff recommending items an applicant might consider in a formal proposal that Village officials may or may not support.

X. UPCOMING MEETING DATES

A. Next Regular Meeting Date: February 16, 2011, 7:30 P.M.

XI. ADJOURNMENT

Motion by Hepler supported by Moenck to adjourn the meeting.

Ayes: Beke, Cupidore, Goldberg, Hansen, Heisel, Hepler, Moenck, Roisman

Absent: Ettinger

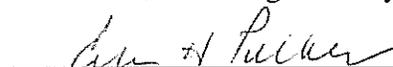
Nays: None

Motion carried.

There being no further business, the meeting adjourned at 10:06 P.M.

Respectfully submitted,

Lori D. Rich, Recording Secretary



Eileen H. Pulker, Clerk

TO DO LIST

January 19, 2011 Planning Commission Meeting

- 1. 12/15/2010 Minutes:**
 - a. Add period after McKenna in Section V, pg 1.
- 2. Huda School Parking Lot Improvements Proposal:**
 - a. Add to HDC February Agenda.
 - b. Sullivan to review completeness of Application.
- 3. Medical Marihuana:**
 - a. Check to see if there is a written summary/synopsis of submitted Court Opinion.
 - b. Add to next Commission meeting for discussion.
 - c. Contact Southfield's planner regarding power point presentation (Goldberg).
- 4. Tree Ordinance:**
 - a. Send Village forms relative to performance/replacement bonds to Goldberg for review.
 - b. Hansen – continue to review tree list.
 - c. Add to next Commission meeting agenda for discussion relative to bonds/fees/tree list.
- 5. Main Street Franklin – Update**
 - a. Add to next Commission meeting agenda.
- 6. Conditional Rezoning:**
 - a. E-mail Commissioners copy of Doozan's presentation.
- 7. Projected Expenditures for budget purposes:**
 - a. Add to next Commission meeting agenda.
- 8. Parking Study:**
 - a. Transfer out of Commission's budget Tree List Expense.
 - b. Eliminate subscription line item.
 - c. Approach other benefitting Boards/Commissions for contributions.
 - d. Transmit information relative to previous studies to full Commission.