

**VILLAGE OF FRANKLIN
PLANNING COMMISSION**

**Minutes of Meeting
October 17, 2012**

I. MEETING CALLED TO ORDER

The regular meeting of the Village of Franklin Planning Commission was called to order by Chair David Goldberg at the Franklin Community Church, Franklin, Michigan, at 7:30 P.M.

II. ROLL CALL

Present: Al Beke, Karen Couf-Cohen, Calvin Cupidore, Connie Ettinger, David Goldberg, Peter Halick, Mike Heisel, Mary Hepler, Dean Moenck

Absent:

Also Present: Planning Consultant, Christopher Doozan, McKenna and Associates, Village Administrator, Amy Sullivan, Village Clerk, Eileen Pulker, Village Attorney, John Staran, Hafeli Staran Hallahan & Christ, P.C.

III. ADOPTION OF AGENDA

Hepler requested the minutes be moved to Unfinished Business, Agenda item VIII (e).

Motion by Hepler supported by Cupidore to approve the Agenda as revised.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Halick, Heisel, Hepler, Moenck

Nays: None

Absent: None

Motion carried.

IV. BUDGET EXPENDITURE REPORT

A. Budget Update

Goldberg noted the requested changes were made.

V. PUBLIC COMMENTS

Goldberg advised as to the rules for speaking and noted this portion of the meeting is for comments on items not on the agenda.

- Charles Murdock, Evelyn Court, noted he is supportive of the ice rink previously installed by Farmhouse Coffee and Ice Cream and requested the Village to investigate whether it can assist in getting the area leveled or somehow make it easier for the ice rink to be installed.
- Arthur Mardigian, Franklin Park Drive, River Wood subdivision, reported on the successful conclusion to the four (4) year commercial rezoning challenge that had been proposed in his subdivision which resulted in upholding the residential zoning with deed restrictions. Mardigian noted the residents of the subdivision stepped up to lead this challenge out of a desire to preserve the style and quality of life in Franklin.

VI. NEW BUSINESS

A. Consider Setting a Public Hearing for the Proposed Site Plan for the property located at 32740 Franklin Road.

Goldberg provided a brief overview and inquired if the application is complete and the requisite fees paid with Sullivan answering in the affirmative.

Motion by Hepler supported by Heisel to schedule a public hearing for the proposed site plan for the property located at 32740 Franklin Road at the November Planning Commission meeting.

Commissioners discussed whether the Commission will schedule meetings in November and December with Goldberg advising that with items the Commission is or will be considering, it is likely those meetings will be held.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Halick, Heisel, Hepler, Moenck

Nays: None

Absent: None

Motion carried.

VII. PUBLIC HEARING

A. Proposed Site Plan Revisions, for the property located at 32749 Franklin Road behind the Smile Builders Building.

Chairman Goldberg opened the Public Hearing at 7:40 P.M. and provided a brief overview/introduction.

- Dan Costello, property owner, provided a brief overview and noted his goal for the site was to take the best elements of the building and develop it into something that will benefit Franklin in the long term.
- Bill Finnicum, Finnicum Brownlie Architects, presented a slide show of the proposed site plan which included “before” and “after” photos/renderings. Upon request, Finnicum provided an update as to Historic District Commission (“HDC”) considerations relative to this item.
- Joan Israel, Wellington, noted she is opposed to the change as any commercialization is going to destroy the identity of Franklin.
- Anne McNeill inquired as to where the porch/stairway in the slide show was already constructed with Finnicum advising this was from a property in Orion Township.
- Mike Flevaris, Franklin Road, inquired as to whether the HDC had approved the material for the proposed porch/stairway with Finnicum answering in the affirmative and Flevaris opined that it resembled barbed wire and he did not like the material proposed. Flevaris inquired as to the ratio of building to site with Finnicum noting it is roughly 11%.
- Roger McClow, Franklin Road, noted the proposed site plan is defective as it does not have protective screening as required by Village ordinance and expressed concern relative to ensuring parking is adequate before the site plan is approved.
- Alan Krause, Nottingham Drive, expressed his concern relative to the stairway/walkway and HDC’s approval, opined that he did not care for the proposed building plan.
- Judy Meade, Captain’s Lane, inquired as to parking and expressed concern relative to Village fees being waived for the grant application. Finnicum noted there is additional shared parking and Sullivan provided additional information relative to the grant.

Chairman Goldberg closed the Public Hearing at 8:05 P.M.

B. Proposed Conditional Rezoning for the property located at 32635 Franklin Road, currently zoned R-3 Medium Density Residential District, to C-1 Local Business District.

Goldberg opened the public hearing at 8:05 P.M. and requested the Planning Consultant, Chris Doozan, to provide an overview of his report.

Doozan provided a brief review of his report dated October 10, 2012 (“Report”), which focused on the conditional rezoning process as opposed to conventional rezoning, Zoning Enabling Act, benefits of conditional rezoning, applicant and Village responsibilities, and specific proposal including applicant letter dated October 3, 2012. Doozan noted the proposal is lacking some detail that one would expect to see in a typical conditional rezoning proposal and referred to a listing in his Report relative to the inclusion of additional detail where appropriate in the proposal via, perhaps, a conditional rezoning plan and advised a conditional rezoning agreement would be necessary towards the end of the review process which would ensure all are on the same page prior to plan implementation. Doozan recommended the Commission hold the public hearing but take no action and suggested the applicant submit a revised conditional rezoning agreement for future consideration if they are so inclined.

Commissioners discussed process and use with Doozan indicating there might be a need for an additional public hearing and use, as it relates to the conditional rezoning specific conditions.

- Bill Finnicum, Finnicum Brownlie, Architects and Lisa MacDonald, Fitness Driven, provided histories of several homes within the Village center that had previously been occupied as residences that are now occupied as businesses and described the proposed plan.

- Village Attorney, John Staran, provided information as to the conditional rezoning process in general and the specific proposal in terms of process noting the public hearing will provide input for consideration and the process will take time.
- Lisa MacDonald, Fitness Driven, provided a summary of her business, noting Fitness Driven began in 2005 and moved into the Village (above the Market Basket) in 2010 and is a private, family-oriented, community-driven, business/amenity. MacDonald opined that her proposal is good for the Village and good for Fitness Driven.
- Bill Finnicum, Finnicum Brownlie Architects, reviewed the proposed site plan, noting change is a part of Franklin and is a part of adaptive reuse, referenced buildings in Franklin that have transitioned from one use to another, and expressed concern over the deteriorated condition of the Snow House currently. As for process, Finnicum noted they will be presenting to the HDC and will follow its recommendation(s).

Goldberg advised as to the rules for public comment and noted correspondence received relative to this item will be available in Village Hall. Clerk Pulker was requested to provide a summary in the minutes.

Thirty Eight (38) letters/emails were received, as follows:

- In Support – Village Residents – 17 received
 1. Pat Burke, Franklin Ct
 2. Lisa Nederlander, Willowgreen Ct.
 3. Richard Herman & Deborah Tyner, Drummond Ct.
 4. Lindsay Gross, Willowgreen
 5. Sherri Ketai, Willowgreen
 6. Jodi Alpert Gross, Willowgreen
 7. Lisa Dunn. Gardenway
 8. Edward Eickhoff, Haverford
 9. Brooke Schwartz, Ramble
 10. Nancy & Ron Rechter, Canterbury
 11. Trina Roberts, Franklin Park Ct.
 12. Brett Roberts, Franklin Park Ct.
 13. David Colucci, Ravine
 14. Naomi Margolick, Brookwood Lane
 15. Sharon Jahnke, Apple Tree Lane
 16. Marilyn & Peter Green, Carol
 17. James Jacob, Irving

- In support – Non Residents – 6 received
 1. Kim Dent, Birmingham resident
 2. Maya Marsh, Bloomfield Hills resident
 3. Janice Seror & Steven Showers, building owners Market Basket, Farmhouse Coffee
 4. Elyse Sutherland
 5. James & Barbara Stewart
 6. Susan Rugenstein, Beverly Hills resident

- In opposition – All Residents – 15 received
 1. Victor E. Cestar, Jr., Franklin Road
 2. Chip Hudson, Franklin Road
 3. Mitch & Janine Albom, Franklin Park Drive
 4. Donal & Betty-lee Hepworth, Brandingham
 5. Camil & Ruth Banciu, Drummond Ct.

6. Josette & Joel Silver, Wellington
7. Ron & Cheryl Slyter, Hawthorne
8. Sherry Sparks, Evelyn Ct.
9. Mike Kaminski, N. Greenbriar
10. Anne McNeill & Nancy Wittstock, Vincennes
11. Dina Brodsky, Brookwood Lane
12. Sheila & Ron Austin, Bruce Lane
13. Diane Sevigny-Lefebvre & Gregory Lefebvre, N. Greenbriar
14. Carmina Brooks Tuksal, Rosemond Ct.
15. Ruth & Ron Ross, Bloomington Dr.

- Bill Meade, Captains Lane, inquired as to whether a boundary survey was submitted along with the proposed site plan with it being noted this would be done at the appropriate time.
- Steve Ernst, Bowden Lane, inquired as to how the use would be impacted under conditional rezoning if Fitness Driven were to vacate the property with Doozan advising a new business meeting all of the specified conditions would be able to occupy the property; if the conditions can't be met, the use would revert back, however, the goal is to have the use narrowly defined.
- Mark Hanke Wing Lake, noted this is not precedent setting as the precedent has already been set and referred to the many businesses in Franklin that were previously residential properties. Hanke opined that businesses can't survive just on residents and Lisa is doing what he did: putting forth her energy, time and money to best position her business because she loves Franklin and wants to make that business and the Village better.
- Vic Cestar Franklin Road, stated he owns the property adjacent on the North side to the Snow House and finds himself in the middle of an issue that uses rezoning as a tool to change the zoning of his property. Cestar noted his concerns with the lack of government support to protect the value of his property which would be seriously eroded if this is approved and the negative ripple-effect that would ensue. Cestar opined maintenance concerns at the Snow House are an enforcement issue for which complaints have already been filed, applications should be vetted before they progress to this stage and if they are not complete they should be returned with no Village assistance offered, referred to Main Street Franklin as a Village Council surrogate, and noted he has been damaged and will seek appropriate recourse including attorney fees and other damages. Cestar presented a copy of his notes to the Commission and Village Administrator and requested he be notified of any future deliberations 48 hours in advance and that he be provided minutes.
- Nathan Forbes, Nottingham, advised he is supportive of the proposal which he considers a Village amenity, commended Lisa for her courage in taking on this endeavor, and noted he has seen the Village change in many ways and become a community, in part, due to the enhanced walk-ability/connectivity between the residential areas and the business community. Forbes opined the Village government will protect the rights of its citizens and Franklin is a desirable place with rising property values and this amenity within the commercial district will keep this moving forward. Forbes noted he trains four (4) days a week and is now spending those dollars in the Village as opposed to elsewhere.
- Roger McClow, Franklin Road, opined this is a difficult issue and thanked the Commission for their work on this difficult task, noted his property is one of the four (4) houses zoned residential, deterioration at the Snow House started when it was bought by someone who had no intention of using it as a residence, the history of the Village is incorporated into the Master Plan which has these properties as residential which should be complied with, and expressed concern over the applicability of the Zoning Enabling Act to the Village absent a local ordinance providing for conditional rezoning, parking requirements and lack of required protective screening.

- Frank Yanke, Yanke Designs-Franklin Road, stated how much he and his wife enjoy their business in the Village, noting that retail is not easy and they often are at area shows to supplement their business. Yanke added that he supports the rezoning, noting that Franklin is in constant change.
- Julie Flynn, Topper Court, Beverly Hills, noted she appreciates old cars, history, fitness and Franklin and is appreciative of Fitness Driven adding that she and her husband are clients. Flynn stated that from her realtor perspective, the rezoning will not negatively impact neighboring properties, MacDonald's proposal will save the Snow House from further deterioration, and she is supportive of the conditional rezoning.
- Matthias Meyer, noted that he loves Franklin and his home is somewhere around 187 years old and for much of that time it was a business, not a residence, and he actually resides in what once was a garage. Meyer opined the proposal is a thoughtful well-planned use of the property which will make Franklin better and noted he prefers the property be occupied as opposed to vacant as it has been for seven (7) years. He encouraged MacDonald in her business pursuits and her dream.
- Jay Gardner, Evelyn Court, noted that the plan as proposed is not correct and uses the next door property where a fence easement exists. He also stated that rezoning of this property had previously been proposed which had been litigated with Franklin blocking the rezoning. Gardner opined that proper procedures should be followed and that the Master Plan should be changed if this is what the majority of Villagers would like to see happen.
- Bill Lamott, Scenic Drive, stated that he appreciates all that the Planning Commission does which he knows involves a lot of hard work, adding that he lives in a historic home, in a non-contiguous zone of the Historic District and belongs to the Historic Society. Lamott stated he is opposed to the rezoning, which he believes messes with people's lives and businesses, briefly explained changes over the years for the Village and Franklin Community Association properties, noting that if things had been developed and many homes built how different the downtown would be. He opined that if one property were to be rezoned the remaining three (3) would be also and noted several alternative locations for Fitness Driven to move to within the Village. Lamott further opined that changes such as what is proposed would risk the Village's status on the Historic Register, adding that there are ways to do this right and rezoning to commercial is not the way to do it. Lamott urged the Commission to reject the application and send it back to Council so they can similarly reject it.
- Diane Lake, Crestwood, noted that from surveys of residents as part of the Master Plan process, most residents show support for maintaining these properties as residential and there is no evidence the majority have changed their minds. Lake raised the following points: 1) Franklin's mix of residential and business is consistent with the blend present in the mid 1850's which makes the Village unique and authentic; 2) Rezoning isn't needed as there are other vacant properties; 3) Rezoning would not prevent deterioration as absentee landlords often lead to building deterioration even when the buildings are occupied; 4) Non-compliance with ordinance protective screening (buffer) requirements as there is no room on the site for the green belt and easement complications for a masonry wall.
- Mike Flaveris, Franklin Road – Flaveris stated that he owns one of the four (4) homes on Franklin Road and the rezoning changes would create irreversible effects in the amount of traffic and totally change the character of the Village. Flaveris added that he is totally opposed to the rezoning and the Snow House should remain residential.
- Jan Seror, co-owner of Market Basket and Farmhouse Coffee and Ice Cream property, stated her full support of the rezoning, noting that restoration of a key parcel with careful attention to detail, will be a quality addition to the Village. Seror added that the Farmhouse Coffee and Ice Cream building had at one time been a residence, she and her brother love Franklin and will continue to maintain their property ownership, and expressed dismay over the scare tactics which she opined

is offensive and which need to stop. She urged the Commission to approve the rezoning and allow one of Franklin's finest businesses to remain in the Village.

- Randy Sacks, Woodside, noted that retaining residential zoning is of significant importance and that Franklin's downtown, which is typical of the 1800's is the only community so utilized in the State. Sacks expressed concern over the potential to jeopardize Franklin's listing in the National Register of Historic Places and opined that the saying that "Franklin is the town that time forgot" is not just a cute expression; it is who we are and she would like to insist on keeping it that way.
- Neal Krasnick, River Drive, stated that he and his wife have been residents of the Village for twenty (20) years and they support the rezoning. Krasnick added that there are dozens of homes that are now businesses.
- Anne McNeill, Vincennes, noted she is opposed to the rezoning and opined that the Village has a great Master Plan which represents one shared vision for the Village, with changes to the Master Plan occurring before any rezoning. McNeill urged the Commission to reject the application.
- Charles Grant, Oakleaf, noted that he is a client of Fitness Driven and summarized the quality components of the business, opining the business brings something unique to the Village. Grant expressed his love for the Village, opined that change is inevitable, which if not embraced could lead to the Village being the town that isn't remembered. He stated his support of MacDonald and the rezoning, noted the challenge is for the Village to find a way to support businesses that are in the Village, and expressed concern over the fear mongering.
- John Clayton, Normandy Road, stated that he has studied taxes, opined that if this property is rezoned the neighboring properties' fair market value would be negatively impacted, and noted concerns relative to parking. Clayton stated he is opposed to the rezoning.
- Pamela Jurson, Bingham Farms, noted her family home is on Riverside Drive and she still considers the Village her home and is passionate about Franklin. Jurson stated that she met Lisa through the Market Basket and noted Fitness Driven is all about personal attention and is not a typical gym. She opined the rezoning, which is needed because Fitness Driven needs a little more space, will not jeopardize the historic designation.
- Mira Stakhiv, Crestwood Drive, noted she is opposed to the rezoning for several reasons: Not following procedure; incomplete application; and not following the Master Plan. Stakhiv opined the Master Plan should be reviewed with residents input received prior to contemplating a rezoning. She noted she moved to the Village because it is charming, supports local businesses, and finds MacDonald charming, but she is not the property owner. .
- Amie Saltzman, Woodside drive, stated her opposition to the rezoning and urged the following of the Master Plan which represents the vision for the Village. Saltzman noted other available commercial space and reiterated her concern that proper procedure and systems in place be followed.

Chairman Goldberg closed the public hearing at 9:55 P.M.

VIII. UNFINISHED BUSINESS

A. Consider Proposed Site Plan Revisions, for the property located at 32749 Franklin Road, behind the Smile Builders Building.

Motion by Beke supported by Ettinger to postpone consideration of the proposed site plan revisions for the property located at 32749 Franklin Road.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Halick, Heisel, Hepler, Moenck

Nays: None

Absent: None

Motion carried.

B. Consider Proposed Conditional Rezoning Application for the property located at 32635 Franklin Road, currently zoned R-3 Medium Density Residential District, to C-1 Local Business District.

Goldberg noted there was a lot of information/comments to absorb and that he will be requesting Council for funding to address the Master Plan update. Commissioners discussed the completeness of the agreement with the consensus being to postpone consideration of this item until such time it is determined it is complete enough to be placed on the agenda with a suggestion made by Moenck to pursue a local conditional rezoning ordinance and modify the Master Plan. Commissioners discussed the MEDC/barn grant with it being noted no tax dollars were earmarked for the Village's commitment to the project.

C. Sign Ordinance Review

Sullivan provided a brief review noting the 90 day adoption period may be too stringent and summarized concerns the Village Attorney had relative to the penalty provisions.

Commissioners discussed non-compliance/ penalty provisions with Staran advising the penalty provisions can be revised to include the permittee consenting to the provisions and non-conforming signs with Sullivan advising as to which signs would remain non-conforming after adoption of the ordinance as drafted. Grandfathering concerns were expressed with the consensus of the Commission being that a business that has a non-conforming sign that was approved by the Village should remain non-conforming but should be grandfathered in, with the suggestion made that a courtesy letter to businesses should go out advising them of the ordinance and requesting documentation as to Village vetting of a non-conforming sign. Sullivan/Staran were directed to modify the ordinance to address the non-conforming/grandfathering concerns as well as the penalty provisions. Moenck identified items to be corrected (page 8 (c) 1 – remove “all” and “each” at the top of page 9; page 11 – high density urethane can't be painted). Hepler noted the tight time-frame to bring signage into compliance due to the impending cold weather. Commissioners discussed process with the consensus being to approve contingent upon the changes being incorporated.

Motion by Cupidore supported by Hepler to approve the sign ordinance as revised pursuant to tonight's discussion and forward to Council for consideration.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Halick, Heisel, Hepler, Moenck

Nays: None

Absent: None

Motion carried.

D. Medical Marihuana Report

Goldberg noted there is nothing new to report and asked Staran if the time period to appeal had expired on the two Court of Appeal cases with Staran advising he will look into it and report back.

Commissioners discussed the current moratorium with the consensus being to revisit this in January after the election impact is better known.

E. Adoption of Minutes for the Regular Meeting of September 19, 2012

Commissioners noted corrections and requested the minutes be revised and considered for adoption at the November meeting.

Commissioners discussed how to respond to Southfield Township's draft Master Plan with the consensus being to provide any comments to Goldberg who will attend the scheduled meeting if there are comments to pass along. Sullivan was requested to acknowledge receipt of the draft and advise that comments (if there are any) will be presented at the meeting.

IX. UPCOMING MEETING DATES

A. Next Regular Meeting Date: November 14, 2012 (one week early).

X. ADJOURNMENT

Motion by Cupidore supported by Beke to adjourn the meeting.

Ayes: Beke, Couf-Cohen, Cupidore, Ettinger, Goldberg, Halick, Heisel, Hepler, Moenck

Nays: None

Absent: None

Motion carried.

There being no further business, the meeting adjourned at 10:55 P.M.

Respectfully submitted,

Lori D. Rich, Recording Secretary

Eileen H. Pulker, Clerk

Village of Franklin Planning Commission October 17, 2012 Meeting

To Do List

1) Minutes – September 19, 2012:

- a. Incorporate revisions and add to November meeting agenda.

2) Site Plan for the property located at 32740 Franklin Road:

- a. Schedule public hearing for the November meeting.

3) Conditional Rezoning Proposal:

- a. Correspondence received to be placed at Village Hall for community review.
- b. Notify Vic Cestar of future deliberations and provide Minutes.
- c. Add to future agenda if and when deemed appropriate.

4) Sign Ordinance:

- a. Sullivan/Staran to incorporate revisions (corrections, penalty provisions, grandfathering/nonconforming sign issue) and forward to Council.
- b. Notify businesses of the ordinance and request documentation as to Village approval of non-conforming signage.

5) Medical Marihuana:

- a. Staran to determine if the time period to appeal the Court of Appeal's decisions has expired.
- b. Revisit moratorium after the first of the year.

6) Southfield Township's Draft Master Plan:

- a. Commissioners to review and pass comments if appropriate to Goldberg.
- b. Goldberg to attend meeting if there are comments to pass along.
- c. Sullivan to acknowledge receipt of the draft.