



**Regular Planning Commission Meeting
7:00 PM, MONDAY, MARCH 14, 2016
City Council Chambers
23600 Liberty Street
Farmington, MI 48335**

REGULAR MEETING AGENDA

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF ITEMS ON THE CONSENT AGENDA

A. January 11, 2016 Minutes

1. January 11, 2016 Minutes

IV. SITE PLAN REVIEW (LED WINDOW LIGHTING) - UPTOWN PLAZA, 31530-31630 GRAND RIVER AVENUE

1. Uptown Plaza, 31530-31630 Grand River Avenue

V. OUTDOOR SALES AND DISPLAY REQUEST - UPTOWN PLAZA, OVERSTOCK OUTLET, 31550-31614 GRAND RIVER AVENUE

1. Uptown Plaza, Overstock Outlet, 31550 and 31614 Grand River Avenue and International Mediterranean Market, 31580 Grand River Avenue

VI. PUBLIC COMMENT

VII. PLANNING COMMISSION COMMENT

VIII. ADJOURNMENT

**Farmington City Council
Staff Report**

Council Meeting Date:
March 14, 2016

**Reference
Number
(ID # 2105)**

Submitted by: Kevin Christiansen, Economic Community Development Director

Description: January 11, 2016 Minutes

Requested Action:

Approve

Background:

Agenda Review

Review:

Kevin Christiansen Pending

City Manager Pending

Planning Commission Pending 03/14/2016 7:00 PM

FARMINGTON PLANNING COMMISSION PROCEEDINGS
Farmington Public Library, 23550 Liberty Street
Farmington, Michigan
January 11, 2016

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

ROLL CALL

Present: Buyers, Chiara, Crutcher, Gronbach, Kmetzo, Waun

Absent: Majoros

A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Christiansen, Inspector Koncsol

APPROVAL OF AGENDA

MOTION by Chiara seconded by Kmetzo, to approve the agenda as submitted.

Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

a. Minutes of Regular Meeting – December 14, 2015

MOTION by Chiara, seconded by Waun, to approve the Consent Agenda as amended.

Motion carried, all ayes.

PUBLIC HEARING, SPECIAL LAND USE – LAWRENCE NATHAN (MICHIGAN PUB RESCUE), 23927 WESLEY

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

Director Christiansen stated this item is a request to hold the required Public Hearing for a Special Land Use Application for a kennel located at 23927 Wesley. The Applicant, Lawrence Nathan, has submitted plans for a kennel at his home for rescued Pugs. The site is zoned R-1-C, single family residential, country estates. Kennels as accessory use only are a Special Land Use in the R-1-C District in accordance with the requirements of Section 35-72 of the Zoning Ordinance and requires a Public Hearing. As indicated by the Applicant, Mr. Nathan, there will be no changes to the existing use of the property, nor will there be any structural modifications to the home or the property other than installing a residential fence. A survey and photos were attached with the staff report and the Applicant is present at the Hearing to represent his Special Land Use request before the Commission. The requested action of the Planning Commission is to hold the required Public Hearing and to review the submitted Special Land Use application for a kennel at his home.

Chairperson Crutcher invited the Applicant to come to the podium.

Lawrence Nathan, 23927 Wesley, came to the podium. He stated they are basically asking for no structural changes to the home, no outside kennels, and to continue what they have been doing for the last sixteen years which is bringing Pugs to their home that need to be rescued. He stated they are asking for a kennel license so they can have more than three dogs at any given time because there are often not enough foster homes to take care of the dogs that are coming out of shelters and kill shelters and so forth and that nothing will change from what they've been doing for sixteen years.

Christiansen showed the subject property on the screen and the home located on the west side of Wesley, north of Oakland Avenue, a single family residence within an existing single family neighborhood. The property is zoned R-1-C, Country Estates. He indicated that Ordinance requirements permits a maximum of three dogs, or three domestic pets, per single family residential property. As such, the activity that the Nathans have been conducting at their home when there are more than three dogs, doesn't comply with that ordinance requirement. However, the Zoning Ordinance does allow them to seek a special approval from the Planning Commission, because in the R-1-C kennels are permitted. He stated Mr. Nathan filled out a Special Land Use application and provided a narrative as well, indicating that Michigan Pug Rescue, "Pug Love", is a 501(c)3 not-for-profit rescue organization founded in April of 2000 by Mr. Nathan and his wife. It is a foster home based organization where the Pugs live in a foster home until such time as they are adopted to their permanent home. To date the organization has rescued in excess of 625 Pugs and Pug mixes. He cited the purpose of the organization and indicated what's important is how it functions. One of the most important aspects of a Special Land Use is that it cannot change the character of a neighborhood, in this case, a single family neighborhood, it can't result in a negative impact on the adjacent property or can't negatively impact the values of properties in the neighborhood. Christiansen indicated that the Nathans have been conducting this operation at this home for sixteen years, it is a completely enclosed operation, that the dogs, the Pugs, are brought in the house in a contained fashion using crates. He stated the Nathans keep the yard clean on a daily basis and the dogs are not outside for any extended periods of time. He stated there will be no structures associated on the exterior of the house, no kennels, no doghouses, nothing like that. Christiansen stated the rescue operation usually doesn't exceed housing fourteen dogs except under special circumstances and generally the number is eight to ten.

Photographs were shown of the existing home on Wesley and the Applicant described them in detail. The Applicant described the fence that will be constructed as a 6-foot vinyl privacy fence, almond in color, situated within their lot line which Christiansen stated is a permitted use under the fence regulations.

Crutcher inquired if a permit is required and the Applicant responded they have already obtained the permit for the fence and it has been approved.

Chairperson Crutcher then stated thirteen letters of emails of support were received in favor of the Nathan's request, and no letters opposing.

MOTION by Chiara, seconded by Waun, to open the Public Hearing.
Motion carried, all ayes.

(Public Hearing opened at 7:15 p.m.)

PUBLIC HEARING

Crutcher invited anyone who would like to comment to come to the podium and stated their name and address for the record.

Joe Dompierre, who lives kitty corner from Mr. Nathan, commended the Nathans for the job they do but stated concern over the definition of "kennel" versus the operation as it exists today and asked what is allowed under the definition of kennel.

Christiansen responded that a kennel is defined as more than three dogs but that no dog kennels or doghouses will be a part of the Special Land Use request so no other structures will be allowed and further discussion was held.

Marie Sklag, 29127 Lyndon, Livonia, stated she is the Director of Community Outreach for the Michigan Human Society and she also volunteers as president of the Michigan Animal Adoption Network and the Animal Care Network. She indicated she has known the Nathans for a little over ten years and are a current Michigan Humane Society transfer partner. She described the role of the transfer partner and the strict criteria that is followed in becoming one. She stated the Nathans have played a significant role in facilitating the process and stated that one of their transfer candidates was present at the hearing tonight, Mikey the Pug, who came with Judge Sabrina Johnson. She talked about the medical history of Mikey and how instrumental the Nathans were in getting him ready for adoption. She stated her support of the Nathans and the work that they do on behalf of the rescue community.

Judge Sabrina Johnson, 621 Magnolia Drive, Inkster, also spoke on the Nathans' behalf in support of their Michigan Pug Rescue organization.

Ken Cobb, who lives directly behind the Nathans, stated he talked to Larry Nathan about tree removal in the back of his property that abuts his and stated his understanding of the conversation was that he would not cut down the rest of the trees but build the fence right where the trees end on his property. The Applicant responded that some of the trees will need to be cut back, but they will not cut them down.

Jeremy Jaworsky, who lives across the street from the Nathans, spoke in support of the Special Land Use request by the Nathans and commended them on their operation.

Fred Rossman, 7249 Westchester, West Bloomfield, stated he has known the Nathans for roughly twenty years and has been in their home many times and stated that it was kept clean and praised the Nathans for their dedication to their Pug Rescue operation and asked the Commission to grant their request.

Derek Steel, 23907 Wesley Drive, the house directly next to the Nathans, spoke about being bothered by the dogs barking when they saw people and was glad to hear that a privacy fence was being installed. He brought up the fact that the Commission's job was to consider how the operation affected the neighborhood and to take into consideration that it may devalue the properties in the neighborhood. He raised the question of the Special Land Use staying with the owner and not the property itself and said that through the research he has done that there can be a 5 to 10 percent devaluation of homes directly around a kennel and that Google Maps shows that there is a Pug Rescue right next to his home.

Buyers asked Steel if his concerns pertaining to noise, dogs attracted to the fence, if that could be mollified by the installation of evergreens, arborvitaes or some kind of greenbelt and Steel responded that the privacy fence may suffice but would not know until it is installed.

Gronbach asked how long Steel had lived next door to the Nathans and he responded four years.

Ryan Bennett, 23970 Wesley, stated he moved into the residence about four years ago this January and had no idea there was a Pug Rescue across the street until he met Mr. Nathan when he was walking one of his own Pugs. He stated the Nathans yard is the nicest on the street and that he spends a lot of time outdoors and does not hear the dogs and spoke in support of the Special Land Use request.

Howard Wallach stated he has had the pleasure of knowing the Nathans for 25 to 30 years as he is their lawyer and he represents the company, Pug Rescue. He stated in his experience in working with them, the Nathans are people who always want to try to comply and he spoke highly of their standards and ethics in being good neighbors and encouraged the Commission to grant their request.

Dr. Karen Norbusky, Allen Animal Hospital, 19066 Farmington Road, stated she has been working with the Nathans and Michigan Pug Rescue for several years and indicated that many of the animals are true "throwaways", not wanted by anyone else although they are salvageable, but need extensive care and looked after for weeks or months until they are adoptable. She stated the Nathans have generously opened their own home to care for these animals so their lives could be saved. She spoke in support of their request and hoped that they are allowed to continue their work.

Kelly Vidassy, 36684 Richland, Livonia, stated she used to foster for the Nathans and indicated they are genuinely concerned about the Pugs and go to the foster homes to ensure they are in compliance and encouraged the Commission to grant their request.

City of Farmington Planning Commission
Minutes of January 11, 2016
Page 5

Connie Jordan, stated that her and her husband Jack lived in Farmington for thirty-eight years by the Nathans and have known them for twenty years. She spoke highly of their upkeep of their home and property and were great neighbors.

Ken Cobb, who lives on Whitaker in the house directly behind the Nathans, asked what impact granting this would have on the value of the homes in the neighborhood, and asked the Commission to explore what neighboring communities have done in like instances.

MOTION by Gronbach, seconded by Buyers, to close the Public Hearing.
Motion carried, all ayes.

(Public Hearing closed at 7:45 p.m.)

The floor was then opened for questions from the Commissioners.

Chiara inquired of the Applicant who pays for the veterinary care for the animals and Nathan responded the organization will pay but if they don't have the money, they pay the bill themselves. Nathan stated the organization does fundraising to help with costs as well as private donations.

Chiara then asked if all of the dogs are adopted out and Nathan replied once in a while they will have to euthanize one if it is deemed not to be adoptable which means it bit somebody. He cited an example of a dog that was rescued from a kill shelter that was ten years old and ended up blind and deaf and that they cared for the dog for the remaining years of his life at their home as a permanent foster.

Buyers asked if all the dogs are spayed or neutered and Nathan responded yes. Buyers then inquired about breeding and Nathan indicated that won't deal with breeders and that all the dogs have to medically cleared by a doctor or they can't be adopted out.

Buyers inquired where the dogs are housed and Nathan responded in the bedroom. Buyers asked how many bedrooms are in the home and Nathan responded four, one being used for the animals.

Buyers then asked about the fence being installed and Nathan responded it is a 6-foot vinyl privacy fence. Buyers then asked how far it will extend and Nathan stated there will be gates with lattices on the front at the top.

Buyers confirmed the comment from Mr. Cobb, the neighbor, that the Nathans will just be trimming the trees but not cutting them down and he responded in the affirmative. He then asked considering the comments from the other neighbor, Mr. Steel, had he thought of augmenting in addition to the privacy fence with arborvitaes or evergreens and Nathan responded no as the privacy fence is opaque and further discussion was held.

Nathan also informed the Commission that his home had received a Beautification Award from the City in the past, approximately four or five years ago.

Kmetzo asked the Applicant how many Pug rescue organizations there are in the State of Michigan and he responded two others. She then inquired the area in which they're located and he responded there is one in Wixom and one in the middle part of the State. She then asked how many foster homes he is working with now and he responded five. She then asked if there was a limit that he and wife had discussed on the number of dogs and he stated eight to ten maximum.

Gronbach asked of Administration if the Commission was to approve the Special Land Use, can it be restricted to a particular breed such as Pugs or a size and Christiansen responded that the specifics are spelled out in the Special Land Use application and must meet certain criteria and that the Commission can set any conditions that they feel are reasonable to granting approval and would be specific to the current owner and not the land.

Gronbach then asked why this issue surfaced after sixteen years and Christiansen replied that a complaint was filed and raised awareness and quoted the minutes from the prior meeting.

Nathan stated that they had approached the City sixteen years ago when they first started doing rescue and asked if there was a problem and was told as long as there were no complaints, it wasn't an issue

Kmetzo asked for the official definition of kennel as described in the Zoning Ordinance and Buyers read the language of the ordinance.

Christiansen elaborated on the answer by saying the definition of kennel in this case would be the housing and keeping of more than three domestic animals.

Buyers stated that it is obvious based on the number of people that came to speak on the Nathans behalf in support, albeit not completely unanimous, that there's a great deal of support, a lot of people that aren't aware that the enterprise has been conducted for the past sixteen years, and there's a lot going on in support of the Nathans position as well as being partnered with a very well-known entity, the Michigan Humane Society, who is particular about choosing someone as a transfer partner, and accomplishing a great deal of public good, but that the concerns of Mr. Steel and other neighbors with respect to property values, that he would like to make a motion to approve with conditions.

MOTION by Buyers, supported by Gronback, to approve the Special Land Use Request for Lawrence Nathan, (Michigan Pug Rescue), 23927 Wesley, with the following n conditions:

1. That a six-foot vinyl opaque privacy fence will be installed;
2. That waste is to be picked up not less frequently than every other day;
3. That the approval be limited to a maximum of ten animals at a time;
4. That all animals be spayed or neutered;
5. That there be no breeding of animals;
6. That this Special Land Use Request is limited to the Applicant only, Lawrence Nathan, that it shall not run with the land;
7. All animals shall be housed inside the residential dwelling located at 23927 Wesley, except as required for sanitary purposes and limited exercise;
8. That the trees at the rear of the yard be trimmed, not cut down;
9. That this be specifically limited to Pugs and Pug mix breeds only.

The Applicant asked that his wife's name be included in the motion and Buyers agreed to the amendment.

Christiansen offered a friendly amendment to the motion to include is that there's an indication by the Planning Commission in their action, that the primary use of the home remains single family residential, and the Special Land Use is accessory to the single family residential use and that no changes to the exterior of the home with respect to a kennel operation is to take place as indicated by the Applicant and that it remains currently as is, a single family residential dwelling.

Buyers amended his motion to include the condition stated by Christiansen.

MOTION by Buyers, supported by Gronbach, to approve the Special Land Use Request of Lawrence and Barbara Nathan (Michigan Pug Rescue), 23927 Wesley with the following conditions:

1. That a six-foot vinyl opaque privacy fence will be installed;
2. That waste is to be picked up not less frequently than every other day;
3. That the approval be limited to a maximum of ten animals at a time;
4. That all animals be spayed or neutered;
5. That there be no breeding of animals;
6. That this Special Land Use Request is limited to the Applicants only, Lawrence and Barbara Nathan, that it shall not run with the land;
7. All animals shall be housed inside the residential dwelling located at 23927 Wesley, except as required for sanitary purposes and limited exercise;
8. That the trees at the rear of the yard be trimmed, not cut down;
9. That this be specifically limited to Pugs and Pug mix breeds only.
10. That the primary use of the home remains single family residential use and that no changes to the exterior of the home with respect to a kennel operation is to take place as indicated by the Applicant and that it remains currently as is, a single family residential dwelling.

MOTION carried, all ayes.

PUBLIC COMMENT

None heard

PLANNING COMMISSION COMMENTS

Chiara thanked the audience for all of the support they offered to the Nathans.

Jack Jordan, an audience member, then thanked the Commissioners for the way they handled this matter, the respect that was shown to all people involved and the open manner in which it was conducted.

Christiansen stated to the Commissioners that he is going to set up an educational and training session to for them in the near future.

Chiara stated he would like a current roster to reflect the new members.

ADJOURNMENT

MOTION by Buyers, seconded by Chiara, to adjourn the meeting.
Motion carried, all ayes.

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Secretary

**Farmington City Council
Staff Report**
Council Meeting Date:
March 14, 2016

**Reference
Number
(ID # 2106)**
Submitted by: Kevin Christiansen, Economic Community Development Director

Description: Uptown Plaza, 31530-31630 Grand River Avenue

Requested Action:
Background:

This item is a site plan review for the continued use of interior window lighting at Uptown Plaza located at 31530-31630 Grand River Avenue. The applicant/petitioner has submitted a Site Plan Application and support materials in order to maintain existing interior window lighting at the building. The existing commercial site is zoned C-2, Community Commercial. Interior window lighting for non-residential uses is subject to the review and approval of the Planning Commission in accordance with the requirements of Sections 35-48 of the Zoning Ordinance (see attached).

The applicant, Jamal Garmo on behalf of Farmington Plaza, LLC, will be at the March 14, 2016 meeting to present his request to the Commission.

Attachments

Agenda Review
Review:
Kevin Christiansen Pending
City Manager Pending
Planning Commission Pending 03/14/2016 7:00 PM



City of Farmington
CivicSight Map

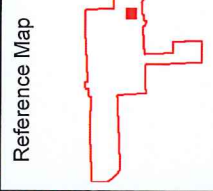
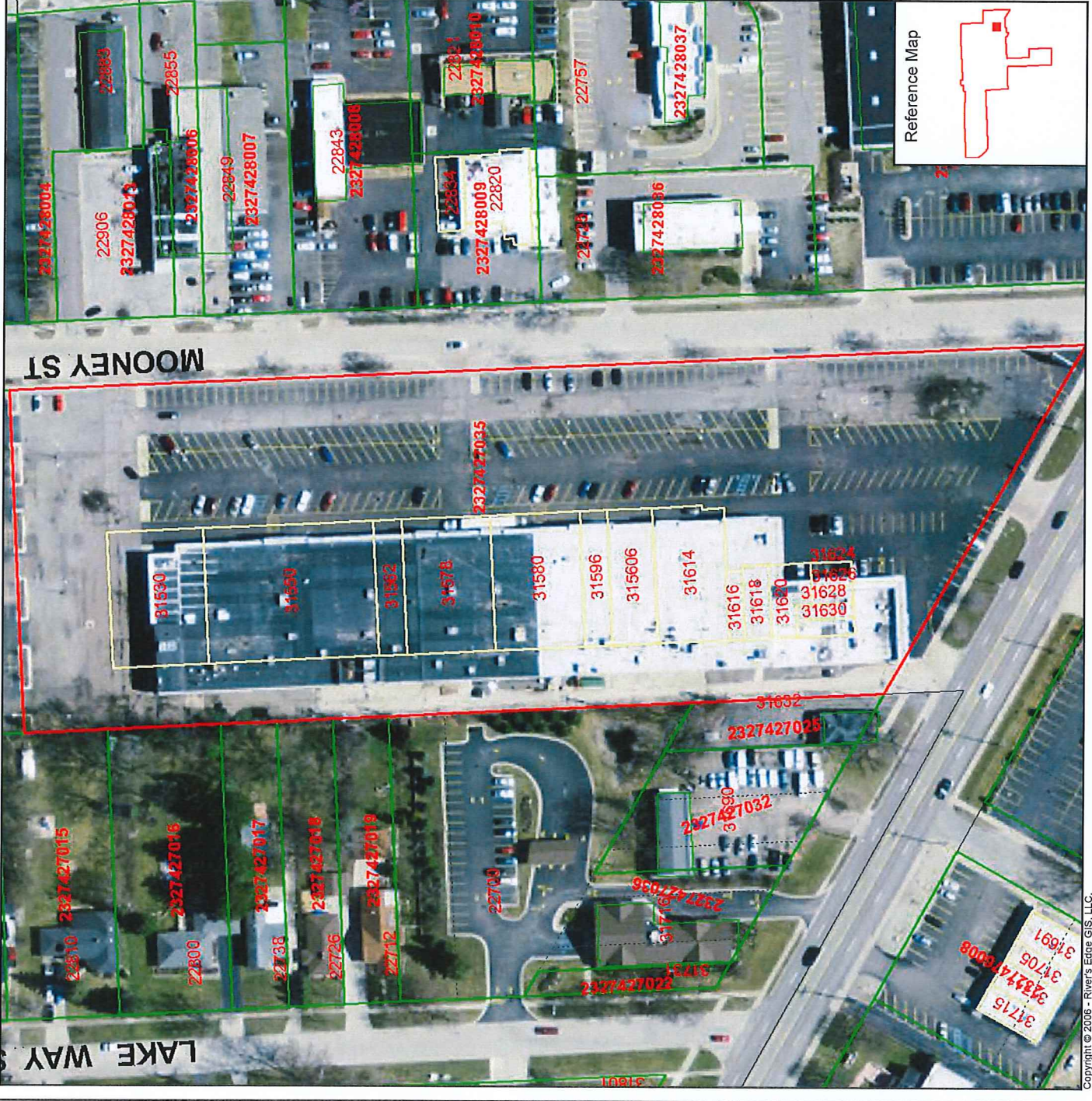
MAP LEGEND:

- CITY BOUNDARY
- / RIVERS-STREAMS
- MULTITENANTBUILDING (Type)
- BUILT
- PROPOSED
- COMM_INDUST BLDGS
- RAPHAEL STREET(POLY)2
- RAPHAEL STREET(POLY)1
- PARCELS
- ROADS OUTSIDE FARMINGTON
- RIGHTOFWAY
- MULTITENANTPAVING
- ROW EXTEND
- LOT HISTORY
- OPEN WATER (FEATURETYPE)
- DetentionPond
- StreamRiver
- LakePond
- Channel
- SwampMarsh
- 2012.AERIAL_PHOTOS (Image)



Map Scale: 1 inch = 132 feet
 Map Date: 1/28/2016
 Data Date: December 18, 2015
 Sources: City of Farmington, Oakland County GIS
 Utility, River's Edge GIS, LLC.

Disclaimer:
 Note: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and is provided as a service to the user. The user should verify the information used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information. Once again, USE AT YOUR OWN RISK !!!





CITY OF FARMINGTON

For office use only

Date Filed: _____

Fee Paid: _____

Site Plan Application

1. Project Name Ovenstock LED + merchandise Display

2. Location of Property 31580
Address 31530-31630 Grand River
Cross Streets Grand River + Mooney

Tax ID Number _____

3. Identification

Applicant Ovenstock Outlet LLC
Address 31614 + 31550 Grand River
City/State/Zip Grand River
Phone 248-867-1877 Fax 248-358-1077

Interest in the Property (e.g. fee simple, land option, etc.)
Property Owner Other (Specify) Tenant

Property Owner FARMINGTON PLAZA LLC
Address 23302 TELEGRAPH ROAD
City/State/Zip Southfield
Phone 248-358-1800 x30 Fax 248-358-1077

Preparer of Site Plan Sam Mikhail / Michigan Professional Engineers PC
Address 2721 Chicago Blvd
City/State/Zip Farmington Hills, MI 48333
Phone 810-814-7220 Fax _____

4. Property Information

Total Acres 6
 Lot Width 959.58' Lot Depth 303.98'
 Zoning District _____
 Zoning District of Adjacent Properties to the
 North _____ South _____ East _____ West _____

5. Use

Current Use of Property Commercial
 Proposed Use SAME

G Residential	Number of Units	_____
G Office	Gross Floor Area	_____
G Commercial	Gross Floor Area	<u>73,204</u>
G Industrial	Gross Floor Area	_____
G Institutional	Gross Floor Area	_____
G Other	Gross Floor Area	_____

Proposed Number of Employees 0

A copy of the complete legal description of the property and proof of property ownership should accompany this application.

I, Jamain Shatto, Member (applicant), do hereby swear that the above statements are true.

Salam Shatto 2/1/16
Signature of Applicant Date

[Signature] 2-1-2016
Signature of Property Owner Date

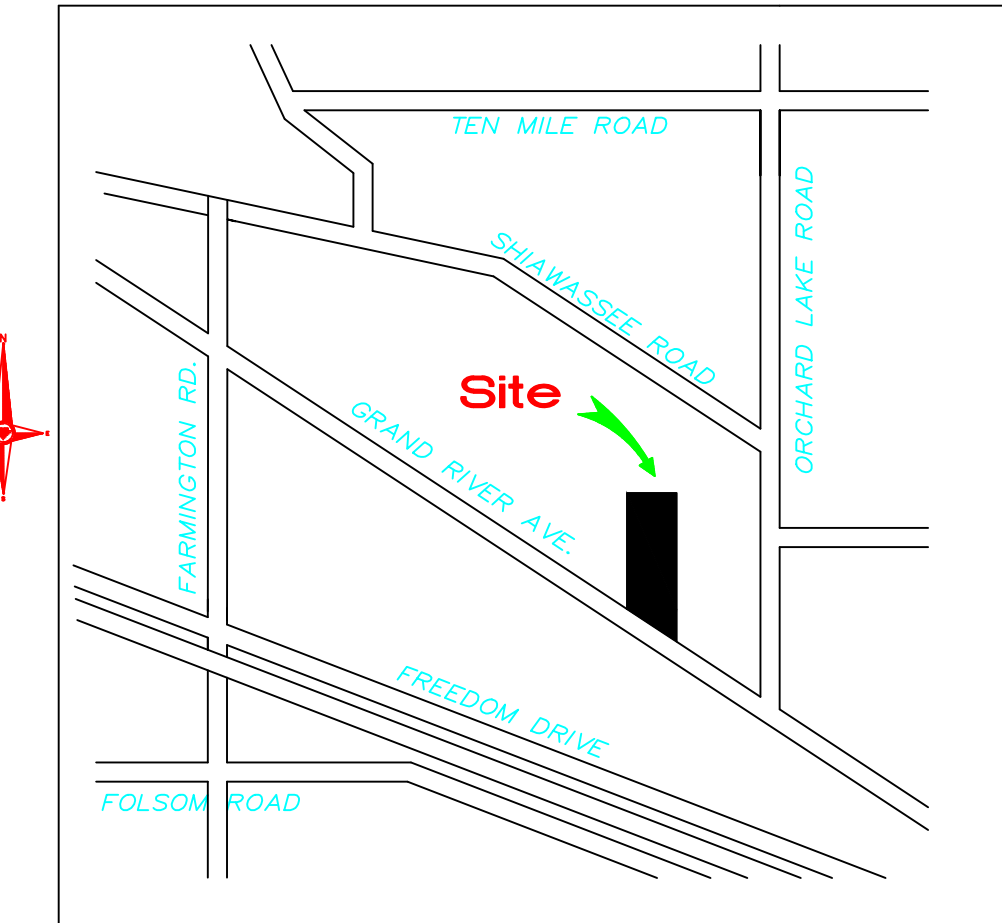
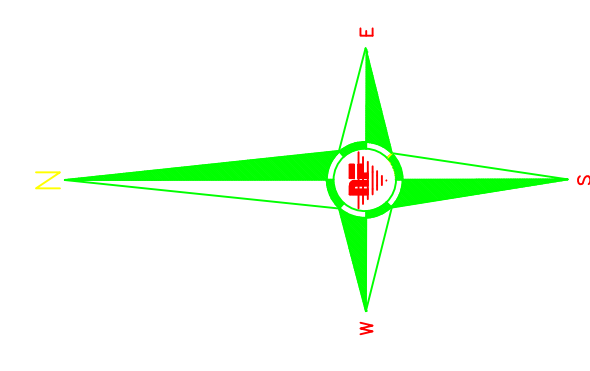
I, Jamal Garim, Member (property owner), hereby give permission for City of Farmington officials, staff, and consultants to go on the property for which the above referenced site plan is proposed for purposes of verifying information provided on the submitted application.

City Action

Approved/Denied: _____
 Date: _____
 By: _____
 Conditions of Approval: _____

FARMINGTON GRAND PLAZA OUTDOOR (SIDEWALK) "MERCHANDISE DISPLAYS"

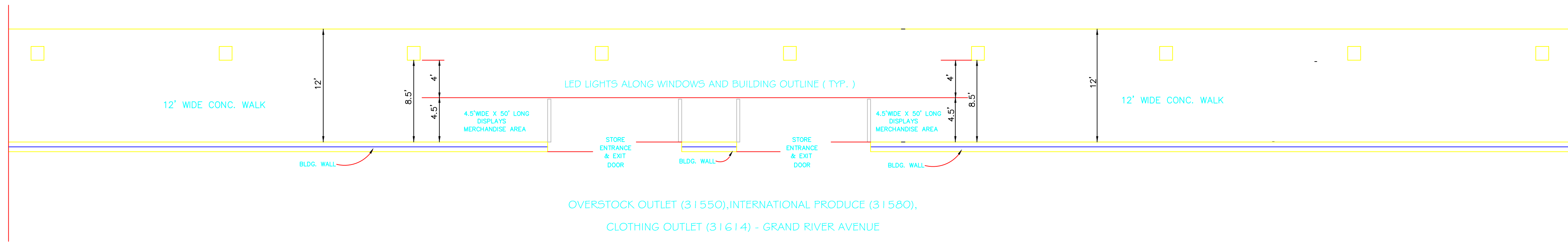
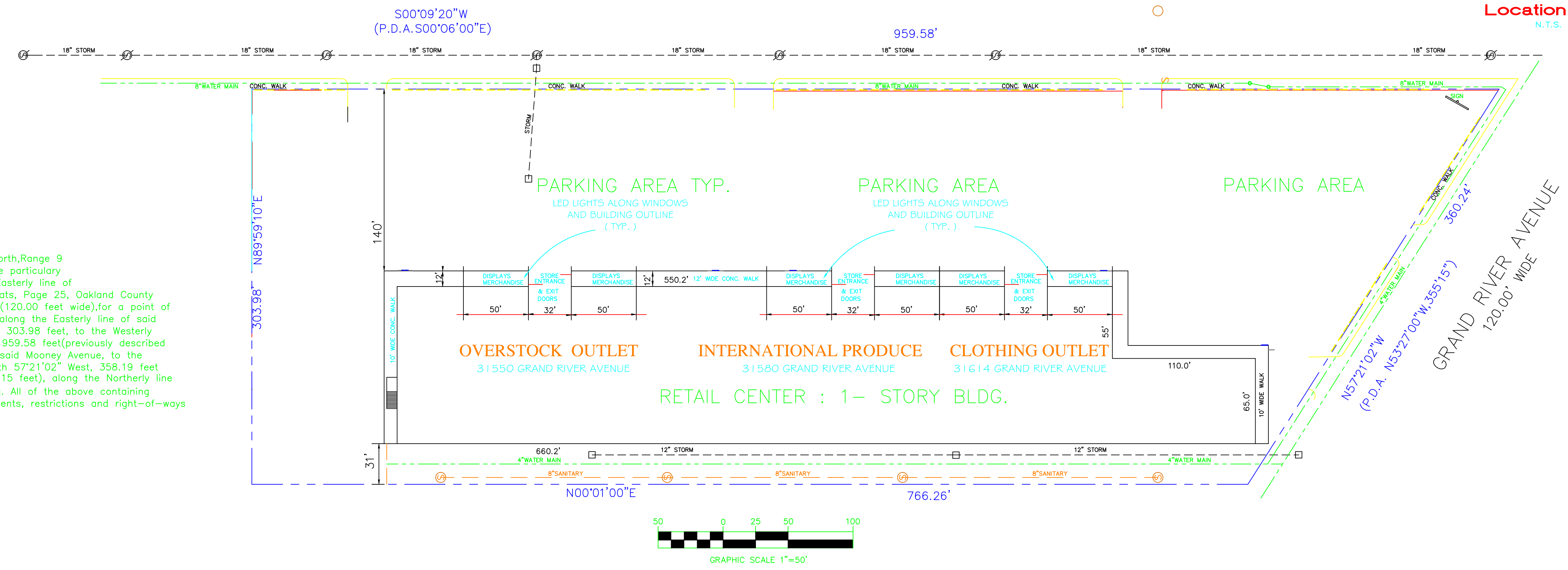
OVERSTOCK OUTLET (31550), INTERNATIONAL PRODUCE (31580),
CLOTHING OUTLET (31614) - GRAND RIVER AVENUE
CITY OF FARMINGTON, OAKLAND COUNTY, MICHIGAN, 48336



Location Map
N.T.S.

LEGAL DESCRIPTION

A part of the Southeast 1/4 of section 27, Town 1 North, Range 9 East, City of Farmington, Oakland County, Michigan; more particularly described as commencing at the intersection of the Easterly line of "Brookdale Subdivision", as recorded in Liber 12 of Plots, Page 25, Oakland County Records, and the Northerly line of Grand River Avenue (120.00 feet wide), for a point of Beginning; thence North 00°01'00" East, 766.26 feet, along the Easterly line of said "Brookdale Subdivision"; thence North 89°59' 10" East, 303.98 feet, to the Westerly line of Mooney Avenue; thence South 00°09'20" West, 959.58 feet (previously described as South 00°06'00" East), along the Westerly line of said Mooney Avenue, to the Northerly line of said Grand River Avenue; thence North 57°21'02" West, 358.19 feet (previously described as North 53° 27' 00" West, 355.15 feet), along the Northerly line of said Grand River Avenue, to the Point of Beginning. All of the above containing 6.001 Acres. All of the above being subject to easements, restrictions and right-of-ways of record.



OVERSTOCK OUTLET (31550), INTERNATIONAL PRODUCE (31580),
CLOTHING OUTLET (31614) - GRAND RIVER AVENUE

RETAIL CENTER : 1- STORY BLDG.

DISPLAYS MERCHANDISE DETAILS (TYP.)

N.T.S.

OVERSTOCK OUTLET (31550), INTERNATIONAL PRODUCE (31580)
CLOTHING OUTLET (31614) - GRAND RIVER AVENUE
FARMINGTON, MICHIGAN, 48336

design by:
S.M.
date:
12-23-2015
job number:
2015-96
approved by:
S. M.

REVISIONS

SHEET NO:
C-1
A-1

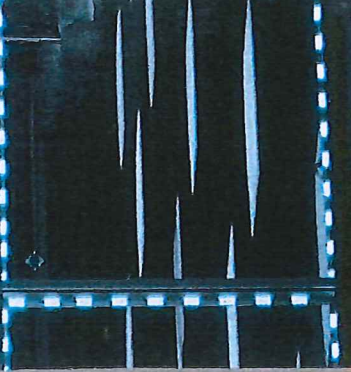
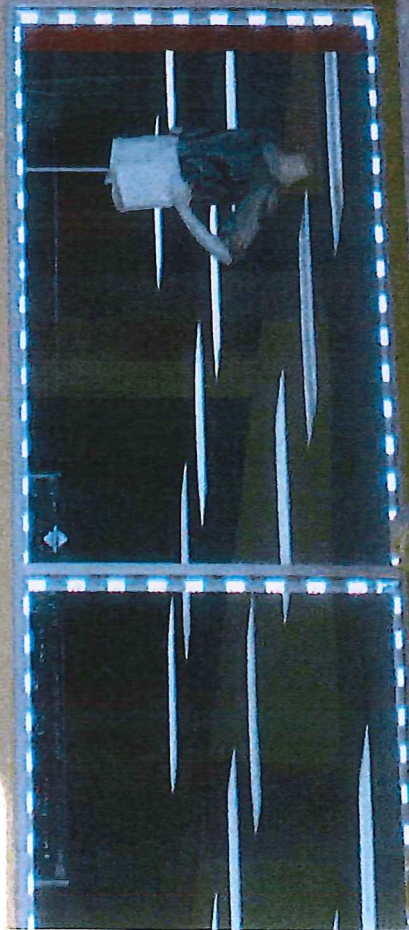


17/11/2015

4.1.d

17/11/2015

BARBER
↑



§ 35-47

FARMINGTON CITY CODE

Sec. 35-47. Roof-Mounted Cellular Towers and Antennas.

Antennas for cellular telephone transmission and similar communication technology shall be permitted to be placed on the roofs of buildings in the O, OS, CBD, C2, C3, and IND Districts subject to the following conditions:

- A. The principal use of the site is a conforming use and the building is a conforming structure.
- B. The antenna shall not exceed the height of its supporting structure by more than twelve (12) feet.
- C. The top of the antenna's supporting structure may exceed the height requirements of the district in which it is located by not more than ten (10) feet.
- D. The antenna's supporting structure shall be set back from the outermost vertical wall or parapet of the building a distance equal to at least two (2) times the height of such structure.

(Ord. No. C-746-2010, § 1, 4-19-10)

Sec. 35-48. Exterior Lighting.

All exterior lighting including freestanding poles and building-mounted lights, shall be fully shielded and directed downward to prevent off-site glare on streets or adjacent property. Lighting shall be so arranged that such lighting does not produce any glare which is a nuisance, or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

A. Intensity.

1. With the exception of gas station canopies and automobile dealerships, the intensity of lighting on any site shall not exceed ten (10) footcandles within the site and one (1) footcandle at any property line, except where adjacent to a public right-of-way or parking lot. Where a site abuts a residentially used or zoned site, a maximum of 0.5 footcandles is permitted at the property line.
2. For gas station canopies and automobile dealerships, a maximum of twenty-two (22) footcandles is permitted within the site but the above standards shall apply to intensity at the property line.
3. In the CBD, a greater intensity may be approved by the planning commission when the higher intensity level will result in a safer lighting design for a public area such as a parking lot, pedestrian walkway, or public gathering area.

B. Fixtures (for Non-Single-Family Residential Uses).

1. Metal halide "shoe box" type fixtures shall be used and directed downward in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."

ZONING

§ 35-48

2. In the CBD, decorative fixtures that reflect a traditional downtown character and that are consistent with other predominant decorative fixtures in the CBD are required in lieu of "shoe box" fixtures.
 3. In all other districts, the planning commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be demonstrated that there will be no off-site glare, that permissible lighting levels will not be exceeded and the proposed fixtures will improve the appearance of the site.
- C. *Pole Height.* The maximum height of parking lot light fixtures shall be twenty (20) feet, except that the planning commission may permit a maximum height of thirty (30) feet in commercial or industrial districts for poles at least one hundred fifty (150) feet from a residential district.
- D. *Location of Poles in Parking Lots.* Parking lot poles shall be located in the parking lot islands or along the edge of the parking lot. Light poles shall be prohibited in parking spaces, loading spaces or maneuvering areas.
- E. *Window Lighting.* Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- F. *Luminous Tube (Neon) and Exposed Bulb Lighting (for Non-Single-Family Residential Uses).*
1. Luminous tube (neon) and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings (e.g., along the roofline and eaves, around windows, etc.). The planning commission may approve internally illuminated architectural bands when such bands will enhance the appearance of the building.
 2. Luminous tube (neon) and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of Chapter 25, Signs.
- G. *Other Lighting.*
1. The internal illumination of building-mounted canopies is prohibited.
 2. Indirect illumination of signs, canopies and buildings is permitted provided a maximum one hundred twenty-five (125) watt bulb is utilized and there is no glare.
 3. The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited unless approved by the city as part of a special event.
 4. Except as may be permitted in 3., above, lighting shall not be of a flashing, moving or intermittent type.

(Ord. No. C-746-2010, § 1, 4-19-10)

**Farmington City Council
Staff Report**
Council Meeting Date:
March 14, 2016

**Reference
Number
(ID # 2110)**
Submitted by: Kevin Christiansen, Economic Community Development Director

Description: Uptown Plaza, Overstock Outlet, 31550 and 31614 Grand River Avenue and International Mediterranean Market, 31580 Grand River Avenue

Requested Action:

Approve

Background:

The applicant/petitioner has submitted plans for outdoor display and sales to be located along the front/entrance of the existing commercial building (units) at 31550 and 31614 Grand River Avenue - Overstock Outlet (Farmington Plaza) as well as at 31580 Grand River Avenue - International Mediterranean Market (Farmington Plaza). The existing commercial shopping center property is zoned C-3, General Commercial. Seasonal commercial outdoor display and sales are permitted in the C-3 District subject to site plan review in accordance with the requirements of Article VII. CBD Central Business, C2 Community Commercial, C3 General Commercial and RO Redevelopment Overlay Districts, Section 35-102. Table of Uses, Special Provisions, sub-section (a) (6) of the Zoning Ordinance (see attached). No changes to the existing commercial building (unit) or other site improvements are proposed.

The submitted plans show an outdoor merchandise display area consisting of two (2) 4.5' wide x 50' long sections located along the front/entrance of each above-said unit of the existing commercial building under the existing building overhang along the existing 12.0' wide sidewalk. The applicant/petitioner is proposing the outdoor merchandise display and sales during normal business hours.

The requested action of the Planning Commission is to review the submitted outside display and sales application and site plan for Overstock Outlet and International Mediterranean Market.

Attachments

Agenda Review
Review:
Kevin Christiansen Pending
City Manager Pending
Planning Commission Pending 03/14/2016 7:00 PM

CITY OF FARMINGTON OUTSIDE SALES APPLICATION

This application shall be completed in full for outside sales requests located on private or public areas when approvals are required by the City Council or Planning Commission.

An application for outside sales shall include all requests for outside sales for the following 12 month period.

The application shall provide a drawing, including dimensions, of the total area of outside sales in relationship to adjacent building and parking lots, including references to all applicable criteria as established in the "Guidelines for Outside Display and Sales".

The application requires that both the property owner and lessee request approval. The City Council has established that the property owner shall be required to be the co-applicant (in those situations where property owner and business operator are not the same) with the tenant/lessee. The property owner review and approval of the application shall be done in consideration of any outside sales requests pending or approved on the same property and in consideration of all applicable City ordinances and zoning requirements.

BUSINESS NAME: Overstock Outlet LLC

PROPERTY ADDRESS: 31550-31614 Grand River, Farmington, MI 48336

PROPERTY OWNER: Farmington Plaza, LLC

Name: Jamal Garmo, Member

Address: 23300 Telegraph Road, Southfield, MI 48033

Business Phone: 248-358-1800 Home Phone: 248-358-1800

As property owner, I have reviewed this application by the tenant/lessee as it affects the property management and City ordinances and request formal consideration of this request by the City of Farmington. I hereby certify that the contents of this application are true and accurate.

Signature: 

**CITY OF FARMINGTON - OUTSIDE SALES APPLICATION
PAGE -2-**

TENANT/LESSEE:

Name: Overstock Outlet, LLC/Salam Shaja Member

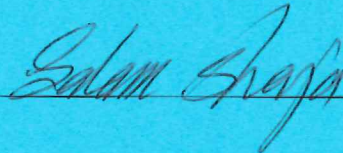
Business Address: 31550-31614 Grand River, Farmington, MI 48336

Residence Address: 7251 W. Maple, West Bloomfield, MI 48322

Business Phone: 248-957-9300 Residence Phone: 248-819-6889

As tenant/lessee, this outside sales application/request has been presented to the property owner for review. As tenant/lessee this request has been prepared in accordance with applicable City ordinances and special direction (if any) of the City Building Department/Ordinance Officer. I hereby certify that the contents of this application are true and accurate.

Signature: _____



OUTSIDE SALES LOCATION PLAN:

Provide **12 SETS** of plan drawings describing the following for each request for any 12 month period:

- * Display time period (day/date to day/date)
- * Location
- * Materials to be displayed
- * Sidewalks
- * Display racks
- * Display platforms
- * Sales areas (cash register)
- * Safety measures (stop signs, crosswalks, etc.)
- * Fencing (height & description)
- * Storage areas if any (extra materials)
- * Lighting
- * Hours of operation
- * Dimensions of all affected areas
- * Any additional information required in the "Guidelines for Outside Display and Sales."

**OUTSIDE SALES APPLICATION
PAGE -3-**

BUILDING DEPARTMENT REVIEW/RECOMMENDATION

APPROVED _____ NOT APPROVED _____

COMMENTS: _____

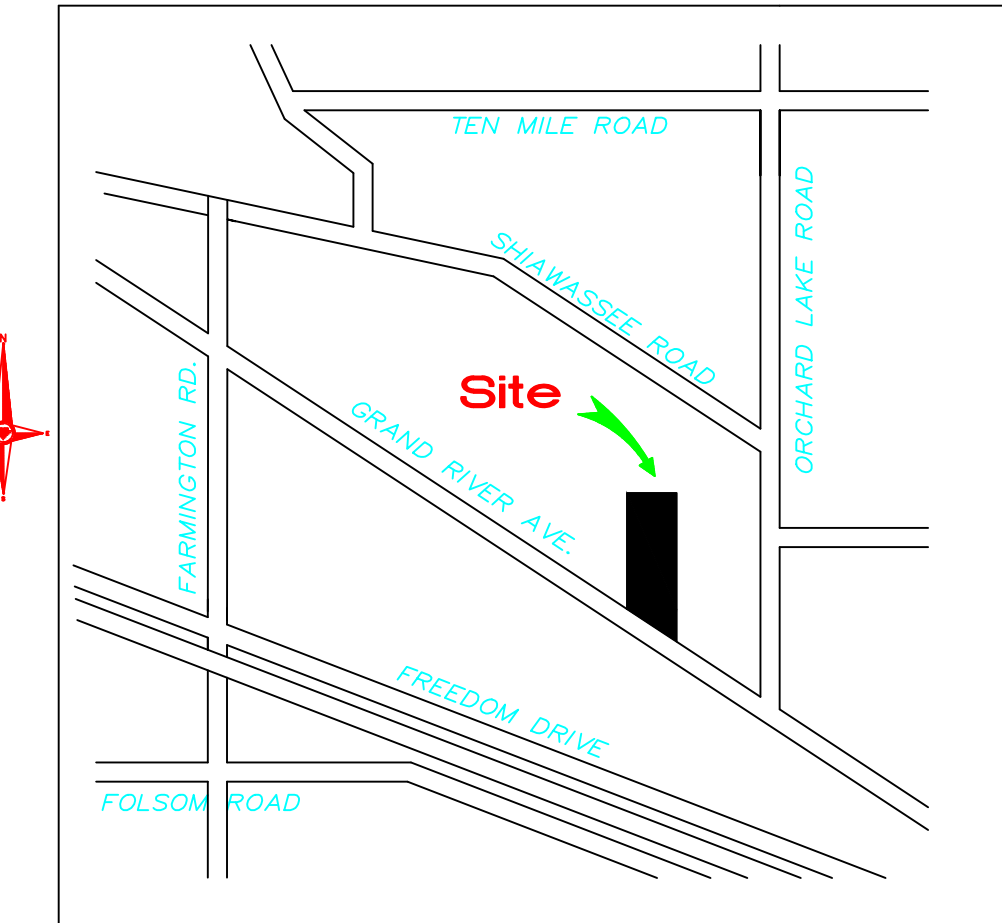
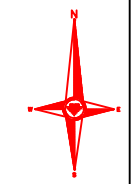
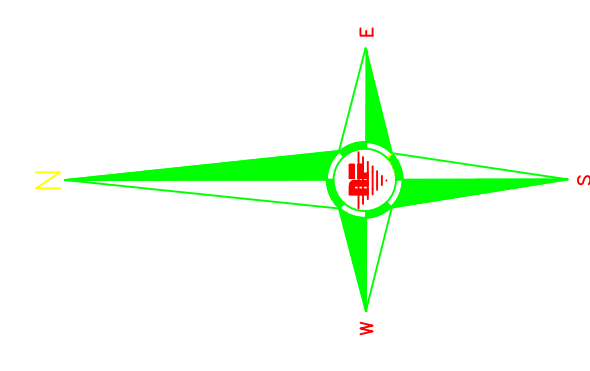
CITY COUNCIL APPROVAL (If applicable) YES _____ NO _____

PLANNING COMMISSION APPROVAL (If applicable) YES _____ NO _____

DATE OF CONSIDERATION: _____

FARMINGTON GRAND PLAZA OUTDOOR (SIDEWALK) "MERCHANDISE DISPLAYS"

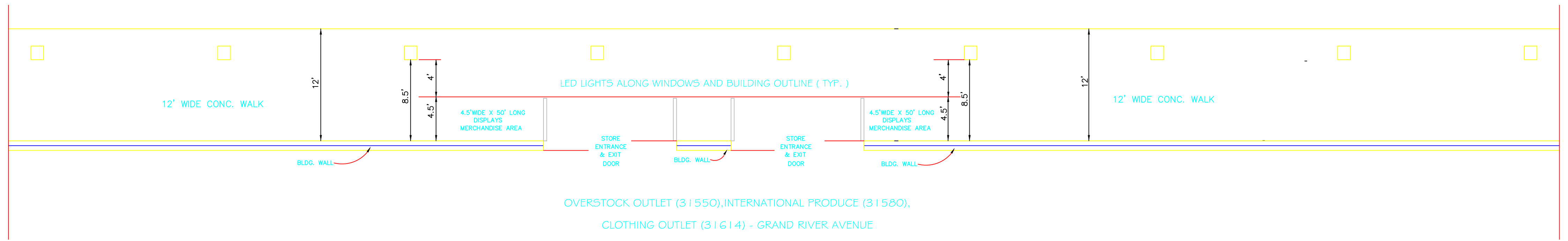
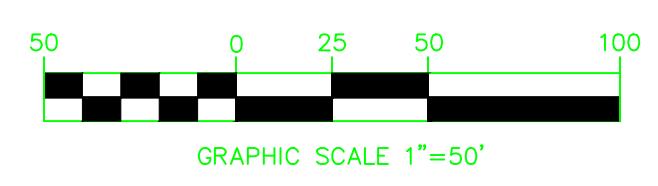
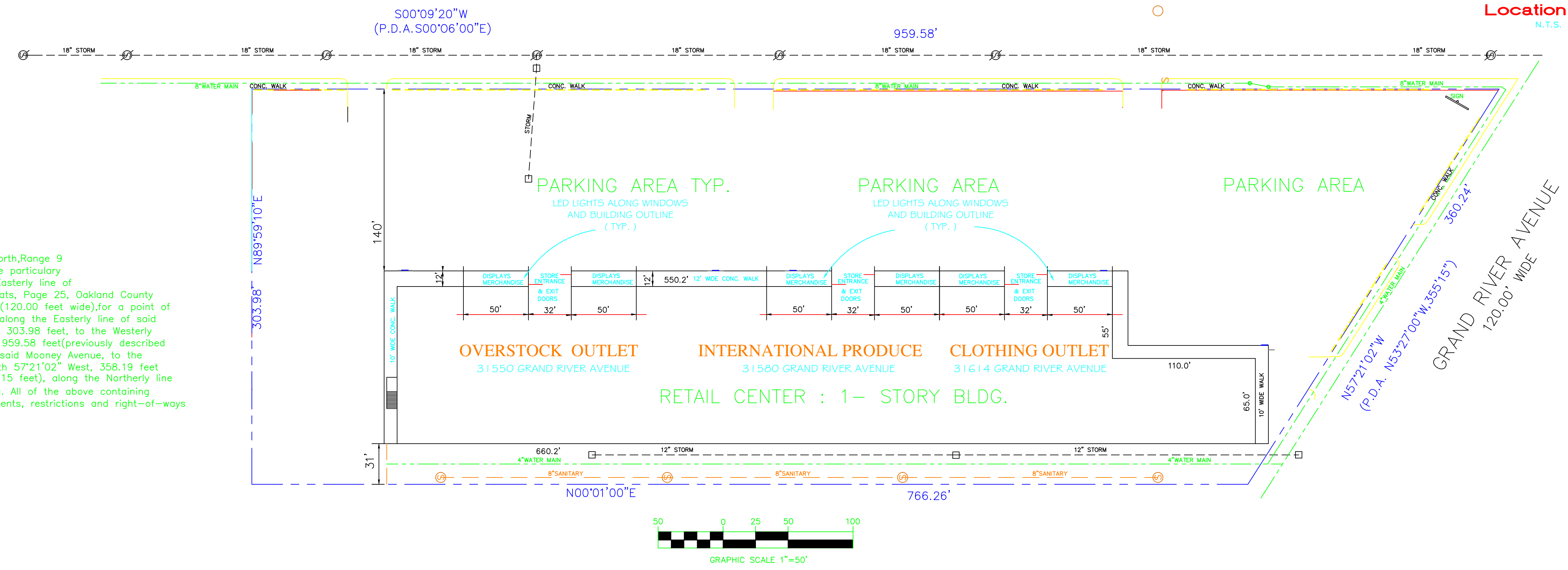
OVERSTOCK OUTLET (31550), INTERNATIONAL PRODUCE (31580),
CLOTHING OUTLET (31614) - GRAND RIVER AVENUE
CITY OF FARMINGTON, OAKLAND COUNTY, MICHIGAN, 48336



Location Map
N.T.S.

LEGAL DESCRIPTION

A part of the Southeast 1/4 of section 27, Town 1 North, Range 9 East, City of Farmington, Oakland County, Michigan; more particularly described as commencing at the intersection of the Easterly line of "Brookdale Subdivision", as recorded in Liber 12 of Plots, Page 25, Oakland County Records, and the Northerly line of Grand River Avenue (120.00 feet wide), for a point of Beginning; thence North 00°01'00" East, 766.26 feet, along the Easterly line of said "Brookdale Subdivision"; thence North 89°59' 10" East, 303.98 feet, to the Westerly line of Mooney Avenue; thence South 00°09'20" West, 959.58 feet (previously described as South 00°06'00" East), along the Westerly line of said Mooney Avenue, to the Northerly line of said Grand River Avenue; thence North 57°21'02" West, 358.19 feet (previously described as North 53° 27' 00" West, 355.15 feet), along the Northerly line of said Grand River Avenue, to the Point of Beginning. All of the above containing 6.001 Acres. All of the above being subject to easements, restrictions and right-of-ways of record.



OVERSTOCK OUTLET (31550), INTERNATIONAL PRODUCE (31580),
CLOTHING OUTLET (31614) - GRAND RIVER AVENUE

RETAIL CENTER : 1- STORY BLDG.

DISPLAYS MERCHANDISE DETAILS (TYP.)

N.T.S.

OVERSTOCK OUTLET (31550), INTERNATIONAL PRODUCE (31580)
CLOTHING OUTLET (31614) - GRAND RIVER AVENUE
FARMINGTON, MICHIGAN, 48336

design by:
S.M.
date:
12-23-2015

job number:
2015-96

approved by:
S. M.

REVISIONS

SHEET NO:
C-1
A-1

Sec. 35-102. - Table of Uses.

Use			
P: Use is permitted by right in district			
SLU: Special Land Use in accordance with			
Article 12, Special Land Uses	CBD	C2	C3
RETAIL:			
General commercial/retail businesses and shopping centers 50,000 square feet of floor area or less	P	P	P
General commercial/retail business or shopping center exceeding 50,000 square feet of floor area	SLU	SLU	SLU
Drive-through accessory to a retail use, not specified elsewhere		-	SLU (c)
Drive-through accessory to a pharmacy	-	SLU	P
Commercial outdoor display, sales or storage (accessory only)	P (a)	SLU (a)	P (a)
Garden centers and nurseries	P (a)	P (a)	P (a)
Home improvement showrooms and supply stores	SLU	P	P
Wholesale establishments	-	-	P
RESTAURANTS: (see definitions in Article 21, Definitions)			
Standard restaurant	P	P	P
Banquet facilities	P	-	P
Bars, taverns, lounges	P	SLU	SLU
Carry-out	P	P	P

Drive-in	-	-	SLU
Drive-through	-	SLU (c)	SLU (c)
Open front window (when principal or accessory use)	P	P	P
Outdoor seating accessory to a restaurant use	P (b)	P (b)	P (b)
SERVICES/OFFICE:			
Animal grooming and training establishments (without 24-hour services or boarding)	SLU	SLU	SLU
Banks, credit unions and similar financial institutions	P	P	P
Banks with drive-through facilities		SLU (c)	SLU (c)
Banking centers separate from a financial institution (including ATMs)	P	P	P
Bed and breakfasts and boarding houses	SLU	SLU	SLU
Business offices and service establishments	P	P	P
Dry cleaning establishments and laundromats	P	P	P
Drive-through accessory to a dry cleaning establishment	-	SLU (c)	P (c)
Dry cleaning plants	-	-	SLU
Funeral homes and mortuary establishments	P	P	P
Hotels and motels	P (d)	P	P
Medical and dental offices and clinics	P	P	P
Personal service establishments	P	P	P
Professional offices and service establishments	P	P	P

Repair service establishments	P	P	P
Showrooms for contractors	P	SLU	SLU
Studios for photography, dance, music, art and similar uses	P	P	P
Tattoo establishment	-	-	SLU
Tool and equipment rental	-	-	SLU
Veterinary office and clinics (not 24-hour)	P	P	P
Veterinary clinics and hospitals (24-hour)	SLU	SLU	SLU
AUTOMOBILE USES:			
Automobile gasoline stations	-	SLU	SLU
Automobile service/maintenance facilities	-	-	SLU
Automobile wash establishments	-	-	SLU
Automobile and vehicle dealerships, new and used	-	-	SLU
Automobile, vehicle and truck rental and leasing establishments	-	-	SLU
ENTERTAINMENT AND RECREATION:			
Fitness centers and health clubs	P	P	P
Golf courses	-	-	P
Indoor entertainment and amusement establishments	P	SLU	P
Instructional entertainment uses	P (i)	P (i)	P (i)
Recreation facilities (municipal)	P	P	P
Recreation facilities (commercial)	P (e)	P (e)	P (e)

Social clubs, halls and similar uses	SLU	P	P
Theaters (indoor), cinemas and auditoriums	SLU	-	P
INSTITUTIONAL:			
Adult and child care facilities	In accordance with Sec. 35-25, Adult and Child Care Facilities		
Churches, temples and similar places of worship and related facilities	SLU	P	P
Municipal buildings and structures	P (f)	P (f)	P (f)
Public or private primary and secondary schools; colleges and universities; business, trade and vocational schools	SLU	SLU	SLU
Public and quasi-public institutional buildings, structures and uses	SLU	P	P
RESIDENTIAL:			
Single-family attached dwellings/townhouses	P	P (g)	PUD
Multiple-family dwelling units	P	P (g)	PUD
Residential dwellings in upper stories of mixed-use buildings	P	P (g)	PUD
Nursing homes and senior assisted living	P	P (g)	P
OTHER:			
Off-street parking as a principal use, including parking decks	P	-	-
Essential public services	P	P	P
Essential public service buildings	P	SLU	SLU
Accessory buildings, structures and uses	In accordance with Sec. 35-43, Accessory Buildings		

Special Provisions

- (a) All retail businesses shall be conducted within a completely enclosed building; provided, however, that a site plan may be approved by the planning commission for accessory outdoor display, sales, or storage, including garden centers and nurseries, subject to article 13, site plan approval and the following requirements:
1. Outdoor display, sales, or storage may be considered for the following businesses:
 - a. Businesses located within a shopping center as defined in this section.
 - b. Businesses located within a building that exceeds 10,000 square feet in size.
 - c. Businesses located within the central business district (CBD).
 - d. Service stations located within a "C" commercial district.
 2. Items sold shall:
 - a. Relate and be accessory to the permanent business conducted within the building in which the business is located, such as the sale of flowers at a home improvement store, or sale of ice melt at automobile service stations, and shall be owned and operated by the same merchant operating within the building.
 - b. Not include items that are customarily sold inside the building. For example, furniture stores may not place furniture outside for sale.
 - c. Be located on a durable and dustless surface and shall be graded and drained to dispose of all surface water.
 - d. Be arranged and constructed so as not to pose a hazard to pedestrians and to minimize risk of fire hazard.
 3. Outdoor storage, sales, or display is allowed outside of the required yards and is confined to areas shown on an approved site plan. The planning commission may require that areas where outdoor display, sales, or storage are permitted be clearly marked with pavement markings or other means for purposes of enforcement and ensure maintenance of fire lanes.
 4. Outdoor vending machines and drop boxes or donation bins shall be prohibited. This provision shall not apply to ice machines and newspaper stands.
 5. Display or storage areas shall be limited to ten (10) percent of the gross floor area of the principal building, or that portion of the building occupied by the business.
 6. Display or storage areas shall also maintain adequate clear area for safe pedestrian circulation along the sidewalk in front of the building, which shall be no less than three (3) feet wide in C-2 and C-3; provided, however, that the width of the clear area shall in all events meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements.
 7. Displays or sales shall be prohibited on municipally-owned sidewalks, public land, or public right-of-way except as may be allowed by the city council for special events.
 8. Outdoor storage of propane tanks is permitted for service station, hardware store, and convenience store uses, except in the CBD district, provided that:
 - a. The tanks shall not be larger than the standard twenty (20)-pound tank size.
 - b. The tanks are stored in a locked storage container.
 - c. The container does not exceed fifty (50) cubic feet and six (6) feet in height.
 - d. The container complies with all applicable fire and safety codes.
 - e. At least three (3) feet of clearance for pedestrian traffic is provided.

- f. Advertising shall be limited to one (1) square foot.
 9. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.
 10. Fencing and lighting for security and aesthetic purposes may be required as determined by the planning commission. Fences shall comply with all lighting shall be shielded from adjacent residential areas in accordance with section 35-48, exterior lighting.
 11. Uncovered items may be displayed or stored outside between April 15th and October 31st. The building official may extend this time as weather permits. All structures associated with temporary outdoor display shall be temporary and removed at the end of the season for storage indoors.
 12. Outdoor display, sales, and storage may be permitted as part of an approved site plan, under the following terms:
 - a. The permit shall be valid for one (1) calendar year.
 - b. Following the initial planning commission site plan approval, the permit may be renewed annually by the building official, subject to the plan originally approved by the planning commission. If the building official finds any violations of this section or the conditions of the planning commission's original approval, no renewal shall be issued, and any new outdoor display shall require a new permit from the planning commission.
 - c. Approved outdoor display, sales and storage areas may continue until such time as the property ownership changes or a revised site plan is approved. Approval shall not be transferrable to new owners or users. Changes of ownership or use shall be required to return to the planning commission for a renewal of their privileges, to ensure they are aware of the limitations that exist.
 13. The planning commission may allow outdoor display, sales, and storage for businesses that do not meet the criteria listed in subsection 1., provided all other provisions of this section (a) are met and the applicant establishes that compliance with the strict requirements of subsection 1. would unreasonably prevent the use of the property for a permitted purpose; that the proposed display, sales, and/or storage would not adversely affect adjacent or nearby properties and would not adversely affect the public health, welfare, and safety.
- (b) Accessory outdoor seating areas may be permitted by annual license when accessory to a permitted or special land use in the district subject to the following:
1. Whether the seating area is proposed as part of a site plan application or an existing business, it shall require site plan review and approval by the planning commission in accordance with Article 13, Site plan review. Insurance in a form and amount deemed acceptable by the city attorney's office shall be provided with the application. Once initial approval has been granted by the planning commission, an annual license shall be issued by the building official. The license may be renewed annually by the building official, provided that it complies with the original planning commission approval and the requirements of this section. The building official may, at any time, refer an outdoor seating permit to the planning commission for renewal if they feel additional review is necessary.
 2. Outdoor seating shall be permitted between April 15 and October 31, with all furniture and fixtures removed after October 31. All tables, chairs, railings and related fixtures shall be removed when not in use. If weather permits, the building official may extend this time for outdoor seating on privately owned property only.
 3. Outdoor seating shall not be the primary seating of the restaurant, except for carry-out restaurants when approved by the planning commission.
 4. Outdoor seating areas shall be located in a manner to maintain a minimum pathway width of five (5) feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic.
 5. Chairs and tables shall be of quality durable material such as metal or wood.

6. Outdoor seating areas shall be maintained in a clean and sanitary condition. Waste receptacles shall be provided in instances where wait staff does not clear all tables.
 7. Outdoor seating areas shall be enclosed in instances where there is alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable material approved by the planning commission and the building official.
 8. For outdoor seating areas located within the public-right-way, approval by the corresponding jurisdiction (i.e., Farmington DPW, MDOT, or Road Commission for Oakland County) is required. Proof of insurance naming the city as an additional insured, in a form and amount deemed acceptable by the city attorney's office, shall be required. A license agreement in a form deemed acceptable to the city attorney's office shall also be required.
- (c) Drive-through uses may be allowed as an accessory to any permitted bank, pharmacy, dry cleaner, or restaurant use, provided the following are met:
1. Drive-through uses shall be designed to minimize conflicts with pedestrian or vehicular circulation and shall meet the following standards:
 2. The number of drive-through lanes shall be limited to the following:
 - a. Drive-through banks and car washes shall have a maximum of three (3) drive-through lanes, including any that are devoted to ATM(s).
 - b. All other drive-through uses shall have a maximum of one (1) drive-through lane.
 3. Stacking Spaces shall be provided as required in Article 14, Off-Street Parking and Loading Standards and Access Design.
 4. Communication and speaker boxes shall meet the following requirements:
 - a. Speakers shall be placed as close as safely possible from the edge of the drive-through lane; in no case may speakers be more than three (3) feet from the drive-through lane.
 - b. Where feasible, speakers shall face away from residential neighborhoods.
 - c. Noise from communication speakers shall not exceed fifty (50) decibels at a nonresidential property line and thirty (30) decibels at any residential property line. Where a screening wall is provided, the noise level shall be measured on the residential side of the screening wall.
 5. Site design for drive-through uses shall use the minimum number of driveways possible. Use of two (2) directional driveways may only be allowed if there are no other reasonable alternatives, such as access to a side street, rear alley, cross-access easement or shared driveway.
 6. Circulation patterns shall separate pedestrian and vehicular traffic where possible. Clear delineation of pedestrian crossings shall be provided in the form of textured concrete or asphalt, striping or other method that clearly draws attention.
- (d) No hotel or motel lodging rooms shall be permitted on the ground floor.
- (e) Outdoor recreation facilities in the CBD, C2 and C3 districts shall not include activities that include automobiles, motorcycles or other motor-driven vehicles.
- (f) All city-owned buildings and uses shall be permitted after a finding that the particular use and development would not be injurious to the surrounding neighborhoods and would not be contrary to the spirit and purpose of this chapter. In the event the planning commission does not approve the use or site plan, city council may grant such approval by an affirmative vote of no less than four (4) members.
- (g) In the C2 district, residential buildings and dwelling units in mixed-use buildings shall be permitted up to a maximum density of twenty-two (22) dwelling units per acre.
- (h) The allowed uses within the RO district shall be the same uses as permitted in the underlying zoning district, provided multiple-family dwelling units may be permitted by special land use.

- (i) Instructional entertainment uses shall meet the following requirements:
1. Such uses may be permitted by the city manager, if determined compliant with this section.
 2. Once initial approval has been granted by the city manager, an annual license shall be issued by the building official. The license may be renewed annually by the building official, provided that it complies with the original approval and the requirements of this section. The building official may, at any time, refer any request to the city manager or planning commission for renewal if they feel additional review is necessary.
 3. Such uses may remain open until 12:00 a.m. (midnight).
 4. All activity associated with the use shall be conducted indoors. Accessory outdoor seating may be permitted by the city manager only if all of the requirements in subsection (b) above are met.
 5. Gambling, gaming, betting, sweepstakes, games of chance, adult regulated uses, or other similar activities may not be conducted in conjunction with such use.
 6. All activity associated with the use shall be conducted in accordance with all local, county, state and federal laws.

(Ord. No. C-746-2010, § 1, 4-19-10; Ord. No. C-765-2012, § 1, 8-20-12; Ord. No. C-775-2014, § 1, 3-14-14)