

MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 15, 1998

CALL TO ORDER

The regular meeting of the Madison Heights Planning Commission was called to order at 7:30 P.M. by Chairman Pulice.

ROLL

Present: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Nagel, Russell, Suarez and Chairman Pulice.

Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Bezz,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of December 16, 1997, as printed.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Nagel, Russell, Suarez and Chairman Pulice.

Nays: None.

PUBLIC HEARINGS

REQUEST BY STUART FRANKEL, 3221 W. BIG BEAVER ROAD, TROY, MICHIGAN, TO REZONE ALL OF LOTS 1 THROUGH 3, LOTS 9 THROUGH 17, LOTS 26 THROUGH 29, VACATED MILTON AVENUE (60 FOOT WIDE) ADJACENT TO LOT 29, PART OF LOTS 4, 5, 8 & 25, AND PART OF OUTLOTS "A" AND "B" OF "ASSESSOR'S PLAT NO. 1" FROM R-1 SINGLE FAMILY RESIDENTIAL AND N-P NATURAL RESERVATION TO B-2 PLANNED BUSINESS, AND TO REZONE ALL OF LOTS 6 AND 7, LOTS 18 THROUGH 24 INCLUSIVE, PART OF LOTS 4, 5, 8 AND 25, PART OF OUTLOT "A" AND VACATED EDWARD AVENUE (30 FEET WIDE) ADJACENT TO LOT 21 OF "ASSESSOR'S PLAT NO. 1 FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-2 SINGLE FAMILY RESIDENTIAL. THE AREA OF REQUEST IS LOCATED NORTH OF THIRTEEN MILE ROAD AND EAST OF EDWARD AVENUE.

Mr. Moore read a communication from the Community Development Department explaining the request.

Chairman Pulice opened the Public Hearing.

Stuart Frankel, 3221 W. Big Beaver Road, Troy, Michigan, said that his presentation will be divided into 5 components. He gave his presentation and spoke in favor of the rezoning. He stated that houses would sell for \$160,000 to \$180,000. He gave history of the subdivision and said that it was previously proposed as a college site.

Phil Homblade, Architect, described the proposed site. He talked about the Meijers, the family style restaurants, landscaping and the convenience store/gas station.

Rick Morgan, Meijers Real Estate Division, stated that Meijers is a privately owned company. They want to work with the community. They would own site and will take care of site. Presented a slide show of a new store. The store would have 35 departments and provide 200 full-time and numerous part-time positions

Mike Labadie, traffic engineer, said the proposed improvements will improve traffic. He went over the traffic study.

Tony Capoccia, home builder, gave history of Madison Heights housing. He talked about the increased tax revenue to be generated by the proposed project. He introduced Tom Randall and Frank Manaco of Franklin Modern Homes, who talked about the proposed houses. He explained why houses could not be built on the entire site economically. Rick Morgan gave a slide presentation on housing developments around existing Meijer stores in the Detroit area.

Leo Bathe, 30160 Elmhurst, objected to the request. Stated that we do not need anymore commercial.

Robert Brunk, 30604 Winthrop, stated that "cut through" traffic is bad now and would get worse. Doesn't want a commercial development.

Dorian Staff, 1791 Oakland, is opposed to the rezoning.

Susan Cryderman, 30818 Woodmont, said that the development would add too many cars to Thirteen Mile Road and she opposes the project.

Gail Stevens, 1776 E. Thirteen Mile Road, spoke against the rezoning and turned in a petition with 21 signatures opposing the rezoning.

Linda Ballantine, 30326 Winthrop, said that she does not want Meijers built there.

Jose Aguilar, 31556 Meadows, said that there would be too much traffic on Thirteen Mile Road and that he did not want the property rezoned.

Jim Lang, 30444 Westmore, spoke against the proposal.

Bernie Michrina, 29305 Edward, believes that one developer for the site is best. All of the property would be developed and that "piece meal" development would be the worst thing for the City. He is in favor of the request.

Tillie Morrow, 30838 Blairmoor, spoke against the rezoning. She presented copies of old petitions from June, 1994 objecting to the rezoning.

Janice Gray, 29317 Herbert, said that we do not need anymore retail.

Pat Burnett, 30457 Townley, opposes a Meijer store.

Bill Kemp, 275 E. Girard, said the proposed development traffic would be spread out during the day. He said to the audience, "help your neighbors" in reference to the Frank Lloyd Wright residents. He is in favor of the rezoning.

Trudy Fornaresio, 30429 Winthrop, is opposed to the rezoning.

Elaine Nanninga, 31255 Tawas, wants the area rezoned. She said the septic fields don't function, the water well is not good and she likes the proposed development.

Dan Bryant, 675 Lloyd, wants the rezoning.

Paul Heinrich, 30812 Blairmoor, is opposed to the project.

Yvonne Schilla, 735 Lloyd, said the residents of the area need help. She wants the rezoning.

Richard LePage, 30980 Plum Lane, spoke against the rezoning.

Vincent Bianchini, 30467 Winthrop, does not want a Meijers.

Arlene Kilburn, 30850 Palmer, is opposed to the rezoning.

Man from Royal Oak, 3202 N. Connecticut, does not want the storm water from this area dumped into the Red Run Drain.

Michael Kairis, 30819 Woodmont, does not want added traffic.

Letter from Helen McCann opposing the project and a petition with 62 signatures opposing it was presented.

Hearing no further comments from the audience, Chairman Pulice closed the public hearing.

Commissioner Bezz said that the street into the proposed residential subdivision should not be off of Irving.

Stuart Frankel said he would put it wherever the City wants.

Commissioner Bezz asked if there would be a problem with a special assessment of the costs for utility and street installation within the Frank Lloyd Wrights area for the area.

Commissioner Austin said it would be very expensive.

Stuart Frankel said the residents could not afford it. He also stated that the market can support retail. He said that the traffic engineering company did a study and there is very little cut through traffic on Winthrop. Most of the traffic to Meijers is not during rush hour.

Chairman Pulice asked why they didn't use the Home Quarters site.

Mr. Frankel said that Meijers needs a 30 acres site and that this one is only 15 acres.

Chairman Pulice said what about the Home Depot site on Twelve Mile Road.

Mr. Frankel said "that site is only 13 acres" .

Commissioner Maten asked questions about the traffic study. Also is concerned with only two access drives.

Commissioner Nagel expressed traffic concerns.

Chairman Pulice said the area should be residential.

Motion by Commissioner Kapolka,
Supported by Commissioner Maten,

WHEREAS, a request has been received from Stuart Frankel, 3221 W. Big Beaver, Troy, Michigan, to rezone all of Lots 1 through 3, Lots 9 through 17, Lots 26 through 29, vacated Milton Avenue (60 foot wide) adjacent to Lot 29, part of Lots 4, 5, 8 & 25, and part of Outlots "A" and "B" of "Assessor's Plat No. 1" from R-1 Single Family Residential and N-P Natural Preservation to B-2 Planned Business, and to rezone all of Lots 6 and 7, Lots 18 through 24 inclusive, part of Lots 4, 5, 8 and 25, part of Outlot "A" and vacated Edward Avenue (30 feet wide) adjacent to Lot 21 of "Assessor's Plat No. 1 from R-1 Single Family Residential to R-2 Single Family Residential, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time the petitioner and four (4) of his representatives described the proposed project, five (5) residents spoke in favor of the request, 18 residents spoke in opposition to the request, while one (1) letter and two (2) petitions (containing 84 signatures) in opposition were submitted, and a copy of the 1994 petition containing 2,163 signatures in opposition to the project was also submitted to the Commission, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request should the Commission determine that the redeveloping of the area for a combination of commercial/residential uses is in the best interests of the Community,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by Stuart Frankel, 3221 W. Big Beaver Road, Troy, Michigan to rezone the following land in Assessor's Plat No. 1 be denied in that commercial zoning at this location would create hazardous and congested traffic conditions on the roadways within the immediate area, adversely impact nearby residential areas and intensify the saturation of business uses in this portion of the Community:

all of Lots 1 through 3, Lots 9 through 17, Lots 26 through 29, vacated Milton Avenue (60 foot wide) adjacent to Lot 29, part of Lots 4, 5, 8 & 25, and part of Outlots "A" and "B" of "Assessor's Plat No. 1 (as recorded in Liber 105 of Plats, page 9, Oakland County Records) of part of the S.½ of Section 1, T.1.N., R.11.E., City of Madison Heights, Oakland County, Michigan, being more particularly described as beginning at a point on the north line of Thirteen Mile Road (120 feet wide) distant S 83°54'28" E, 381.00 feet along the

south line of Section 1 and N 06°05'32" E, 60.00 feet from the South
 ¼ corner of Section 1; thence along the north line of Thirteen Mile
 Road (120 feet wide) N 83°54'28" W, 384.23 feet and S 89°46'38" W,
 563.17 feet; thence N 00°19'39" E, 593.00 feet; thence N 45°39'22" W,
 158.00 feet; thence N 23°04'04" W, 97.00 feet; thence N 00°12'47"
 W, 368.00 feet to a point on the South line of " University Place
 Industrial Park Subdivision No. 2" ; thence along the south line of
 said " University Place Industrial Park Subdivision No. 2" and
 " University Place Industrial Park Subdivision" N 89°47'13" E,
 913.00 feet; thence along the westerly and southerly lines of said
 " University Place Industrial Park Subdivision" , S 00°11'41" E,
 290.28 feet and N 89°51'37" E, 434.57 feet; thence S 00°55'50" W,
 610.55 feet; thence S 89°48'38" W 72.31 feet; thence S 57°17'13" W,
 17.84 feet; thence S 28°11'36" W, 332.54 feet to the point of
 beginning; from R-1 Single Family Residential and N-P Natural
 Preservation to B-2 Planned Business, and to rezone all of Lots 6 and
 7, Lots 18 through 24 inclusive, part of Lots 4, 5, 8 and 25, part of
 Outlot " A" and vacated Edward Avenue (30 feet wide) adjacent to Lot
 21 of " Assessor's Plat No.1 of part of the S ½ of Section 1, T.1.N.,
 R.11.E., City of Madison Heights, Oakland County, Michigan, being more
 particularly described as beginning at a point on the North line of
 Thirteen Mile Road (120.00 feet wide) distant S 89°46'38" W, 560.36
 feet along the South line of Section 1 and N 00°19'39" E, 60.00 feet
 from the South ¼ corner of Section 1; thence S 89°46'38" W, 381.00
 feet along the North line of Thirteen Mile Road (120.00 feet wide);
 thence N 00°19'39" E, 520.56 feet; thence S 89°48'38" W, 416.07 feet
 to the East line of Edward Avenue (60.00 feet wide); thence along said
 East line of Edward Avenue N 00°53'00" E, 371.40 feet; thence S
 89°48'38" W, 30.01 feet; thence N 00°53'00" E, 349.77 feet to a
 point on the North line of Frank Avenue (60.00 feet wide), also being
 the South line of " University Place Industrial Park Subdivision No.
 2" ; thence along said north line of Frank Avenue the following three
 courses: N 89°48'38" E, 178.45 feet; 141.32 feet along an arc of a
 curve to the left (radius 300.00 feet, central angle 26°59'26" , chord
 bears N 76°21'36" E, 140.02 feet) and N 62°51'53" E, 137.37 feet to
 a point on the East line of Tawas Avenue (60.00 feet wide); thence
 along said East line of Tawas Avenue the following two courses: S
 27°08'07" E, 82.20 feet and 105.67 feet along an arc of a curve to
 the right (radius 224.40 feet, central angle 26°58'44" , chord bears S
 13°38'45" E, 104.69 feet) to a point on the South line of
 " University Place Industrial Park Subdivision No. 2" ; thence along
 said South line N 89°47'13" E, 165.04 feet; thence S 00°12'47" E,
 368.00 feet; thence S 23°04'04" E, 97.00 feet; thence S 45°39'22" E,
 158.00 feet; thence S 00°19'39" W, 593.00 feet to the point of

beginning from R-1 Single Family Residential to R-2 Single Family Residential.

YEAS: Commissioners Kapolka, Maten, Bezz, Nagel, McFall and Chairman Pulice.

NAYS: Commissioners Russell, Suarez and Austin

REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND THE ZONING ORDINANCE TO PROVIDE DEFINITIONS OF MOTOR VEHICLE REPAIR FACILITIES AND MOTOR VEHICLE MAINTENANCE FACILITIES AND PROVIDING THAT ALL MOTOR VEHICLES ON MOTOR VEHICLE REPAIR FACILITIES BE SCREENED FROM SIGHT AND REQUIRING CERTAIN PARKING REQUIREMENTS FOR MOTOR VEHICLE REPAIR FACILITIES.

Mr. Moore discussed the communication from the Community Development Department which recommended approval of the request.

Chairman Pulice opened the Public Hearing.

Motion by Commissioner Russell,
Supported by Commissioner McFall,

WHEREAS, a request has been received from the Madison Heights Planning Commission to amend the Zoning Ordinance to provide definitions of motor vehicle repair facilities and motor vehicle maintenance facilities and providing that all motor vehicle repair facilities be screened from sight and requiring certain parking requirements for motor vehicle repair facilities, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the following Zoning Ordinance amendment regarding vehicle repair facilities be approved, as such action will help to improve the appearance of the Community and limit the spread of blight.

ORDINANCE NO. _____

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending in part the Zoning Ordinance (Ordinance No. 252) to provide definitions of motor vehicle repair facilities and motor vehicle maintenance facilities and providing that all motor vehicles on motor vehicle repair facilities be screened from sight, requiring certain parking requirements for motor vehicle repair facilities, and providing a penalty for violation thereof.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

Section 10.200 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

Section 10.200 Definitions

* * *

(4)(a) Motor Vehicle Maintenance Service Facility. A facility where routine motor vehicle maintenance consisting of oil changes, tire replacement, battery replacement, brake and exhaust system work and other routine services which require short periods of time to start and complete the maintenance service.

(b) Motor Vehicle Repair Facilities. (Light Repairs) A facility where motor vehicle engine repair is conducted. Prohibited activities include, but are not limited to, motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other similar heavy duty repair.

(c) Motor Vehicle Repair Facilities. (Heavy Repairs) A facility where all uses and activities permitted as a Motor Vehicle Light Repair Facility and a Motor Vehicle Maintenance Service Facility or where motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other activities are conducted.

* * *

Section 2.

Section 10.319 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

* * *

(2) Gasoline Service Stations and/or Motor Vehicle Light Repair Facilities and/or Motor Vehicle Maintenance Service Facilities, subject to the following:

* * *

(k) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building, only.

(1) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight (8') foot poured concrete screen wall. All parcels which do not contain corner lots must maintain the required front yard setback per Ordinance. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue the enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than 72 hours on the premises. Further, all

vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building, only.

(m) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building, only.

* * *

Section 3.

Section 10.322 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

* * *

(3) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities; provided, that:

* * *

(f) The owner and/or operator of a motor vehicle light repair facility and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be parked within an enclosed area. All repair work of any nature shall be done within an enclosed building, only.

(g) All owners and/or operators of light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building, only.

(h) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities subject to the requirements of Section 10.319 (2).

* * *

Section 4.

Section 10.326 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

(11) Motor vehicle light repair facilities and/or motor vehicle maintenance service facilities subject to the requirements of Section 10.319 (2).

* * *

Section 5.

Section 10.329 (6) of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended to read as follows:

* * *

(6) Motor vehicle heavy and light repair facilities and/or motor vehicle maintenance service facilities subject to the applicable requirements of Section 10.319 (2).

* * *

Section 6.

Section 10.505 of the Zoning Ordinance of the City of Madison Heights Code of Ordinances is hereby amended in part to read as follows:

* * *

(10) The minimum number of off street parking spaces by type of use shall be determined in accordance with the following schedule:

12. Motor vehicle sales and motor vehicle heavy and light repair facilities and/or garages.	Six (6) spaces plus (1) for each 100 square feet of floor area of the waiting and/or sales area and two (2) for each motor vehicle service bay and/or stall in the service room plus one (1) for each employee.
12a. Motor vehicle maintenance service facilities	Three (3) spaces plus (1) for each 200 square feet of floor area of the waiting and/or sales area and one (1) for each auto service bay and/or stall in the service room plus one (1) for each employee.

* * *

Section 7.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 8.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 9.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 10. (Penalty)

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 (\$500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 11.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 12.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Commissioners Maten, McFall, Nagel, Suarez, Austin, Bezz, Kapolka, and Chairman Pulice.

Nays: None.

REQUEST BY THE MADISON HEIGHTS PLANING COMMISSION TO AMEND SECTION 10.511 ZONING ORDINANCE TO PROHIBIT " BENCH SIGNS" .

Mr. Moore discussed the communication from the Community Development Department which recommended approval of the request.

Chairman Pulice opened the Public Hearing.

Hearing no comments from the audience, Chairman Pulice closed the Public Hearing.

Motion by Commissioner McFall,
Supported by Commissioner Bezz,

WHEREAS, a request has been received from the Madison Heights Planning Commission to amend Section 10.511 of the Zoning Ordinance to prohibit "bench signs", and

WHEREAS, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request,

NOW, THEREFORE, BE RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the following Zoning Ordinance amendment to prohibit "bench signs" be approved, as such action will help to improve the appearance of the Community by eliminating, in small measures, some of the visual pollution that we face every day.

ORDINANCE NO. ____

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending in part the Zoning Ordinance No. 252, Section 10.511, Section I(B) to add a definition for bench signs and by amending Section IV(A) to strictly prohibit bench signs within the City of Madison Heights and providing a penalty for the violation thereof.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Section 10.511 (I)(B) be amended in part to add a new definition to read as follows:

* * *

(1)(a) Bench Signs. A bench, or chair or an attachment to a building which provides a bench, or chair or seating device which also has painted, or in any other way attached to it, any message, including but not limited to, any announcement, declaration, display, illustration and/or insignia, including the use of any words, numerals, figures, devices, designs or trademarks. The term "sign" shall also include any banner(s), bulbs, string of lights, other lighting devices, streamers, pennants, balloon(s), propeller(s), flags, other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above.

* * *

Section 2.

That Section 10.511(IV)(A) is hereby amended to read as follows:

Prohibited signs: Roof signs, marquee signs and projecting signs are prohibited. Further, in order to prevent, reduce or eliminate blight in the City caused by bench signs which often protrude into the City's right-of-way, and are not maintained on a regular basis, bench signs are prohibited within the City of Madison Heights. Any other signs not specifically permitted by this Ordinance are prohibited.

Section 3.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 6. (Penalty)

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and 00/100 (\$500.00) Dollars or be imprisoned for a period of not more than 90 days, or both such fine and imprisonment.

Section 7.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 8.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 A.M. and 4:30 P.M. on regular business days.

Yeas: Commissioners McFall, Nagel, Russell, Suarez, Austin, Bezz,
Kapolka, Maten, and Chairman Pulice.

Nays: None.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Pulice adjourned the meeting.

Meeting adjourned at 10:51 p.m.

Paul G. Bertalan
Secretary

MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 21, 1998

CALL TO ORDER

The regular meeting of the Madison Heights Planning Commission was called to order at 7:30 P.M. by Chairman Pulice.

ROLL

Present: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Russell, Suarez and Chairman Pulice.

Absent: Nagel.

MEMBER EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Bezz,

To excuse Commissioner Nagel from tonight's meeting.

Yeas: Commissioners Bezz, Suarez, McFall, Kapolka, Russell, Austin, Maten and Chairman Pulice.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Russell,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of March 17, 1998, as printed.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Russell, Suarez and Chairman Pulice.

Nays: None.

PLAN COMMISSION BUSINESS

REQUEST BY T. ROGVOY ASSOCIATES, INC., 6735 TELEGRAPH ROAD, SUITE 300, BLOOMFIELD HILLS, MICHIGAN, FOR SITE PLAN APPROVAL OF TWO (2) PROPOSED COMMERCIAL BUILDINGS ON LOTS 62 THROUGH 74 OF GROVELAND SUBDIVISION. THE AREA OF REQUEST IS LOCATED AT THE SOUTHEAST CORNER OF ELEVEN MILE AND JOHN R ROADS.

Mr. Moore read a communication from the Community Development Department recommending approval of the request subject to nine (9) conditions.

Beth Hebner from McKenna & Associates showed the Downtown Development Authority plan for Eleven Mile and John R Road. They discussed various methods to improve the street scape.

Mark Drane representing T. Rogvoy Associates, Inc., was present for any questions that the Commission might have.

Commissioner McFall questioned parking around gas station.

Mr. Moore said the parking layout is in compliance with ordinance requirements.

Commissioner Maten questioned controlling Groveland to prohibit turning right.

Mr. Moore indicated that engineering will review the site plan and that many residents of this area will use Groveland to access this site.

Commissioner Austin asked T. Rogvoy & Associates if they had reviewed the nine(9) conditions and agreed to them.

The Architect, Mark Drane agreed, will discuss electrical service to tower area with City Staff.

Motion by Commissioner Maten,
Supported by Commissioner Bezz,

WHEREAS, a request has been received from T. Rogvoy Associates, Inc., 6735 Telegraph Road, Suite 300, Bloomfield Hills, Michigan, for site plan approval of two (2) proposed commercial buildings on Lots 62 through 74 of Groveland Subdivision, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request subject to nine conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby approves the site plan for two (2) proposed commercial buildings on Lots 62 through 74 of Groveland Subdivision subject to the following conditions.

1. Approval of the submitted landscape plan by City staff and McKenna & Associates. This landscape plan is in basic compliance with existing (and soon to be approved) design standards, however, several issues still need to be reviewed.
2. All roof top HVAC units on either new building must be screened from view of passing traffic.
3. All signs, free standing or on a building, require separate permits.

4. Installation of a new fire hydrant on the east side of Groveland over the existing water main at a location approved by the Fire Marshal. In addition, the Walgreen building must be fire suppressed with a two inlet Fire Department connection located within 140 feet of a fire hydrant. A knox box is required -see Fire Marshal for installation requirements.
5. Submission and approval of an acceptable engineering site plan with six (6) sealed drawings, along with an engineer's estimate of the site work cost.
6. Dedication of 10 feet of John R right-of-way along the northerly portion of the west property line as shown on the site plan.
7. The approval of sign variances already submitted, and soon to be heard by the Zoning Board of Appeals.
8. Staff approval of all types and colors of brick to be used on buildings screen walls, sign bases and dumpster enclosures, so that the result will be a unified and architecturally pleasing site.
9. Dedication of an easement (approximately 25'X30') in the northwest corner of the site and also extending in two bands, each approximately 2 feet wide, 1 foot back of and parallel the parking lot curb edge for a distance of approximately 110 feet south of the north property line and a distance of approximately 75 feet east of the current west property line to be used by the D.D.A. as a community focal point (see illustration). Extend power (underground) to the easement area for future connection to lighting or a clock.

Yeas: Commissioners Maten, Bezz, Kapolka, Austin, McFall, Suarez, Russell and Chairman Pulice

Nays: None.

Having no further business before the Commission, Chairman Pulice adjourned meeting at 7:56 p.m.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
June 16, 1998

CALL TO ORDER

The regular meeting of the Madison Heights Planning Commission was called to order at 7:30 p.m. by Chairman Pulice.

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Suarez and Chairman Pulice.

Absent: Commissioners Nagel and Russell.

MEMBERS EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Suarez,

To excuse Commissioners Nagel and Russell from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Suarez and Chairman Pulice.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Bezz,
Supported by Commissioner McFall,

To approve the minutes of the special meeting of May 26, 1998, as printed.

Yeas: Commissioners Bezz, Kapolka, Maten, McFall, Suarez, Austin and Chairman Pulice.

Nays: None.

Page 2

Madison Heights Planning Commission - Minutes

June 16, 1998

PUBLIC HEARING

REQUEST BY MCCOMB CONSTRUCTION COMPANY, INC., 1871 AUSTIN ST., TROY, MICHIGAN, TO VACATE 30 FOOT WIDE UNIMPROVED SPICER AVENUE ADJACENT TO LOTS 290 THROUGH 292 OF VACATED KILLORAN HEIGHTS SUBDIVISION. THE AREA OF REQUEST IS LOCATED NORTH OF WINTHROP DRIVE AND WEST OF HALES AVENUE.

Mr. Moore read a communication from the Community Development Department recommending approval of the request.

Chairman Pulice opened the Public Hearing.

Hearing no comments from the audience, Chairman Pulice closed the Public Hearing.

Motion by Commissioner Maten
Supported by Commissioner McFall

WHEREAS, a request has been received by McComb Construction Company, Inc., 1871 Austin St., Troy, Michigan, to vacate 30 foot wide unimproved Spicer Avenue adjacent to Lots 290 through 292 of vacated Killoran Heights Subdivision, and

WHEREAS, a duly advertised public hearing was held by the Planning Commission at which time there were no comments from the audience, and

WHEREAS, the Community Development Department submitted a report recommending approval of the proposed street vacation,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that Spicer Street in vacated Killoran Heights Subdivision be vacated, as the subject street is no longer necessary for the flow of traffic or the installation of utilities in the area:

Unimproved Spicer Avenue adjacent to lots 290 through 292 of vacated Killoran Heights Subdivision be absolutely vacated and discontinued.

YEAS: Commissioners Austin, Bezz, Kopolka, Maten, McFall, Suarez and Chairman Pulice.

NAYS: None

Page 3
Madison Heights Planning Commission - Minutes
June 16, 1998

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Pulice adjourned the meeting.

Meeting Adjourned at 7:33 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
August 18, 1998

CALL TO ORDER

Chairman Pulice called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Russell, Suarez and Chairman Pulice.

Absent: Commissioner Nagel.

MEMBER EXCUSED

Motion by Commissioner Suarez,
Supported by Commissioner Russell,

To excuse Commissioner Nagel from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Russell, Suarez and Chairman Pulice.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Bezz,
Supported by Commissioner Maten,

To approve the minutes of the regular meeting of July 21, 1998, as printed.

Yeas: Commissioners Bezz, Kapolka, Maten, McFall, Russell, Suarez, Austin and Chairman Pulice.

Nays: None.

PLAN COMMISSION BUSINESS

REQUEST BY AUTOBATH AMERICA, 2515 CAPITAL AVE. S.W., BATTLE CREEK, MICHIGAN, FOR SITE PLAN APPROVAL OF A PROPOSED AUTO WASH ON LOTS 2 THROUGH 5 OF GEORGE A. KARAM SUBDIVISION. THE AREA OF REQUEST IS LOCATED ON THE SOUTH SIDE OF TWELVE MILE ROAD BETWEEN DARTMOUTH AND ALGER AVENUES.

Mr. Moore read a communication from the Community Development Department recommending approval of the request subject to one condition.

David Hunter, Professional Engineering Associates, was present to represent the owner.

Commissioner Maten asked if there would be a coin changer on site.

Mark Meyers, AutoBath America, said their equipment accepts coins, bills, and credit cards.

Commissioner Maten asked about left turn provisions on Twelve Mile Road. He said that some of the businesses have restrictions and some don't.

Mr. Moore said that the City's Traffic Safety Committee controls the signage on Twelve Mile Road.

Commissioner Austin said he was concerned about traffic at the site.

Mr. Meyers said they have submitted traffic estimates for the site. He said that he believes the City's codes should be updated.

Commissioner Russell said that she is concerned about the welfare of motorists and questioned left turns onto Twelve Mile Road.

Chairman Pulice stated that the City Council and the Police Department have approved the plans.

Motion by Commissioner Kapolka,
Supported by Commissioner Austin,

WHEREAS, a request has been received from AutoBath America, 2515 Capital Ave. S.W., Battle Creek, Michigan, for site plan approval of a proposed auto wash on Lots 2 through 5 of George A. Karam Subdivision, and

WHEREAS, the Community Development Department submitted a report recommending approval of the request subject to one condition.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby approves the request from AutoBath America, 2515 Capital Ave. S.W., Battle Creek, Michigan, for site plan approval of a proposed auto wash on Lots 2 through 5 of the George A. Karam Subdivision subject to the following condition.

1. Submission and approval of an acceptable engineering site plan (with six sealed drawings) along with an engineer's estimate of site work cost.

Yeas: Commissioners Kapolka, Maten, McFall, Austin, Bezz, and Chairman Pulice.

Nays: Commissioners Russell and Suarez

ADJOURNMENT OF MEETING

Motion by Commissioner Suarez,
Supported by Commissioner Austin,
To adjourn the meeting.

Yeas: Commissioners Maten, McFall, Russell, Suarez, Austin, Bezz, Kapolka, and Chairman Pulice.

NAYS: None

Meeting Adjourned at 7:44 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
October 20, 1998

CALL TO ORDER

The regular meeting of the Madison Heights Planning Commission was called to order at 7:30 p.m. by Chairman Pulice.

ROLL CALL

Present: Chairman Pulice, Commissioners Austin, Bezz, Kapolka, Maten, McFall, Nagel and Russell.

Absent: Suarez (excused)

MEMBER EXCUSED

Motion by Commissioner Russell, supported by Commissioner Nagel, to excuse Commission from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, McFall, Nagel, Pulice and Russell

Nays: None.

APPROVAL OF MINUTES

Motion by Commissioner McFall,
Supported by Commissioner Bezz,

To correct the minutes of the regular meeting of August 18, 1998 to correct three typographical spelling errors under Plan Commission Business, as thus corrected, the minutes be approved.

Yeas: Commissioners Bezz, Kapolka, Maten, McFall, Nagel, Pulice, Russell and Austin.

Nays: None.

PUBLIC HEARING - 53 E. Ten Mile Road

REQUEST BY THOMAS L. PERKOWSKI, 53 E. TEN MILE ROAD, MADISON HEIGHTS, MICHIGAN, TO VACATE THE TWENTY FOOT WIDE PUBLIC ALLEY ADJACENT TO THE REAR OF LOTS 24 THROUGH 55 OF JOHN R PARK SUBDIVISION. THE AREA OF REQUEST IS LOCATED NORTH OF TEN MILE ROAD AND WEST OF BATTELLE AVENUE.

Mr. Moore read a communication from the Community Development Department recommending approval of the request based on two conditions, retention of an easement because of existing above and below ground utilities and an agreement for mutual parking for all the businesses should the Ten Mile Improvement (TIP) Plan be implemented which would vacate the eastbound 696 Service Drive.

Chairman Pulice declared the Public Hearing open.

Thomas Perkowski, the petitioner, spoke stating he has no objection to either condition and asked if MDOT would accept these terms.

Commissioner Russell stated that there are three government bodies, the State of Michigan, Oakland County and the City, who must agree on the implementation of the TIP plan, but that the City will attempt to resolve any concerns.

There being no further comments, the public hearing was closed.

Motion by Commissioner Austin,
Supported by Commissioner Bezz,

WHEREAS, a request has been received from Thomas L. Perkowski et al, 53 E. 10 Mile, Madison Heights, Michigan, to vacate the 20 foot wide public alley adjacent to Lots 24 through 55 of John R Park Subdivision, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time the petitioner spoke in favor of the request, and there were no other comments from the audience, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by Thomas L. Perkowski, et al to vacate the following described alley be approved as the subject alley is no longer needed to serve the City's traffic circulation system.

That the 20 foot wide public alley adjacent to Lots 24 through 55 of John R Park Subdivision be conditionally vacated and that an easement be retained over the entire alley for public utilities and other municipal purposes.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission recommends the vacation of the subject alley be conditioned upon all property owners within this block signing an agreement which provides for the vacated alley to be available for mutual use parking, truck maneuvering and truck loading/unloading if and when the east bound I-696 Service Drive (adjacent to this block) is vacated pursuant to the Ten Mile Improvement Plan developed by the Ten Mile Improvement Plan Study Committee in January of 1995.

Yeas: Commissioners Kapolka, Maten, McFall, Nagel, Pulice, Russell, Austin and Bezz.

Nays: None.

MISCELLANEOUS DISCUSSION

Commissioner Maten requested that informational items be sent to the members sooner, as an invitation to an Oakland County meeting was received after the meeting date. Mr. Moore stated that they will contact Oakland County to request that those notices be mailed directly to the members.

ADJOURNMENT OF MEETING

There being no further business before the Commission, Chairman Pulice adjourned the meeting at 7:50 p.m.

Carole Corbett
Deputy City Clerk

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
February 16, 1999

CALL TO ORDER

Chairman Pulice called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, Maten, McFall, McGillivray, Russell, and Chairman Pulice.

Absent: Commissioner Nagel.

MEMBER EXCUSED

Motion by Commissioner McFall,
Supported by Commissioner Russell,

To excuse Commissioner Nagel from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, McFall, McGillivray, Russell, and Chairman Pulice.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Russell,

To approve the minutes of the regular meeting of October 20, 1998, with the correction showing Commissioner Suarez as excused..

Yeas: Commissioners Kapolka, Maten, McFall, Russell, Austin, Bezz and Chairman Pulice.

Page 2

Madison Heights Planning Commission - Minutes

February 16, 1999

Nays: None

Abstain: Commissioner McGillivray

PUBLIC HEARING

REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND THE ZONING ORDINANCE BY DELETING SECTION 10.502(A) REGULATED USES, IN ITS ENTIRETY AND ADOPTING A NEW SECTION 10.502(A) REGULATED USES.

Mr. Bertalan read a communication from the Community Development Department recommending approval of the request.

Chairman Pulice declared the Public Hearing opened.

Hearing no comments from the Audience Chairman Pulice closed the Public Hearing.

Commissioner Austin displayed a city map to the Commission which showed where businesses could locate and the location of existing businesses.

Commissioner Maten asked what effect it would have on existing businesses.

Commissioner Austin said they would be grandfathered in.

Commissioner Maten asked what percentage of the City would allow these businesses.

Commissioner Austin said that it would be the areas colored in red on the map.

Commissioner McGillivray asked what the setback requirements are in the City of Clawson ordinance.

Susan Lancaster, Assistant City Attorney, said they were the same as proposed, 300 feet from residential and 1,000 feet apart.

Commissioner McGillivray asked if she felt that these restrictions could be upheld in court.

Ms. Lancaster said that similar restrictions were upheld by the State of New York's Supreme Court.

Commissioner Russell asked that the motion also be based upon the City's experience with such regulated uses and the studies presented to the Commission tonight.

Chairman Pulice asked if the supporting commissioner agrees to the wording amendment.

Commissioner McFall said that he agrees to the wording change.

Motion by Commissioner Russell,
Supported by Commissioner McFall,

WHEREAS, a request has been received from the Madison Heights Planning Commission to amend the Zoning Ordinance by deleting Section 10.502(A) Regulated Uses, in its entirety and adopting a new Section 10.502(A) Regulated Uses, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience, and

WHEREAS, the Community Development Department submitted a report recommending approval of the request, and

WHEREAS, the City Attorney's Office and Police Chief submitted communications recommending approval of the request,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the attached ordinance amendment regarding regulated uses be approved, as such action will help to limit the spread of blight.

Yeas: Commissioners Maten, McFall, McGillivray, Russell, Austin, Bezz, Kapolka, and Chairman Pulice.

Nays: None.

PLANNING COMMISSION BUSINESS

PLANNING COMMISSION'S 1998 ANNUAL REPORT

Motion by Commissioner McGillivray,

Supported by Commissioner Maten,

To receive and forward to City Council the Commission's 1998 Annual Report.

Yeas: Commissioners McFall, McGillivray, Russell, Austin, Bezz, Kapolka, Maten, and
Chairman Pulice.

Nays: None.

ELECTION OF PLANNING COMMISSION OFFICERS FOR THE 1999 CALENDAR YEAR

Motion by Commissioner McFall,
Supported by Commissioner Russell,
to nominate Commissioner Maten for Chairman.

Motion by Commissioner McGillivray,
Supported by Commissioner Russell,
to nominate Commissioner McFall for Vice-Chairman.

Hearing no further nominations, nominations were closed.

All in favor of Commissioner Maten for Chairman and Commissioner McFall as Vice-Chairman.

Yeas: Commissioners McGillivray, Russell, Austin, Bezz, Kapolka, Maten, McFall, and
Chairman Pulice.

Nays: None.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Pulice adjourned the meeting.

Meeting Adjourned at 7:45 P.M.

Paul G. Bertalan
Recording Secretary

MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
March 16, 1999

CALL TO ORDER

The regular meeting of the Madison Heights Planning Commission was called to order at 7:30 P.M. by Vice-Chairman McFall.

ROLL

Present: Commissioners Bezz, Kapolka, McFall, Nagel, and Pulice.

Absent: Commissioners Austin, Maten, Russell and McGillivray.

MEMBERS EXCUSED

Motion by Commissioner Pulice,
Supported by Commissioner Bezz,

To excuse Commissioners Austin, Maten, Russell and McGillivray.

Yeas: Commissioners Bezz, Kapolka, Pulice, Nagel and Vice-Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice
Supported by Commissioner Bezz,

To approve the minutes of the regular meeting of February 16, 1999, as printed.

Yeas: Commissioners Bezz, Kapolka, Pulice, Nagel and Vice-Chairman McFall.

Nays: None.

PLAN COMMISSION MINUTES

REQUEST BY MCCOMB CONSTRUCTION CO., INC., 1871 AUSTIN ST., TROY, MICHIGAN, FOR FINAL PLAT APPROVAL OF PROPOSED 7 LOTS – “CHECK ESTATES SUBDIVISION” ON ACREAGE PARCELS 12-203-012 & 013. THE AREA OF REQUEST IS LOCATED AT THE NORTHWEST CORNER OF WINTHROP DRIVE AND HALES STREET.

Mr. Schafer read a communication from the Community Development Department recommending approval of the request.

Nader Wehbe, petitioners engineer, was present for any questions.

Motion by Commissioner Nagel,
Supported by Commissioner Kapolka,

WHEREAS, a request has been received from McComb Construction Company, Inc., 1871 Austin Street, Troy, Michigan for Final Plat Approval of proposed Check Estates Subdivision on Acreage Parcels 12-203-012 & 013.

WHEREAS, the Community Development Department has submitted a report recommending approval of the request.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by McComb Construction Company, For Final Plat Approval of Check Estates Subdivision be approved.

Yeas: Commissioners Nagel, Bezz, Kapolka, Pulice, and Vice-Chairman McFall.

Nays: None.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice-Chairman McFall adjourned the meeting.

Meeting adjourned at 7:33 p.m.

Paul G. Bertalan
Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 20, 1999

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, McFall, McGillivray, Nagel, Pulice and Chairman Maten.

Absent: Commissioner Russell.

MEMBER EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Nagel,

To excuse Commissioner Russell from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, McFall, McGillivray, Nagel, Pulice and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner Nagel,

To approve the minutes of the regular meeting of March 16, 1999 as printed.

Yeas: Commissioners Austin, Bezz, Kapolka, McFall, McGillivray, Nagel, Pulice and Chairman Maten.

Nays: None.

PUBLIC HEARING

REQUEST BY THE METRO DETROIT CHINESE CHRISTIAN AND MISSIONARY ALLIANCE CHURCH, 31329 JOHN R ROAD, MADISON HEIGHTS, MICHIGAN, TO VACATE THE 20 FOOT WIDE PUBLIC EASEMENT THAT WAS RETAINED IN THE VACATED ALLEY ADJACENT TO THE REAR OF LOTS 65 THROUGH 80 AND 152 THROUGH 159 OF JULIUS BERMAN'S JOHN R SUBDIVISION, THE AREA OF REQUEST IS LOCATED WEST OF JOHN R ROAD AND NORTH OF IRVING STREET.

Mr. Schafer submitted a communication from the Community Development Department recommending approval of the request.

Chairman Maten declared the Public Hearing opened.

Hearing no comments from the Audience Chairman Maten closed the Public Hearing.

Motion by Commissioner McGillivray,
Supported by Commissioner McFall,

WHEREAS, a request has been received from the Metro Detroit Chinese Christian and Missionary Alliance Church, 31329 John R Road, Madison Heights, Michigan, to vacate the 20 foot wide Public Easement that was retained in the vacated alley adjacent to the rear of Lots 65 through 80 and 152 through 159 of Julius Berman's John R Subdivision, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by the Metro Detroit Chinese Christian and Missionary Alliance Church, 31329 John R Road, Madison Heights, Michigan, to vacate the following described easement be conditionally approved, subject to satisfactory arrangements with the affected utility companies for relocation of lines, in that said easement is no longer necessary to provide utilities to the adjacent areas.

That the 20 foot wide Public Easement that was retained in the vacated alley adjacent to the rear of Lots 65 through 80 and 152 through 159 of Julius Berman's John R Subdivision be absolutely vacated and discontinued.

Yeas: Commissioners Austin, Bezz, Kapolka, McFall, McGillivray, Nagel, Pulice, and Chairman Maten.

Nays: None.

PLANNING COMMISSION BUSINESS

REQUEST BY RING SCREW - TEXTRON, 31600 STEPHENSON HWY., MADISON HEIGHTS, MICHIGAN, FOR SITE PLAN APPROVAL OF A PROPOSED 13,660 SQ. FT. ADDITION TO THE 31,600 SQ. FT. INDUSTRIAL BUILDING ON THE REAR OF ACREAGE PARCEL 02-328-004 (31624 STEPHENSON HWY.). THE AREA OF REQUEST IS LOCATED ON THE EAST SIDE OF STEPHENSON HIGHWAY BETWEEN WHITCOMB AVENUE AND FOURTEEN MILE ROAD.

Mr. Schafer submitted a communication from the Community Development Department recommending approval of the request subject to six (6) conditions.

Mr. Jerry Tomczak, (Rhoads & Johnson Construction Company), explained the proposed addition and has submitted a communication agreeing to the six conditions.

Commissioner Kapolka asked if this was a proposed addition to the one they constructed a few years ago.

The Community Development department determined that, yes it is.

Motion by Commissioner Kapolka,
Supported by Commissioner Bezz,

WHEREAS, a request has been received from Ring Screw - Textron, 31600 Stephenson Hwy., Madison Heights, Michigan, for site plan approval of a proposed 13,660 sq. ft. addition to the 31,600 sq. ft. industrial building on the rear of acreage parcel 02-328-004 (31624 Stephenson Hwy.), and

WHEREAS, the Community Development Department submitted a report recommending approval of the request subject to six (6) conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby approves the site plan for a proposed 13, 660 sq. ft. addition to the 31,600 sq. ft. industrial building on the rear of acreage parcel 02-328-004 (31624 Stephenson Hwy.) subject to the following conditions.

1. Additional landscaping along the east property line (adjacent to I-75) to provide vegetative screening where existing foliage has gaps.
2. Additional landscaping in existing grass area north and northwest of the front western-most building.
3. Removal and repair of existing chain link fence with screening slats at northwest area of property.
4. Repair existing chain link fence on south property line.
5. Re-stripe parking area adjacent to southwest corner of building to provide additional customer/employee parking.
6. Installation of required fire suppression system in the existing building and proposed addition.

Yeas: Commissioners Bezz, Kapolka, McFall, McGillivray, Nagel, Pulice, Austin and Chairman Maten.

Nays: None.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 7:37 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
May 18, 1999

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, McFall, McGillivray, Nagel, Pulice, Russell and Chairman Maten.

Absent: Commissioner Kapolka.

MEMBER EXCUSED

Motion by Commissioner McGillivray,
Supported by Commissioner Pulice,

To excuse Commissioner Kapolka from tonight's meeting.

Yeas: Commissioners Austin, Bezz, McFall, McGillivray, Nagel, Pulice, Russell and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Commissioner McFall stated that the motion & support under Approval of the Minutes should read, Motion by Commissioner Pulice and Supported by Commissioner Nagel.

Motion by Commissioner Austin,
Supported by Commissioner Nagel,

To approve the minutes of the regular meeting of April 20, 1999 as corrected.

Yeas: Commissioners Austin, Bezz, McFall, McGillivray, Nagel, Pulice, Russell and Chairman Maten.

Nays: None.

PLANNING COMMISSION BUSINESS

REQUEST BY KEMP BUILDING & DEVELOPMENT CO., 275 W. GIRARD, MADISON HEIGHTS, MICHIGAN, FOR SITE PLAN APPROVAL OF A SECOND LIGHT INDUSTRIAL BUILDING ON ACREAGE PARCEL 12-351-013. THE AREA OF REQUEST IS LOCATED ON THE NORTH SIDE OF TWELVE MILE ROAD WEST OF EDWARD AVENUE.

Mr. Schafer read a communication from the Community Development Department recommending approval of the request subject to five (5) conditions.

Motion by Commissioner McGillivray,
Supported by Commissioner Pulice,

WHEREAS, a request has been received from Kemp Building & Development Co., 275 W. Girard, Madison Heights, Michigan, for Site Plan Approval of a second light industrial building on acreage parcel 12-351-013, and

WHEREAS, the Community Development Department submitted a report recommending approval of the request subject to five (5) conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby approves the site plan for a proposed 14,980 sq. ft. light industrial building on acreage parcel 12-351-013 subject to the following conditions.

1. Submission and approval of an acceptable engineering site plan (sealed) with an engineer's estimate of site work
2. Submission and approval of a landscape plan providing additional landscaping along the 12 Mile Road frontage, including a concrete splash strip along 12 Mile Road.
3. No building mounted lighting on the east side of the proposed building to avoid glare into adjacent residential area. Lighting in this area to be pole mounted, shoe-box style with drop shields.
4. Repair/replace existing chain link fencing and gates where necessary.
5. Compliance with all Fire Department requirements for hydrant locations and fire suppression.

Page 3
Madison Heights Planning Commission - Minutes
May 18, 1999

Yeas: Commissioners Bezz, McFall, McGillivray, Nagel, Pulice, Russell, Austin and
Chairman Maten.

Nays: None.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 7:33 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
August 17, 1999

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, McFall, McGillivray, Pulice, Russell (arrived late) and Chairman Maten.

Absent: Commissioner Nagel.

MEMBER EXCUSED

Motion by Commissioner McGillivray,
Supported by Commissioner Pulice,

To excuse Commissioner Nagel from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, McFall, McGillivray, Pulice, and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of May 18, 1999 as printed.

Yeas: Commissioners Austin, Bezz, Kapolka, McFall, McGillivray, Pulice, and Chairman Maten.

Nays: None.

(Commissioner Russell arrived.)

PLANNING COMMISSION BUSINESS

REQUEST BY CROWN OFFICE VILLAGE, 4190 TELEGRAPH ROAD, SUITE 3000, BLOOMFIELD HILLS, MICHIGAN, FOR SITE PLAN APPROVAL OF FOUR (4) PROPOSED OFFICE BUILDINGS ON ACREAGE PARCEL 12-454-033. THE AREA OF REQUEST IS LOCATED NORTH OF TWELVE MILE ROAD BETWEEN SHIRLEY AND TESSMER COURT.

Mr. Schafer read a communication from the Community Development Department recommending approval of the request subject to five (5) conditions.

Sam Dorchen, Architect and part owner of the project, spoke about the project.

Commissioner McFall asked about the south wall requirement.

Sam Dorchen said that they have been meeting with the adjacent owners (six doctors) and they should be able to comply with the five (5) items.

Motion by Commissioner McGillivray,
Supported by Commissioner Pulice,

WHEREAS, a request has been received from Crown Office Village, 4190 Telegraph Road, Suite 3000, Bloomfield Hills, Michigan, for site plan approval of four (4) proposed office buildings on acreage parcel 12-454-033, and

WHEREAS, the Community Development Department submitted a report recommending approval of the request subject to five (5) conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby approves the site plan four (4) proposed office buildings on acreage parcel 12-454-033 subject to the following conditions.

1. Receipt of signed agreement with adjoining property owner to the south (ex. Medical office) regarding proposed removal of portions of the existing concrete screen wall between the two parcels.
2. Submission and approval of an acceptable engineering site plan (sealed) with an engineer's estimate of site work

3. Submission and approval of a landscape plan, indicating existing and proposed plantings.
4. Compliance with State requirements for expanding the existing condominium, and verification of same.
5. Installation of an additional screened dumpster enclosure in the southwest corner of the proposed office expansion area.

Yeas: Commissioners Bezz, Kapolka, McFall, McGillivray, Pulice, Russell, Austin and Chairman Maten.

Nays: None.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 7:36 P.M.

Paul G. Bertalan
Recording Secretary

ok

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
October 19, 1999

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Bezz, Kapolka, McFall, Nagel, Pulice, Russell and Chairman Maten.

Absent: Commissioners Austin and McGillivray.

MEMBERS EXCUSED

Motion by Commissioner McFall,
Supported by Commissioner Bezz,

To excuse Commissioners Austin and McGillivray from tonight's meeting.

Yeas: Commissioners Bezz, Kapolka, McFall, Nagel, Pulice, Russell and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of August 17, 1999 as printed.

Yeas: Commissioners Bezz, Kapolka, McFall, Nagel, Pulice, Russell and Chairman Maten.

Nays: None.

PUBLIC HEARING

REQUEST BY THE DISCOUNT TIRE COMPANY, 14631 N. SCOTTSDALE ROAD, SCOTTSDALE, ARIZONA, TO REZONE LOTS 32 THROUGH 62 AND THE SOUTH 20 FEET OF LOT 63, INCLUDING ALL VACATED ALLEYS AND THE WEST ½ OF VACATED GROVELAND AVE. ADJACENT TO SAME FROM M-1 LIGHT INDUSTRIAL TO B-3 GENERAL BUSINESS. THE AREA OF REQUEST IS LOCATED AT THE NORTHEAST CORNER OF JOHN R ROAD AND WHITCOMB AVENUE.

Mr. Schafer read a communication from the Community Development Department recommending approval of the request.

Chairman Maten opened the Public Hearing.

Richard Dunsay, Discount Tire representative was present and spoke in favor of the request and was available for questions.

Commissioner Nagel asked what was planned for the north parcel.

Mr. Dunsay said that it probably would be for a restaurant. He also stated that when the rezoning was finalized and they owned the property that the trailers would be removed.

Motion by Commissioner McFall,
Supported by Commissioner Bezz,

WHEREAS, a request has been received from the Discount Tire Company, 14631 N. Scottsdale Road, Scottsdale, Arizona, to rezone Lots 32 through 62 and the south 20 feet of Lot 63, including all vacated alleys and the west ½ of vacated Groveland Ave. adjacent to same from M-1 Light Industrial to B-3 General Business, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time one person spoke in favor of the request,

Page 3

Madison Heights Planning Commission - Minutes
October 19, 1999

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by the Discount Tire Company, 14631 N. Scottsdale Road, Scottsdale, Arizona, to rezone the following described property be approved as such action is in compliance with the City's Future Land Use Plan.

That Lots 32 through 62 and the south 20 feet of Lot 63, including all vacated alleys and the west ½ of vacated Groveland Ave. adjacent to same be rezoned from M-1 Light Industrial to B-3 General Business.

Yeas: Commissioners Bezz, Kapolka, McFall, Nagel, Pulice, and Chairman Maten.

Nays: Commissioner Russell.

Commissioner Nagel informed the Commission that he will be resigning after the November meeting.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 7:36 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 15, 2000

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, McFall, Russell, Swanson and Chairman Maten.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Russell,
Supported by Commissioner Swanson,

To excuse Commissioners Dixon and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, McFall, Russell, Swanson and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of October 19, 1999 as printed.

Yeas: Commissioners Austin, Bezz, Kapolka, McFall, Russell, Swanson and Chairman Maten.

Nays: None.

PLANNING COMMISSION BUSINESS

DISCUSSION OF PLANNING COMMISSION TRAINING PROGRAM

Mr. Schafer explained one of City Council's 2000-2001 goals was development of a comprehensive land use related training program for the Planning Commission and Zoning Board of Appeals. The program is as follows:

Planning Commission & Zoning Board of Appeals Training Program

- Michigan Society of Planning Officials (**MSPO**) membership for Planning Commissioners, Zoning Board of Appeals members, and City Council
- “FYI...” – News articles, magazines, correspondences and other planning / zoning related information will be included in meeting packets under the label “FYI...”
- **Inservice training** seminars will be provided periodically at regularly scheduled meetings of the Planning Commission and Zoning Board of Appeals. These short (10-15 minute) sessions will focus on a specific planning / zoning topics relative to duties and procedures.
- Opportunities for **MSPO Basic and Advanced Training Seminars** will be provided on such topics as “*Basic Training for Planning Commissioners and Zoning Board of Appeals*”, *Site Plan Review*, *Subdivision Review*, *Zoning Ordinances*, and *The Master Plan*.
- **Planning / Zoning books and publications** relative to the duties and responsibilities of the Planning Commission and Zoning Board of Appeals will be available on a periodic basis.

Commissioner Kapolka asked if these would be open to the public.
Mr. Schafer said that they would.

DISCUSSION OF ZONING ORDINANCE REVIEW AND UPDATE

Mr. Schafer reviewed the Zoning Ordinance Review Outline (as follows).

Zoning Ordinance Review - OUTLINE

Statement of Purpose:

Madison Heights is undertaking a comprehensive review of its Zoning Ordinance. A major focus is to develop user-friendly regulations in a clear and coordinated format. Where possible, graphics will be used to help visualize written regulations. Training is included to highlight the changes and provide resources to guide future decisions.

Project Summary:

Zoning Ordinance

The Zoning Ordinance will be reviewed for ease of use and compatibility with other ordinances. In addition, use districts will be updated to conform to state enabling legislation, current planning principles, and to foster implementation of the land use policies called for in the Master Plan.

Implementation Training

Training on implementation and use of the Zoning Ordinance will be provided for the Planning Commission, Zoning Board of Appeals, City Council and staff. These sessions will be part of the training program developed as a Council Goal this year and will highlight procedural changes as well as decision-making criteria.

Proposed Project Team:

The proposed project team is organized as follows:

Community Development Department Staff

- ☐ Issue Identification
- ☐ Research, analysis, and drafting of the zoning standards
- ☐ Development of the training program

Site Plan Review Committee

- ☐ Issue Identification
- ☐ Administrative review of draft zoning standards

Legal Counsel

- ☐ Issue Identification
- ☐ Research, analysis, and drafting of zoning standards
- ☐ Legal review of draft zoning standards

Planning Commission

- ☐ Issue Identification
- ☐ Review of draft zoning standards
- ☐ Conducts required public hearing on proposed zoning amendments
- ☐ Recommendation to City Council on proposed zoning amendments

Zoning Board of Appeals

- ☐ Issue Identification

City Council

- ☐ Issue Identification
- ☐ Review, consideration and adoption of proposed zoning amendments

Preliminary Work Program:

Step	Project Component
1	Issue Identification
2	General Provisions
4	Use Districts - Residential
5	Use Districts – Non-Residential
6	Schedule of District Regulations
7	General Exceptions
8	Administration; Enforcement

Public Participation:

Public participation in the process would occur at three levels. First, throughout the process there will be periodic meetings with the Planning Commission. The meetings are open to the public and provide an opportunity for progress information and input. Secondly, the Planning Commission will hold required public hearings on the draft regulations. This will provide opportunity for public input during the draft stage. The third opportunity will be before the City Council during their review and adoption of the new zoning ordinance regulations as they are developed. This will ensure public input before the City Council, which will take final action on the ordinance amendments.

Document Provision:

Preliminary Draft Text will be hole-punched for placement in a 3-ring binder for staff, Planning Commission, ZBA and City Council.

The Planning Commission concurred with the outline and the approach to the program.

1999 PLANNING COMMISSION ANNUAL REPORT

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To receive and forward to City Council the following Planning Commission's 1999 Annual Report.

MADISON HEIGHTS PLANNING COMMISSION
1999 ANNUAL REPORT

During the calendar year of 1999, the Madison Heights Planning Commission held six (6) regular meetings which were held on the third Tuesday of the month. In summary, the commission made determinations and/or recommendations to Council relating to one (1) rezoning request, one (1) zoning ordinance amendment, three (3) site plans, one (1) plat approval request, and one (1) easement vacation request.

REZONINGS

1. Lots 32 through 62 and the south 20 feet of Lot 63, including all vacated alleys and the west ½ of vacated Groveland Avenue adjacent to same from M-1 Light Industrial to B-3 General Business.

ZONING ORDINANCE AMENDMENT

1. To amend by deleting Section 10.502(A) Regulated Uses, in its entirety and adopting a new Section 10.502(A) Regulated Uses.

SITE PLAN APPROVALS

1. An addition to a industrial building at Ring Screw Works at 31550 Stephenson Highway.
2. A light industrial building at 605 East Twelve Mile Road. (north side of Twelve Mile Road west of Edward Avenue)
3. Four additional office buildings at Crown Office Village north of Twelve Mile Road between Shirley Avenue and Tessmer Court.

PLAT APPROVALS

1. Final Plat Approval of "Check Estates Subdivision". (northwest corner of Hales and Winthrop)

VACATIONS

1. The 20 foot wide public easement adjacent to the rear of Lots 65 through 80 and Lots 152 through 159 of Julius Berman's John R Subdivision. (northwest corner of Irving and John R Road)

Yeas: Commissioners Bezz, Kapolka, McFall, Russell, Swanson, Austin and Chairman Maten.

Nays: None.

ELECTION OF PLANNING COMMISSION OFFICERS

Commissioner Russell nominated Robert Maten for Chairman.
Commissioner Swanson seconded the nomination.

Commissioner Russell nominated Frank McFall for Vice-Chairman.
Commissioner Kapolka seconded the nomination.

Having no other nominations before the Commission,
Robert Maten was elected Chairman and Frank McFall was elected Vice Chairman by
acclamation.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the
meeting.

Meeting Adjourned at 8:13 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
MARCH 21, 2000

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell and Chairman Maten.

Absent: Commissioner Swanson.

MEMBER EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

To excuse Commissioner Swanson from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell, and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Bezz,

To approve the minutes of the regular meeting of February 15, 2000 as printed.

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell, and Chairman Maten.

Nays: None.

PUBLIC HEARING

REQUEST BY TONY CAPOCCIA, 121 WEST THIRTEEN MILE ROAD, MADISON HEIGHTS, MICHIGAN, TO VACATE THE WEST 15 FEET OF THE 20 FOOT WIDE PUBLIC EASEMENT THAT WAS RETAINED IN THE VACATED 20 FOOT WIDE PUBLIC ALLEY ADJACENT TO THE REAR OF LOTS 31, 32 AND 148 OF JOHN R CENTER SUBDIVISION. THE AREA OF REQUEST IS LOCATED EAST OF JOHN R. ROAD BETWEEN MANDOLINE AVENUE AND FOURTEEN MILE ROAD.

James Schafer read a communication from the Community Development Department recommending approval of the request subject to only the vacation of the westerly 12 feet.

Chairman Maten declared the Public Hearing opened.

Tony Capoccia said he was present for any questions that the Commission might have.

Hearing no further comments from the audience, Chairman Maten closed the Public Hearing.

Motion by Commissioner Russell
Seconded by Commissioner Pulice

Whereas, a request has been received from Tony Capoccia, 121 West Thirteen Mile Road, Madison Heights, Michigan, to vacate the west 15 feet of the 20 foot wide public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 31, 32, and 148 of John R Center Subdivision, and

Whereas, the Detroit Edison Company submitted a letter requesting that only the west 12 feet of the easement be vacated, and

Whereas, the Community Development Department submitted a report to the Commission recommending approval of the vacation for only the west 12 feet of the easement, and

Whereas, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the request by Tony Capoccia, 121 West Thirteen Mile Road, Madison Heights, Michigan, to vacate the following described easement be approved as such easement is no longer necessary to provide utilities to the adjacent areas.

That the west 12 feet of the 20 foot wide public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 31, 32, and 148 of John R Center Subdivision be absolutely vacated and discontinued.

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell, and Chairman Maten.

Nays: None

Motion carried.

PLANNING COMMISSION BUSINESS

REQUEST BY A.F. JONNA DEVELOPMENT, 4036 TELEGRAPH, SUITE 201, BLOOMFIELD HILLS, MICHIGAN, FOR SITE PLAN APPROVAL OF TWO (2) PROPOSED COMMERCIAL BUILDINGS ON PARCEL 13-356-019. THE AREA OF REQUEST IS LOCATED ON THE EAST SIDE OF JOHN R ROAD NORTH OF ELEVEN MILE ROAD.

James Schafer read a communication from the Community Development Department recommending approval of the request subject to Six (6) conditions.

Motion by Commissioner Austin,
Supported by Commissioner McFall,

WHEREAS, a request has been received from A.F. Jonna Development, 4036 Telegraph, Suite 201, Bloomfield Hills, Michigan, for site plan approval of two (2) proposed commercial buildings on parcel 13-356-019, and

WHEREAS, the Community Development Department submitted a report recommending approval of the request subject to six (6) conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby approves the site plan approval of two (2) proposed commercial buildings on parcel 13-356-019 subject to the following conditions.

1. Provide copies of executed cross access and parking easement with Rite Aid site to the south.
2. Provide cross access easement for adjacent property fronting on John R to the north to provide opportunity for future cross access.

3. Revise plan to include step down of existing screening wall at north east corner of site to improve visibility at adjacent residential drive.
4. Provide detailed landscape plan for staff review and approval. Include street tree planting concept similar to Rite Aid along Groveland and clarification of extent of landscaping north and east of Building B.
5. Submittal of required engineering plans for review.
6. Submittal of revised site plans for final site plan approval.

Yeas: Commissioners Bezz, Dixon, Kapolka, McFall, Pulice, Russell, Austin and Chairman Maten.

Nays: None

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 7:38 P.M.

Paul G. Bertalan
Recording Secretary



CITY OF MADISON HEIGHTS

PLANNING COMMISSION

MINUTES

REGULAR MEETING

APRIL 18, 2000

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, Pulice, Russell, Swanson, and Chairman Maten.

Absent: Commissioners Dixon and McFall.

MEMBERS EXCUSED

Motion by Commissioner Pulice,
Seconded by Commissioner Russell,

To excuse Commissioners Dixon and McFall from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, Pulice, Russell, Swanson, and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Seconded by Commissioner Bezz,

To approve the minutes of the regular meeting of March 21, 2000, as printed.

Yeas: Commissioners Austin, Bezz, Kapolka, Pulice, Russell, Swanson, and Chairman Maten.

Nays: None.

PLANNING COMMISSION BUSINESS

Discussion of Zoning Ordinance Update.

Mr. Schafer reviewed the Zoning Ordinance Update process in general and the following:

First Phase

- ❑ Site Plan Review Process / Standards (Including Site Condominium Standards)
- ❑ Special Approval Process / Standards
- ❑ Landscaping / Screening Standards
- ❑ Residential and Institutional Day Care (Adult and Children)
- ❑ Outdoor Storage Standards
- ❑ Fences
- ❑ Parking Standards
- ❑ Nonconforming Lots and Uses
- ❑ Accessory Structures and Uses
- ❑ Performance Standards
- ❑ Home Occupations
- ❑ Planned Unit Development / Planned Approval Uses (PUD; DDD – Mixed Use)

Commissioner Austin thought more landscaping is needed in front of new development. Discussion followed on requiring maintenance of all required landscaping.

Fences and walls were discussed. Opinion was that wood fences have vastly improved through the years and should be allowed as line fences and that masonry walls should be required between condominiums, apartments, and single family residential.

Second Phase

- ❑ Use Districts
 - Residential
 - Non-Residential
- ❑ Schedule of District Regulations
- ❑ Signs
- ❑ General Exceptions
- ❑ Administration and Enforcement

Definitions will be evaluated and amended as applicable, with each component.

The Commission discussed benches as an incentive in new development to encourage walking.

The Commission also discussed lot coverage on multiple family residential. Consensus was that density and lot coverage were too high.

PLANNING COMMISSION TRAINING

Mr. Schafer reviewed the zoning text amendment process.

Consensus was that all training sessions could be held at 7:00 p.m. preceding Planning Commission meetings.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting adjourned at 9:45 p.m.

Paul G. Bertalan
Recording Secretary



CITY OF MADISON HEIGHTS

PLANNING COMMISSION

MINUTES

JUNE 20, 2000

7:30 P.M.

CALL TO ORDER

Vice Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Bezz, Kapolka, Pulice, Swanson, and Vice Chairman McFall.

Absent: Commissioners Austin, Dixon, Russell, and Chairman Maten.

MEMBERS EXCUSED

Motion by Commissioner Pulice,
Seconded by Commissioner Swanson,

To excuse Commissioners Austin, Dixon, Russell, and Chairman Maten from tonight's meeting.

Yeas: Commissioners Bezz, Kapolka, Pulice, Swanson, and Vice Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Seconded by Commissioner Swanson,

To approve the minutes of the regular meeting of April 18, 2000, as printed.

Yeas: Commissioners Bezz, Kapolka, Pulice, Swanson, and Vice Chairman McFall.

Nays: None.

PLANNING COMMISSION BUSINESS

Discussion of Public Hearing scheduled for June 26, 2000, Planning Commission Special Meeting.

Mr. Schafer explained that City Council has asked staff to research and provide the Planning Commission with a report regarding the rezoning of lots 68 through 70 of Symphony Park Subdivision. Mr. Schafer reviewed the staff analysis and the history of this location with the commission.

Mr. Schafer explained that this item was for discussion only and that a Public Hearing would be held at a Special Meeting of the Commission on June 26, 2000, at 6:30 p.m.

ZONING ORDINANCE AMENDMENTS

Site Plan Review Process

Mr. Schafer explained the flow chart for Site Plan Review and discussed the different stages.

Site Condominium Review Process

Mr. Schafer explained the site condominium form of developments and reviewed the stages on the draft "Site Condominium Review Process" flowchart.

Zoning Amendment Process Flowchart

City Attorney Lancaster reviewed a revised Zoning Ordinance Amendment Flowchart as requested at the April 18, 2000, Planning Commission meeting. The process continues to exceed State requirements for public hearings and will be implemented immediately.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice Chairman McFall adjourned the meeting.

Meeting adjourned at 8:01 p.m.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
SPECIAL MEETING
JUNE 26, 2000

CALL TO ORDER

Chairman Maten called the special meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell, Swanson, and Chairman Maten.

Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of June 20, 2000 as printed.

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell, Swanson, and Chairman Maten.

Nays: None.

PUBLIC HEARING

REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO REZONE LOTS 68, 69 & 70 OF SYMPHONY PARK SUBDIVISION FROM B-3 GENERAL BUSINESS TO R-3 SINGLE FAMILY RESIDENTIAL. THE AREA OF REQUEST IS LOCATED ON THE EAST SIDE OF BRUSH STREET NORTH OF ELEVEN MILE ROAD.

James Schafer submitted a communication from the Community Development Department giving the history and staff analysis of the site.

Chairman Maten declared the Public Hearing opened.

Hearing no comments from the audience, Chairman Maten closed the Public Hearing.

Motion by Commissioner Pulice,
Supported by Commissioner Bezz,

Whereas, a request has been received from Madison Heights Planning Commission to rezone Lots 68, 69 & 70 of Symphony Park Subdivision from B-3 General Business to R-3 Single Family Residential, and

Whereas, the Community Development Department submitted a report to the Commission giving the Staff's analysis of the location, and

Whereas, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following described property be rezoned in that such action is in compliance with the City's Master Plan.

That Lots 68, 69 & 70 of Symphony Park Subdivision be rezoned from B-3 General Business to R-3 Single Family Residential

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell, Swanson and Chairman Maten.

Nays: None

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 7:32 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
AUGUST 15, 2000

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, McFall, Pulice, Swanson, and Chairman Maten.

Absent: Commissioners Dixon and Russell.

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To approve the minutes of the special meeting of June 26, 2000 as printed.

Yeas: Commissioners Austin, Bezz, Kapolka, McFall, Pulice, Swanson, and Chairman Maten.

Nays: None.

PUBLIC HEARING

REQUEST BY THE MADISON HEIGHTS LIMITED PARTNERSHIP TO REZONE LOTS 100 THROUGH 103 OF DEQUINDRE WOODS SUBDIVISION FROM R-3 SINGLE FAMILY RESIDENTIAL TO H-M MOBILE HOMES. THE AREA OF REQUEST IS LOCATED ON THE EAST SIDE OF NANTON SOUTH OF GREIG.

James Schafer read a communication from the Community Development Department giving the staff's analysis of the site and recommending denial of the rezoning.

Chairman Maten declared the Public Hearing opened.

Mr. Schafer presented two letters from the residents at 1624 & 1715 E. Greig stating their opposition to the rezoning.

Page 2

Madison Heights Planning Commission - Minutes

August 15, 2000

Alex Matzkovich, 1645 Middlesex, question access from Nanton and spoke against the rezoning.

Kenneth Bryant from Westphal Associates, petitioner's representative, was present for questions and spoke in favor of the request.

Nancy Skidmore, 1824 E. Greig, is against the rezoning and stated that it would have a negative impact on the areas property values.

Lee Sherburn, 1614 Middlesex, wants the area to remain single family residential.

Ann Perry, 26431 Nanton, objects to the proposed rezoning.

Wayne Gray, 1554 Middlesex, wants the area to remain as houses.

John Jacobs, 1624 Middlesex, stated that an expansion of the trailer park is not needed and objects to the rezoning.

Jose Aquino, 26401 Nanton, is concern about property values and does not want the rezoning.

Christie Woods, 1655 E. Greig, wants the area to remain as homes and objects to the rezoning.

Sharon Lewis, 1706 E. Greig, objects to the rezoning.

Mr. Hinds, 1654 E. Greig, does not want area rezoned.

David Lulek, 1634 E. Middlesex, stated that he wants the area as is and objects to the rezoning.

Don Westphal, owner's representative, spoke in favor of the request. He said all traffic would access the site from Dequindre Road. He stated that site density would be 5 to 7 units per acre and that they would look just like houses. He said that there is a need for this type of housing.

Heather George, 1635 Middlesex, opposes the rezoning.

Hearing no further comments from the audience, Chairman Maten closed the Public Hearing.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Madison Heights Limited Partnership to rezone Lots 100 through 103 of Dequindre Woods Subdivision from R-3 Single Family Residential to H-M Mobile Homes, and

Whereas, the Community Development Department submitted a report to the Commission giving the Staff's analysis of the site and recommending denial of the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time there were two persons who spoke in favor of the request and fourteen residents opposing the rezoning,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following described property not be rezoned in that

1. The existing land use patterns north of the existing mobile home park are single family platted lots, zoned R-3 Single Family and planned for Single Family residential uses.
2. A northerly expansion of the park would extend higher density residential uses into a single-family residential area that is planned, zoned, used and platted for single-family residential uses. The current northerly property line of the existing H-M District serves as a logical and consistent delineation between the existing zoning classifications. This proposed rezoning would not be compatible with the existing single family residential areas to the north.
3. The subject parcel could be developed with single-family homes under the current zoning in conformance with the R-3 standards. The existing zoning does not prevent a reasonable use of the subject property.

That Lots 100 through 103 of Dequindre Woods Subdivision not be rezoned from R-3 Single Family Residential to H-M Mobile Homes.

Yeas: Commissioners Bezz, Kapolka, McFall, Pulice, Swanson, Austin, and Chairman Maten.

Nays: None.

Motion carried.

PLANNING COMMISSION BUSINESS

DISCUSSION OF SITE PLAN REVIEW AND SITE CONDOMINIUM ZONING
ORDINANCE AMENDMENTS.

Page 4

Madison Heights Planning Commission - Minutes

August 15, 2000

James Schafer explained the two proposed ordinance amendments and the staff's comments on them. He asked if the Commission had any other input on them. Commissioner Austin made a few recommendations and general discussion followed. Mr. Schafer said that these changes would be made and that they would be presented at a subsequent Commission meeting for discussion before a Public Hearing would be scheduled.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 8:23 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
September 19, 2000

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell, Swanson, and Chairman Maten.

Absent: None

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting of August 15, 2000 as printed.

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, McFall, Pulice, Russell, Swanson, and Chairman Maten.

Nays: None.

PUBLIC HEARING

REQUEST BY JAAFAR & SAMAR CHEHAB, 38753 SUTTON DRIVE, STERLING HEIGHTS, MICHIGAN, TO REZONE OUTLOT "B" OF STEVEN HEIGHTS SUBDIVISION FROM O-1 OFFICE TO B-1 LOCAL BUSINESS. THE AREA OF REQUEST IS LOCATED ON THE WEST SIDE OF DEQUINDRE ROAD BETWEEN NOTTINGHAM DRIVE AND JENIFER AVENUE.

James Schafer read a communication from the Community Development Department giving the staff's analysis of the site and recommending an alternate rezoning and denial of this request.

Chairman Maten declared the Public Hearing opened.

Page 2

Madison Heights Planning Commission - Minutes
September 19, 2000

Robert Russell, 1657 Myrtle, would not like to see the land rezoned from office and objects to the request.

Leo Harte, 1696 Myrtle, wants it left as office. He does not want businesses there that are open in the evening and objects to the proposed rezoning.

Barbara Moskal, 1676 Myrtle, has lived here for over forty years, objects to the rezoning, and asks that the rezoning be denied.

Justin Chehab, property owner, said that office space is not needed and spoke in favor of the request.

Hearing no further comments from the audience, Chairman Maten closed the Public Hearing.

Commissioner Russell stated that the reasons for denying the rezoning have not changed since the 1997 request that was recommended for denial.

Commissioner Austin said that the traffic volume increase would cause problems at this location, that the City's Master Plan calls for office at this location, and the current zoning around this site is office & residential.

Motion by Commissioner Russell,
Supported by Commissioner McFall,

Whereas, a request has been received from Jaafar & Samar Chehab, 38753 Sutton Drive, Sterling Heights, Michigan, to rezone Outlot "B" of Steven Heights Subdivision from O-1 Office to B-1 Local Business, and

Whereas, the Community Development Department submitted a report to the Commission giving the Staff's analysis of the site and recommending denial of the request as submitted, and

Whereas, a duly advertised public hearing was held by the Commission at which time there was one person who spoke in favor of the request and three residents opposing the rezoning,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the request to rezone the following described property be denied in that such action would adversely impact the residential area to the west and is contrary to the City's Future Land Use Plan.

That Outlot "B" of Steven Heights Subdivision not be rezoned from O-1 Office to B-1 Local Business.

Yeas: Commissioners Bezz, Dixon, Kapolka, McFall, Pulice, Russell, Swanson, Austin, and Chairman Maten.

Nays: None.

Motion carried.

PLANNING COMMISSION BUSINESS

**DISCUSSION OF SITE PLAN REVIEW AND SITE CONDOMINIUM ZONING
ORDINANCE AMENDMENTS.**

Mr. Schafer went over the changes that had been made to the proposed ordinances since the last meeting.

Commissioner Austin made a few suggestions on changes which were agreed on.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,
To set up both ordinances for public hearings at the next Planning Commission meeting.

Yeas: Commissioners Bezz, Dixon, Kapolka, McFall, Pulice, Russell, Swanson, Austin, and Chairman Maten.

Nays: None.

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 8:02 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
October 17, 2000

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Bezz, Kapolka, McFall, Pulice, Russell, Swanson, and Chairman Maten.

Absent: Commissioners Austin and Dixon.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Pulice,

To excuse Commissioners Austin and Dixon from tonight's meeting.

Yeas: Commissioners Bezz, Kapolka, McFall, Pulice, Russell, Swanson and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner McFall,
Supported by Commissioner Pulice,

To approve the minutes of the regular meeting of September 19, 2000 as corrected.

Yeas: Commissioners Bezz, Kapolka, McFall, Pulice, Russell, Swanson, and Chairman Maten.

Nays: None.

PUBLIC HEARINGS

ZOTXT 00-02 SITE CONDOMINIUMS

**REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND
THE ZONING ORDINANCE BY ADDING A NEW SECTION 10.515 – “SITE
CONDOMINIUMS”**

Jim Schafer read a communication from the Community Development Department giving the staff’s analysis of the request and recommending approval of the request.

Chairman Maten declared the Public Hearing opened.

Hearing no comments from the audience, Chairman closed the Public Hearing.

Motion by Commissioner Swanson,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Madison Heights Planning Commission to amend the Zoning Ordinance by adding a new Section 10.515 – “Site Condominiums”, and

Whereas, the Community Development Department submitted a report to the Commission giving the Staff’s analysis of the request and recommending approval of the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time there where no comments from the audience.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following new section to the Zoning Ordinance – “Site Condominiums” be adopted in that such action would help to provide orderly growth in the City.

Yeas: Commissioners Kapolka, McFall, Pulice, Russell, Swanson, Bezz, and Chairman Maten.

Nays: None.
Motion Passed.

ZOTXT 00-02 SITE PLAN REVIEW

REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND THE ZONING ORDINANCE BY AMENDING SECTION 10.514 – "SITE PLAN REVIEW" FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, ESTABLISHMENT AND REVIEW OF SPECIFIED NEW DEVELOPMENT WITHIN THE CITY.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending approval of the request.

Chairman Maten declared the Public Hearing opened.

Hearing no comments from the audience, Chairman closed the Public Hearing.

Motion by Commissioner Kapolka,
Supported by Commissioner Swanson,

Whereas, a request has been received from the Madison Heights Planning Commission to amend Section 10.514 of the Zoning Ordinance - "Site Plan Review", and

Whereas, the Community Development Department submitted a report to the Commission giving the Staff's analysis of the request and recommending approval of the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time there where no comments from the audience.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following amended Section 10.514 of the Zoning Ordinance – "Site Plan Review" be adopted in that such action would help assure that new development conforms with applicable ordinance requirements and to further provide for orderly growth in the City.

Yeas: Commissioners McFall, Pulice, Russell, Swanson, Bezz, Kapolka and Chairman Maten.

Nays: None.

Motion Passed.

Page 4

Madison Heights Planning Commission - Minutes

October 17, 2000

PLANNING COMMISSION BUSINESS

**DISCUSSION OF DRAFT ZONING ORDINANCE AMENDMENTS *ZOTXT 00-03* –
SPECIAL APPROVAL, AND *ZOTXT 00-04* NONCONFORMING LOTS, USES AND
STRUCTURES.**

General discussion was held on proposed draft amendments to the Special Approvals & Nonconforming Lots, Uses and Structures sections of the Zoning Ordinance. Suggested changes and corrections will be made and further discussion of these will be on the agenda for a future meeting.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 7:45 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
November 21, 2000

CALL TO ORDER

Vice-Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, Pulice, Russell, and Vice-Chairman McFall.

Absent: Commissioners Dixon, Swanson and Chairman Maten.

MEMBERS EXCUSED

Motion by Commissioner Pulice,
Supported by Commissioner Bezz,

To excuse Commissioners Dixon, Swanson and Chairman Maten from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, Pulice, Russell, and Vice-Chairman McFall

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Bezz,
Supported by Commissioner Pulice,

To approve the minutes of the regular meeting of October 17, 2000 as written.

Yeas: Commissioners Austin, Bezz, Kapolka, Pulice, Russell, and Vice-Chairman McFall.

Nays: None.

Page 2

Madison Heights Planning Commission - Minutes

November 21, 2000

PUBLIC HEARING

CASE NUMBER 1022 - REQUEST BY TONY CAPOCCIA, 121 WEST THIRTEEN MILE ROAD, MADISON HEIGHTS, MICHIGAN, TO REZONE ACREAGE PARCEL 01-351-012 FROM O-1 OFFICE TO B-3 GENERAL BUSINESS. THE AREA OF REQUEST IS LOCATED AT THE NORTHEAST CORNER OF JOHN R ROAD AND THIRTEEN MILE ROAD.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the site be rezoned to B-1 Local Business.

Vice-Chairman McFall declared the Public Hearing opened.

Applicant Tony Capoccia, was present and spoke in favor of the request. He stated that he had discussed the Community Development Department's recommendation with Mr. Schafer prior to the meeting and stated that rezoning to B-1, Local Business would be acceptable.

Hearing no further comments from the audience, Vice-Chairman McFall closed the Public Hearing.

Commissioner Bezz asked if the adjacent vacant Discovery Zone building would be used as part of the site.

Mr. Capoccia stated that they did not own that site.

Commissioner Austin asked if they are working with the shopping center for mutual access and parking easements.

Mr. Capoccia said that CVS is working on the mutual access and parking easements.

Motion by Commissioner Bezz,
Supported by Commissioner Pulice,

Whereas, a request has been received from Tony Capoccia, 121 West Thirteen Mile Road, Madison Heights, Michigan, to rezone acreage parcel 01-351-012 from O-1 Office to B-3 General Business, and

Whereas, the Community Development Department submitted a report to the Commission giving Staff's analysis of the request and recommending that B-1 Local Business would be a more appropriate zoning for the site, and

Whereas, a duly advertised public hearing was held by the Commission at which time one person spoke in favor of the request.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following described parcel be rezoned in that such action is in compliance with the City's Master Plan.

That acreage parcel 01-351-012 be rezoned from O-1 Office to B-1 Local Business.

Yeas: Commissioners Bezz, Kapolka, Pulice, Russell, Austin, and Vice-Chairman McFall.
Nays: None.
Motion Passed.

PLANNING COMMISSION BUSINESS

**DISCUSSION OF PROPOSED ZONING ORDINANCE AMENDMENTS ZOTXT 00-03
AND ZOTXT 00-04**

General discussion was held on proposed Zoning Ordinance amendments ZOTXT 00-03 Special Approvals and ZOTXT 00-04 Nonconforming Lots, Uses and Structures.

Motion by Commissioner Austin,
Supported by Commissioner Bezz,

To place both items on the Planning Commission's agenda for Public Hearings on January 16, 2001.

Yeas: Commissioners Kapolka, Pulice, Russell, Austin, Bezz, and Vice-Chairman McFall.
Nays: None.
Motion Passed.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice-Chairman McFall adjourned the meeting.

Meeting Adjourned at 7:45 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
January 16, 2001

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bezz, Dixon, McFall, Kapolka, Pulice, Russell, Swanson, and Chairman Maten.

Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Bezz,
Supported by Commissioner Swanson,

To have one sentence on page 2 read "Mr. Capoccia said that CVS is working on the mutual access and parking easements." and to approve the minutes of the regular meeting of November 21, 2000 as corrected.

Yeas: Commissioners Austin, Bezz, Dixon, McFall, Kapolka, Pulice, Russell, Swanson, and Chairman Maten.

Nays: None.

PUBLIC HEARINGS

Case No. ZOTXT 00-03 REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND SECTION 10.201 OF THE ZONING ORDINANCE "SPECIAL APPROVAL" IN ITS ENTIRETY.

Community Development Director Schafer presented a communication from the Community Development Department giving the staff's analysis of the request and recommending approval of the Zoning Text amendment.

Chairman Maten declared the Public Hearing opened.

Hearing no comments from the audience, Chairman Maten closed the Public Hearing.

Commissioner Austin asked that a box be added on the flow chart after the "Special Approval Denied" box that would say "Application Withdrawn".

The Commission concurred that this box would be added to the flow chart.

Motion by Commissioner Russell,
Supported by Commissioner Swanson,

Whereas, a request has been received from the Madison Heights Planning Commission to amend Section 10.201 of the Zoning Ordinance "Special Approval" in its entirety, and

Whereas, the Community Development Department and City Attorney's office submitted reports to the Commission giving Staff and legal analysis of the request and recommending approval of the Zoning Text amendment, and

Whereas, the Commission held a duly advertised public hearing at which time there were no comments from the audience.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following Zoning Ordinance amendment be approved in that such action would help to provide more orderly growth within the City:

Ordinance No.____

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Section 10.201 – Special Approval of the Zoning Ordinance in its entirety for the purpose of regulating the location, design, establishment and review of special approval uses within the City.

The City of Madison Heights ordains:

SECTION 10.201. SPECIAL APPROVAL USE REVIEW PROCEDURES AND REQUIREMENTS.

A. Purpose

The purpose of this section shall be to:

1. Require Special Approval for all uses in all zoning districts that are listed as Uses Permitted after Special Approval.
2. Establish review procedures for all Special Approval uses.
3. Establish review standards for all Special Approval uses.
4. Establish the City Council as the review and approval authority for Special Approval uses.
5. Establish authority to impose conditions upon Special Approval uses.

B. Requirement Established

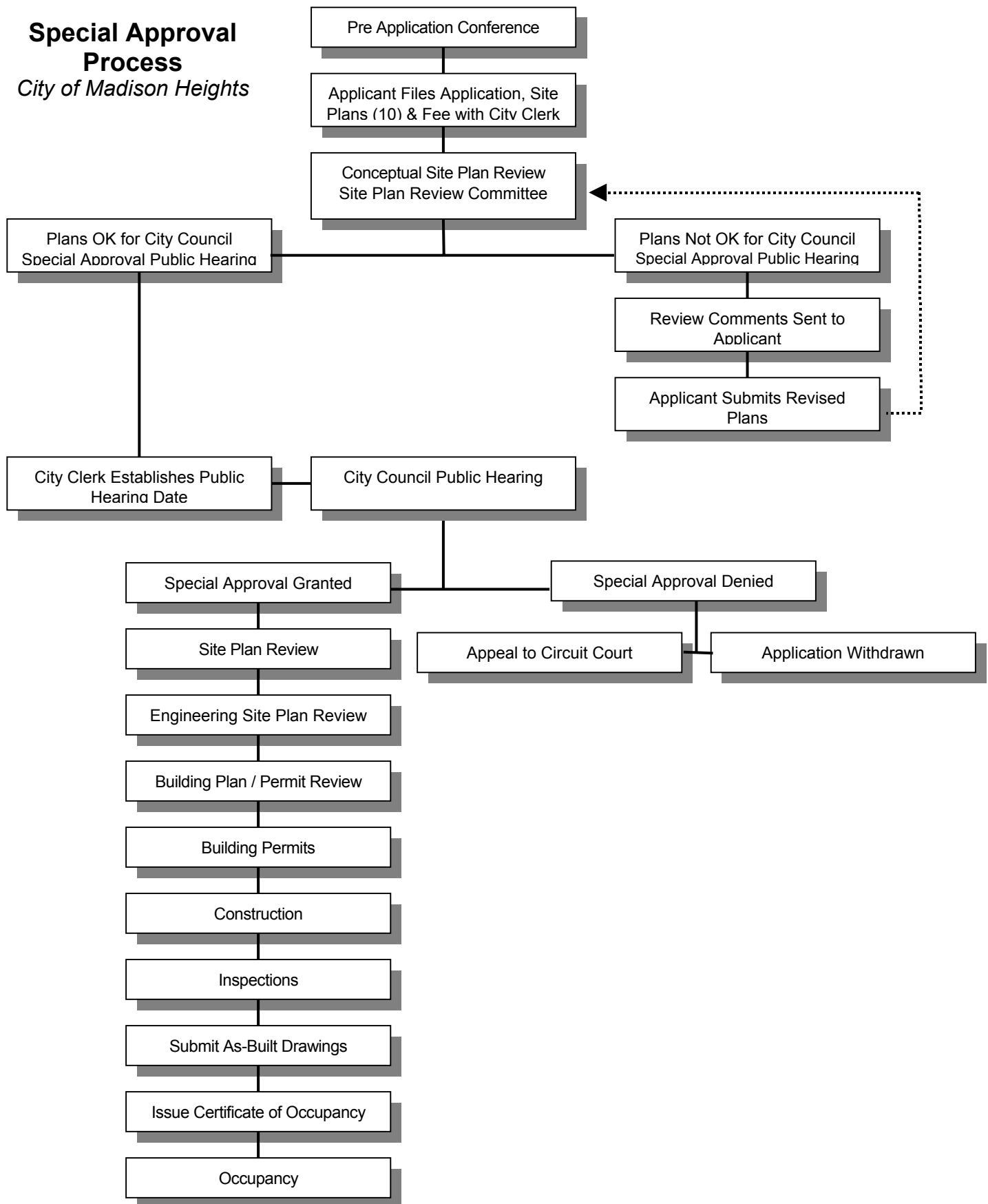
The City Council shall act as the Special Approval Board, and shall act on all special approval requests as provided in this ordinance. Special Approval shall be required for all uses in all zoning districts that are listed as uses permitted after Special Approval. All applications for special approval shall include a site plan prepared in conformance with the submission requirements outlined in Section 10.514 - Site Plan Review. All Special Approval use requests shall be subject to a public hearing prior to a final City Council decision.

C. Submission and Review Process

All Special Approval uses in all zoning districts shall be reviewed in accord with the following procedural requirements and activity flow:

1. Applicant requests preliminary meeting with Community Development Department staff to discuss proposal, design elements, ordinance requirements etc.
2. Applicant submits application, fee and 10 copies of the proposed site plan to the City Clerk's Office (Site plan must be reduced to 11" x 17").
3. Site Plan Review Committee reviews plan conceptually for general conformance with ordinance requirements and transmits conceptual review comments to applicant for revision.
4. Applicant submits 10 copies of revised site plan to Community Development Department (Site plan must be reduced to 11" x 17").
5. Community Development Department notifies City Clerk when site plans are adequate for consideration by City Council. City Clerk then establishes public hearing date and notifies all adjoining property owners within 500 ft.
6. City Council conducts public hearing on proposed Special Approval use.
7. City Council approves, approves with conditions, or denies the Special Approval use request. The City Council may table a request to allow verification, compilation or submission of additional or supplemental information or to address other concerns or issues.
8. If the City Council approves, or approves with conditions, the Special Approval use request, the City Clerk sends applicant a Special Approval Certificate and copy of the minutes of the meeting where the case was approved. The applicant then applies for site plan review in accordance with Section 10.514 of this ordinance.

**Special Approval
Process**
City of Madison Heights



D. Review Standards and Criteria

The City Council shall consider the following standards and criteria in their review of all Special Approval use requests:

1. Site plans submitted for Special Approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514 - Site Plan Review.
2. All design standards or criteria imposed on specific Special Approval uses elsewhere in this ordinance shall be met.
3. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
 - a. Location of use(s) on site;
 - b. Height of all improvements and structures;
 - c. Adjacent conforming land uses;
 - d. Need for proposed use in specified areas of the City;
 - e. Conformance with future land use plans for the area as adopted by the Planning Commission.
 - f. Compatibility with the permitted principal uses allowed in the zoning district where the Special Approval use is requested.
4. Ingress/Egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - a. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curbcuts;
 - b. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - c. Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - d. Adequacy of sight distances;
 - e. Location and access of off-street parking;
 - f. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
5. Screening shall be provided along all property lines, where Council determines such screening is necessary to minimize impact of the use on adjacent properties or uses;

6. The use shall be properly served by utilities;
7. The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources;
8. The use shall be specifically scrutinized for conformance with the performance standards outlined in Section 10.509 of this ordinance;
9. The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
10. The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
11. The City Council may impose conditions in granting Special Approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
 - a. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this

Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.

- d. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within thirty (30) days after an order to correct is issued by the City shall be reason for immediate revocation of the Special Approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
12. The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the City Council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

E. General Stipulations

1. Application for Special Approval shall be made with the full consent of all persons having an ownership interest in the land on which the Special Approval use is requested. All persons having ownership interest in the property shall sign the application prior to its acceptance by the City.
2. Special Approval is valid for a period of one (1) year. Site plan approval and commencement of construction of approved improvements must occur within one (1) year of the City Council's Special Approval or the Special Approval shall be automatically null and void. The City Council may grant an extension for good cause for a period not to exceed six (6) months from the date of expiration of the original approval provided for extension is made during the period of effectiveness.
3. The record of the City Council shall be the approved minutes for Special Approval use cases. Said record shall be made available to the applicant whether the Special Approval request is approved, approved with conditions, or denied and shall constitute notice of the City Council's decision regarding the Special Approval request.

4. The City Council shall give notice of the time and place of the required public hearing as required by state law.
5. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Approval, any conditions imposed by the City Council and the approved site plan.
6. A special use permit may be terminated by subsequent rezoning of the affected site as a part of an appropriate zoning district, subject to any vested nonconforming use rights. Such termination may be initiated only after determination by the City Council that the development status of the site is in accordance with requirements of the zoning district in which it is to be placed. There shall be no waiver of standards or procedures, including publication, hearings, Planning Commission and City Council action, in regard to the rezoning of a site that is occupied or used under a special use permit.
7. No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the City Council shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the City Council. Each re-application will be treated as a new application.
8. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The City Clerk shall maintain a record of changes granted in conditions.

Yeas: Commissioners Austin, Bezz, Dixon, McFall, Kapolka, Pulice, Russell, Swanson, and Chairman Maten.

Nays: None.

Motion Passed.

Case No. ZOTXT 00-04 REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND SECTION 10.503 OF THE ZONING ORDINANCE "NONCONFORMING LOTS, USES AND STRUCTURES" IN ITS ENTIRETY.

Community Development Director Schafer presented a communication from the Community Development Department giving the staff's analysis of the request and recommending approval of the Zoning Text amendment.

Chairman Maten declared the Public Hearing opened.

Hearing no comments from the audience, Chairman Maten closed the Public Hearing.

Motion by Commissioner Russell,
Supported by Commissioner Swanson,

Whereas, a request has been received from the Madison Heights Planning Commission to amend Section 10.503 of the Zoning Ordinance "NONCONFORMING LOTS, USES AND STRUCTURES" in its entirety, and

Whereas, the Community Development Department and City Attorney's office have submitted reports to the Commission giving the Staff and legal analysis of the request and recommending approval of the Zoning Text amendment, and

Whereas, the Commission held a duly advertised public hearing at which time there were no comments from the audience.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following Zoning Ordinance amendment be approved in that such action would help to provide more orderly growth within the City.

Ordinance No.____

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Section 10.503 – Nonconforming Lots, Uses, and Structures of the Zoning Ordinance in its entirety for the purpose of regulating nonconforming structures and uses within the City.

The City of Madison Heights ordains:

SECTION 10.503 NONCONFORMING LOTS, USES AND STRUCTURES

All nonconforming lots, uses, structures, or combination of nonconforming uses of land or structures shall conform with the provisions of this Section.

A. Intent

1. It is the intent of this Ordinance to permit legal nonconforming lots, uses, or structures to continue until they are removed but not to encourage their survival.
2. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.
3. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
4. A nonconforming use of a structure, land, or of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

B. Nonconformities under Construction

Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently continued. Actual construction is hereby defined to include the placing of construction materials in permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until the completion of the building involved.

C. Nonconforming Lots of Record

1. In any Zoning District in which a single family dwelling is permitted, a single family dwelling may be erected on any substandard lot of record if the lot is in single ownership at the effective date of this Ordinance and is not in single ownership with other lots having continuous frontage. However, if two or more contiguous lots under the same ownership exist, a single family home may be erected on any single lot of record provided that such lot meets the following criteria:

- a. The lot is a legal lot of record.
- b. The Building Official or his designee shall determine that the lot is the same size or larger than the majority (more than 50%) of developed lots in the area. For purposes of this section, the Building Official shall base determinations on the width, depth and area of the lot when determining conformance with the developed lots in the area. For purposes of this section, "area" shall mean at a minimum the lots on both sides of the street on the same block as the subject lot.
- c. All other Ordinance requirements are met, including but not limited to, setbacks, minimum dwelling size, and height. A detailed plot plan shall be provided to determine compliance with this subsection.

If these three criteria are not met, such lot(s) shall not be developed, divided, utilized or sold in any manner that diminishes compliance with lot width and/or area requirements of this Ordinance.

2. Any variance request to the Zoning Board of Appeals for any provision of this section shall include a detailed plot plan for a proposed structure(s) that clearly indicates conformance or non-conformance with all Ordinance requirements including, but not limited to, yards, minimum dwelling size, maximum lot coverage and height.
3. In addition to the criteria outlined in section 10.805, the Zoning Board of Appeals, in hearing any appeals and/or variance requests from this section, shall consider the following in their decision:
 - a. The width, size and general character of the lots in the neighborhood and area.
 - b. The design of the proposed structure(s) is appropriate for the area, width and shape of the lot.
 - c. The extent to which other developed lots in the neighborhood and/or area have maintained required setbacks, lot area and width.
 - d. The extent to which the proposed structure(s) is in harmony with the character of the neighborhood and/or area

4. In all non-residential zoning districts, structures may be erected on any single lot of record, provided that such lot meets the criteria outlined in subsection C.1 above and all restrictions outlined in the zoning district in which the lot or parcel is located.

D. Nonconforming Uses of Land

When, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

E. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:

1. No such structure may be expanded in a way that increases its nonconformity. A nonconforming structure may be expanded if the addition(s) conform(s) with all zoning ordinance requirements for the district in which the structure is located.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved
4. A nonconforming structure may be altered to decrease its nonconformity, subject to issuance of necessary permits.

F. Nonconforming Uses Of Structures And Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a change in the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural expansion is made, any nonconforming use of a structure or structures and premises, may be changed to another nonconforming use provided that the Board of Appeals, by making findings in the specific case, shall find that the proposed use is a legal nonconforming use, reduces the level of nonconformity on the site, and is more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use for any period of time, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

G. Repairs and Maintenance

1. On any legal nonconforming structure or building, or on any building or structure devoted in whole or in part to any nonconforming use, ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring or plumbing may be permitted, provided that the permitted maintenance or repair shall not increase the nonconformity.
2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

H. Special Land Uses Not Nonconforming

Special Approval uses that are approved by the City Council as provided in this Ordinance shall not be deemed a nonconforming use.

I. Change in Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming lots, structures, uses of land, or uses of structures and premises provided there is no change in the extent, size, nature or character of such nonconforming lot, structure, use of land or use of structure and premises.

Yeas: Commissioners Bezz, Dixon, McFall, Kapolka, Pulice, Russell, Swanson, Austin, and Chairman Maten.

Nays: None.
Motion Passed.

PLANNING COMMISSION BUSINESS

DISCUSSION OF FUTURE ZONING ORDINANCE AMENDMENTS

General discussion was held on amended ordinances regarding Fences and Composting/Yard Waste Transfer Facilities.

PLANNING COMMISSION ANNUAL REPORT

MADISON HEIGHTS PLANNING COMMISSION

2000 ANNUAL REPORT

During the calendar year of 2000, the Madison Heights Planning Commission held eight (8) regular meetings which were held on the third Tuesday of the month and one (1) special meeting. In summary, the commission made determinations and/or recommendations to Council relating to four (4) rezoning requests, two (2) zoning ordinance amendments, one (1) site plan approval, and one (1) easement vacation request.

REZONINGS

1. Lots 68, 69 and 70 of Symphony Park Subdivision from B-3 General Business to R-3 Single Family Residential.
2. Lots 100 through 103 of Dequindre Woods Subdivision from R-3 Single Family Residential to H-M Mobile Homes.
3. Outlot "B" of Steven Heights Subdivision from O-1 Office to B-1 Local Business.
4. Acreage Parcel 01-351-012 (northeast corner of 13 Mile Road and John R) from O-1 Office to B-3 General Business.

ZONING ORDINANCE AMENDMENT

1. Adding a new Section 10.515 Site Condominiums.
2. Amend Section 10.514 regarding Site Plan Review.

SITE PLAN APPROVALS

1. Two (2) commercial buildings on the east side of John R Road north of Eleven Mile Road.

VACATIONS

1. The west 15 feet of the 20 foot wide public easement that was retained in the vacated 20 foot wide public alley adjacent to the rear of Lots 31, 32 and 148 of John R Center Subdivision. (south of fourteen Mile road and east of John R Road).

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To accept and certify the Commission's Annual Report and to forward a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Dixon, McFall, Kapolka, Pulice, Russell, Swanson, Austin, Bezz, and Chairman Maten.

Nays: None.
Motion Passed.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 7:42 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
MARCH 20, 2001

CALL TO ORDER

Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Bezz, Dixon, Kapolka, McFall, Pulice, and Chairman Maten.

Absent: Commissioners Austin, Russell and Swanson.

MEMBERS EXCUSED

Motion by Commissioner Pulice,
Supported by Commissioner Bezz,

To excuse Commissioners Austin, Russell and Swanson from tonight's meeting.

Yeas: Commissioners Bezz, Dixon, Kapolka, McFall, Pulice, and Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of January 16, 2001 as printed.

Yeas: Commissioners Bezz, Dixon, Kapolka, McFall, Pulice, and Chairman Maten.

Nays: None.

PLANNING COMMISSION BUSINESS

ZONING TEXT AMENDMENT CASE ZOTXT 01-01 - FENCES

Mr. Schafer and Mr. Williams explained the draft ordinance text. General discussion of the amendment was held by the Commission. Visibility clearance from driveways was discussed and changes will be made to the Ordinance. It was decided that the Commission will have further discussion at the next regular meeting.

ELECTION OF PLANNING COMMISSION OFFICERS FOR THE 2001 CALENDAR YEAR.

Commissioner Pulice nominated Frank McFall for Chairman.
Commissioner Dixon seconded the nomination.

Commissioner Kapolka nominated Walter Bezz for Vice-Chairman.
Commissioner McFall seconded the nomination.

Having no other nominations before the Commission,
Frank McFall was elected Chairman and Walter Bezz was elected Vice Chairman by
acclamation.

-

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Maten adjourned the meeting.

Meeting Adjourned at 8:20 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 17, 2001

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Bezz, Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Absent: Commissioners Austin and Dixon.

MEMBERS EXCUSED

Motion by Commissioner Maten,
Supported by Commissioner Kapolka,

To excuse Commissioners Austin and Dixon from tonight's meeting.

Yeas: Commissioners Bezz, Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner Russell,

To approve the minutes of the regular meeting of March 20, 2001 as printed.

Yeas: Commissioners Bezz, Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None.

PUBLIC HEARING

REQUEST BY SING LTD CO., 125 LINCOLN AVENUE, SUITE 221, SANTA FE, NEW MEXICO, TO VACATE THE TWENTY (20) FOOT WIDE PUBLIC EASEMENT THAT WAS RETAINED IN THE VACATED ALLEY ADJACENT TO THE REAR OF LOTS 32 THROUGH 50, ADJACENT TO THE SIDE OF LOT 51, AND ADJACENT TO THE REAR OF LOTS 57 THROUGH THE SOUTH HALF OF LOT 63; THE TWENTY (20) FOOT WIDE PUBLIC EASEMENT THAT WAS RETAINED IN THE VACATED ALLEY ADJACENT TO THE REAR OF LOTS 51 THROUGH 56 AND ADJACENT TO THE SIDE OF LOT 57; THE WEST TEN (10) FEET OF THE SIXTY (60) FOOT WIDE PUBLIC EASEMENT THAT WAS RETAINED IN VACATED GROVELAND AVENUE ADJACENT TO LOTS 56 THROUGH THE SOUTH HALF OF LOT 63, ALL BEING IN NORTHERN PARK SUBDIVISION. THE AREA OF REQUEST IS LOCATED AT THE NORTHEAST CORNER OF JOHN R ROAD AND WHITCOMB AVENUE.

Mr. Schafer read a communication from the Community Development Department recommending approval of the request subject to one condition.

Chairman McFall declared the Public Hearing opened.

Zora Johnson & Rod Lee, petitioners representatives, spoke in favor of the request.

Hearing no further comments from the Audience Chairman McFall closed the Public Hearing.

Motion by Commissioner Maten,
Supported by Commissioner Pulice,

WHEREAS, a request has been received from the Sing LTD Co., 125 Lincoln Avenue, Suite 221, Santa Fe, New Mexico, to vacate the twenty (20) foot wide Public Easement that was retained in the vacated alley adjacent to the rear of Lots 32 through 50, adjacent to the side of Lot 51, and adjacent to the rear of Lots 57 through the south half of lot 63; the twenty (20) foot wide Public Easement that was retained in the vacated alley adjacent to the rear of Lots 51 through 56 and adjacent to the side of Lot 57; the west ten (10) feet of the sixty (60) foot wide public easement that was retained in vacated Groveland Avenue adjacent to Lots 56 through the south half of Lot 63, all being in Northern Park Subdivision, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request subject to one condition, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time two persons spoke in favor of the request,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by the Sing LTD Co., 125 Lincoln Avenue, Suite 221, Santa Fe, New Mexico, to vacate the following described easement be conditionally approved, subject to receipt of a letter of no objection from Comcast, as they have been approved by applicable utilities and are necessary to accommodate redevelopment of this site.

That the twenty (20) foot wide Public Easement that was retained in the vacated alley adjacent to the rear of Lots 32 through 50, adjacent to the side of Lot 51, and adjacent to the rear of Lots 57 through the south half of lot 63; the twenty (20) foot wide Public Easement that was retained in the vacated alley adjacent to the rear of Lots 51 through 56 and adjacent to the side of Lot 57; the west ten (10) feet of the sixty (60) foot wide public easement that was retained in vacated Groveland Avenue adjacent to Lots 56 through the south half of Lot 63, all being in Northern Park Subdivision be absolutely vacated and discontinued.

Yeas: Commissioners Bezz, Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None.

Motion Passed

PLANNING COMMISSION BUSINESS

REQUEST BY SING LTD. CO., 125 LINCOLN AVE., SUITE 221, SANTA FE, NEW MEXICO, FOR SITE PLAN APPROVAL OF A PROPOSED CLIMATE CONTROLLED STORAGE FACILITY ON LOTS 32 THROUGH 62 AND THE SOUTH 20 FEET OF LOT 63 OF NORTHERN PARK SUBDIVISION. THE AREA OF REQUEST IS LOCATED AT THE NORTHEAST CORNER OF WHITCOMB AVENUE AND JOHN R ROAD.

Mr. Schafer submitted a communication from the Community Development Department recommending approval of the request subject to five (5) conditions.

Zora Johnson & Rod Lee, petitioners representatives gave a presentation and spoke about the facility.

Commissioner Maten asked about loading area.

Mr. Lee said that they would not have a loading dock.

Chairman McFall asked about interior wall construction.

Mr. Lee said that the walls between units would be steel.

Motion by Commissioner Swanson,
Supported by Commissioner Maten,

WHEREAS, a request has been received from , Sing Ltd. Co., 125 Lincoln Ave., Suite 221, Santa Fe, New Mexico, for site plan approval of a proposed climate controlled storage facility on Lots 32 through 62 and the south 20 feet of Lot 63 of Northern Park Subdivision, and

WHEREAS, the Community Development Department submitted a report recommending approval of the request subject to five (5) conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby approves the site plan for a proposed climate controlled storage facility on Lots 32 through 62 and the south 20 feet of Lot 63 of Northern Park Subdivision subject to the following conditions.

1. ZBA approval of proposed parking variance.
2. City Council approval of proposed easement vacations.
3. Repair / replace all existing right of way sidewalk where damaged by construction.
4. Submittal of required engineering plans for review and approval by the consulting City Engineer.
5. Submittal of detailed landscape plans for review and approval.

Yeas: Commissioners Kapolka, Maten, Pulice, Russell, Swanson, Bezz and Chairman McFall.

Nays: None.

Motion Passed

ZONING TEXT AMENDMENT CASE ZOTXT 01-01 - FENCES

The Commission had further discussion on the proposed changes to the Ordinance and redundant sections will be dropped.

Motion by Commissioner Kapolka,
Supported by Commissioner Maten,

To hold a Public Hearing on the proposed ordinance at the next Regular Meeting.

Yeas: Commissioners Maten, Pulice, Russell, Swanson, Bezz, Kapolka and Chairman McFall.

Nays: None.

Motion Passed

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting.

Meeting Adjourned at 8:03 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
May 15, 2001

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Dixon, Maten, Pulice, Russell, Swanson and Chairman McFall.

Absent: Commissioner Kapolka.

MEMBERS EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

To excuse Commissioner Kapolka from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Dixon, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Pulice,

To approve the minutes of the regular meeting of April 17, 2001 as printed.

Yeas: Commissioners Austin, Bezz, Dixon, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None.

PUBLIC HEARING

REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO ADD A NEW SECTION 10.516 OF THE ZONING ORDINANCE "FENCES" AND REPEAL CHAPTER 6, ARTICLE X OF THE CODE OF ORDINANCE IN ITS ENTIRETY

Mr. Schafer read a communication from the Community Development Department recommending approval of the request.

Chairman McFall declared the Public Hearing opened.

Hearing no comments from the audience Chairman McFall closed the Public Hearing.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

WHEREAS, a request has been received from the Madison Heights Planning Commission to add a new Section 10.516 of the Zoning Ordinance "Fences" and repeal Chapter 6, Article X of the Code of Ordinance in its entirety, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by the Madison Heights Planning Commission to add a new Section 10.516 of the Zoning Ordinance "Fences" as follows and repeal Chapter 6, Article X of the Code of Ordinance in its entirety as such action will help to provide more orderly growth in the City.

Ordinance No. ____

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by adding Section 10.516 - Fences - to the Zoning Ordinance for the purpose of regulating the location, design, installation and maintenance of fences within the City; Repealing Chapter 6, Article X, of the Code of Ordinances in its entirety.

The City of Madison Heights ordains:

Section 1. **The following new section is added to the Zoning Ordinance as follows:**

10.516 FENCES

(a) Definitions.

The following words and phrases, when used in this article, shall have the following meanings respectively ascribed to them:

Adjacent owner shall mean any person whose property is adjacent to or immediately across from the proposed location of a fence or privacy screen.

Construction site barrier shall mean a structure erected, with approval of the Building Official, on a temporary basis to protect a permitted construction site from vandalism and unauthorized entry.

Delinquent owner shall mean any party who owns a lot or parcel or land, either as deed holder or contract purchaser, who refuses or neglects to build or assist in building, completing, repairing or maintaining a partition fence in accordance with the provisions of this article.

Department shall mean the Community Development Department of the city.

Fence shall mean a structure erected for the purpose of separating properties, or enclosing or protecting or screening the property within its perimeter. A fence shall not include construction site barriers, or a chain link fence enclosure wholly within the property to which it pertains and which conforms to the setbacks for an accessory structure and which is used for the purpose of containing a domestic animal(s) which does not exceed six (6) feet in height.

Inspector shall mean the Building Official of the city or his designee.

Ornamental fence shall mean a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences shall include hedges. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.

Partition fence shall mean a fence located along the line dividing two (2) lots or parcels of land whether subject to an easement or not.

Privacy fence shall mean a sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public right-of-ways.

Privacy screen shall mean a non-sight-obscuring decorative structure, erected adjacent to or around a patio, deck, court yard or swimming pool designed to screen the area behind it or within its confines from observation by persons outside its perimeter.

Sight-obscuring shall mean opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four (4) inches in width) equals or exceeds the width of said boards, slats, etc., measured at ninety (90) degree angles.

(b) Right to build partition fence at owner's expense.

Notwithstanding anything in this article to the contrary, the owner of any land in the city is hereby authorized and empowered to build and maintain a *partition fence* at his sole expense if the location of such proposed fence is established in accordance with the provisions of this article.

(c) Duty of adjacent owners.

The owners of lots adjacent to each other in the city may construct and shall maintain a *partition fence* on the partition lines between such adjacent lots, subject to the provisions of this article; or extended such fence pursuant to Section 10.516(d)1(a).

(d) Type and location – residential districts.

- (1) A *partition fence* may be built only on the rear and on that portion of the side partition or partition line extending from the rear lot or alley line to the rear of the house line extended, which rear house line is the closer to the street where two (2) houses are on adjacent lots. The maximum height for a partition fence shall be four (4) feet except for a privacy fence which shall be six (6) feet. Partition fences shall not be located in a required front setback.
 - (a) Partition fences may be extended to the front house line or along a portion of such partition line not beyond such extended front house line pursuant to the requirements of this code. The maximum height for any such fence between the extended front and rear house lines shall be four (4) feet.
 - (b) Where the rear yard of a corner lot is immediately adjacent to the side yard of another lot, fences may not exceed four (4) feet in height within, or adjacent to, the side yard partition line of the adjacent lot from the front line of the adjacent lot to the extended rear line of the house, or along the right-of-way within twenty-five feet of the common lot line.
 - (c) Where the rear yard of a corner lot is immediately adjacent to the rear yard of an abutting lot upon which is located a driveway accessing the street through the side yard within fifteen (15) feet of the rear lot line, fences may not exceed four (4) feet in height within the triangular area formed by the intersecting side and rear partition lines and a straight line joining the rear partition line and the street lines at points which are fifteen (15) feet distant from the point of intersection, measured along the street right-of-way lines in both directions, or within ten (10) feet of the edge of the driveway.
 - (d) For chain link fences on all streets running generally east and west, fence posts shall be placed contiguous to and on the westerly side of the dividing line, and the woven wire on the easterly side of the posts; and on all streets running generally north and south, the posts shall be placed on the northerly side of the dividing line and woven wire on the southerly side of the posts; provided, however, if the owners of adjacent lots mutually agree in writing, the posts can be placed on either side of the partition line.
 - (e) For fences of other materials the posts shall be located on the inside of the lot being fenced and the fence material shall be placed on the outside of the posts.

(f) Not more than one (1) fence, of any type, may be installed on, or within two (2) feet of, any partition line. If an adjacent owner desires to install a privacy fence as a partition fence any existing partition fence shall be removed. If an existing conforming partition fence exists on the partition line which can not be removed, the privacy fence shall comply with all the setback requirements for an accessory structure in the district therein located. Sufficient access shall be provided to the area between fences to facilitate maintenance.

(g) No fences shall be placed in the public right of way, including, but not limited to, that area between the curb and the sidewalk.

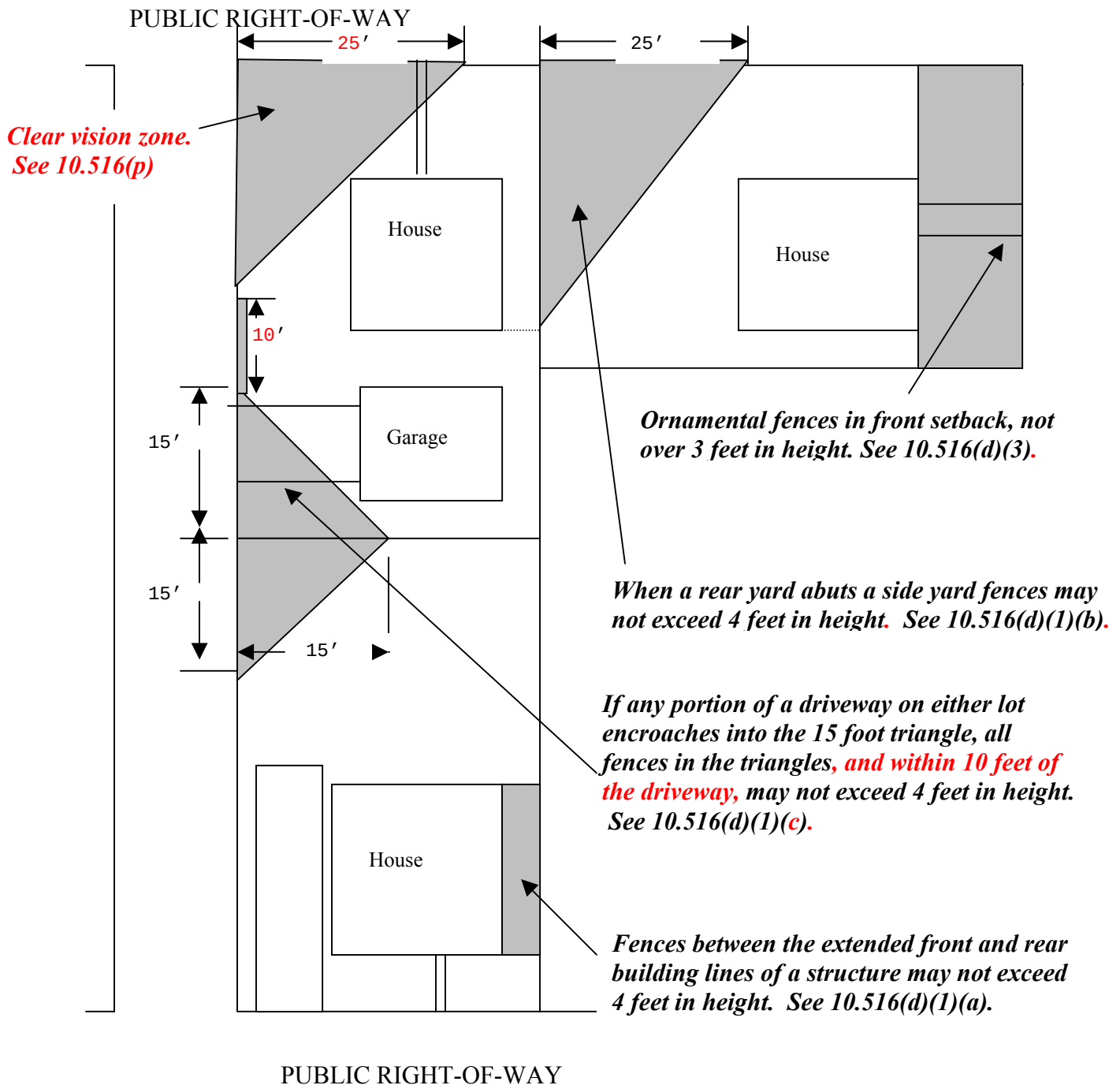
(2) Privacy screen; Privacy fences.

Privacy screens and *privacy fences*, which are not a partition fence, shall not encroach upon the required setbacks for accessory structures for the district therein located but may encroach into easements if the setback requirements are met.

(3) Ornamental fences.

A non-sight obscuring ornamental fence, purely decorative in nature, may be located in the required front yard in any residential district as follows:

- (a) No ornamental fence shall exceed three (3) feet in height.
- (b) All ornamental fences must be located a minimum distance of one (1) foot inside all property lot lines, or two (2) feet from any public sidewalk, whichever is greater.
- (c) No fences shall be placed in the public right of way, including, but not limited to, that area between the curb and the sidewalk.
- (d) Materials used in ornamental fences shall be limited to wood, wrought iron, vinyl or other materials approved by the Building Official and shall not contain any sharp or pointed projections of any kind or in any other way be detrimental to the public health and safety. Fences consisting of chain link, woven or welded wire or sheet metal are strictly prohibited.



**ILLUSTRATIONS OF MAXIMUM HEIGHT AND
CLEAR VISION REQUIREMENTS**

(e) Entry onto premises of delinquent owner permitted.

Any person building, installing or maintaining any fence or a part of a fence for a delinquent owner may enter upon the premises of the delinquent owner to the extent reasonably necessary to build, complete, repair or maintain the fence.

(f) Materials, minimum/maximum height.

Partition fences constructed of chain link material shall be not less than three (3), nor more than four (4) feet in height. All fences built or repaired shall use materials made and approved for fencing. Fencing shall be constructed of steel posts firmly imbedded in concrete not less than twenty-four (24) inches in depth, with a minimum thickness of three (3) inches on all sides and shall consist of galvanized or vinyl coated wire mesh. Mechanical devices approved by the Building Official may be used to secure line posts in the ground. The installation of inserted strips of metal, plastic, wood and similar materials in chain link fences shall be prohibited

Partition fences, including privacy fences, constructed of wood or similar materials shall not exceed six (6) feet in height. Support posts or beams used for such fences must be placed on the inside of the fence toward the premises owned by the person causing the fence to be erected and, if wood, be of a minimum four (4) inch by four (4) inch construction firmly imbedded in concrete not less than twenty-four (24) inches in depth, with a minimum thickness of three (3) inches on all sides. Posts other than wood shall be not less than twenty-four (24) inches deep and installed to the manufacturers instructions. Privacy fences shall not be attached to any other fence or structure.

(g) Sharp projections prohibited.

No owner or lessee, or his or her respective agent, of any building in the city shall erect or cause to be erected or maintained on or about the stairway to the entrance of such building, or on or about its exterior building line, or upon fences or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard or other projection on which there shall be affixed or placed or in any manner attached any spike, nail or other sharp pointed instrument of any kind or description. No wire or other fence materials shall be affixed to the fence with the top edge having any sharp or pointed projections of any kind; provided, however, if such fence is constructed of pickets, such pickets shall be made of not less than one (1) inch by three (3) inch material and shall have angle at the top of not less than ninety (90) degrees.

(h) Barbed wire prohibited; exception; razor wire strictly prohibited.

No owner or lessee, or his or her respective agent, shall construct or maintain a barbed wire fence partially or wholly around any area along any street, avenue, alley, lane or public highway, public space or place, or nail or cause such barbed wire fence to be nailed or fastened in any form or manner upon fences or fence posts, except that fences in industrial and commercial districts which are a minimum of eight (8) feet high may have barbed wire attached to arms or brackets extending inward over such private property, but no such barbed wire shall be placed at any point nearer to the ground than eight (8) feet. Razor wire is strictly prohibited within the city.

(i) Electrical fences.

Electrical and electrified fences shall be strictly prohibited.

(j) Industrial or business zoned property; maximum height; location; ornamental fences

Except as otherwise provided in this article, a conforming fence not to exceed ten (10) feet in height may be erected around an area zoned for industrial or business uses, which fence may be located on the partition or property lines. Said fences shall not occupy any required front setback. Ornamental fences shall be permitted only as shown on the approved site plan.

(k) Heights along school yards and public playfields.

Where a partition fence is constructed along a school yard or public playfield, fences up to eight (8) feet in height as specified in this article may be permitted if the lines along which such fences are to run have been determined in accordance with the provisions of this article and the details of construction as to public safety have been approved by the Building Official.

(l) Encroachment.

The property owner who is erecting the fence (or having it erected) shall be responsible for determining the location of property lines.

(m) Compliance with other ordinances and state law.

All fences shall comply with the relevant sections of the zoning ordinance, all other ordinances of the City of Madison Heights and all applicable state law.

(n) Denial of responsibility of city.

The City of Madison Heights shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction or maintenance of fences, nor shall the city be responsible for the determination of the location of any fence to be erected, built or constructed on a lot line.

(o) Maintenance and repair.

- (1) Any person who erects, builds or constructs, or contracts with another or causes another to erect, build or construct, any fence or privacy screen upon property which such person owns or leases shall be responsible for the repair, upkeep and maintenance of the fence or privacy screen, and any area adjacent thereto.
- (2) Any person who owns property upon which a fence or privacy screen has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence or privacy screen. If a previously constructed fence is located upon a lot line, each successive owner of the fence shall be responsible for its care, upkeep and maintenance. If ownership of the fence located upon a lot line is joint or cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep and maintenance of the fence facing his property. For purposes of this paragraph, the owner of a fence shall be deemed to be any person, persons or their successors who purchase or otherwise acquire the property from the person who originally erected or caused a fence to be erected thereon.

- (3) The Building Official or his designee shall have the sole discretion to determine whether or not the fence is properly maintained, structurally sound or creates a potential safety hazard. Upon a finding by the Building Official that the fence is not maintained or not structurally sound or creates a potential safety hazard, he shall notify the owner to make necessary repairs to maintain the fence or to make it structurally sound and safe. The owner shall have thirty (30) days from the date of notice by the Building Official to bring the fence in compliance with this Section. Should the owner fail to comply with the directive of the inspector, the owner will be held to be in violation of this Section and the fence shall be removed immediately.

(p) Visibility at intersections.

No fence, wall, hedge, screen, structure, vegetation or planting shall be higher than three (3) feet on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along the street right-of-way lines. Trees may be planted in this triangular area, provided that the lowest foliage is six (6) feet or higher from the ground.

(q) Non-conforming fences.

Where a lawful fence exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on height, materials, required yards or other characteristics of the fence, or its location on the lot, such fence may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such fence may be enlarged or altered in a way which increases its nonconformity.
- (2) Should such fence be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at time of destruction it shall not be reconstructed except in conformity with the provisions of this Ordinance;
- (3) No such fence may be structurally altered or improved so as to prolong the life of the fence or so as to change the shape, size, type or design of the fence.

(r) Administration and enforcement.

The provisions of this chapter shall be administered and enforced by the Building Official or his designee.

Section 2. Repeal of Chapter 6, Article X

The following sections are repealed from the Code of Ordinances and the section numbers held in reserve.

Chapter 6, Article X, Sections 6-229 through 6-242 inclusive.

Section 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 6. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 7. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Austin, Bezz, Dixon, Maten, Pulice, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Passed

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting.

Meeting Adjourned at 7:35 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
JUNE 19, 2001

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m..

ROLL CALL

Present: Commissioners Austin, Bezz, Dixon, Kapolka, Pulice, Russell, and Chairman McFall.

Absent: Commissioners Maten and Swanson.

MEMBERS EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

To excuse Commissioners Maten and Swanson from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, Pulice, Russell, and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Russell,
Supported by Commissioner Dixon,

To approve the minutes of the regular meeting of May 15, 2001 as printed.

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, Pulice, Russell, and Chairman McFall.

Nays: None.

Page 2

Madison Heights Planning Commission - Minutes

June 19, 2001

PUBLIC HEARING

REQUEST BY SUSAN STROIA & THOMAS PINSON, 491 HANNA, BIRMINGHAM, MICHIGAN, TO REZONE THE SOUTH 45 FEET OF LOT 4 & THE NORTH 15 FEET OF LOT 5 OF JIM ROBBINS INDUSTRIAL SUBDIVISION NO. 1 FROM M-1 LIGHT INDUSTRIAL TO O-1 OFFICE. THE AREA OF REQUEST IS LOCATED ON THE WEST SIDE OF STEPHENSON HIGHWAY BETWEEN THIRTEEN MILE ROAD AND GIRARD AVENUE.

James Schafer, Community Development Director, submitted a communication from the Community Development Department recommending approval of the request.

Chairman McFall declared the Public Hearing opened.

Hearing no comments from the audience, Chairman McFall closed the Public Hearing.

Motion by Commissioner Russell,
Supported by Commissioner Pulice,

Whereas, a request has been received from Susan Stroia & Thomas Pinson, 491 Hanna, Birmingham, Michigan, to rezone the south 45 feet of Lot 4 & the north 15 feet of Lot 5 of Jim Robbins Industrial Subdivision No. 1 from M-1 Light Industrial to O-1 Office, and

Whereas, the Community Development Department submitted a report to the Commission recommending approval of the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following described property be rezoned in that such action is consistent and compatible with existing land uses in the area and it provides for an appropriate transitional land use between the single-family residential subdivision to the west and the more intensive uses along Stephenson Highway .

That the south 45 feet of Lot 4 & the north 15 feet of Lot 5 of Jim Robbins Industrial Subdivision No. 1 be rezoned from M-1 Light Industrial to O-1 Office.

Yeas: Commissioners Austin, Bezz, Dixon, Kapolka, Pulice, Russell, and Chairman McFall.

Nays: None

Motion carried.

Page 3

Madison Heights Planning Commission - Minutes

June 19, 2001

PLANNING COMMISSION BUSINESS

REQUEST BY TONY CAPOCCIA, 121 W. THIRTEEN MILE ROAD, MADISON HEIGHTS, MICHIGAN, FOR PRELIMINARY PLAN REVIEW OF A PROPOSED 47 UNIT SINGLE-FAMILY DETACHED SITE CONDOMINIUM (PINE RIDGE ESTATES SITE CONDOMINIUMS). THE AREA OF REQUEST IS LOCATED NORTH OF THIRTEEN MILE ROAD EAST OF EDWARD AVENUE.

James Schafer submitted a communication from the Community Development Department recommending approval of the request subject to three (3) conditions.

Tony Capoccia was present to answer any questions that the Commission might have.

Commissioner Pulice asked what the distance was from the rear of the south lots to Thirteen Mile Road.

James Schafer said that it was approximately 150 feet.

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

Whereas, a request has been received from Tony Capoccia, 121 W. Thirteen Mile Road, Madison Heights, Michigan, for preliminary plan review of a proposed 47 unit single-family detached site condominium (Pine Ridge Estates Site Condominiums), and

Whereas, the Community Development Department submitted a report to the Commission recommending approval of the request subject to three (3) conditions,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the preliminary plan for Pine Ridge Estates Site Condominiums subject to the following conditions.

1. Approval of the proposed vacation of the existing public streets and any necessary easements within the existing subdivision.
2. Dedication of proposed roads to the City of Madison Heights.
3. Conformance with all applicable provisions of the consent judgment governing development of the parent parcel.

Yeas: Commissioners Bezz, Dixon, Kapolka, Pulice, Russell, Austin, and Chairman McFall.

Nays: None

Motion carried.

--

PRELIMINARY DISCUSSION OF PROPOSED AMENDMENTS TO THE ZONING
ORDINANCE REGARDING "HOME OFFICES" AND "HOME OCCUPATIONS".

James Schafer gave an overview and explained what each ordinance would accomplish.

Commissioner Russell asked if there are a number of communities that have done this.

Mr. Schafer said that most communities regulate home occupations.

Chairman McFall asked about landscape businesses.

Mr. Schafer said that they are not permitted in a residential district presently and would still not be allowed.

The Commission agreed that a Public Hearing would be held at their next regular meeting that would have an additional request on the agenda.

ADJOURNMENT OF MEETING

Motion by Commissioner Russell,
Supported by Commissioner Dixon,

To adjourn the meeting.

Yeas: Commissioners Dixon, Kapolka, Pulice, Russell, Austin, Bezz, and Chairman McFall.

Nays: None

Motion carried.

Meeting Adjourned at 8:54 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
AUGUST 21, 2001

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Kapolka, Maten, Pulice, Swanson, and Chairman McFall. (Commissioner Bezz arrived late).

Absent: Commissioner Russell.

MEMBER EXCUSED

Motion by Commissioner Kapolka,
Supported by Commissioner Swanson,

To excuse Commissioner Russell from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Pulice, Swanson, and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner Maten,

To approve the minutes of the regular meeting of June 19, 2001 as printed.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Pulice, Swanson, and Chairman McFall.

Nays: None.

PUBLIC HEARING

REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND THE ZONING ORDINANCE BY ADDING SECTION 10.508(4) TO REGULATE THE LOCATION AND OPERATION OF HOME OFFICES AND HOME OCCUPATIONS.

Mr. Schafer read a communication from the Community Development Department recommending approval of the request.

Chairman McFall declared the Public Hearing opened.

Lorraine Hardy, 68 West Brockton, asked if you would need a license.

Mr. Schafer explained the proposed ordinance amendment and the special approval process for home occupations.

Hearing no further comments from the audience, Chairman McFall closed the Public Hearing.

Commissioner Maten asked if Hair Dressing requires a State License.

Mr. Schafer stated that his understanding was that it does.

Commissioner Maten asked if it would affect Day Care.

Mr. Schafer stated that State Law and other local zoning provisions regulate Day Care.

**Motion by Commissioner Maten,
Supported by Commissioner Swanson,**

Whereas, a request has been received from the Madison Heights Planning Commission to amend the Zoning Ordinance by adding a new Section 10.508(4) to regulate the location and operation of home offices and home occupations, and

Whereas, the Community Development Department submitted a report to the Commission recommending approval of the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time one (1) resident asked questions about the ordinance,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following ordinance be adopted in that such action will define home offices and home occupations; establish criteria for location, size, design and

operation of home offices and home occupations; and establishes the review and approval process for home offices and home occupations.

Ordinance No. 1009

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Section 10.508 - Uses not otherwise included within a specific district - of the Zoning Ordinance for the purpose of regulating the location and operation of Home Offices and Home Occupations.

The City of Madison Heights ordains:

Section 1. *Section 10.508 of the Zoning Ordinance is hereby amended as follows:*

Section 10.508(4). Home offices and home occupations.

HOME OFFICES: Home offices which are clearly incidental to the principal residential use, and carried on by permanent residents of the home, shall be a permitted accessory use in any residential district. Typical home offices include accounting, real estate, insurance, law and other similar offices, excluding all regulated uses as defined in Section 10.502(A). The following conditions for home offices shall be met.

- (1) The office shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure therein located.*
- (2) Special Use approval shall be required for a home office desiring to employ a non-resident employee. Not more than one non-resident employee shall be permitted.*
- (3) All home office activities shall be conducted wholly within the principal residence.*
- (4) No structural alterations or additions, or site improvements, which alter the residential character of the structure or property shall be permitted to accommodate a home office.*
- (5) There shall be no external evidence of such office. No signage shall be permitted.*
- (6) No commodity shall be sold on the premises.*

- (7) *No home office shall be permitted which is injurious to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.*
- (8) *No more than two customers or clients shall be permitted to visit the site at any given time. All customer/client visits shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Adequate, conforming off street parking shall be provided for customers or clients.*

HOME OCCUPATION: Home occupations which are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home, and is clearly incidental and secondary to the principal residential use. Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

- (1) *That such home occupation shall be conducted wholly within the dwelling.*
- (2) *That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.*
- (3) *That there shall be no exterior storage or parking of materials or equipment.*
- (4) *That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.*
- (5) *That no hazard of fire, explosion or radioactivity shall exist at any time.*
- (6) *There shall be no external evidence of such home occupation. No signage shall be permitted.*
- (7) *No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.*
- (8) *As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.*

- (9) *The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.*
- (10) *"Home Occupation" shall not include "Home Offices" as defined above.*

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 6. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Pulice, Swanson, and Chairman McFall.

Nays: None

Motion carried.

PLANNING COMMISSION BUSINESS

CONTINUED DISCUSSION OF ZONING ORDINANCE AMENDMENTS REGARDING
SIGNS, PARKING, RECYCLING FACILITIES AND LANDSCAPING.

ZOTXT 01-03 Yard Waste, Composting and Recycling Facilities

Mr. Schafer reviewed the proposed ordinance amendment.

Commissioner Austin asked which item would pertain to the SOCCRA facility.

Mr. Schafer said it would fall currently under item (e).

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

To place the proposed ordinance amendment ZOTXT 01-03 on yard waste transfer, composting and recycling facilities on the Planning Commission's next agenda for Public Hearing.

Yeas: Commissioners Dixon, Kapolka, Maten, Pulice, Swanson, Austin, and Chairman McFall.

Nays: None

Motion carried.

--

ZOTXT 01-02 Signs

Discussion was held on various sign ordinance issues, including:

1. Garage sale signs
2. Legal sufficiency of existing and proposed standards in light of court cases regarding signage
3. Size, location and height concerns
4. Providing standards to assist in the review and consideration of ZBA variance requests
5. Reduce window signage
6. Provide copies of drafts for ZBA, Chamber of Commerce and DDA.

Councilman Bezz arrived.

--

ZOTXT 01-07 Parking

Discussion was held on various parking standards including:

1. Required spaces by use

2. Landscaping and screening within parking areas – possible use of ROW screenwalls – Incentives?

Page 7

Madison Heights Planning Commission - Minutes

August 21, 2001

3. Encourage joint use of parking
4. Incentive program to encourage landscaping (EG. Farmington Hills)
5. Standards for drive-through stacking
6. Snow storage areas as landscaping.

--

ZOTXT 01-06 Landscaping

Landscaping standards were discussed in general.

--

Mr. Schafer stated that the comments discussed tonight regarding these amendments will be incorporated into future drafts and will be reviewed by the Planning Commission at a future meeting.

ADJOURNMENT OF MEETING

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,
To adjourn the meeting.

Yeas: Commissioners Kapolka, Maten, Pulice, Swanson, Austin, Bezz, Dixon, and Chairman McFall.

Nays: None

Motion carried.

Meeting Adjourned at 8:10 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 18, 2001

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bezz, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

To excuse Commissioners Dixon and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Kapolka,

To approve the minutes of the regular meeting of August 21, 2001 as printed.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Nays: None.

Page 2

Madison Heights Planning Commission - Minutes
September 18, 2001

PUBLIC HEARINGS

REQUEST BY MICRO ELECTRONICS, INC., 4055 LEAP ROAD, HILLARD, OHIO,
TO REZONE ACREAGE PARCELS 02-201-018 & 02-201-019 FROM H-R HIGH RISE
TO B-3 GENERAL BUSINESS

James Schafer read a communication from the Community Development Department recommending approval of the request.

Chairman McFall declared the Public Hearing opened.

Julio Puzzuoli, with the Gordon - Begin Company, spoke in favor of the request.

David Bishop, Micro-Electronics representative, spoke in favor of the request and was present for any questions.

Hearing no further comments from the audience, Chairman McFall closed the Public Hearing.

Commissioner Russell asked who the other tenants would be.

Mr. Bishop said an upscale jewelry store and a family type restaurant.

Commissioner Austin stated that he was not familiar with their company and asked what was a comparable business.

Mr. Bishop said they were a full service computer retailer and passed out brochures on their business.

Motion by Commissioner Russell,
Supported by Commissioner Kapolka,

WHEREAS, a request has been received from Micro Electronics, Inc., 4055 Leap Road, Hillard, Ohio, to rezone acreage parcels 02-201-018 & 02-201-019 from H-R High Rise to B-3 General Business, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time two persons spoke in favor of the request,

Page 3

Madison Heights Planning Commission - Minutes

September 18, 2001

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by Micro Electronics, Inc., 4055 Leap Road, Hillard, Ohio, to rezone the following described property be approved as such action is in compliance with the City's Future Land Use Plan, is compatible with surrounding land uses and the commercial character of the area, and will facilitate redevelopment of the site.

That acreage parcels 02-201-018 & 02-201-019 be rezoned from H-R High Rise to B-3 General Business.

Yeas: Commissioners Austin, Bezz, Kapolka, Maten, Russell, Swanson and Chairman McFall.

Nays: None.

Motion carried.

REQUEST HAS BEEN RECEIVED FROM THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND THE ZONING ORDINANCE BY AMENDING SECTION 10.508 - "USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC DISTRICT" FOR THE PURPOSE OF REGULATING THE LOCATION, DESIGN, INSTALLATION, OPERATION AND MAINTENANCE OF YARD WASTE TRANSFER AND COMPOSTING FACILITIES AND RECYCLING FACILITIES

Chairman McFall declared the Public Hearing opened.

Hearing no comments from the audience, Chairman McFall closed the Public Hearing.

Motion by Commissioner Maten,
Supported by Commissioner Bezz,

WHEREAS, a request has been received from the Madison Heights Planning Commission to amend the Zoning Ordinance by amending Section 10.508 - "Uses not otherwise included within a specific district" for the purpose of regulating the location, design, installation, operation and maintenance of yard waste transfer and composting facilities and recycling facilities, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the following ordinance be adopted in that such action will help to regulate the location, design, installation, operation and maintenance of yard waste transfer, composting and recycling facilities.

Ordinance No. ____

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Section 10.508 – Uses not otherwise included within a specific district - of the Zoning Ordinance for the purpose of regulating the location, design, installation, operation and maintenance of yard waste transfer and composting facilities and recycling facilities.

The City of Madison Heights ordains:

Section 1. Section 10.508 of the Zoning Ordinance is hereby amended by adding paragraph (5) as follows:

10.508 Uses not otherwise included within a specific use district

(5) Yard waste transfer and composting facilities; recycling facilities.

(a) Definitions:

Compostables: means leaves, grass clippings, brush, woodchips, tree limbs under two (2) inches in diameter, vegetative prunings, Christmas trees, and other garden or yard waste and other organic material as may be specified in conditions attached to a special approval.

Recyclable materials: means high grade paper, glass, plastic, newspaper, corrugated paper and other materials as may be specified in conditions established as part of a special approval.

Recycling drop-off center: means an unmanned site containing one or more self contained, fully enclosed containers for the deposit of approved, source separated, recyclable materials by the public.

Recycling processing facility: means a facility designed and used for the collection, sorting, processing and temporary storage of recyclable materials; and the redistribution of processed materials to off-site locations for re-use. As used herein *processing* means changing the physical or chemical character by separation, treatment or other means, so as to make it re-usable as a resource.

Recycling transfer facility: means a structure used for the transfer of recyclable materials from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected recyclables.

Source separated: means recyclable materials that are separated at the source of generation.

Yard waste transfer facility: means an area used for the transfer of compostables from collection vehicles to bulk hauling vehicles. Operations are limited to unloading of collection vehicles and loading bulk hauling vehicles with collected compostables.

Yard waste composting facility: means a facility designed and used for the conversion of compostables into organic compost (humus) or where compostables are stored for transfer longer than twenty-four (24) hours.

(b) *Yard waste transfer facilities:* Yard waste transfer facilities, including any expansion of an existing facility, shall be permissible only as a use by special approval in the M-1 and M-2 zoning districts subject to the following regulations:

1. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no storage, transfer or loading activities will take place within one hundred fifty (150) feet of any existing residential district and within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as landscape strips to facilitate screening and buffering
2. All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.
3. Adequate parking shall be provided for all employees and visitors.
4. The site shall be controlled to prevent unauthorized access during non-business hours.
5. All transfer operations shall be screened from public view in a manner which provides complete screening between the site and all adjacent properties and rights-of-way.
6. No compostables may remain on site longer than twenty-four (24) hours.
7. In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the compostables transfer process. Council shall determine the appropriate location and height of required fencing during special

approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

Page 6

Madison Heights Planning Commission - Minutes

September 18, 2001

8. Overnight storage or parking of loaded vehicles shall not be permitted.
 9. If public access is provided to the site for the drop-off of compostable material the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.
 10. The compostable transfer process shall be properly managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.
- (c) *Yard waste composting facilities:* Yard waste composting facilities shall be permissible only as a use by special approval in the M-2 zoning district subject to the following regulations:
1. Items 2, 3, & 4 in Paragraph (b) above.
 2. The site shall be well drained and designed such that all natural or generated runoff is contained within the site.
 3. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place within three hundred (300) feet of any existing residential districts and one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as landscape strips to facilitate screening and buffering.
 4. The compost site, and all related operations, shall be screened from adjacent public rights of way, properties, and public view, by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties
 5. In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process. Council shall determine the appropriate location and height of required fencing during special approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.
 6. Only compostables shall be composted at such facilities.
 7. The decomposition process shall be managed and maintained in an aerobic condition to prevent an odor nuisance beyond the property line.
 8. Ponded water shall not be permitted to collect on a yard waste composting

site.

Page 7

Madison Heights Planning Commission - Minutes

September 18, 2001

9. If public access is provided to the site for the drop-off, or pick-up of compostable material the public drop-off area shall be fully separated from the composting operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.
 10. Overnight storage or parking of loaded vehicles shall not be permitted.
 11. Copies of all Michigan Department of Environmental Quality applications and/or permits, if required, shall be provided with the application.
- (d) *Recycling drop-off center:* Drop-off centers are intended to serve the public by providing a convenient and safe place, in a location normally used by the public, to drop off their recyclable materials. Due to the area required for this type of facility, recycling drop-off centers shall be permissible only as a use by special approval in the B-2 and B-3 zoning districts subject to the following regulations:
1. If the site abuts property which is residentially zoned, a buffer zone shall be maintained where no drop-off activities will take place within one hundred (100) feet from any existing residential district, twenty-five (25) feet from all adjoining property lines, behind the extended front line of any existing buildings and not within any required front yard.
 2. The site shall be well drained and designed such that all natural or generated runoff is contained within the site.
 3. The recycling drop-off center shall be screened from adjacent public rights of way and properties, and from public view, by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination of thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties
 4. The types of recyclable materials to be collected shall be approved by Council as part of the Special Approval Process. No motor oil, batteries, paint, lead, mercury or other hazardous materials shall be collected.
 5. The operator shall provide plans showing all container locations and screening. Plans shall show the location of entrances, exits and unloading areas for the location as well as the distances to property lines and any adjacent residential districts.
- (e) *Recycling transfer facilities:* Recycling transfer facilities shall be permissible only as a use by special approval in the M-1 and M-2 zoning districts subject to the following regulations:
1. If the site abuts property which is residentially zoned, a buffer zone shall be

maintained where no storage, transfer or loading activities will take place within one hundred fifty (150) feet of any existing residential district and

Page 8

Madison Heights Planning Commission - Minutes

September 18, 2001

within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate screening and buffering.

2. All site access roads, drives, material handling, storage and transfer areas, and all areas for truck, visitor and employee parking shall be paved with asphalt or concrete.
3. Adequate parking shall be provided for all employees and visitors.
4. The site shall be controlled to prevent unauthorized access during non-business hours.
5. All transfer operations shall be conducted inside a fully enclosed structure.
6. No recyclable materials may remain on site longer than seven (7) calendar days.
7. Overnight storage or parking of loaded vehicles shall not be permitted.
8. If public access is provided to the site for the drop-off of recyclable materials the public drop-off area shall be fully separated from the transfer operation and the operator shall clearly demonstrate that the public health and safety are protected while on the site.

(f) *Recycling processing facilities* : Due to the large volume of truck traffic, storage and recyclable material handling, combined with the increased possibility of odor, noise, dust and debris, recycling processing facilities shall be permissible only as a use by special approval in the M-2 zoning district subject to the following regulations:

1. Items 2, 3, 4, 5, 7 & 8 in Paragraph (e) above.
2. All processing shall be conducted inside a fully enclosed building.
3. If the site abuts property which is residentially zoned a buffer zone shall be maintained where no recycling, storage, transfer or loading activities will take place within three hundred (300) feet from existing residences and within one hundred (100) feet of all adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate screening and buffering.
4. The recycling processing center shall be screened from adjacent public rights of way and properties by a land form buffer, buffer strip, screening wall and adjacent greenbelt, or a combination of thereof. Council may require additional landscaping or screening where it determines it to be necessary to prevent negative impacts on adjacent properties

5. In order to contain windblown debris and provide security, chain link fencing shall be installed and maintained around all areas of the site which

Page 9

Madison Heights Planning Commission - Minutes

September 18, 2001

are utilized in any phase of the recycling process. Council shall determine the appropriate location and height of required fencing during special approval review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

6. The types of materials to be recycled shall be approved by Council as part of the Special Approval Process.
 7. Copies of all Michigan Department of Environmental Quality applications and/or permits, if required, shall be provided with the application.
- (g) Yard waste transfer facilities and composting facilities, and all recycling processing and transfer facilities and drop-off stations, shall utilize materials, equipment and processes which are clean, quiet and free from any objectionable or dangerous nuisance or hazard including odors and windborne dust or debris and shall comply with all other performance standards contained in Section 10.509 of this ordinance and any other standard imposed as a condition of special approval.
 - (h) Failure to maintain and operate the facility in a responsible manner that minimizes the potential for adverse impacts on neighboring properties, or in compliance with the conditions of the special use permit, shall constitute grounds for immediate revocation of the special use permit by the City.
 - (i) All facilities under this section shall include, as part of their application, a management plan detailing the operation, maintenance, cleaning, monitoring, removal of unmarketable products and waste, security and hours of operation. Council may limit the hours of operation as a condition of special approval.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Penalties for violation.

Any person, or anyone acting on behalf of such person, violating any of the provisions of this Ordinance or any rules, regulations or codes lawfully promulgated or adopted hereunder shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or to imprisonment for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

Section 4. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 6. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 7. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Bezz, Kapolka, Maten, Russell, Swanson, Austin and Chairman McFall.

Nays: None

Motion carried.

--

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting.

Meeting Adjourned at 7:45 P.M.

Paul G. Bertalan
Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
October 16, 2001**

CALL TO ORDER

Vice-Chairman Bezz called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Kapolka, Maten, Pulice, Russell, Swanson, and Vice-Chairman Bezz.

Absent: Chairman McFall.

MEMBER EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

To excuse Chairman McFall from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Pulice, Russell, Swanson, and Vice-Chairman Bezz.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting of September 18, 2001 as written.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Pulice, Russell, Swanson, and Vice-Chairman Bezz.

Nays: None.

PLANNING COMMISSION BUSINESS

REQUEST BY TEXAS ROADHOUSE, 6040 DUTCHMAN'S LANE, SUITE 400, LOUISVILLE, KENTUCKY, FOR SITE PLAN APPROVAL OF A PROPOSED COMMERCIAL BUILDING (RESTAURANT) ON ACREAGE PARCEL 11-476-009. THE AREA OF REQUEST IS LOCATED ON THE WEST SIDE OF JOHN R ROAD BETWEEN TWELVE MILE ROAD AND AJAX DRIVE.

James Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending approval of the request subject to six (6) conditions.

Keith Blum, Ramco-Gershenson, Inc., briefly described the proposed improvements.

Commissioner Russell asked if an easement has been worked out to allow access to the Drain Commission's property to the north.

Mr. Schafer said there will be a continuation of RAMCO's previous agreement for a future cross access easement as a recommended condition of approval.

Commissioner Swanson asked if there is a deceleration lane proposed in front of the drain property.

Mr. Schafer said that one is proposed to be installed as a part of this project, at the expense of the developer, accessing the north drive of the K-Mart Center.

Commissioner's Maten and Russell asked about the drive aligning with the existing SOCRRA drive and expressed concern about access to the Senior Center if the proposed signal creates back-ups.

Mr. Schafer said the Site Plan Review Committee and Traffic Safety Committee reviewed the driveway design. Detailed review of the signal design will be subject to both RCOC and the Traffic Safety Committee approval.

Commissioner Austin asked if Texas Roadhouse has a proposed schedule.

Mr. Blum said they will start construction as soon as possible.

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

Whereas, a request has been received from Texas Roadhouse, 6040 Dutchman's Lane, Suite 400, Louisville, Kentucky, for site plan approval of a proposed restaurant on acreage parcel 11-476-009, and

Whereas, the Community Development Department submitted a report to the Commission giving the Staff's analysis of the request and recommending approval of the request subject to six conditions, and

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from Texas Roadhouse for a restaurant on acreage parcel 11-476-009 subject to the following conditions.

1. Installation of a traffic signal at the north driveway prior to issuance of a final certificate of occupancy. In accordance with the City Council's special approval (Case 01-07), the September 4, 2001 traffic study and the October 11, 2001 letter from Keith Blum to the Planning Commission, the cost and installation of the signal shall be the responsibility of RAMCO-Gershenson. Final approval of the design and location of the signal to be included in the engineering construction plan review process following Traffic Safety Committee approval.
2. Posting of a cash bond for the estimated cost of the signal prior to issuance of any certificate of occupancy.
3. Installation of a right turn / deceleration lane at the existing north drive. Design of said lane to be reviewed and approved as a part of engineering construction plan review.
4. Conformance with all conditions of Special Approval as granted by City Council September 10, 2001.
5. Continuation of RAMCO-Gershenson's previous agreement to provide access to the GWK property to the north via an easement. Specific drive / easement location being mutually determined at the time of approval for any future use of the GWK parcels.
6. Completion of outstanding site improvements from the K-Mart / Madison Center expansion / remodel.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Pulice, Russell, Swanson, and Vice-Chairman Bezz.

Nays: None.

Motion Passed.

ZOTXT CASE 01-08: MISCELLANEOUS AMENDMENTS REGARDING PARKING OF COMMERCIAL VEHICLES, PARKING OF AUTOMOBILES, CONSTRUCTION MATERIALS AND DEFINITIONS OF LANDLORD AND RENTAL PROPERTY.

Mr. Schafer reviewed the possible ordinance amendments.

General discussion was held on the different sections.

Motion by Commissioner Russell,
Supported by Commissioner Austin,

To schedule a Public Hearing on these ordinance changes.

Yeas: Commissioners Dixon, Kapolka, Maten, Pulice, Russell, Swanson, Austin, and Vice-Chairman Bezz.

Nays: None.
Motion Passed.

ADJOURNMENT OF MEETING

Motion by Commissioner Pulice,
Supported by Commissioner Swanson,

To adjourn the meeting.

Yeas: Commissioners Kapolka, Maten, Pulice, Russell, Swanson, Austin, Dixon, and Vice-Chairman Bezz.

Nays: None.
Motion Passed.

Meeting Adjourned at 8:08 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
December 18, 2001

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Bezz, Dixon, Maten, Pulice, Russell (arrived late), Swanson, and Chairman McFall.

Absent: Commissioners Austin and Kapolka.

MEMBER EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Dixon,

To excuse Commissioners Austin and Kapolka from tonight's meeting.

Yeas: Commissioners Bezz, Dixon, Maten, Pulice, Swanson, and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting of October 16, 2001 as written.

Yeas: Commissioners Bezz, Dixon, Maten, Pulice, Swanson, and Chairman McFall.

Nays: None.

PUBLIC HEARINGS

REQUEST BY JAAFAR & SAMAR CHEHAB, 38753 SUTTON, STERLING HEIGHTS, MICHIGAN, TO REZONE OUTLOT "B" OF STEVEN HEIGHTS SUBDIVISION FROM O-1 OFFICE TO B-1 LOCAL BUSINESS.

James Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending denial of the request.

Chairman McFall declared the Public Hearing opened.

James Carnago, attorney representing petitioner, spoke in favor of the request and reviewed adjacent land uses.

Jeff Sherman, City Attorney, stated that with rezoning the City has no control over uses. Mr. Sherman suggested that a use variance from the Zoning Board of appeals would be an alternative that would retain the zoning but limit the use to a pharmacy.

Barbara Moskal, 1676 Myrtle, spoke against the rezoning. She asked if the site were rezoned would they be required to follow the site plan or the proposed use.

Mr. Schafer said that no, under State law, at the zoning stage compliance with a site plan cannot be a condition of rezoning.

Commissioner Russell arrived.

Robert Russell, 1657 Myrtle, spoke against the rezoning and wanted the site to remain as office zoning.

Mr. Carnago reiterated that the applicant is proposing only a pharmacy on the site.

Mr. Sherman asked Mr. Carnago if they would withdraw the rezoning request and apply to the Zoning Board of Appeals for a use variance without prejudice.

Mr. Carnago discussed this option with his client and stated that they would agree with tabling the case with the stipulation that if they needed to come back before the Commission there would not be an additional fee.

Mr. Sherman recommended that the item be tabled.

Commissioner Russell asked if the item would still come back to the Commission.

Mr. Sherman said no, not if the Zoning Board of Appeals approved the request.

Ms. Moskal asked if it went to the Zoning Board of Appeals would they be notified.

Madison Heights Planning Commission - Minutes
December 18, 2001

Mr. Schafer said that they would be notified.

Mr. Russell said a use variance request for a pharmacy only would be best. It would leave the land zoned as Office and he would not be opposed to the variance.

Commissioner Bezz asked if they would only sell pharmaceuticals.

Mr. Carnago said yes.

Hearing no further comments from the audience Chairman McFall declared the Public Hearing closed.

**Motion by Commissioner Russell,
Supported by Commissioner Pulice,**

To recommend denial of the request.

Mr. Sherman recommended that the request be tabled.

Commissioner Swanson said that it sounded like a win - win situation if they go to the Zoning Board of Appeals.

Commission Russell asked Mr. Sherman if there could be tight conditions on the variance.

Mr. Sherman said yes there could be specific conditions.

Commissioner Russell withdrew her motion and Commissioner Pulice withdrew his support.

**Motion by Commissioner Russell,
Supported by Commissioner Pulice,**

To table the rezoning request.

Yeas: Commissioners Bezz, Dixon, Maten, Pulice, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion passed.

REQUEST BY THE MADISON HEIGHTS PLANNING COMMISSION TO AMEND THE ZONING ORDINANCE BY AMENDING SECTION 10.200 - DEFINITIONS. - OF THE ZONING ORDINANCE FOR THE PURPOSE OF ADDING A NEW DEFINITION; BY AMENDING SECTION 10.401 - LIMITING HEIGHT, BULK, DENSITY AND AREA AND LAND USE WITHIN THE CITY; BY AMENDING SECTION 10.505 - PARKING - OF THE ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE PARKING OF COMMERCIAL VEHICLES WITHIN THE CITY; AMENDING CHAPTER 17, ARTICLE V, OF THE CODE OF ORDINANCES FOR THE PURPOSE OF CONTROLLING BLIGHT; AND AMENDING CHAPTER 6, ARTICLE VII, SECTIONS 6-150 & 6-151, FOR THE PURPOSE OF LICENSING LANDLORDS.

Mr. Schafer read a communication from the Community Development Department recommending approval of the request.

Chairman McFall declared the Public Hearing opened.

Hearing no comments from the audience Chairman McFall closed the Public Hearing.

**Motion by Commissioner Maten,
Supported by Commissioner Swanson,**

WHEREAS, a request has been received from the Madison Heights Planning Commission to amend the Zoning Ordinance by amending Section 10.200 - Definitions. - of the Zoning Ordinance for the purpose of adding a new definition; by amending Section 10.401 - Limiting height, bulk, density and area and land use within the City; by amending Section 10.505 - Parking - of the Zoning Ordinance for the purpose of regulating the parking of commercial vehicles within the City; Amending Chapter 17, Article V, of the Code of Ordinances for the purpose of controlling blight; and Amending Chapter 6, Article VII, Sections 6-150 & 6-151, for the purpose of licensing landlords, and

WHEREAS, the Community Development Department submitted a report to the Commission recommending approval of the request, and

WHEREAS, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights Planning Commission hereby recommends to City Council that the request by the Madison Heights Planning Commission to amend the Zoning Ordinance and Code of Ordinances as follows as such action will help to clarify existing ordinances and to match current statutory definitions in State law.

Ordinance No. xxxx

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Section 10.200 - Definitions. - of the Zoning Ordinance for the purpose of adding a new definition; by amending Section 10.401 - Limiting height, bulk, density and area and land use. - of the Zoning Ordinance for the purpose of limiting height, bulk, density and area and land use within the City; by amending Section 10.505 - Parking - of the Zoning Ordinance for the purpose of regulating the parking of commercial vehicles within the City; Amending Chapter 17, Article V, of the Code of Ordinances for the purpose of controlling blight; and Amending Chapter 6, Article VII, Sections 6-150 & 6-151, for the purpose of licensing landlords.

The City of Madison Heights ordains:

Section 1. Section 10.200 Definitions. is hereby amended by renumbering the existing definitions (12) through (67) inclusive to definitions (13) through (68) inclusive and adding the following new definition (12):

“(12) *Commercial vehicle:* Any vehicle, or trailer, which has placed upon it, or attached to it, any type of business sign, name or other business identification (except “for sale” signs if otherwise permitted in this ordinance), or which has attached to it, carries or transports, people, material or equipment used in the conduct of any business including taxi cabs and limousines.”

Section 2. Section 10.401 Notes (t) and (u) are deleted in their entirety and the following new notes (t) and (u) are adopted to stand in their place:

“(t) In residential districts, all new buildings shall hereafter be constructed of brick or other stone or masonry materials which are harmonious with the neighborhood and approved by the Building Official except as noted below.

1. An area not to exceed ten (10) per cent of the face of any first story wall as well as all gable ends, dormers and second stories of single-family dwellings may be covered with maintenance free materials such as, but not limited to, aluminum or vinyl siding.
2. If not less than sixty-five percent (65%) of the lots and frontage on both sides of the street in any block where the proposed improvement is contemplated, being the same side as the proposed improvement and the block facing the proposed improvement, contains structures made of material other than brick or other masonry material, the type and style of the remainder of the residences to be constructed, altered or relocated in such block shall be constructed of maintenance free materials and shall be substantially similar in type and style to the existing structures so as to be in harmony with the character of the neighborhood; provided, however, that nothing herein shall prevent any residential block from being upgraded. The Building Official, upon examining the plans and specifications and determining that the application for a variance will not

in any way alter the harmony or character of the neighborhood, may grant such approval without the necessity of the applicant submitting an application to the Zoning Board of Appeals. If, however, the Building Official, in his discretion, determines that the harmony or character of the neighborhood may be altered by granting such a variance, he shall submit the application to the Zoning Board of Appeals, upon payment of the proper application fee. In all multiple-family residential districts, all sites are required to have architectural review of building materials by the plan review committee.

3. Additions to residential structures shall be constructed of the same material(s) as the principal structure. Where the applicant desires to use alternate, maintenance free building materials, the Building Official, upon examining the plans and specifications and determining that the application for a variance will not in any way alter the harmony or character of the neighborhood, may grant such approval without the necessity of the applicant submitting an application to the Zoning Board of Appeals.
- (u) In all office, commercial and industrial districts, all first story exterior walls shall be of brick, decorative block or other decorative masonry or stone veneers except as noted below.
1. Where a building wall is located such that it will not be readily subject to damage from vehicles or passersby, other damage resistant, maintenance free materials may be substituted for masonry veneer on not more than twenty-five percent (25%) of said wall. The appropriateness and performance characteristics of all such materials shall be approved by the Site Plan Review Committee. Such approval shall be separate from, and in addition to, site plan approval
 2. Glass may be substituted for any wall material without limitation.”

Section 3. Section 10.505, is amended by renumbering the existing paragraphs (2) through (10) inclusive to paragraphs (3) through (11) inclusive and adding the following new paragraph (2).

- “(2) Parking of motor vehicles, in residential districts, shall be limited to passenger vehicles, and commercial vehicles of the light delivery type such as a van or pick-up truck, not to exceed a three-quarter (3/4) ton manufacturers rating. Not more than one such commercial vehicle shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, limousine, taxi or bus, except for school or church owned vehicles parked on the school or church’s property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.”

Section 4. Chapter 6, Article VII, Sections 6-150 & 6-151 are deleted in their entirety and the following new Sections 6-150 & 6-151 are adopted to stand in their place.

“Sec. 6-150. Definitions. The following words and phrases when used in this division shall have the meanings respectively ascribed to them:

Rental unit means a non-owner occupied structure, or part of a structure, used as a home, residence, or sleeping unit by a person or household unit, or any grounds, or other facilities or area promised for the use of a residential tenant, whether for remuneration or not, but without limitation, apartment units, boarding houses, rooming houses, mobile home spaces and single and two-family dwellings.

A landlord means the owner, lessor, or sublessor of the rental unit, or the property of which it is a part and, in addition, means a person authorized to exercise any aspect of the management of the premises, including a person who, directly or indirectly, acts as a rental agent, receives rent, other than as a bona fide purchaser, and who has no obligation to deliver the receipts to another person.

Sec. 6-151. Required; limits on remedy. It is the duty of every landlord to acquire an annual license from the Community Development Department before allowing any person or persons to occupy a rental unit. A separate license is required for each rental property. A landlord shall be licensed with the city to be entitled to rents and/or to evict tenants and/or occupants residing and/or located on the premises.”

Section 5. Chapter 17, Article V, Section 17-87, paragraph (1) is deleted in its entirety and the following new paragraph (1) is adopted to stand in its place.

“(1) In any area zoned for residential purposes, the storage upon any property of junk automobiles, for a period in excess of seventy-two (72) hours, except in a completely enclosed building. For the purpose of this article, the term “junk automobiles” shall include any motor vehicle which does not have properly attached to it a valid license plate and shall also include, whether so licensed or not, any motor vehicle which is not operable for any reason or which can not be legally driven on the roads of the City.”

Section 6. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 7. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 8. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 9. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 10. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Dixon, Maten, Pulice, Russell, Swanson, Bezz, and Chairman McFall.

Nays: None.

Motion passed.

PLANNING COMMISSION BUSINESS

**REQUEST BY MICRO CENTER SALES CORP., 4119 LEAP ROAD, HILLIARD, OHIO,
FOR SITE PLAN APPROVAL OF THREE (3) COMMERCIAL BUILDINGS ON
ACREAGE PARCELS 02-201-018 & 02-201-019.**

James Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending approval of the request subject to three (3) conditions.

Dave Bishop, Director of Construction Services for Micro Electronics, was present for any questions.

Commissioner Swanson asked if the recommended traffic improvements would help with traffic at Fourteen Mile Road.

Micro Electronics traffic engineer said that the progression of traffic would be improved.

Commissioner Maten said he had concerns with the idea of dual left turns at Fourteen Mile Road.

Mr. Schafer said that the Traffic Safety Committee has reviewed the plan and traffic study. The Committee concurs with the findings and recommended the traffic study improvements subject to approval of RCOC and Traffic Safety regarding final design.

**Motion by Commissioner Russell,
Supported by Commissioner Swanson,**

Whereas, a request has been received from Micro Center Sales Corp., 4119 Leap Road, Hilliard,

Ohio, for site plan approval of three (3) commercial buildings on acreage parcels 02-201-018 & 02-201-019, and

Whereas, the Community Development Department submitted a report to the Commission giving the Staff's analysis of the request and recommending approval of the request subject to three conditions, and

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from Micro Center Sales Corp., 4119 Leap Road, Hilliard, Ohio, for site plan approval of three (3) commercial buildings on acreage parcels 02-201-018 & 02-201-019 subject to the following conditions.

1. RCOC and Traffic Safety Committee approval of proposed lane configurations, markings, signal timing and signage, or approved alternative necessary to meet RCOC and Traffic Safety approval.
2. Applicant is responsible for all costs associated with necessary improvements to implement approved lane configurations and signal timing adjustments in conformance with RCOC and Traffic Safety approvals.
3. Engineering Plan review by the City Engineer

Yeas: Commissioners Maten, Pulice, Russell, Swanson, Bezz, Dixon and Chairman McFall.

Nays: None.

Motion passed.

DISCUSSION OF PROPOSED AMENDMENTS TO THE ZONING ORDINANCE REGARDING SIGNS.

Mr. Schafer reviewed draft ordinance amendments regarding signs.

Steve Jacob from the Madison Athletic Club was present and spoke about electronic message signs. He said that three (3) minutes between changing messages was restrictive and recommended that 30 seconds would be better. He also referenced ordinance requirements from surrounding communities.

General discussion was held on the different sections.

The Commission took no action and agreed that more discussion would be held at a future meeting.

Madison Heights Planning Commission - Minutes
December 18, 2001

ADJOURNMENT OF MEETING

Motion by Commissioner Swanson,
Supported by Commissioner Pulice,

To adjourn the meeting.

Yeas: Commissioners Pulice, Russell, Swanson, Bezz, Dixon, Maten, and Chairman McFall.

Nays: None.
Motion passed.

Meeting Adjourned at 9:12 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
February 19, 2002

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Kapolka, Maten, Swanson, and Chairman McFall.

Absent: Commissioners Bezz, Dixon, Pulice, and Russell.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Dixon,

To excuse Commissioners Bezz, Dixon, Pulice, and Russell from tonight's meeting.

Yeas: Commissioners Austin, Kapolka, Maten, Swanson, and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting of December 18, 2001 as written.

Yeas: Commissioners Austin, Kapolka, Maten, Swanson, and Chairman McFall

Nays: None.

PUBLIC HEARING

Case No. 1029 - REQUEST BY ARI-EL ENTERPRISES, INC., 29548 SOUTHFIELD ROAD, SUITE 200, SOUTHFIELD MICHIGAN TO VACATE MIDLAND AVENUE ADJACENT TO LOTS 39 & 40 OF MALLY'S INDUSTRIAL SUBDIVISION. THE AREA OF REQUEST IS LOCATED NORTH OF THIRTEEN MILE ROAD WEST OF STEPHENSON HIGHWAY.

James Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending approval of the request.

Chairman McFall declared the Public Hearing opened.

Sal Passalacqua, 31271 Stephenson, asked the need for the 20 foot easement.

Madison Heights Planning Commission - Minutes
February 19, 2002

Mr. Schafer explained it would link up with the existing easements to the north and south of Midland Avenue.

Hearing no further comments from the audience Chairman McFall closed the Public Hearing.

Motion by Commissioner Maten,
Supported by Commissioner Swanson,

Whereas, a request has been received from Ari-El Enterprises, Inc., 29548 Southfield Road, Suite 200, Southfield Michigan to vacate Midland Avenue adjacent to Lots 39 & 40 of Mally's Industrial Subdivision, and

Whereas, the Community Development Department submitted a report to the Commission recommending conditional approval of the request, and

Whereas, the Commission held a duly advertised public hearing at which time there was one question from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that Midland Avenue adjacent to Lots 39 & 40 of Mally's Industrial Subdivision be vacated, subject to the following conditions, as the subject street is no longer necessary for the flow of traffic in the area:

1. Retention of a 20' wide easement running north / south on the westerly 20' of Midland Avenue,
2. Retention of any additional easement requirements from Detroit Edison pending their review,
3. Creation of a reciprocal ingress / egress easement of not less than 24' wide, centered on the existing ROW, between Lots 39 & 40 to maintain the existing combined driveway.

Yeas: Commissioners Austin, Kapolka, Maten, Swanson, and Chairman McFall.

Nays: None

Motion carried.

PLANNING COMMISSION BUSINESS

PRELIMINARY DISCUSSION ON ZONING ORDINANCE AMENDMENTS REGARDING SIGNS AND ACCESSORY RESIDENTIAL DWELLINGS.

Discussion was held on both proposed amendments.

The Planning Commission specifically reviewed the proposed electronic message board three (3) minute cycle timing (IIIA.7) and the unanimous consensus was to keep the proposed standard at three (3) minutes.

Commissioner Austin recommended the following changes to the draft:

- I.C.2 – Change maximum height of construction signs to 8' to be consistent with other maximum sign heights elsewhere in the code.
- I.C3 – Change Street "Superintendent" to Street "Administrator".
- I.D.2 – Reduce permitted size of traffic directional signs from 6 s.f. to 4 s.f.
- II.A.3.c – Replace "Building Department" with "Community Development Department"
- IV.C.2.c – Add "B-2" to the last sentence.
- IV.D.2 – Reduce temporary sign height to 8' to be consistent with other maximum sign heights elsewhere in the code.

Madison Heights Planning Commission - Minutes
February 19, 2002

The Planning Commission concurred with the recommended changes.

The Planning Commission set both amendments for public hearings at the next scheduled Planning Commission meeting.

PLANNING COMMISSION'S ANNUAL REPORT FOR THE 2001 CALENDAR YEAR

Mr. Schafer submitted the 2001 Annual Report to the Commission for consideration.

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

To accept and certify the Planning Commission Annual Report and to send a copy to the City Clerk.

Yeas: Commissioners Kapolka, Maten, Swanson, Austin, and Chairman McFall.

Nays: None

Motion carried.

ELECTION OF PLANNING COMMISSION OFFICERS FOR THE 2002 CALENDAR YEAR.

Motion by Commissioner Kapolka,
Supported by Commissioner Maten,

To postpone the Election of Officers until the next meeting.

Yeas: Commissioners Maten, Swanson, Austin, Kapolka, and Chairman McFall.

Nays: None

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting.

Meeting Adjourned at 8:10 P.M.

Paul G. Bertalan
Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
MARCH 19, 2002**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Absent: Commissioners Austin, Bezz and Dixon.

MEMBER EXCUSED

Motion by Commissioner Swanson,
Supported by Chairman McFall,

To excuse Commissioner Austin from tonight's meeting.

Yeas: Commissioners Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting of February 19, 2002 as written.

Yeas: Commissioners Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None.

PUBLIC HEARING

Zoning Text Amendment Case No. ZOTXT 01-02 – Signs: Proposed amendments to Zoning Ordinance Section 10.511 – Signs

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend City Council approval of the request.

Chairman McFall declared the Public Hearing opened.

No public was present and Chairman McFall closed the Public Hearing.

The Commission continued discussion regarding the proposed electronic message sign change cycle length of 3

Madison Heights Planning Commission - Minutes
March 19, 2002

minutes in Section 10.511(III)(A).7. The City Attorney's office has recommended a reduced cycle length of 1 minute. The Commission agreed with the recommended reduction in cycle length to 1 minute.

Motion by Commissioner Russell,
Supported by Commissioner Kapolka,

Whereas, a request has been received from the Planning Commission to amend Section 10.511 – Signs of the Zoning Ordinance, and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the amendment, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there was no public present and no questions from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council approval of the proposed Zoning Text Amendment Case No. ZOTXT01-02 – Section 10.511 – Signs, subject to the 3 minute electronic message board change cycle length in Section 10.511(III)(A).7 of the proposed amendment being reduced to 1 minute.

Ordinance No. ____

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Section 10.511 - Sign Regulations - of the Zoning Ordinance, for the purpose of regulating the location, design, installation and maintenance of signs within the City.

The City of Madison Heights ordains:

Section 1. ***The following section of the Zoning Ordinance is amended as follows:***

Section 10.511. Sign regulations.

(I) GENERAL PROVISIONS:

- (A) Findings and Purpose:*** *The purpose of this section is to regulate on-site signs and outdoor advertising so as to protect the health, safety, general welfare, property values, and the character of the various neighborhoods in the City of Madison Heights.*

The principle features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. The regulations contained in this section are the minimum amount of regulations necessary to achieve its purpose. Outdoor advertising signs (billboards) which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principle use of a lot.

Madison Heights Planning Commission - Minutes
March 19, 2002

(B) *Definitions: In addition to the definitions found elsewhere in this section, the following definitions shall apply to sign regulations:*

- (1) *Building Official: The Building Official of the City of Madison Heights or his authorized representative.*
- (2) *Department: The Community Development Department of the City of Madison Heights, its officers, inspectors and other employees.*
- (3) *Erect: To build, construct, attach, hang, place, suspend, affix, paint or alter.*
- (4) *Noncombustible material. Any material which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.*
- (5) *Owner: A person, firm, partnership, association or corporation and/or their legal successors.*
- (6) *Off-premises signs. A sign other than an on-premises sign.*
- (7) *On-premises sign. A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.*
- (8) *Person. Any individual, firm, partnership, association or corporation and their legal successors.*
- (9) *Sign. Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this section shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.*
 - (a) *Bench Signs: A bench, or chair or an attachment to a building which provides a bench, chair or seating device which also has painted, or in any other way attached to it, a sign.*
 - (b) *Ground Sign: A freestanding sign supported by one (1) or more uprights, braces, poles or pylons, located in or upon the ground and not attached to any building. A ground sign includes a pole or pylon sign.*

Madison Heights Planning Commission - Minutes
March 19, 2002

- (c) *Marquee Sign: A sign attached to or hung from a canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.*
- (d) *Portable Sign: Any sign not permanently attached to the ground or a building.*
- (e) *Projecting Sign: A sign other than a marquee which is affixed to any building or structure or part thereof which extends beyond the building or structure wall and the horizontal sign surface is not parallel to the building wall.*
- (f) *Roof Sign: A sign which is erected, constructed, painted, placed or maintained on any portion or surface of the roof of a structure.*
- (g) *Temporary Sign: A free-standing sign, display, banner or other device, mobile or standing, constructed of cloth, canvas, fabric, plastic, wood, paper or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display. Holiday displays and political signs shall not be considered temporary signs.*
- (h) *Wall Sign: A sign attached to, painted on or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall and which does not extend above the height of the building wall. The exposed face of the sign must be in a plane parallel to the building wall or structure. Wall signs shall also include signs placed on approved awnings and canopies.*
- (10) *Sign erector: Any person engaged in the business of erecting, altering, removing or painting signs on a contractual or other basis.*
- (C) *Signs Not Requiring Permits: No permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance:*
 - (1) *Real estate signs: One (1) temporary real estate sign advertising a premise for sale, rent or lease shall be permitted in residential districts when located on the land or building intended to be sold, rented or leased. Said signs shall not exceed six (6) square feet in sign area.*

In all other zoning districts one (1) sign of this type shall be permitted provided it does not exceed thirty-two (32) square feet in area and eight (8) feet in height. If the lot or parcel has multiple frontages on arterials, or collectors, one (1) additional sign not exceeding six (6) square feet in area in residential districts, or thirty-two (32) square feet in area in all other districts, shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel.

Signs permitted under this section shall be removed within seven (7) days of the date of renting, leasing and/or sale. Signs that are displayed for more than twelve (12) months shall be considered part of the permitted permanent signage for the parcel and shall require permits as such. In no case shall a sign list the sale, rent or lease of a building that is not located on the property on which the sign is located.

Madison Heights Planning Commission - Minutes
March 19, 2002

- (2) *Construction signs:* On construction sites, where a building permit has been issued, one (1) identification sign shall be permitted identifying the business under construction, and one (1) identification sign for all building contractors, professional design firms and lending institutions on sites under construction, each sign not to exceed thirty-two (32) square feet in area with not more than two (2) signs permitted on any site. Signs shall have a maximum height of eight (8) feet and shall be confined to the site under construction and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.
- (3) *Public, charitable, educational or religious events:* Not more than two (2) temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur shall be permitted. Maximum sign area shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total and the sign shall be free-standing. Signs shall be erected no more than one (1) week prior to the event and shall be removed within twenty-four (24) hours after the end of the event or function.
Exception: Signs permitted under this Section may also be displayed over public right-of-ways on cables maintained by the City for that purpose with approval of the Street Administrator.
- (4) *Street signs.* Signs erected by the city, county, state or federal government for street direction or traffic control; or private traffic-control signs which are approved by the chief of police and the building official. This shall also include erection or maintenance of a sign designating the location of a transit line, a railroad station, or other public carrier when not more than three (3) square feet in area.
- (5) *Noncommercial signs.* Signs containing noncommercial messages, located on private property and which do not exceed sixteen (16) square feet in area, and political signs as permitted in paragraph (I)(D)(4) below.
- (6) *Memorial signs or tablets.* Memorial signs or tablets, name of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum, which do not exceed four (4) square feet in area.
- (7) *Interior building signs.* Signs located on the interior of buildings.
- (8) *Garage sale signs:* Temporary directional signs, not exceeding four (4) in number, three (3) square feet in area and three (3) feet in height, shall be permitted on private property along approach routes to a private garage or rummage sale, for a period not to exceed seventy-two hours. Said signs shall contain the address and dates of the sale and shall be removed within four (4) hours of the end of the sale.
- (D) *Signs permitted in all districts:* Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within the City of Madison Heights.
 - 1. *Off premise signs that bear names, information and emblems of service clubs, places of worship, civic organizations, and quasipublic uses shall be permitted on private property with permission of the Building Official. Each sign shall not be more than three (3) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a*

minimum of ten (10) feet from the property line. All signs shall be consolidated within a single frame, if more than one (1) sign is placed at one (1) location.

2. *At the discretion of the Building Official, signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo, and which do not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line. A directional sign may bear the logo of a business for which it directs entering and exiting traffic only if it is the determination of the Building Official that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.*
3. *One (1) church or school sign/announcement board shall be permitted on any site which contains a church or school regardless of the district in which located, provided said sign/board does not exceed thirty-two (32) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the property line.*
4. *Political signs, not to exceed sixteen (16) square feet in area, announcing candidates seeking public political office, or issues on the ballot, and other data pertinent thereto. A bond, in accordance with the adopted fee schedule, shall be posted with the Community Development Department prior to posting said signs guaranteeing removal of such signs within 60 days of installation or ten (10) days after the election, whichever occurs first.*

(II) ADMINISTRATION:

(A) Permits, Applications, Plans, Specifications and Revocation:

- (1) *Permits generally. It shall be unlawful for any person to erect, re-erect, repair, alter, paint or relocate or reconstruct on the same or another premises or to maintain within the city any sign as defined in this section unless a permit shall have been first obtained from the Community Development Department, except as provided in subsection (1)(C), and a permit fee paid in accordance with the fee schedule adopted by resolution of the City Council.*

This section shall not be construed to prevent repair or restoration of any part of an existing sign when said sign is less than fifty (50) per cent destroyed or damaged by storm or other accidental emergency, and when the Building Official has ordered said repair or restoration of the sign to return that sign to a safe condition. If a sign is to be repaired or restored under this exception, the sign message must remain the same. If a different message is to be placed on the sign, a sign permit is required.

- (2) *Application. Application for sign permits shall be made upon forms provided by the Community Development Department for this purpose and shall contain the following information:*
 - (a) *Name, address and telephone number of applicant.*

Madison Heights Planning Commission - Minutes
March 19, 2002

- (b) *Location and dimensions of the building, structure or lot to which the sign is to be attached or erected.*
 - (c) *Position of the sign in relation to nearby buildings, structures, property lines and rights-of-way, existing or proposed.*
 - (d) *Two (2) copies of the plans and specifications and method of construction and attachment to the building or in the ground.*
 - (e) *Copies of stress sheets and calculations if deemed necessary by the Building Official, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Madison Heights.*
 - (f) *Name, address and phone number of the sign erectors.*
 - (g) *Insurance policy as required herein.*
 - (h) *Such other information as the Building Official may require to show full compliance with this and other applicable laws of the City of Madison Heights and State of Michigan.*
 - (i) *The Building Official may require that the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.*
 - (j) *Indicate the zoning district in which the sign is located.*
- (3) *Insurance requirements. Permits may be issued to sign erectors only under the following conditions:*
- (a) *Insurance Certificates: Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Community Development Department a certificate of insurance, in a form acceptable to the City, for public liability in the amount of one hundred thousand dollars (\$100,000.00) for injuries to one (1) person and three hundred thousand dollars (\$300,000.00) for injuries to more than one (1) person, and property damage insurance in the amount of twenty five thousand dollars (\$25,000.00) for damage to any property due to the actions of himself or any of his agents or employees.*
 - (b) *Lapsing of Insurance: At any time the insurance of any sign erector is permitted to lapse, his contractor registration shall automatically be revoked.*
 - (c) *Notification of Change: A sign erector shall notify the [Community Development](#) Department of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance certificates.*

Madison Heights Planning Commission - Minutes
March 19, 2002

- (4) *Permit insurance and revocation All rights and privileges acquired under the provisions of this section, or any amendment thereto, are mere licenses and may be revoked by the city upon violation of this section.*
 - (a) *Compliance: All signs shall be inspected for compliance at the time of installation. If work indicated to be done on the application for permit has not been started within six (6) months the permit will expire and become null and void.*
 - (b) *Concealed Work: All work shall remain accessible and exposed for inspection until approved. It shall be the duty of the permit applicant to cause said work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.*
 - (c) *Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this section, the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this section within thirty (30) days of notice. Failure to comply shall result in an order to remove the sign, with costs charged to the permit holder, within forty eight (48) hours from the time of notification in writing. Exception: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within forty-eight (48) hours of notification by the Building Official.*

(III) SIGN PLACEMENT AND MAINTENANCE REQUIREMENTS:

- (A) *General Provisions:*
 - (1) *Material requirements All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the latest adopted edition of the Michigan Building Code and the requirements of this section.*
 - (2) *Maintenance. No sign shall be permitted to corrode, rust, peel, fade, break up or otherwise reach a state of disrepair that creates an unsightly or dangerous condition. No nails, tacks or wires shall be permitted to protrude from the front of any sign.*
 - (3) *Fire escapes. No signs of any kind shall be attached to or placed upon a building or structure in such a manner to obstruct any fire escape.*
 - (4) *Support location. No pole, cable or support of any nature shall be placed on, or over, any publicly owned property, street right-of-way, proposed street right-of-way or dedicated public easements unless otherwise specifically provided for in this section.*
 - (5) *Wall signs. Wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails. All wall signs shall be constructed in accordance with the adopted building code. No wall sign shall cover wholly or partially any wall opening. No*

Madison Heights Planning Commission - Minutes
March 19, 2002

wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached.

- (6) *Lighting. Internal and external lighting shall be permitted, but the illumination thereof shall not be anything other than a steady, continuously burning bulb or light. The movement, flashing or illusion of flashing, or turning on and off of the sign illumination or of any bulb or component part thereof is prohibited. In no case shall any sign illumination exceed a level of illumination of eight hundredths (0.08) foot-candles, when measured from the nearest or adjacent residential-zoned property. No sign shall be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the Michigan Electrical Code. All electrically illuminated signs shall be certified as to wiring and devices by the electrical inspector and all wiring and accessory electrical equipment shall conform to the requirements of the Michigan Electrical Code.*
- (7) *Electronic message boards. Electronic changeable message boards (signs) may be incorporated as part of any permitted sign. The message shall not change more than once every one (1) minute. Text displays shall conform to the requirements of paragraph (6) above and moving text and video displays shall not be permitted. The change cycle for time and temperature shall not be less than thirty (30) seconds.*
- (8) *Revolving signs. Revolving or moving signs shall be prohibited.*
- (9) *Public right-of-way. All signs shall be expressly prohibited from within or above all public rights-of-way and dedicated public easements at all times, unless otherwise specifically provided for in this section.*
- (10) *Traffic interference. No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.*
- (11) *Intersections. No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision or any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, sign, or device or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Nor shall any sign, signal, marking or device be placed, erected or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.*
- (12) *Rehanging - re-erection. In case of rehanging or re-erection of any sign, the sign erector must place his name and address and the date on the sign.*
- (13) *Proximity to electrical conductors. No sign shall be erected so that any part of it, including cables, guys, etc., will be in violation of the Electrical Code of Madison Heights or any utility company safety requirement.*
- (14) *Sanitation. Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish and inflammable material.*

- (15) *Responsibility of compliance. The owner of any property on which a sign is placed, and the person maintaining said sign, are both responsible for the condition of the sign and the area in the vicinity thereof.*
- (16) *Erector's imprint. Every sign shall have placed in a conspicuous place thereon, in letters not less than one half inch in height, the name of the person, firm or corporation owning, erecting or operating such sign, the date of erection, the permit number and the voltage of any electrical apparatus.*
- (17) *Shielding from adjacent property and rights-of-way: Any lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent zoning districts and rights-of-way, and shall not adversely affect driver visibility on adjacent public thoroughfares.*

(IV) REGULATIONS FOR PERMITTED SIGNS: The following conditions shall apply to all signs erected or located in any zoning district:

(A) Prohibited Signs:

- (1) *Roof signs, marquee signs and projecting signs are prohibited. Further, in order to prevent, reduce or eliminate blight in the city caused by bench signs which often protrude into the city's right-of-way and are not maintained on a regular basis, bench signs are prohibited within the City of Madison Heights. Any other signs not specifically permitted by this Ordinance are prohibited.*
- (2) *Advertising Vehicles: Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device displaying the name of any business, product or service located on the subject premises, nor any marked delivery vehicles owned by any business located on the subject premises, shall be parked on private property, in any commercial or industrial district, between the front line of the structures located thereon and the front property line, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.*

Exception: The owner of any property where no other parking exists, except in front of the building, may apply to the Building Official for a waiver of this requirement for not more than ten (10) percent, but not less than one, of the existing spaces.

- (3) *Off-Premises signs: Except as specifically permitted elsewhere in this ordinance off-premises signs are prohibited.*
- (4) *Searchlights: Except as specifically permitted elsewhere in this ordinance searchlights are prohibited.*

(B) Measurement of Signs:

- (1) *Sign area. For the purposes of this section, the sign area shall include the total area within any circle, triangle, rectangle or square, or combination of two shapes which are*

contiguous to each other, enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a broken sign, (a sign with open spaces between the letters or insignia) the sign area to be considered for size shall include all air space between the letters or insignia. Where more than one wall sign is used, each sign may be measured individually, using the procedure above, provided the signs are separated by a distance equal to, or greater than, the width of the largest sign. Any back-lit area of a building exterior shall be considered to be a sign area.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and less than twenty-four (24) inches apart, the area of the sign shall equal the area of one (1) face.

- (2) *Sign height. The height of the sign is measured from the ground to the highest point of the sign from the ground.*
- (C) *Zoning District Sign Regulations: Except as otherwise provided herein, signs shall only be permitted according to the following zoning district sign regulation:*
 - (1) *Use district*
 - R-1 Single-Family Residential District;***
 - R-2 Single-Family Residential District;***
 - R-3 Single-Family Residential District;***
 - R-T Two-Family Residential District;***
 - R-M Multiple-Family Residential District;***
 - R-C Condominium Residential District.***
 - (a) *R-1, R-2, R-3, and R-T districts: Signs in single-family and two-family districts shall be permitted as follows:*
 - 1. *Signs advertising developments or subdivisions. Signs advertising developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat.*
 - (b) *R-M AND R-C: Signs in multiple-family housing districts shall be permitted as follows:*
 - 1. *Signs advertising developments or subdivisions. Signs advertising developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan.*
 - 2. *No sign shall be located closer than thirty (30) feet to any property line of an adjacent R-1, R-2, R-3 or R-T district.*

Madison Heights Planning Commission - Minutes
March 19, 2002

(2) *Use district*

- B-1** *Local Business District;*
- B-2** *Planned Business District; and*
- B-3** *General Business District.*

Each business development (that is, one (1) or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:

(a) *Ground sign: One (1) ground sign for each business development.*

1. *Not over eight (8) feet in height above the adjacent grade nor more than ten (10) feet above the adjacent roadway.*

Note: Ground signs may not obstruct visibility at driveways or intersections. The Building Official may require that the sign base or the height of the bottom of the sign be adjusted to provide visibility.

2. *No sign shall be located closer than ninety (90) feet to any property line of an adjacent residential district.*
3. *The base of the sign be not less than twenty (20) feet from a side lot line.*
4. *A ground sign under this section shall not exceed one half (0.5) square foot per each lineal foot of lot frontage to a maximum of sixty (60) square feet in area.*
5. *Individual ground signs for each business tenant within a development shall not be permitted.*

(b) *Wall Sign: The total sign area of any wall sign in this district shall not exceed one and one-half (1½) square feet for each lineal foot of building frontage, not to exceed a total sign area of six hundred (600) square feet. The six hundred (600) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted. No portion wall sign shall be more than twenty (20) feet above grade.*

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall consist only of block letters or numbers not in excess of six (6) inches in height.

(c) *Business Sign Displayed Through or on Glass: Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the*

front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass. In an enclosed building in a B-1, B-2 or B-3 use district where the public is not allowed in the building and where food is offered to the public through a window for immediate consumption the maximum coverage shall be fifty percent (50%).

(3) *Use district*

O-1 Office District:

(a) *Ground sign: Each office development shall be permitted one (1) ground sign.*

1. *Not over eight (8) feet maximum height or ten (10) feet above the adjacent roadway.*
2. *The ground sign must be set back a minimum of one-half of the setback of the building.*
3. *A ground sign under this section is not to exceed one half (0.5) square foot per each lineal foot of lot frontage to a maximum of forty-eight (48) square feet in area.*
4. *No sign shall be located closer than thirty (30) feet to any property line of an adjacent residential district.*
5. *Individual ground signs for each tenant within an office building shall not be permitted.*

(b) *Wall Sign: The total sign area of any wall sign in this district shall not exceed one and one-half (1 1/2) square feet for each lineal foot of building frontage, not to exceed a total sign area of one hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.*

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall consist only of block letters or numbers not in excess of six (6) inches in height.

(c) *Business Sign Displayed Through or on Glass: Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.*

(4). *Use district*

M-1 Light Industrial District; and

M-2 Heavy Industrial District.

(a) Ground Sign:

1. *One (1) ground sign which shall be located in the front yard and set back a minimum of one-quarter of the building setback.*
2. *The ground sign shall not exceed six (6) feet in total height nor more than ten (10) feet in total length and contain not more than forty (40) square feet in sign area.*
3. *No more than one (1) sign is allowed for each principal structure on the property*

(b) Wall Sign: The total sign area of any wall sign in this district shall not exceed one and one-half (1 1/2) square feet for each lineal foot of building frontage, not to exceed a total sign area of one hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.

In a multi-tenant building, each additional tenant shall be permitted one (1) identification sign. Such sign shall include only the name of the tenant business and shall only consist only of block letters or numbers not in excess of six (6) inches in height.

(c) Business Sign Displayed Through or on Glass: Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.

(5) Use District

H-R High-Rise district.

(a) Ground Sign:

1. *One (1) ground sign for each development may be permitted provided the sign is set back a minimum of one-half of the building setback with a maximum total height above grade of six (6) feet.*
2. *Maximum allowable sign area shall be determined on the basis of a maximum of ten (10) square feet of sign area for each office unit within an office structure, said sign area not to exceed forty-eight (48) square feet of total sign area per building.*

(b) Wall Sign: The total sign area of any wall sign in this district shall not exceed one and one-half (1½) square feet for each lineal foot of building frontage, not

to exceed a total sign area of one hundred (100) square feet. The one hundred (100) square foot maximum area shall include all wall signs on all sides of a building or structure. No wall sign shall protrude more than twelve (12) inches from the wall on which it is mounted.

- (c) *Business Sign Displayed Through or on Glass: Total signage placed on interior window glass of a building, whether or not carrying a message, shall not cover more than twenty five (25) percent of the total glass area, excluding doors, for that side of the building. Signs located inside a building that are visible from the front lot line shall be included in the total allowable sign area of this provision. No signage shall be placed on exterior window glass.*

- (D) **Temporary Signs:** *The following regulations shall be applicable to all temporary signs placed or situated in any place other than inside a building:*

- (1) *Generally. A temporary sign may be permitted for thirty (30) days at a time for each non-residential address located in the City. No address may have a temporary sign for more than three (3) months in a single calendar year.*
- (2) *Height and area limitations. No temporary sign may have a single face greater than thirty-two (32) square feet in area nor have a greater total surface area of more than sixty-four (64) square feet nor be a greater height than eight (8) feet above the ground.*
- (3) *Number of signs. No more than one (1) temporary sign for each address shall be displayed on any site.*
- (4) *Location: A temporary sign shall be displayed only at the address for which the permit was issued, shall advertise only the business or activity located thereon and shall be located entirely within the subject property.*
- (4) *Prompt removal of sign. Temporary sign shall be removed as soon as torn or damaged, or promptly at the end of the display period provided for above.*

(V) **NONCONFORMING SIGNS:**

(A) *Intention It is the intention of this section to encourage eventual elimination of signs that, as a result of the adoption of this section, become nonconforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this section. It is the intention, therefore, to administer this section to realize the removal of illegal, nonconforming signs and to avoid any unreasonable invasion of established private property rights by providing for removal of nonconforming signs.*

(B) *Continuance. A nonconforming sign may be continued but shall be maintained in good condition, and shall not be:*

- (1) *Replaced by another nonconforming sign.*
- (2) *Rebuilt or re-erected after it has been removed or destroyed for any reason.*
- (3) *Structurally altered so as to prolong the life of the sign.*

(4) *Expanded or substantially added to, changed or reconstructed after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) per cent of the estimated replacement cost.*

(5) *Continued after the sale of the building on which the sign is placed or erected,*

(C) *Removal of Nonconforming Signs*

Any non-conforming sign now or hereafter existing which currently advertises, or at the time of construction advertised, a business being conducted or a product sold or produced on the premises on which the sign is located, but no longer does so, shall be taken down and removed pursuant to paragraph (VII)(B).

(VI) SIGNS ON MOTOR VEHICLES:

For Sale or for Lease: No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property in the City of Madison Heights for the purpose of advertising same "for sale" or "for trade."

(A) *A sign containing a phone number in or on a parked motor vehicle which was or is visible constitutes a presumption that the sign was for the purpose of offering the vehicle for sale or trade.*

(B) *Proof that the vehicle described in the complaint was parked in violation of this section, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, constitutes a presumption that the registered owner is responsible for the violation.*

(C) *The owner of a motor vehicle may place a "for sale" or "for trade" sign within the vehicle provided:*

(1) *The vehicle is legally parked on the owner's residential premises only.*

(2) *This section shall not apply to properly licensed auto dealerships and properly licensed used car lots.*

(VII) REMOVAL OF SIGNS

(A) *The Building Official shall order the removal of any sign erected or maintained in violation of this ordinance except for legal non-conforming signs. In the case of permanent signs, written notice shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located ordering removal of the sign or such action as is necessary to bring the sign into compliance with this ordinance and specifying a reasonable period of time for removal and/or compliance. Upon failure to remove the sign or to comply with this notice within the specified time, the City may remove the sign immediately and without further notice, at its discretion. Any sign deemed a safety hazard, signs prohibited under the provisions of Paragraph (IV)(A), above, and signs improperly erected in any public right-of-way, may be removed without notice. Any cost of removal incurred by the City may be assessed to the person or business displayed on said sign, or to owner of the property on which such sign is located and such charge shall be a lien on*

Madison Heights Planning Commission - Minutes
March 19, 2002

the property.

- (B) *A sign, including any supporting structure or pole, shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the City may remove it in accordance with the provisions stated in Section (VII)(A) preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this ordinance.*

Yeas: Commissioners Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None

Motion carried.

PUBLIC HEARING

Zoning Text Amendment Case No. ZOTXT 01-10 – Accessory Residential Dwellings: Proposed amendments to Zoning Ordinance adding Sections 10.319(7) and 10.326(14) to permit accessory residential dwellings in the B-1 and B-3 districts after special approval.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend City Council approval of the request.

Chairman McFall declared the Public Hearing opened.

No public was present and Chairman McFall closed the Public Hearing.

Motion by Commissioner Russell,
Supported by Commissioner Kapolka,

Whereas, a request has been received from the Planning Commission to add Sections 10.319(7) and 10.326(14) to the Zoning Ordinance to permit accessory residential dwellings in the B-1 and B-3 districts after special approval, and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the amendment, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there was no public present and no questions from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council approval of the proposed Zoning Text Amendment Case No. ZOTXT 01-10 – Section 10.319(7) and Section 10.326(14) to permit accessory residential dwellings in the B-1 and B-3 districts after special approval.

Ordinance No. ____

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Section 10.319 – Uses Permissible by Special Approval in B-1; and Section 10.326 - Uses Permissible by Special Approval in B-3; of the zoning ordinance for the purpose of adding sections providing for certain mixed uses.

The City of Madison Heights ordains:

Section 1. Section 10.319 of the Zoning Ordinance are hereby amended by adding a new paragraph (7) as follows:

“10.319(7) Accessory Dwellings in accordance with the following criteria.

- 1. Dwelling units shall have a minimum area of eight hundred (800) square feet.*
- 2. Dwelling units shall be permitted only where the existing or proposed commercial building and use is in conformance with the provisions of this ordinance.*
- 3. Dwelling units shall be located only on the second story or, where proposed on the first floor, in the rear of the building.*
- 4. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).*
- 5. Pedestrian entrance doors typically shall be located on the side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. City Council may require architectural or design modifications to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the application for special approval.*
- 6. Where accessory dwelling units are proposed for the second floor of a structure, City Council may, as part of the special approval, permit a maximum building height of thirty feet and a third story to permit two story dwelling units. The third story shall be part of the dwelling unit located directly underneath.*

Section 2. Section 10.326 of the Zoning Ordinance are hereby amended by adding a new paragraph (14) as follows:

“10.326(14) Accessory Dwellings in accordance with the provisions of Section 10.319.

Madison Heights Planning Commission - Minutes
March 19, 2002

Section 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 6. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 7. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None

Motion carried.

PLANNING COMMISSION BUSINESS

ELECTION OF PLANNING COMMISSION OFFICERS FOR THE 2002 CALENDAR YEAR.

Chairman

Motion by Commissioner Kapolka,
Supported by Commissioner Russell,

To nominate Chairman Frank McFall as Chairman.

Yeas: Commissioners Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None

Motion Carried

Frank McFall was elected Chairman by acclamation.

Madison Heights Planning Commission - Minutes
March 19, 2002

Vice-Chairman

Motion by Commissioner Pulice,
Supported by Commissioner Swanson,

To nominate Commissioner Maten as Vice-Chairman.

Yeas: Commissioners Kapolka, Maten, Pulice, Russell, Swanson and Chairman McFall.

Nays: None

Motion Carried

Robert Maten was elected Vice-Chairman by acclamation.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting.

Meeting Adjourned at 7:50 P.M.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 16, 2002**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Maten, Pulice, Russell, Swanson, and Chairman McFall.

Absent: Commissioners Bezz, Dixon, and Kapolka.

MEMBER EXCUSED

Motion by Commissioner Russell,
Supported by Commissioner Swanson,

To excuse Commissioner Kapolka from tonight's meeting.

Yeas: Commissioners Austin, Maten, Pulice, Russell, Swanson, and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner Russell,

To approve the minutes of the regular meeting of March 19, 2002 as written.

Yeas: Commissioners Austin, Maten, Pulice, Russell, Swanson, and Chairman McFall.

Nays: None.

PUBLIC HEARING

Case No. 1030 - REQUEST BY STUCKY & VITALE ARCHITECTS, INC., 27172 WOODWARD AVENUE, ROYAL OAK, MICHIGAN TO REZONE ACREAGE PARCEL 25-12-227-038 FROM R-2 SINGLE FAMILY RESIDENTIAL TO O-1 OFFICE. THE AREA OF REQUEST IS LOCATED ON THE WEST SIDE OF DEQUINDRE ROAD NORTH OF OAKLAND AVENUE.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending approval of the request.

Chairman McFall declared the Public Hearing opened.

Bill Logan, 30579 Dequindre, asked if a screening wall would be constructed and stated that he has no problem with the rezoning.

Mr. Schafer said that when the property was developed a screen wall would be required adjacent to residentially

Madison Heights Planning Commission - Minutes

April 16, 2002

zoned land.

John Vitale, of Stucky & Vitale Architects, spoke in favor of the request and was present for questions.

Hearing no further comments from the audience Chairman McFall closed the Public Hearing.

Motion by Commissioner Maten,
Supported by Commissioner Pulice,

Whereas, a request has been received from Stucky & Vitale Architects, Inc., 27172 Woodward Avenue, Royal Oak, Michigan to rezone acreage parcel 25-12-227-038 from R-2 Single Family Residential to O-1 Office, and

Whereas, the Community Development Department submitted a report to the Commission recommending approval of the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time there was one question from the audience and one person spoke in favor of the request,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following described property be rezoned in that such action is consistent with the Master Plan and adjacent land uses, and provides for an appropriate transitional land use for Dequindre Road frontage parcels and adjacent residential uses.

That acreage parcel 25-12-227-038 be rezoned from R-2 Single Family Residential to O-1 Office

Yeas: Commissioners Austin, Maten, Pulice, Russell, Swanson, and Chairman McFall.

Nays: None

Motion carried.

PLANNING COMMISSION BUSINESS

STATUS REPORT ON ZONING ORDINANCE UPDATE AND INITIAL DISCUSSION OF SECOND PHASE AMENDMENTS.

Mr. Schafer discussed the status of all the first phase amendments to the Zoning Ordinance and reviewed the upcoming second phase amendments that will be considered in late summer.

ADJOURNMENT OF MEETING

Motion by Commissioner Pulice,
Supported by Commissioner Swanson,

To adjourn the meeting.

Yeas: Commissioners Maten, Pulice, Russell, Swanson, Austin, and Chairman McFall.

Nays: None

Motion carried.

Meeting Adjourned at 7:58 P.M.

Paul G. Bertalan
Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
September 17, 2002

CALL TO ORDER

Vice-Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Pulice, Russell, Swanson, and Vice-Chairman Maten.

Absent: Chairman McFall.

MEMBER EXCUSED

Motion by Commissioner Russell,
Supported by Commissioner Pulice,

To excuse Chairman McFall from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Pulice, Russell, Swanson, and Vice-Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

To approve the minutes of the regular meeting of April 16, 2002 as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Pulice, Russell, Swanson, and Vice-Chairman Maten.

Nays: None.

Motion Carried.

PLANNING COMMISSION BUSINESS

Public Act 179 of 2001 - City and Village Open Space Preservation Requirements.

Community Development Director Schafer read a communication from the Community Development Department giving staff's comments on the State Act and recommended that the Commission pass a resolution outlining the findings and to document the City's exempt status under the Act.

Madison Heights Planning Commission - Minutes
September 17, 2002

Discussion was held on the Public Act.

Madison Heights Planning Commission - Minutes
September 17, 2002

**Motion by Commissioner Russell,
Supported by Commissioner Kapolka,**

Whereas, Public Act 179 of 2001 amends the City and Village Zoning Act as of December 15, 2002, and

Whereas, PA 179 requires “Qualified” cities to provide an open space preservation option in the zoning ordinance, and

Whereas, Qualified cities are those that meet all of the following criteria:

- a. Has an adopted zoning ordinance
- b. Has a population of 1,800 or more
- c. Has land that is not developed and that is zoned for residential development at a density of 3 dwelling units per acre or fewer where sewer is provided, and

Whereas, the Planning Commission has reviewed the City’s existing Zoning Ordinance and Map and determines that there are no parcels of land within the City that meet the “undeveloped” standard of Criteria C, and

Whereas, the City has an open space zoning option available for development within the R-1 and R-2 Zoning Districts,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby determines that Madison Heights is exempt from the open space requirements of Public Act 179 of 2001 in that the City has no land within the City that meets the criteria outlined in the Act.

Yeas: Commissioners Higgins, Kapolka, Pulice, Russell, Swanson, Austin, and Vice-Chairman Maten
Nays:

Motion carried.

ZONING ORDINANCE UPDATE

Mr. Schafer reviewed the Zoning Ordinance Review Status Report – As of September, 2002.

PUBLIC ACT 265 of 2001 - Amendments to the State Municipal Planning Act.

Mr. Schafer reviewed Public Act 265 of 2001 and the amendments to the Municipal Planning Act, including numerous changes to municipal master plan coordination, review/adoption procedures and content. The Planning Commission reviewed 2000 Census data for the City, land use and zoning changes since 1990, and Planning Commission Master Plan review steps necessary prior to the end of the year.

ADJOURNMENT OF MEETING

Madison Heights Planning Commission - Minutes
September 17, 2002

Having no further business before the Commission Vice-Chairman Maten adjourned the meeting.
Meeting Adjourned at 8:16 P.M.

Paul G. Bertalan - Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
October 15, 2002**

CALL TO ORDER

Vice-Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Pulice, Swanson, and Vice-Chairman Maten.

Absent: Commissioner Russell and Chairman McFall.

MEMBER EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

To excuse Commissioner Russell and Chairman McFall from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Pulice, Swanson, and Vice-Chairman Maten.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Kapolka,

To approve the minutes of the regular meeting of September 17, 2002 as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Pulice, Swanson, and Vice-Chairman Maten.

Nays: None.

Motion Carried.

PLANNING COMMISSION BUSINESS

Public Act 265 of 2001 - Amendments to State Municipal Planning Act and Master Plan Review.

Community Development Director Schafer read a communication from the Community Development Department giving staff's comments on the State Act and the required Master Plan review.

Madison Heights Planning Commission - Minutes
October 15, 2002

The Commission continued review and discussion of the act and the existing Master Plan.

Madison Heights Planning Commission - Minutes
October 15, 2002

**Motion by Commissioner Austin,
Supported by Commissioner Kapolka,**

Whereas, Public Act 265 of 2001 requires that the Planning Commission review the Master Plan every 5 years, and

Whereas, the Planning Commission has reviewed 2000 Census data, Existing Land Use data, rezoning and land use changes since the Master Plan was last updated in 1990, and

Whereas, the Planning Commission has reviewed the existing Master Plan and requirements of Act 265 at two consecutive Commission meetings,

Now, therefore, be it resolved, that the Madison Heights Planning Commission has conducted its required Act 265 review of the Master Plan and has determined that no amendment or update of the Master Plan is necessary at this time.

Yeas: Commissioners Higgins, Kapolka, Pulice, Swanson, Austin, and Vice-Chairman Maten

Nays: None.

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission Vice-Chairman Maten adjourned the meeting.
Meeting Adjourned at 7:58 P.M.

Paul G. Bertalan - Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
December 17, 2002**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Maten, Pulice, Russell, Swanson, and Chairman McFall.

Absent: None.

APPROVAL OF THE MINUTES

**Motion by Commissioner Swanson,
Supported by Commissioner Higgins,**

To approve the minutes of the regular meeting of October 15, 2002 as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, Pulice, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Carried.

PUBLIC HEARING

Request by the Madison Heights Planning Commission to vacate the west 30 feet of unimproved Brush Blvd. adjacent to the north 250 feet of the south 280 feet of acreage parcel 25-02-476-012. The area of request is located at the northwest corner of Brush and Irving Avenues.

Community Development Director Schafer read a communication from the Community Development Department giving staff's comments on the request and recommending that the vacation request be approved.

Chairman McFall declared the Public Hearing opened.

Hearing no comments from the audience, Chairman McFall closed the Public Hearing.

**Motion by Commissioner Swanson,
Supported by Commissioner Russell,**

Whereas, a request has been received from the Madison Heights Planning Commission to vacate the west 30 feet of unimproved Brush Blvd. adjacent to the north 250 feet of the south 280 feet of acreage parcel 25-02-476-012 and

Whereas, the Community Development Department submitted a report to the Commission recommending approval of the street vacation, and

Madison Heights Planning Commission - Minutes
December 17, 2002

Whereas, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the request to vacate the following described street be approved as such right-of-way is no longer necessary for utility purposes or vehicular traffic in the area.

That the West 30 feet of unimproved Brush Blvd. in Julius Berman's John R Subdivision adjacent to the north 250 feet of the south 280 feet of acreage parcel 25-02-476-012, being legally described as part of the East ½ of the S.E. ¼ of Section 2, T.1N.,R.11E. City of Madison Heights, Oakland County, Michigan described as commencing at the S.E. corner of said Section 2, thence S89°50'00"W 361.00 feet along the south line of said Section 2, thence N00°08'00"E 910.00 feet along the west right of way line of Brush Blvd. to the point of beginning; thence continuing N00°08'00"E 250.00 feet; thence N89°50'00"E 30.00 feet; thence S00°08'00"W 250.00 feet; thence continuing S89°50'00"W 30.00 feet to the point of beginning, be absolutely vacated and discontinued.

Yeas: Commissioners Higgins, Kapolka, Maten, Pulice, Russell, Swanson, Austin, and Chairman McFall

Nays: None.

Motion carried.

PLANNING COMMISSION BUSINESS

Discussion of Draft Zoning Ordinance Amendments regarding Parking, Accessory Buildings and Barrier Free Ramps.

Community Development Director Schafer read a communication from the Community Development Department giving staff's analysis and recommendation that the Planning Commission provide initial feedback on the first draft for incorporation into the draft, review by legal counsel, and further consideration by the Planning Commission at a future meeting.

Mr. Schafer then explained each proposed text amendment.

Commissioner Austin suggested the wording in Section 10.505 (1) regarding "reciprocal" easements was unclear.

Mr. Schafer agreed and said that eliminating the word will clarify the intent of the Section.

Commissioner Austin asked that the Community Development Department review the parking requirements and terminology in Section 10.505 (11) (i)&(k), examples of "Use Group A" for 10.505 (11) (s), drop off standards for 10.505 (11) (aa), use of "public and private" in 10.505 (11) (aa), and that drawings be provided to help explain the requirements of Section 10.506 (4).

There were no other comments from the Planning Commission on the draft text.

Mr. Schafer stated that staff and legal counsel would review these Sections and that the revised text would be brought back to the Commission for further review.

Madison Heights Planning Commission - Minutes
December 17, 2002

ADJOURNMENT OF MEETING

Having no further business before the Commission Chairman McFall adjourned the meeting.
Meeting Adjourned at 8:07 P.M.

Paul G. Bertalan - Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
January 21, 2003**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Absent: Commissioners Higgins and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Russell,
Supported by Commissioner Swanson,

To excuse Commissioners Higgins and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Carried.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Dixon,

To approve the minutes of the regular meeting of December 17, 2002 as written.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Carried.

PUBLIC HEARING

**REQUEST BY ROBERT S. GUNN, 17335 EAST NINE MILE ROAD, EASTPOINTE, MICHIGAN, TO
VACATE THE EAST 8 FEET OF THE 20 FOOT WIDE PUBLIC EASEMENT THAT WAS RETAINED
IN THE VACATED ALLEY ADJACENT TO THE REAR OF LOTS 1 THROUGH 9 OF KENMOS PARK**

Madison Heights Planning Commission - Minutes
January 21, 2003

SUBDIVISION. THE AREA OF REQUEST IS LOCATED WEST OF JOHN R ROAD BETWEEN KATHERINE AND PARKER AVENUES.

Community Development Director Schafer read a communication from the Community Development Department giving staff's comments on the request and recommending that the vacation request be approved.

Chairman McFall declared the Public Hearing opened.

Hearing no comments from the audience, Chairman McFall closed the Public Hearing.

**Motion by Commissioner Russell,
Supported by Commissioner Maten,**

Whereas, a request has been received from Robert S. Gunn, 17335 East Nine Mile Road, Eastpointe, Michigan, to vacate the east 8 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 1 through 9 of Kenmos Park Subdivision, and

Whereas, the Community Development Department submitted a report to the Commission recommending approval of the easement vacation, and

Whereas, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the request to vacate the following described easement be approved as such easement is no longer necessary for utility purposes in the area.

That the east 8 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 1 through 9 of Kenmos Park Subdivision be absolutely vacated and discontinued.

Yeas: Commissioners Dixon, Kapolka, Maten, Russell, Swanson, Austin, and Chairman McFall.

Nays: None.

Motion carried.

PLANNING COMMISSION BUSINESS

CONTINUED DISCUSSION OF DRAFT ORDINANCE TEXT AMENDMENTS REGARDING PARKING, ACCESSORY BUILDINGS AND BARRIER FREE RAMPS.

Community Development Director Schafer discussed the changes on the second draft of the proposed text amendments.

Madison Heights Planning Commission - Minutes
January 21, 2003

**Motion by Commissioner Austin,
Supported by Commissioner Swanson,**

To set up a Public Hearing for the proposed text changes at the next regular meeting of the Planning Commission.

Yeas: Commissioners Kapolka, Maten, Russell, Swanson, Austin, Dixon, and Chairman McFall.

Nays: None.

Motion carried.

PLANNING COMMISSION'S ANNUAL REPORT FOR THE 2002 CALENDAR YEAR

Mr. Schafer submitted the 2002 Annual Report to the Commission for consideration.

Motion by Commissioner Russell,
Supported by Commissioner Maten,

To accept and certify the Planning Commission Annual Report and to send a copy to the City Clerk.

Yeas: Commissioners Maten, Russell, Swanson, Austin, Dixon, Kapolka, and Chairman McFall.

Nays: None.

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission Chairman McFall adjourned the meeting.
Meeting Adjourned at 7:40 P.M.

Paul G. Bertalan - Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 18, 2003**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Higgins, Kapolka, Maten, Russell, Swanson and Chairman McFall.

Absent: Commissioner Pulice.

MEMBER EXCUSED

Motion by Commissioner Russell,
Supported by Chairman Swanson,

To excuse Commissioner Pulice from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Maten, Russell, Swanson and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Russell,

To approve the minutes of the regular meeting of January 21, 2003 as written.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Maten, Russell, Swanson and Chairman McFall.

Nays: None.

PUBLIC HEARING

Zoning Text Amendment Case No. ZOTXT 01-07 – Regarding Parking, Accessory Buildings and Barrier Free Ramps.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend to City Council approval of the request.

Chairman McFall declared the Public Hearing opened.

No public was present and Chairman McFall closed the Public Hearing.

Madison Heights Planning Commission - Minutes
February 18, 2003

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

Whereas, a request has been received from the Planning Commission to amend Sections 10.504 – Accessory buildings; 10.505 – Parking; Section 10.506 – Off street parking layout; 10.507 - Off-street loading and unloading; and Section 10.601 – Area, use and height exceptions of the Zoning Ordinance, and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the amendments, and

Whereas, the Assistant City Attorney has reviewed the proposed amendments for legal sufficiency, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there was no public present and no questions from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council approval of the proposed Zoning Text Amendment to amend Sections 10.504 – Accessory buildings; 10.505 – Parking; Section 10.506 – Off street parking layout; 10.507 - Off-street loading and unloading; and Section 10.601 – Area, use and height exceptions of the Zoning Ordinance as follows.

Ordinance No. ____

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Sections 10.504 – Accessory buildings; 10.505 – Parking; Section 10.506 – Off street parking layout; 10.507 - Off-street loading and unloading; Section 10.601 – Area, use and height exceptions - of the zoning ordinance for the purpose of regulating accessory structures; regulating the location, design, installation, operation and maintenance of off-street loading areas and parking lots, areas and facilities; regulating porches and barrier free access ramps; and protecting the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. *Section 10.504, paragraph (3), of the Zoning Ordinance is hereby repealed and the following new paragraph (3) added to stand in its place:*

“10.504. Accessory Buildings.

(3) In the R-1, R-2, R-3 and R-T districts, accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. The combined floor area of all accessory buildings on a lot or parcel shall not exceed forty (40) percent of the required rear yard.”

Section 2. *Section 10.505, 10.506, and 10.507 of the Zoning Ordinance are hereby amended by deleting the existing sections in its entirety, and inserting the following new sections to stand in their place:*

“Section 10.505. Parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, an off-street vehicle parking area with adequate access to all spaces. The number of off-street

Madison Heights Planning Commission - Minutes
February 18, 2003

parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- (1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, and under the control of the same ownership as the principal building or use it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.*
- (2) Parking of motor vehicles, in residential districts, shall be limited to passenger vehicles, and commercial vehicles of the light delivery type such as a van or pick-up truck, not to exceed a three-quarter (3/4) ton manufacturers rating. Not more than one such commercial vehicle shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, limousine, taxi or bus, except for school or church owned vehicles parked on the school or church's property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.*
- (3) Residential off-street parking spaces shall occur on a driveway, or in a garage or any combination thereof. A driveway must be at least nine (9) feet wide. Both the driveway and the garage shall be located on the premises they are intended to serve and be subject to the provisions of Section 10.504 of this Ordinance. All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt or concrete and drained in accordance with the requirements of, and upon approval of, the City Engineer. Outdoor devices which facilitate the vertical stacking of vehicles shall be prohibited.*
- (4) Any area once designated as required off-street parking shall not be changed to any other use unless, and until, equal facilities are provided elsewhere.*
- (5) Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.*
- (6) Two (2) or more buildings or uses may collectively provide the required off-street parking. The required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.*
- (7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings do not overlap upon approval of the Zoning Board of Appeals.*
- (8) The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.*
 - (a) Except as otherwise provided in paragraph (b) below, or elsewhere in this Ordinance, the storage or parking of motor vehicles (licensed or unlicensed), including, but not limited to, automobiles, trucks, recreational vehicles and limousines for periods of longer than twenty-four (24) hours is prohibited. Parking or storage of any motor vehicle, including, but not limited to, automobiles, trucks, recreational vehicles and limousines, that is not on pavement having an asphaltic or Portland cement binder as approved by the City Engineer is strictly prohibited. This paragraph shall apply to all districts other than residential and shall apply to all parking areas at all times. Residential districts are governed by other provisions in this Ordinance.*

Madison Heights Planning Commission - Minutes
February 18, 2003

- (b) *Trucks over three-quarters ton manufacturers rating, trailers and semi-trailers, licensed or unlicensed, may not be parked for periods of longer than four (4) hours except in areas designated for such purpose on an approved site plan or as permitted elsewhere in this ordinance. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan.*
- (9) *Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.*
- (10) *For the purposes of determining off-street parking requirements the following units of measurement shall apply:*
 - (a) *FLOOR AREA - In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except any floor area used for parking within the principal building, and except for any incidental area used for installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.*
 - (b) *PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.*
 - (c) *FRACTIONS: When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half shall be disregarded and fractions over one half shall require one parking space.*
- (11) *All occupancies shall provide for the minimum number of off-street parking spaces as determined by type of use in accordance with the following schedule. If it is determined during the plan review process that the proposed use may require less parking than that required by the ordinance, the surplus parking area may be shown as "banked" on the plan, subject to approval of the Planning Commission. The parking area saved by reducing the number of spaces ("banked spaces") shall be landscaped. If at any time the City determines that part or all of the banked spaces are required to provide adequate parking, the Community Development Department shall notify the property owner and the Planning Commission. If the Planning Commission determines the spaces are required, said spaces shall be constructed within ninety (90) days of notification of the determination, or as established by the Planning Commission due to seasonal conditions.*
 - (a) *Banks*
One (1) for each one hundred fifty (150) square feet of gross building area plus adequate stacking for any drive-thru area.
 - (b) *Beauty parlor, barbershops, nail salons, tanning facilities*
Three (3) spaces for each of the first two (2) chairs and one and one-half (1 ½) spaces for each additional chair plus one (1) space for any unattended station (including but not limited to, a tanning booth).

Madison Heights Planning Commission - Minutes
February 18, 2003

- (c) *Bowling alleys*
Five (5) for each bowling lane (including accessory uses except restaurants and bars which shall be calculated separately).
- (d) *Churches or temples*
One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
- (e) *Construction sites*
Space on site, exclusive of any rights-of-way, shall be provided for all construction workers during periods of construction.
- (f) *Furniture and appliance sales, appliance or household equipment repair shops, decorator, electrician or similar trade, shoe repair and other similar uses*
One (1) for each eight hundred (800) square feet of gross building area. (For that floor area used in processing, or appliance or furniture repair, one (1) additional space shall be provided for each one (1) person employed therein). In addition, designated conforming unimproved space shall be provided to enable compliance with the requirements for subsection (w) Retail stores, below.
- (g) *Gasoline service stations*
Facilities providing only gasoline sales and minor vehicle repair: One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each employee, plus two (2) spaces for each service bay. If towing is provided by the station, an additional three (3) spaces for each service bay shall be required.

Facilities providing gasoline sales combined with other retail commercial uses: The entire sales area shall be considered as retail area and the parking computed as per paragraph 10.505(11)(w) below.
- (h) *General industrial*
One (1) space for every one and one-half (1 1/2) employees in the largest working shift, or one (1) space for every four hundred thirty-five (435) square feet of gross building area or whichever is greater. When the amount of office area exceeds twenty-five (25) percent of gross floor area, the parking requirement for such office area shall be computed as one (1) space for each two hundred (200) square feet.
- (i) *Hospitals*
Two (2) for each one (1) bed.
- (j) *Housing for senior citizens*
Convalescent homes: One (1) for each two (2) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit plus one (1) space for each employee on the maximum shift.

Madison Heights Planning Commission - Minutes
February 18, 2003

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, one (1) space for each employee on the maximum shift, and visitor parking at one (1) space for each five (5) rooms or units.

- (k) *Laundromats and coin-operated cleaners
One (1) for each two (2) machines.*
- (l) *Mobile home park
Two (2) for each home site.*
- (m) *Mortuary establishments
One (1) for each one hundred (100) square feet of gross building area.*
- (n) *Motel, hotel, or other commercial lodging establishments
One (1) for each sleeping unit plus one (1) space for each one (1) employee.*
- (o) *Motor vehicle sales and motor vehicle heavy and light repair facilities and/or garages
Six (6) spaces plus one (1) for each 100 square feet of floor area of the waiting and/or sales area and two (2) for each motor vehicle service bay and/or stall in the service room plus one (1) for each employee.*
- (p) *Motor vehicle maintenance service facilities
Three (3) spaces plus one (1) for each 200 square feet of floor area of the waiting and/or sales area and one (1) for each auto service bay and/or stall in the service room plus one (1) for each employee.*
- (q) *Offices.
Business and professional:
One (1) space for each two hundred (200) square feet of gross floor area.
Medical and dental:
One (1) for each fifty (50) square feet of area in waiting room and one (1) for each examining room, dentist chair or similar use area, plus one (1) for each doctor, dentist or employee.*
- (r) *Planned business district and shopping centers greater than 25,000 square feet.
One (1) for each two hundred fifty (250) square feet of gross building area. When the amount of area to be occupied as places of assembly exceeds twenty-five (25) percent of the gross floor area, the parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use Group A in the adopted building code including, but not limited to, restaurants, private clubs and churches.*
- (s) *Pool hall or club, billiard parlors, roller or skating rinks, dance halls, auditoriums, exhibition halls and assembly halls without fixed seats, and private clubs or lodges*

Madison Heights Planning Commission - Minutes
February 18, 2003

One (1) for each three (3) persons allowed within the maximum occupancy load as established by the fire marshal.

- (t) *Residential, one-family and two-family*
Two (2) for each dwelling unit (includes inside and outside spaces).
- (u) *Residential, multiple- family*
Two (2) spaces for each one (1) bedroom unit and two and one-half (2 1/2) spaces for each two (2) or more bedroom unit.
- (v) *Retail sales in wholesale establishments:*
One (1) space for each one hundred ninety (190) square feet of retail sales floor area.
- (w) *Retail stores except as otherwise specified herein*
One (1) for each one hundred ninety (190) square feet of gross building area.
- (x) *Restaurants, bars, taverns and night clubs:*
Carry-out only facilities: One space for each one hundred ninety (190) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee plus 1 space for each fifteen (15) square feet of lobby and/or waiting area. Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.
- (y) *Self storage; Mini-warehouse:*
One (1) space for each four (4) storage units equally distributed throughout the site; two (2) spaces for the manager's residence; one (1) space for each twenty-five (25) storage units, to be located at the office of the storage complex.
- (z). *Schools:*
Pre-school; daycare:
One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students. In addition, short term/drop-off parking shall be provided.

Elementary and junior high schools:
One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of any auditorium.

High schools:

One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of any auditorium.

Higher education; trade or technical; all other adult education.

One space for each two (2) students, one space for each one (1) instructor, employee or administrator.

- (aa) Stadium and sports arena or similar place of assembly:
One (1) for each three (3) seats or six (6) feet of benches.*
- (bb) Theaters and auditoriums:
One (1) for each three (3) seats plus one (1) for each one (1) employee.*
- (cc) Wholesale or warehouse establishments (excluding self or mini storage):
Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross building area, whichever is greater. In addition, designated conforming unimproved space shall be provided to enable compliance with the requirements for (h) General Industrial, above. Said banked spaces shall be maintained as landscaped area.*
- (dd) Veterinarian offices and clinics:
One (1) space for each one hundred (100) square feet for the first one thousand five hundred (1,500) square feet of gross floor area, plus one (1) space for each additional two hundred fifty (250) square feet of gross floor area.*

Section 10.506. Off-street parking space layout, standards, construction and maintenance.

Wherever the off-street parking requirements in Section 10.505 above require the building of an off-street parking facility, or where P-1 or P-2 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- (1) No parking lot shall be constructed unless, and until, all required permits are issued by the Building Official after site plan review and approval.*
- (2) Adequate ingress and egress to the parking lot shall be provided. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.*

All drives and parking spaces shall be surfaced in a manner equivalent to that which is provided for the parking areas under Section 10.340.

- (3) All spaces shall be provided adequate access by means of on-site maneuvering lanes.*
- (4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.*

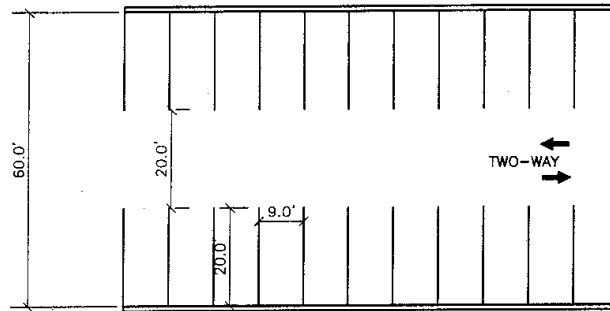
<i>Parking pattern</i>	<i>Minimum</i>	<i>Minimum</i>	<i>Minimum</i>	<i>Minimum Total</i>	<i>Minimum Total</i>

Madison Heights Planning Commission - Minutes
February 18, 2003

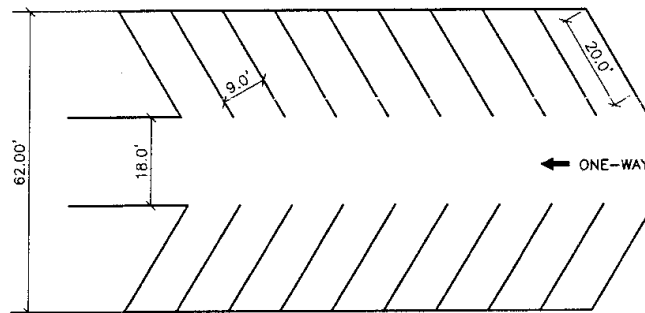
	<i>Maneuvering Lane Width</i>	<i>Parking Space Width</i>	<i>Parking Space Length</i>	<i>Width of One Tier of Spaces Plus Maneuvering Lane</i>	<i>Width of Two Tiers of Spaces Plus Maneuvering Lane</i>
<i>90°</i>	<i>20 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>40 ft.</i>	<i>60 ft.</i>
<i>60°</i>	<i>18 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>37 ft.</i>	<i>56 ft.</i>
<i>45°</i>	<i>15 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>30 ft.</i>	<i>50 ft.</i>
<i>Parallel</i>	<i>12 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>21 ft.</i>	<i>---</i>
<i>45° Herringbone</i>	<i>12 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>---</i>	<i>43 ft.</i>

- (5) *All maneuvering lane traffic shall permit only one-way movement, with the exception of the ninety (90) degree and parallel patterns where two way movement may be permitted.*
- (6) *Off-street parking areas shall be provided with a continuous and completely obscuring wall in accordance with the specifications of Section 10.513, on all sides where the adjacent zoning district is designated as a residential district.*

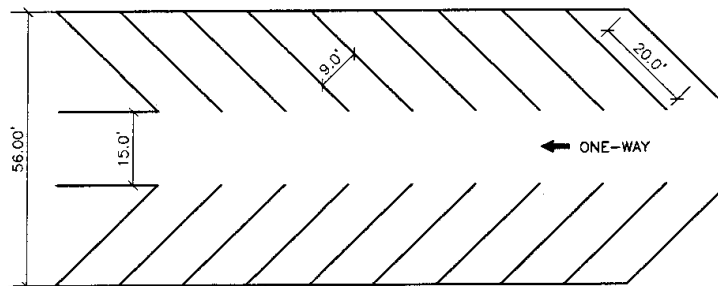
Typical Parking Lot Layouts



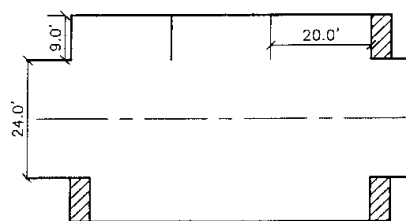
90 DEGREE



60 DEGREE



45 DEGREE



PARALLEL

Section 10.507. Off-street loading and unloading.

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys, such space shall be located on the rear one third of the building to be served. Except that such operations may be permitted in areas other than the rear one third of the building only under the following conditions:

- (a) Such permission may be granted only to buildings which have not less than a fifty (50) foot front yard setback. All spaces shall be laid out in the dimension of at least ten (10) by sixty (60) feet, of six hundred (600) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.*
- (b) No loading space may be on any street frontage and provision for handling all freight shall be on those sides of the building which do not face on any street or proposed street; and*
- (c) The loading areas are so designed that all maneuvering of vehicles will take place off the public right-of-way.*

Such space shall be provided as follows:

- (1) All spaces in O-1, B-1, B-2 and B-3 Districts shall be provided in the ratio of ten (10) square feet of space for each foot of front building width.*
- (2) All spaces in M-1 and M-2 Districts shall be provided in the following ratio of spaces to usable floor area:*

<i>Gross Floor Area (in square feet)</i>	<i>Loading and Unloading Spaces Required</i>
<i>0-1,400</i>	<i>None</i>
<i>1,401-20,000</i>	<i>One (1) space</i>
<i>20,001-100,000</i>	<i>One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet</i>
<i>100,001 and over</i>	<i>Five (5) spaces”</i>

Section 3. ***Section 10.601, paragraph (8), of the Zoning Ordinance is hereby repealed and the following new paragraph (8) added to stand in its place:***

“Section 10.601 Area, height and use exceptions

- (8) *Porches, terraces and barrier free access. An open, unenclosed porch, (i.e., one which is not roofed over) or paved terrace may project into a required front yard for a distance not exceeding six (6) feet. Ramps for access by handicapped persons which provide a direct route from the ground to a porch may encroach into the front yard setback in a residential district to the extent necessary to provide reasonable access as determined by the Building Official.”*

Section 4. ***Repealer.***

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. ***Severability.***

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 6. ***Savings.***

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 7. ***Effective Date.***

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 8. ***Enactment.***

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Dixon, Higgins, Kapolka, Maten, Russell, Swanson, Austin and Chairman McFall.

Nays: None

Motion carried.

PLANNING COMMISSION BUSINESS

ELECTION OF PLANNING COMMISSION OFFICERS FOR THE 2003 CALENDAR YEAR.

Chairman

Motion by Commissioner Kapolka,

Madison Heights Planning Commission - Minutes
February 18, 2003

Supported by Commissioner Swanson,

To nominate Commissioner Marilyn Russell for Chairman.

Motion by Commissioner Kapolka,

Supported by Commissioner Maten,

To close nominations for Chairman.

Yeas: Commissioners Higgins, Kapolka, Maten, Russell, Swanson, Austin, Dixon, and Chairman McFall.

Nays: None

Motion Carried

Marilyn Russell was elected Chairman by acclamation.

Vice-Chairman

Motion by Commissioner Swanson,

Supported by Commissioner Russell,

To nominate Commissioner Maten as Vice-Chairman.

Motion by Commissioner Higgins,

Supported by Commissioner Dixon,

To close nominations for Vice-Chairman.

Yeas: Commissioners Kapolka, Maten, Russell, Swanson, Austin, Dixon, Higgins, and Chairman McFall.

Nays: None

Motion Carried

Robert Maten was elected Vice-Chairman by acclamation.

ADJOURNMENT OF MEETING

Motion by Commissioner Russell,

Supported by Commissioner Swanson,

To adjourn the meeting.

Yeas: Commissioners Maten, Russell, Swanson, Austin, Dixon, Higgins, Kapolka, and Chairman McFall.

Nays: None

Motion Carried

Meeting Adjourned at 7:35 P.M.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
MARCH 18, 2003**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioner Dixon.

MEMBER EXCUSED

Motion by Commissioner Higgins,
Supported by Chairman Swanson,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

To approve the minutes of the regular meeting of February 18, 2003 as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

PLANNING COMMISSION BUSINESS

Case No. 1034 – Site Plan Review – Jo Ann Fabrics Expansion – 32065 John R

Request by Madison Place L.L.C., 32065 John R Road, Madison Heights, Michigan, for site plan approval of a proposed addition to a commercial building on acreage parcel 25-02-276-030. The area of request is located at the northwest corner of John R Road and Whitcomb Avenue.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to two conditions.

Commissioner Austin asked if there would be public access to the store from the south side.

Stuart Frankel, building owner, said there would be no public access from the south side.

Madison Heights Planning Commission - Minutes
March 18, 2003

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

Whereas, a request has been received from Madison Place L.L.C., 32065 John R Road, Madison Heights, Michigan, for site plan approval of a proposed addition to a commercial building on acreage parcel 25-02-276-030, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending approval of the request subject to two conditions.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from Madison Place L.L.C., 32065 John R Road, Madison Heights, Michigan, for site plan approval of a proposed addition to a commercial building on acreage parcel 25-02-276-030 subject to the following conditions.

1. A masonry screen wall is required adjacent to the proposed compactor location (on the south side) of adequate height to fully screen the compactor from view to the south. This is a minor condition that can be addressed on revised plans during engineering plan review.
2. A pedestrian guardrail is required from the end of the above-mentioned screen wall to the easterly end of the truck well to separate the adjacent walk from the truck well. This is a minor condition that can be addressed on revised plans during engineering plan review.

Yeas: Commissioners Higgins, Kapolka, Maten, McFall, Pulice, Swanson, Austin and Chairwoman Russell.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Pulice,
Supported by Commissioner Swanson,
To adjourn the meeting.

Yeas: Commissioners Kapolka, Maten, McFall, Pulice, Swanson, Austin, Higgins and Chairwoman Russell.

Nays: None

Motion Carried

Meeting Adjourned at 7:34 P.M.

Paul G. Bertalan
Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
MAY 20, 2003**

CALL TO ORDER

Vice-Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Absent: Commissioner Dixon and Chairwoman Russell.

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

To excuse Commissioner Dixon and Chairwoman Russell from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of March 18, 2003 as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1035 – Site Plan Review – Madison Retail Center – 30460 John R

Request by Kasem Ramaj, 14853 Crofton, Shelby, MI 48315, for site plan approval of a proposed 16,000 s.f. retail center at 30460 John R (Lots 336 through 369 of Northeastern Highway Subdivision No. 1). The area of request is located at the northeast corner of John R Road and Woodside.

Kasam Ramaj, Applicant, John McLauslin, attorney for applicant, and G.C Van Poperin, design engineer were present.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to engineering plan review and approval.

Commissioner Swanson asked the applicant why the accessory residential that was granted special approval is not being proposed. Mr. Van Poperin stated that the previous developer who was proposing that concept let the option

Madison Heights Planning Commission - Minutes
May 20, 2003

expire.

City Attorney Jeff Sherman asked the applicant what his ownership interest in the property was currently. Mr. Ramaj stated that he had a purchase agreement subject to City approvals of proposed plans. Mr. McLauslin stated that the option was for a land contract sale.

Commissioner Austin asked if there would be adequate storm water detention. Mr. Schafer stated that the City Engineer had reviewed the preliminary storm water calculations and had verified that adequate area was available through a combination of the greenbelt areas, underground, and parking lot storage. Detailed review of storm water detention occurs at engineering plan review, following site plan review.

Commissioner Austin inquired about the limitations on turning movements for the proposed drive on Woodside. Mr. Schafer stated it was sign restricted to "No Left Turns" for trucks, with unrestricted access for public.

Commissioner Austin inquired whether the vacant parcel north of the site was considered for incorporation into this proposal. Mr. Ramaj stated that they did consider it but the asking price was not reasonable.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from Kasem Ramaj, 14853 Crofton, Shelby, MI 48315, for site plan approval of a proposed 16,000 s.f. retail center at 30460 John R (Lots 336 through 369 of Northeastern Highway Subdivision No. 1), and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending approval of the request subject to engineering plan review and approval.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from Kasem Ramaj, 14853 Crofton, Shelby, MI 48315, for site plan approval of a proposed 16,000 s.f. retail center at 30460 John R (Lots 336 through 369 of Northeastern Highway Subdivision No. 1), subject to engineering plan review and approval.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Kapolka,
Supported by Commissioner McFall,
To adjourn the meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Nays: None

Motion Carried

Meeting Adjourned at 7:50 P.M.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
January 21, 2003**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Absent: Commissioners Higgins and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Russell,
Supported by Commissioner Swanson,

To excuse Commissioners Higgins and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Carried.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Dixon,

To approve the minutes of the regular meeting of December 17, 2002 as written.

Yeas: Commissioners Austin, Dixon, Kapolka, Maten, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Carried.

PUBLIC HEARING

**REQUEST BY ROBERT S. GUNN, 17335 EAST NINE MILE ROAD, EASTPOINTE, MICHIGAN, TO
VACATE THE EAST 8 FEET OF THE 20 FOOT WIDE PUBLIC EASEMENT THAT WAS RETAINED
IN THE VACATED ALLEY ADJACENT TO THE REAR OF LOTS 1 THROUGH 9 OF KENMOS PARK**

Madison Heights Planning Commission - Minutes
January 21, 2003

SUBDIVISION. THE AREA OF REQUEST IS LOCATED WEST OF JOHN R ROAD BETWEEN KATHERINE AND PARKER AVENUES.

Community Development Director Schafer read a communication from the Community Development Department giving staff's comments on the request and recommending that the vacation request be approved.

Chairman McFall declared the Public Hearing opened.

Hearing no comments from the audience, Chairman McFall closed the Public Hearing.

**Motion by Commissioner Russell,
Supported by Commissioner Maten,**

Whereas, a request has been received from Robert S. Gunn, 17335 East Nine Mile Road, Eastpointe, Michigan, to vacate the east 8 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 1 through 9 of Kenmos Park Subdivision, and

Whereas, the Community Development Department submitted a report to the Commission recommending approval of the easement vacation, and

Whereas, a duly advertised public hearing was held by the Commission at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the request to vacate the following described easement be approved as such easement is no longer necessary for utility purposes in the area.

That the east 8 feet of the 20 foot wide public easement that was retained in the vacated alley adjacent to the rear of Lots 1 through 9 of Kenmos Park Subdivision be absolutely vacated and discontinued.

Yeas: Commissioners Dixon, Kapolka, Maten, Russell, Swanson, Austin, and Chairman McFall.

Nays: None.

Motion carried.

PLANNING COMMISSION BUSINESS

CONTINUED DISCUSSION OF DRAFT ORDINANCE TEXT AMENDMENTS REGARDING PARKING, ACCESSORY BUILDINGS AND BARRIER FREE RAMPS.

Community Development Director Schafer discussed the changes on the second draft of the proposed text amendments.

Madison Heights Planning Commission - Minutes
January 21, 2003

**Motion by Commissioner Austin,
Supported by Commissioner Swanson,**

To set up a Public Hearing for the proposed text changes at the next regular meeting of the Planning Commission.

Yeas: Commissioners Kapolka, Maten, Russell, Swanson, Austin, Dixon, and Chairman McFall.

Nays: None.

Motion carried.

PLANNING COMMISSION'S ANNUAL REPORT FOR THE 2002 CALENDAR YEAR

Mr. Schafer submitted the 2002 Annual Report to the Commission for consideration.

Motion by Commissioner Russell,
Supported by Commissioner Maten,

To accept and certify the Planning Commission Annual Report and to send a copy to the City Clerk.

Yeas: Commissioners Maten, Russell, Swanson, Austin, Dixon, Kapolka, and Chairman McFall.

Nays: None.

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission Chairman McFall adjourned the meeting.
Meeting Adjourned at 7:40 P.M.

Paul G. Bertalan - Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 18, 2003**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Higgins, Kapolka, Maten, Russell, Swanson and Chairman McFall.

Absent: Commissioner Pulice.

MEMBER EXCUSED

Motion by Commissioner Russell,
Supported by Chairman Swanson,

To excuse Commissioner Pulice from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Maten, Russell, Swanson and Chairman McFall.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Maten,
Supported by Commissioner Russell,

To approve the minutes of the regular meeting of January 21, 2003 as written.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Maten, Russell, Swanson and Chairman McFall.

Nays: None.

PUBLIC HEARING

Zoning Text Amendment Case No. ZOTXT 01-07 – Regarding Parking, Accessory Buildings and Barrier Free Ramps.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend to City Council approval of the request.

Chairman McFall declared the Public Hearing opened.

No public was present and Chairman McFall closed the Public Hearing.

Madison Heights Planning Commission - Minutes
February 18, 2003

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

Whereas, a request has been received from the Planning Commission to amend Sections 10.504 – Accessory buildings; 10.505 – Parking; Section 10.506 – Off street parking layout; 10.507 - Off-street loading and unloading; and Section 10.601 – Area, use and height exceptions of the Zoning Ordinance, and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the amendments, and

Whereas, the Assistant City Attorney has reviewed the proposed amendments for legal sufficiency, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there was no public present and no questions from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council approval of the proposed Zoning Text Amendment to amend Sections 10.504 – Accessory buildings; 10.505 – Parking; Section 10.506 – Off street parking layout; 10.507 - Off-street loading and unloading; and Section 10.601 – Area, use and height exceptions of the Zoning Ordinance as follows.

Ordinance No. ____

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Sections 10.504 – Accessory buildings; 10.505 – Parking; Section 10.506 – Off street parking layout; 10.507 - Off-street loading and unloading; Section 10.601 – Area, use and height exceptions - of the zoning ordinance for the purpose of regulating accessory structures; regulating the location, design, installation, operation and maintenance of off-street loading areas and parking lots, areas and facilities; regulating porches and barrier free access ramps; and protecting the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. *Section 10.504, paragraph (3), of the Zoning Ordinance is hereby repealed and the following new paragraph (3) added to stand in its place:*

“10.504. Accessory Buildings.

(3) In the R-1, R-2, R-3 and R-T districts, accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. The combined floor area of all accessory buildings on a lot or parcel shall not exceed forty (40) percent of the required rear yard.”

Section 2. *Section 10.505, 10.506, and 10.507 of the Zoning Ordinance are hereby amended by deleting the existing sections in its entirety, and inserting the following new sections to stand in their place:*

“Section 10.505. Parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, an off-street vehicle parking area with adequate access to all spaces. The number of off-street

Madison Heights Planning Commission - Minutes
February 18, 2003

parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- (1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, and under the control of the same ownership as the principal building or use it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.*
- (2) Parking of motor vehicles, in residential districts, shall be limited to passenger vehicles, and commercial vehicles of the light delivery type such as a van or pick-up truck, not to exceed a three-quarter (3/4) ton manufacturers rating. Not more than one such commercial vehicle shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, limousine, taxi or bus, except for school or church owned vehicles parked on the school or church's property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this ordinance.*
- (3) Residential off-street parking spaces shall occur on a driveway, or in a garage or any combination thereof. A driveway must be at least nine (9) feet wide. Both the driveway and the garage shall be located on the premises they are intended to serve and be subject to the provisions of Section 10.504 of this Ordinance. All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt or concrete and drained in accordance with the requirements of, and upon approval of, the City Engineer. Outdoor devices which facilitate the vertical stacking of vehicles shall be prohibited.*
- (4) Any area once designated as required off-street parking shall not be changed to any other use unless, and until, equal facilities are provided elsewhere.*
- (5) Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.*
- (6) Two (2) or more buildings or uses may collectively provide the required off-street parking. The required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.*
- (7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings do not overlap upon approval of the Zoning Board of Appeals.*
- (8) The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.*
 - (a) Except as otherwise provided in paragraph (b) below, or elsewhere in this Ordinance, the storage or parking of motor vehicles (licensed or unlicensed), including, but not limited to, automobiles, trucks, recreational vehicles and limousines for periods of longer than twenty-four (24) hours is prohibited. Parking or storage of any motor vehicle, including, but not limited to, automobiles, trucks, recreational vehicles and limousines, that is not on pavement having an asphaltic or Portland cement binder as approved by the City Engineer is strictly prohibited. This paragraph shall apply to all districts other than residential and shall apply to all parking areas at all times. Residential districts are governed by other provisions in this Ordinance.*

Madison Heights Planning Commission - Minutes
February 18, 2003

- (b) *Trucks over three-quarters ton manufacturers rating, trailers and semi-trailers, licensed or unlicensed, may not be parked for periods of longer than four (4) hours except in areas designated for such purpose on an approved site plan or as permitted elsewhere in this ordinance. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan.*
- (9) *Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.*
- (10) *For the purposes of determining off-street parking requirements the following units of measurement shall apply:*
 - (a) *FLOOR AREA - In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except any floor area used for parking within the principal building, and except for any incidental area used for installations of mechanical equipment, penthouses housing ventilators and heating systems, and similar uses.*
 - (b) *PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.*
 - (c) *FRACTIONS: When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half shall be disregarded and fractions over one half shall require one parking space.*
- (11) *All occupancies shall provide for the minimum number of off-street parking spaces as determined by type of use in accordance with the following schedule. If it is determined during the plan review process that the proposed use may require less parking than that required by the ordinance, the surplus parking area may be shown as "banked" on the plan, subject to approval of the Planning Commission. The parking area saved by reducing the number of spaces ("banked spaces") shall be landscaped. If at any time the City determines that part or all of the banked spaces are required to provide adequate parking, the Community Development Department shall notify the property owner and the Planning Commission. If the Planning Commission determines the spaces are required, said spaces shall be constructed within ninety (90) days of notification of the determination, or as established by the Planning Commission due to seasonal conditions.*
 - (a) *Banks*
One (1) for each one hundred fifty (150) square feet of gross building area plus adequate stacking for any drive-thru area.
 - (b) *Beauty parlor, barbershops, nail salons, tanning facilities*
Three (3) spaces for each of the first two (2) chairs and one and one-half (1 ½) spaces for each additional chair plus one (1) space for any unattended station (including but not limited to, a tanning booth).

Madison Heights Planning Commission - Minutes
February 18, 2003

- (c) *Bowling alleys*
Five (5) for each bowling lane (including accessory uses except restaurants and bars which shall be calculated separately).
- (d) *Churches or temples*
One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
- (e) *Construction sites*
Space on site, exclusive of any rights-of-way, shall be provided for all construction workers during periods of construction.
- (f) *Furniture and appliance sales, appliance or household equipment repair shops, decorator, electrician or similar trade, shoe repair and other similar uses*
One (1) for each eight hundred (800) square feet of gross building area. (For that floor area used in processing, or appliance or furniture repair, one (1) additional space shall be provided for each one (1) person employed therein). In addition, designated conforming unimproved space shall be provided to enable compliance with the requirements for subsection (w) Retail stores, below.
- (g) *Gasoline service stations*
Facilities providing only gasoline sales and minor vehicle repair: One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each employee, plus two (2) spaces for each service bay. If towing is provided by the station, an additional three (3) spaces for each service bay shall be required.

Facilities providing gasoline sales combined with other retail commercial uses: The entire sales area shall be considered as retail area and the parking computed as per paragraph 10.505(11)(w) below.
- (h) *General industrial*
One (1) space for every one and one-half (1 1/2) employees in the largest working shift, or one (1) space for every four hundred thirty-five (435) square feet of gross building area or whichever is greater. When the amount of office area exceeds twenty-five (25) percent of gross floor area, the parking requirement for such office area shall be computed as one (1) space for each two hundred (200) square feet.
- (i) *Hospitals*
Two (2) for each one (1) bed.
- (j) *Housing for senior citizens*
Convalescent homes: One (1) for each two (2) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit plus one (1) space for each employee on the maximum shift.

Madison Heights Planning Commission - Minutes
February 18, 2003

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, one (1) space for each employee on the maximum shift, and visitor parking at one (1) space for each five (5) rooms or units.

- (k) *Laundromats and coin-operated cleaners
One (1) for each two (2) machines.*
- (l) *Mobile home park
Two (2) for each home site.*
- (m) *Mortuary establishments
One (1) for each one hundred (100) square feet of gross building area.*
- (n) *Motel, hotel, or other commercial lodging establishments
One (1) for each sleeping unit plus one (1) space for each one (1) employee.*
- (o) *Motor vehicle sales and motor vehicle heavy and light repair facilities and/or garages
Six (6) spaces plus one (1) for each 100 square feet of floor area of the waiting and/or sales area and two (2) for each motor vehicle service bay and/or stall in the service room plus one (1) for each employee.*
- (p) *Motor vehicle maintenance service facilities
Three (3) spaces plus one (1) for each 200 square feet of floor area of the waiting and/or sales area and one (1) for each auto service bay and/or stall in the service room plus one (1) for each employee.*
- (q) *Offices.
Business and professional:
One (1) space for each two hundred (200) square feet of gross floor area.
Medical and dental:
One (1) for each fifty (50) square feet of area in waiting room and one (1) for each examining room, dentist chair or similar use area, plus one (1) for each doctor, dentist or employee.*
- (r) *Planned business district and shopping centers greater than 25,000 square feet.
One (1) for each two hundred fifty (250) square feet of gross building area. When the amount of area to be occupied as places of assembly exceeds twenty-five (25) percent of the gross floor area, the parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use Group A in the adopted building code including, but not limited to, restaurants, private clubs and churches.*
- (s) *Pool hall or club, billiard parlors, roller or skating rinks, dance halls, auditoriums, exhibition halls and assembly halls without fixed seats, and private clubs or lodges*

Madison Heights Planning Commission - Minutes
February 18, 2003

One (1) for each three (3) persons allowed within the maximum occupancy load as established by the fire marshal.

- (t) *Residential, one-family and two-family*
Two (2) for each dwelling unit (includes inside and outside spaces).
- (u) *Residential, multiple- family*
Two (2) spaces for each one (1) bedroom unit and two and one-half (2 1/2) spaces for each two (2) or more bedroom unit.
- (v) *Retail sales in wholesale establishments:*
One (1) space for each one hundred ninety (190) square feet of retail sales floor area.
- (w) *Retail stores except as otherwise specified herein*
One (1) for each one hundred ninety (190) square feet of gross building area.
- (x) *Restaurants, bars, taverns and night clubs:*
Carry-out only facilities: One space for each one hundred ninety (190) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee plus 1 space for each fifteen (15) square feet of lobby and/or waiting area. Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.
- (y) *Self storage; Mini-warehouse:*
One (1) space for each four (4) storage units equally distributed throughout the site; two (2) spaces for the manager's residence; one (1) space for each twenty-five (25) storage units, to be located at the office of the storage complex.
- (z). *Schools:*
Pre-school; daycare:
One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students. In addition, short term/drop-off parking shall be provided.

Elementary and junior high schools:
One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of any auditorium.

High schools:

One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students, in addition to the requirements of any auditorium.

Higher education; trade or technical; all other adult education.

One space for each two (2) students, one space for each one (1) instructor, employee or administrator.

- (aa) Stadium and sports arena or similar place of assembly:
One (1) for each three (3) seats or six (6) feet of benches.*
- (bb) Theaters and auditoriums:
One (1) for each three (3) seats plus one (1) for each one (1) employee.*
- (cc) Wholesale or warehouse establishments (excluding self or mini storage):
Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross building area, whichever is greater. In addition, designated conforming unimproved space shall be provided to enable compliance with the requirements for (h) General Industrial, above. Said banked spaces shall be maintained as landscaped area.*
- (dd) Veterinarian offices and clinics:
One (1) space for each one hundred (100) square feet for the first one thousand five hundred (1,500) square feet of gross floor area, plus one (1) space for each additional two hundred fifty (250) square feet of gross floor area.*

Section 10.506. Off-street parking space layout, standards, construction and maintenance.

Wherever the off-street parking requirements in Section 10.505 above require the building of an off-street parking facility, or where P-1 or P-2 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- (1) No parking lot shall be constructed unless, and until, all required permits are issued by the Building Official after site plan review and approval.*
- (2) Adequate ingress and egress to the parking lot shall be provided. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.*

All drives and parking spaces shall be surfaced in a manner equivalent to that which is provided for the parking areas under Section 10.340.

- (3) All spaces shall be provided adequate access by means of on-site maneuvering lanes.*
- (4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.*

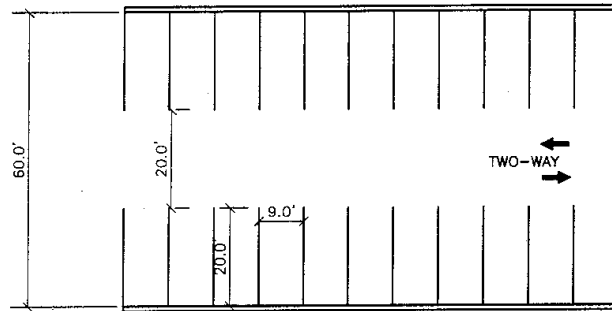
<i>Parking pattern</i>	<i>Minimum</i>	<i>Minimum</i>	<i>Minimum</i>	<i>Minimum Total</i>	<i>Minimum Total</i>

Madison Heights Planning Commission - Minutes
February 18, 2003

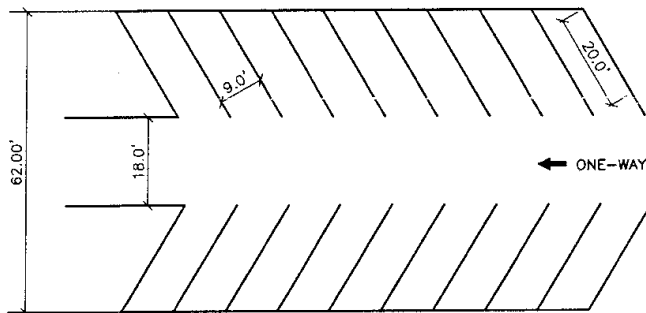
	<i>Maneuvering Lane Width</i>	<i>Parking Space Width</i>	<i>Parking Space Length</i>	<i>Width of One Tier of Spaces Plus Maneuvering Lane</i>	<i>Width of Two Tiers of Spaces Plus Maneuvering Lane</i>
<i>90°</i>	<i>20 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>40 ft.</i>	<i>60 ft.</i>
<i>60°</i>	<i>18 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>37 ft.</i>	<i>56 ft.</i>
<i>45°</i>	<i>15 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>30 ft.</i>	<i>50 ft.</i>
<i>Parallel</i>	<i>12 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>21 ft.</i>	<i>---</i>
<i>45° Herringbone</i>	<i>12 ft.</i>	<i>9 ft.</i>	<i>20 ft.</i>	<i>---</i>	<i>43 ft.</i>

- (5) *All maneuvering lane traffic shall permit only one-way movement, with the exception of the ninety (90) degree and parallel patterns where two way movement may be permitted.*
- (6) *Off-street parking areas shall be provided with a continuous and completely obscuring wall in accordance with the specifications of Section 10.513, on all sides where the adjacent zoning district is designated as a residential district.*

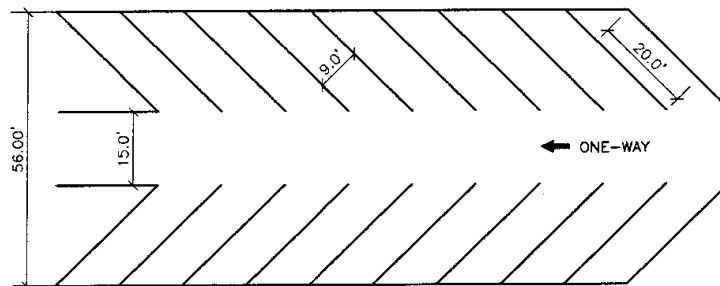
Typical Parking Lot Layouts



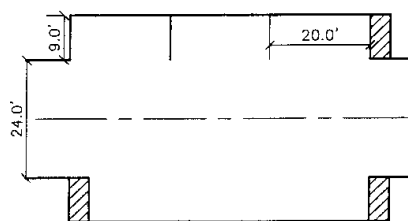
90 DEGREE



60 DEGREE



45 DEGREE



PARALLEL

Section 10.507. Off-street loading and unloading.

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys, such space shall be located on the rear one third of the building to be served. Except that such operations may be permitted in areas other than the rear one third of the building only under the following conditions:

- (a) Such permission may be granted only to buildings which have not less than a fifty (50) foot front yard setback. All spaces shall be laid out in the dimension of at least ten (10) by sixty (60) feet, of six hundred (600) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.*
- (b) No loading space may be on any street frontage and provision for handling all freight shall be on those sides of the building which do not face on any street or proposed street; and*
- (c) The loading areas are so designed that all maneuvering of vehicles will take place off the public right-of-way.*

Such space shall be provided as follows:

- (1) All spaces in O-1, B-1, B-2 and B-3 Districts shall be provided in the ratio of ten (10) square feet of space for each foot of front building width.*
- (2) All spaces in M-1 and M-2 Districts shall be provided in the following ratio of spaces to usable floor area:*

<i>Gross Floor Area (in square feet)</i>	<i>Loading and Unloading Spaces Required</i>
<i>0-1,400</i>	<i>None</i>
<i>1,401-20,000</i>	<i>One (1) space</i>
<i>20,001-100,000</i>	<i>One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet</i>
<i>100,001 and over</i>	<i>Five (5) spaces”</i>

Section 3. ***Section 10.601, paragraph (8), of the Zoning Ordinance is hereby repealed and the following new paragraph (8) added to stand in its place:***

“Section 10.601 Area, height and use exceptions

(8) *Porches, terraces and barrier free access. An open, unenclosed porch, (i.e., one which is not roofed over) or paved terrace may project into a required front yard for a distance not exceeding six (6) feet. Ramps for access by handicapped persons which provide a direct route from the ground to a porch may encroach into the front yard setback in a residential district to the extent necessary to provide reasonable access as determined by the Building Official.”*

Section 4. ***Repealer.***

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. ***Severability.***

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 6. ***Savings.***

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 7. ***Effective Date.***

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 8. ***Enactment.***

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Dixon, Higgins, Kapolka, Maten, Russell, Swanson, Austin and Chairman McFall.

Nays: None

Motion carried.

PLANNING COMMISSION BUSINESS

ELECTION OF PLANNING COMMISSION OFFICERS FOR THE 2003 CALENDAR YEAR.

Chairman

Motion by Commissioner Kapolka,

Madison Heights Planning Commission - Minutes
February 18, 2003

Supported by Commissioner Swanson,

To nominate Commissioner Marilyn Russell for Chairman.

Motion by Commissioner Kapolka,

Supported by Commissioner Maten,

To close nominations for Chairman.

Yeas: Commissioners Higgins, Kapolka, Maten, Russell, Swanson, Austin, Dixon, and Chairman McFall.

Nays: None

Motion Carried

Marilyn Russell was elected Chairman by acclamation.

Vice-Chairman

Motion by Commissioner Swanson,

Supported by Commissioner Russell,

To nominate Commissioner Maten as Vice-Chairman.

Motion by Commissioner Higgins,

Supported by Commissioner Dixon,

To close nominations for Vice-Chairman.

Yeas: Commissioners Kapolka, Maten, Russell, Swanson, Austin, Dixon, Higgins, and Chairman McFall.

Nays: None

Motion Carried

Robert Maten was elected Vice-Chairman by acclamation.

ADJOURNMENT OF MEETING

Motion by Commissioner Russell,

Supported by Commissioner Swanson,

To adjourn the meeting.

Yeas: Commissioners Maten, Russell, Swanson, Austin, Dixon, Higgins, Kapolka, and Chairman McFall.

Nays: None

Motion Carried

Meeting Adjourned at 7:35 P.M.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
MARCH 18, 2003**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioner Dixon.

MEMBER EXCUSED

Motion by Commissioner Higgins,
Supported by Chairman Swanson,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

To approve the minutes of the regular meeting of February 18, 2003 as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

PLANNING COMMISSION BUSINESS

Case No. 1034 – Site Plan Review – Jo Ann Fabrics Expansion – 32065 John R

Request by Madison Place L.L.C., 32065 John R Road, Madison Heights, Michigan, for site plan approval of a proposed addition to a commercial building on acreage parcel 25-02-276-030. The area of request is located at the northwest corner of John R Road and Whitcomb Avenue.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to two conditions.

Commissioner Austin asked if there would be public access to the store from the south side.

Stuart Frankel, building owner, said there would be no public access from the south side.

Madison Heights Planning Commission - Minutes
March 18, 2003

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

Whereas, a request has been received from Madison Place L.L.C., 32065 John R Road, Madison Heights, Michigan, for site plan approval of a proposed addition to a commercial building on acreage parcel 25-02-276-030, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending approval of the request subject to two conditions.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from Madison Place L.L.C., 32065 John R Road, Madison Heights, Michigan, for site plan approval of a proposed addition to a commercial building on acreage parcel 25-02-276-030 subject to the following conditions.

1. A masonry screen wall is required adjacent to the proposed compactor location (on the south side) of adequate height to fully screen the compactor from view to the south. This is a minor condition that can be addressed on revised plans during engineering plan review.
2. A pedestrian guardrail is required from the end of the above-mentioned screen wall to the easterly end of the truck well to separate the adjacent walk from the truck well. This is a minor condition that can be addressed on revised plans during engineering plan review.

Yeas: Commissioners Higgins, Kapolka, Maten, McFall, Pulice, Swanson, Austin and Chairwoman Russell.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Pulice,
Supported by Commissioner Swanson,
To adjourn the meeting.

Yeas: Commissioners Kapolka, Maten, McFall, Pulice, Swanson, Austin, Higgins and Chairwoman Russell.

Nays: None

Motion Carried

Meeting Adjourned at 7:34 P.M.

Paul G. Bertalan
Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
MAY 20, 2003**

CALL TO ORDER

Vice-Chairman Maten called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Absent: Commissioner Dixon and Chairwoman Russell.

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

To excuse Commissioner Dixon and Chairwoman Russell from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of March 18, 2003 as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1035 – Site Plan Review – Madison Retail Center – 30460 John R

Request by Kasem Ramaj, 14853 Crofton, Shelby, MI 48315, for site plan approval of a proposed 16,000 s.f. retail center at 30460 John R (Lots 336 through 369 of Northeastern Highway Subdivision No. 1). The area of request is located at the northeast corner of John R Road and Woodside.

Kasam Ramaj, Applicant, John McLauslin, attorney for applicant, and G.C Van Poperin, design engineer were present.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to engineering plan review and approval.

Commissioner Swanson asked the applicant why the accessory residential that was granted special approval is not being proposed. Mr. Van Poperin stated that the previous developer who was proposing that concept let the option

Madison Heights Planning Commission - Minutes
May 20, 2003

expire.

City Attorney Jeff Sherman asked the applicant what his ownership interest in the property was currently. Mr. Ramaj stated that he had a purchase agreement subject to City approvals of proposed plans. Mr. McLauslin stated that the option was for a land contract sale.

Commissioner Austin asked if there would be adequate storm water detention. Mr. Schafer stated that the City Engineer had reviewed the preliminary storm water calculations and had verified that adequate area was available through a combination of the greenbelt areas, underground, and parking lot storage. Detailed review of storm water detention occurs at engineering plan review, following site plan review.

Commissioner Austin inquired about the limitations on turning movements for the proposed drive on Woodside. Mr. Schafer stated it was sign restricted to "No Left Turns" for trucks, with unrestricted access for public.

Commissioner Austin inquired whether the vacant parcel north of the site was considered for incorporation into this proposal. Mr. Ramaj stated that they did consider it but the asking price was not reasonable.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from Kasem Ramaj, 14853 Crofton, Shelby, MI 48315, for site plan approval of a proposed 16,000 s.f. retail center at 30460 John R (Lots 336 through 369 of Northeastern Highway Subdivision No. 1), and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending approval of the request subject to engineering plan review and approval.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from Kasem Ramaj, 14853 Crofton, Shelby, MI 48315, for site plan approval of a proposed 16,000 s.f. retail center at 30460 John R (Lots 336 through 369 of Northeastern Highway Subdivision No. 1), subject to engineering plan review and approval.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Kapolka,
Supported by Commissioner McFall,
To adjourn the meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Maten, McFall, Pulice and Swanson.

Nays: None

Motion Carried

Meeting Adjourned at 7:50 P.M.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
JULY 15, 2003**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Kapolka.

MEMBERS EXCUSED

Motion by Commissioner Pulice,
Supported by Commissioner Swanson,

To excuse Commissioners Dixon and Kapolka from tonight's meeting.

Yeas: Commissioners Austin, Higgins, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of May 20, 2003 as written.

Yeas: Commissioners Austin, Higgins, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLUBLIC HEARING

Case No. 1038 – Public Hearing - Easement Vacation – 451 W. Fourteen Mile Road

Request by Request by Sign of the Beefcarver Inc., 451 West Fourteen Mile Road, Madison Heights, Michigan, to vacate the north 10 feet of the 20 foot wide public easement (that was retained in the vacated alley) adjacent to Lots 1 through 5 and the south 10 feet of said public easement adjacent to Lot 271 all in John R Clawson Subdivision.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend approval of the request to City Council.

Chairwoman Russell opened the Public Hearing.

Michael Glaser, 378 Caledonia, Fairlawn, Ohio, the petitioners representative was present for questions.

Madison Heights Planning Commission - Minutes
July 15, 2003

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

**Motion by Commissioner Austin,
Supported by Commissioner McFall,**

Whereas, a request has been received from Sign of The Beefcarver, Inc. 451 W. 14 Mile Road, Madison Heights, MI, to vacate the North 10' of the 20' wide public easement that was retained in the vacated alley adjacent to Lots 1 through 5 and the south 10' of said public easement adjacent to Lot 271, all in John R Clawson Subdivision, and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the easement vacation, and

Whereas, letters of no objection were received from all applicable utilities, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the request to vacate the following described easement be approved as such easement is no longer necessary for utility purposes in the area.

That the North 10' of the 20' wide public easement that was retained in the vacated alley adjacent to Lots 1 through 5 and the south 10' of said public easement adjacent to Lot 271, all in John R Clawson Subdivision be absolutely vacated and discontinued.

Yeas: Commissioners Austin, Higgins, McFall, Pulice, Swanson, and Chairwoman Russell.

Nays: None.

Motion carried.

PLANNING COMMISSION BUSINESS

Case No. 1036 – Site Plan Review – Richelieu

Request by Kemp & Sherman, 1000 East Mandoline, Madison Heights, Michigan, for front yard parking and points of access approval for a proposed light industrial building on acreage parcel 01-426-036. The area of request is located on the north side of Whitcomb Avenue west of Dequindre Road.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to receipt, staff review and approval of a combined driveway / mutual access agreement between the Richelieu and Valenite properties.

Commissioner Austin asked if sidewalks would be constructed on Whitcomb.

Mr. Schafer said that they would be constructed.

Commissioner Higgins said that a flare lane should be constructed on Whitcomb at the driveway location.

Madison Heights Planning Commission - Minutes
July 15, 2003

Mr. Schafer said that the Site Plan Review Committee considered one but did not feel the volume at the drive would require one.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from Kemp & Sherman, 1000 East Mandoline, Madison Heights, Michigan, for front yard parking and points of access approval for a proposed light industrial building on acreage parcel 01-426-036, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending approval of the request subject to receipt, staff review and approval of a combined driveway / mutual access agreement between the Richelieu and Valenite properties.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from Kemp & Sherman, 1000 East Mandoline, Madison Heights, Michigan, for front yard parking and points of access approval for a proposed light industrial building on acreage parcel 01-426-036 subject to receipt, staff review and approval of a combined driveway / mutual access agreement between the Richelieu and Valenite properties.

Yeas: Commissioners Higgins, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.

Nays: None

Motion Carried

Case No. 1037 – Site Plan Review – Valenite

Request by Kemp & Sherman, 1000 East Mandoline, Madison Heights, Michigan, for site plan approval and front yard parking & points of access approval for a proposed light industrial building on acreage parcel 01-426-035. The area of request is located on the north side of Whitcomb Avenue west of Dequindre Road.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to four (4) conditions.

Commissioner Austin asked if sidewalks would be constructed on Whitcomb.

Mr. Schafer said that they would be constructed.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from Kemp & Sherman, 1000 East Mandoline, Madison Heights, Michigan, for site plan approval and front yard parking & points of access approval for a proposed light industrial building on acreage parcel 01-426-035, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending approval of the request subject to four (4) conditions.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from

Madison Heights Planning Commission - Minutes
July 15, 2003

Kemp & Sherman, 1000 East Mandoline, Madison Heights, Michigan, for site plan approval and front yard parking & points of access approval for a proposed light industrial building on acreage parcel 01-426-035 subject to the following conditions:

1. Receipt, staff review and approval of a combined driveway / mutual access agreement between the Richelieu and Valenite properties.
2. All water main and hydrants to be located in public easements.
3. Installation of 5' wide concrete sidewalk adjacent to Whitcomb and connecting to required walk in front of proposed Richelieu to the east.
4. Zoning Board of Appeals approval of parking variance for Phase II.

Yeas: Commissioners McFall, Pulice, Swanson, Austin, Higgins, and Chairwoman Russell.

Nays: None

Motion Carried

Chairwoman Russell read a Resolution of Condolence that would be presented to Robert Maten's family.

CONDOLENCE RESOLUTION
July 15, 2003

WHEREAS, it was with profound sorrow that the Planning Commission learned of the passing of Robert Maten, a longtime member of the Planning Commission; and

WHEREAS, Bob's dedicated service to the City as a planning commissioner, including terms as both Chairman and Vice-Chairman, was valued by his fellow commissioners; and

WHEREAS, Bob's distinguished service to the Planning Commission was reflected in his insightful and reasoned efforts to improve the quality of new development in the community;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Heights Planning Commission does hereby express its condolences to Bob's wife Mary and his family and hope that the positive influence he had on the Planning Commission and the City will comfort and console them.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to the family as a token of the Planning Commission's sympathy and as a lasting tribute of respect to Bob.

ADJOURNMENT OF MEETING

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,
To adjourn the meeting.

Yeas: Commissioners Pulice, Swanson, Austin, Higgins, McFall, and Chairwoman Russell.

Madison Heights Planning Commission - Minutes
July 15, 2003

Nays: None

Motion Carried

Meeting Adjourned at 7:48 P.M.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
August 19, 2003**

CALL TO ORDER

Acting Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Pulice, Swanson and Acting Chairman McFall.

Absent: Commissioners Dixon, Kapolka and Chairwoman Russell.

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

To excuse Commissioners Dixon, Kapolka and Chairwoman Russell from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Pulice, Swanson and Acting Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner Higgins,

To approve the minutes of the regular meeting of July 15, 2003 as written.

Yeas: Commissioners Austin, Higgins, Pulice, Swanson and Acting Chairman McFall.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1040 – Site Plan Review – Jared - The Galleria of Jewelry

Request by TCH Development, 29 Grand Mediterra Blvd., Henderson, Nevada, for site plan approval of a proposed commercial building on Lots 1 through 5 and Lots 266 through 271 of John R Clawson Subdivision. The area of request is located at the southeast corner of Barrington and Fourteen Mile Roads.

Madison Heights Planning Commission - Minutes
August 19, 2003

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to one condition.

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

Whereas, a request has been received from TCH Development, 29 Grand Mediterra Blvd., Henderson, Nevada, for site plan approval of a proposed commercial building on Lots 1 through 5 and Lots 266 through 271 of John R Clawson Subdivision , and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending approval of the request subject to one condition.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request from TCH Development, 29 Grand Mediterra Blvd., Henderson, Nevada, for site plan approval of a proposed commercial building on Lots 1 through 5 and Lots 266 through 271 of John R Clawson Subdivision subject to City Council approval of the vacation of the North 10' of the 20' wide public easement that was retained in the vacated alley adjacent to Lots 1 through 5 and the south 10' of said public easement adjacent to Lot 271, all in John R Clawson Subdivision.

Yeas: Commissioners Higgins, Pulice, Swanson, Austin, and Acting Chairman McFall.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Pulice,
Supported by Commissioner Higgins,
To adjourn the meeting.

Yeas: Commissioners Pulice, Swanson, Austin, Higgins, and Acting Chairman McFall

Nays: None

Motion Carried

Meeting Adjourned at 7:36 P.M.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
November 18, 2003

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Pulice, Swanson, Kapolka and Chairwoman Russell.

Absent: Commissioners Dixon, McFall and Fisher.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioners Dixon, McFall and Fisher from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Pulice, Swanson, Kapolka and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

To approve the minutes of the regular meeting of August 18, 2003 as written.

Yeas: Commissioners Austin, Higgins, Pulice, Swanson, Kapolka and Chairwoman Russell.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Preliminary Discussion of Zoning Ordinance Amendments Regarding Garage Sale Signs

Mr. Schafer reviewed the staff report on this agenda item:

Request: *City Council referral of draft garage sale sign zoning amendment to Planning Commission*

Staff Analysis:

1. *On September 22, 2003 City Council referred a draft amendment to the Zoning Ordinance regarding garage sale signs to the Planning Commission.*
2. *The Assistant City Attorney has developed draft language in this regard.*
3. *The specific areas of change in the proposed draft include the following:*
 - a. *Property owner permission required for placement of garage sale signs on neighbor's property.*
 - b. *Allowing one garage sale sign to be placed within public right of way at a street corner in close proximity to the street sign, from 8:00 a.m. Saturday to 8:00 p.m. Sunday.*
 - c. *Defines "Garage or Rummage Sale"*
 - d. *Establishes an enforcement procedure that requires a written notice and request to move, followed by confiscation on second or subsequent violations.*
4. *The City Attorney will review the draft at the meeting.*

Action: *Preliminary review and discussion.*

Mr. Sherman provided an overview of the existing and proposed ordinance language, including that it decriminalized the penalty for non-compliance.

There was extensive discussion by the Planning Commission including:

- Length of time garage sales typically occur and relation to when signs are displayed
- Notification requirements may be added burden to code enforcement
- Signs are often in ROW on weekends now
- Ease of administration should be a focus with any change to the code
- Current system works well, is easy to understand and enforce, and is not an imposition on residents to ask permission to place signs on neighbor's private property.
- Past discussions on ROW signage regarding bus stops was denied by the Planning Commission
- Residents can now post their garage sale signs on the City's web page – additional means of advertising

Mr. Schafer reviewed the Site Plan Review Committee's preliminary review comments:

- Visibility concerns at corners
- Enforcement – Adds a step to the process and requires written notice
- Selective enforcement based on sign content
- Timing of sales – keep 72 hours but with a set removal requirement for Sunday evenings at 8:00 p.m.

Madison Heights Planning Commission - Minutes
November 18, 2003

Motion by Commissioner Higgins
Supported by Commissioner Pulice,

Not to require a written notice of violation.

After discussion the motion was withdrawn

Motion by Commissioner Austin
Seconded by Commissioner Swanson,

To remove any reference within the proposed zoning ordinance amendment to permitting garage sale signs in the right of way.

Substitute Motion by Commissioner Higgins
Supported by Commissioner Kapolka,

Direct the Assistant City Attorney to revise the proposed draft amendment to include that only a verbal notice of violation is required and to incorporate a provision to allow for placement of signs for 72 consecutive hours.

Roll Call Vote

Yeas: Commissioners Higgins, Pulice, Swanson, Kapolka and Chairwoman Russell.

Nays: Austin.

Motion Carried

Motion by Commissioner Austin
Supported by Commissioner Kapolka

To direct the Assistant City Attorney to eliminate the last sentence of the proposed draft amendment in its entirety.

Yeas: Commissioners Austin, Higgins, Pulice, Swanson, Kapolka and Chairwoman Russell.

Nays: None

Motion Carried

Chairwoman Russell closed further discussion on the item.

Mr. Schafer stated that this amendment would be revised by the Assistant City Attorney and would be reviewed again by the Planning Commission at a future meeting prior to scheduling for public hearing.

Madison Heights Planning Commission - Minutes
November 18, 2003

Preliminary Discussion of Zoning Ordinance Standards Regarding Landscaping

Mr. Schafer reviewed the staff report:

Request: *Preliminary discussion of landscaping standards.*

Staff Analysis:

Staff will review the existing Zoning Ordinance landscaping standards and provide an overview of the types of landscaping elements typical of new development and redevelopment. Several sample site plans will be reviewed to highlight the various applications of landscaping and how they relate to other aspects of site development, including screening and storm water management. The intent of this initial discussion is to elicit Planning Commission feedback on creation of development standards that require landscaping during site plan review.

Action: *Preliminary review and discussion.*

The Planning Commission reviewed a slide presentation on various landscaping elements and had a general discussion of the various types of landscaping typically provided and required on new development sites. Staff will develop draft standards for the Planning Commission's consideration at a future meeting.

Election of Vice Chair

Motion by Commissioner Pulice

Seconded by Commissioner Swanson,

To nominate Commissioner Higgins as Vice Chairman.

Yeas: Commissioners Austin, Higgins, Pulice, Swanson, Kapolka and Chairwoman Russell.

Nays: None

Motion Carried

Commissioner Higgins was elected Vice-Chairman by acclamation.

ADJOURNMENT OF MEETING

Motion by Commissioner Pulice,

Supported by Commissioner Higgins,

To adjourn the meeting.

Yeas: Commissioners Austin, Higgins, Pulice, Swanson, Kapolka and Chairwoman Russell.

Nays: None

Motion Carried

Having no further business before the Commission, Chairwoman Russell adjourned the meeting at 8:45 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
February 17, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To excuse Commissioners Dixon and Pulice tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of November 18, 2003 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

Madison Heights Planning Commission - Minutes
February 17, 2004

PLANNING COMMISSION BUSINESS

ZOTXT 03-02 Continued Discussion of Zoning Ordinance Amendment Regarding Garage Sale Signs.

Jeffrey Sherman, Assistant City Attorney, reviewed the proposed draft and recommended the draft ordinance amendment version "C".

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To schedule the required Planning Commission Public Hearing on the proposed ordinance amendment version "C" at the Planning Commission's next regular meeting.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Swanson, Austin, and Chairwoman Russell.
Nays: None

Motion Carried

ZOTXT 03-01 Zoning Ordinance Amendments Regarding Landscaping and Screening, preliminary discussion.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the draft standards. Plans of previous developments within the City were reviewed with discussion of what the draft standards would require on sites that require site plan review.

Open discussion followed.

Mr. Schafer said that the draft standards will go through further review and refinement and will be brought back to the Planning Commission for further discussion following legal and Site Plan Review Committee review.

2003 Planning Commission Annual Report

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To accept and certify the 2003 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Higgins, Kapolka, McFall, Swanson, Austin, Fisher, and Chairwoman Russell.
Nays: None

Motion Carried

Madison Heights Planning Commission - Minutes
February 17, 2004

Election of Officers for 2004

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Marilyn Russell for Chairwoman.
Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To close nominations for Chairman and to elect Marilyn Russell as Chairwoman by acclamation.

Yeas: Commissioners Kapolka, McFall, Swanson, Austin, Fisher, Higgins, and Chairwoman Russell.
Nays: None

Motion Carried

Motion by Commissioner McFall,
Supported by Commissioner Swanson,

To nominate Michael Higgins for Vice-Chairman.

Motion by Commissioner Kapolka,
Supported by Commissioner Swanson,

To close nominations for Vice-Chairman and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners McFall, Swanson, Austin, Fisher, Higgins, Kapolka, and Chairwoman Russell.
Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 8:08 P.M.

Paul G. Bertalan
Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
March 16, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To excuse Commissioners Dixon and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of February 17, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLUBLIC HEARING

Case No. 1042 – Public Hearing - Easement Vacations – Madison Square Partners - North of 13 Mile Road between John R and Edward

Request by Madison Square Partners LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, to vacate the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend approval of the request to City Council.

Chairwoman Russell opened the Public Hearing.

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

Madison Heights Planning Commission - Minutes
March 16, 2004

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

Whereas, a request has been received from Madison Square Partners LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, to vacate the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R., and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the easement vacation, and

Whereas, letters of no objection were received from all applicable utilities, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission recommends approval to City Council for the (i) vacation of the six (6') foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371, of the John R Court Subdivision, as recorded in Liber 36, Page 41 of the Oakland County Records; (ii) vacation of the Twelve (12') foot wide public water main easement, as recorded in Liber 8117, pages 347 and 348, of the Oakland County Records; (iii) SUBJECT to all conditions required by the utilities in their respective review letters; (iv) AND subject to the relocation of the public water main and recording a new easement along the route of the relocated water main, as such easements are no longer necessary for utility purposes in the area.

That the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R. be absolutely vacated and discontinued subject to all conditions required by the utilities in their respective review letters and subject to the relocation of the public water main and recording a new easement along the route of the relocated water main.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Swanson, Austin and Chairwoman Russell.

Nays: None.

Motion carried.

Public Hearing - Case No. ZOTXT 03-02 - Zoning Ordinance Amendment - Garage Sale Signs

Request by the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

Chairwoman Russell opened the Public Hearing.

Madison Heights Planning Commission - Minutes
March 16, 2004

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

Whereas, a request has been received from the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions, and

Whereas, the Assistant City Attorney drafted the requested amendment and recommends approval of the request, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission concurs with the Assistant City Attorney's recommendation and hereby recommends to City Council that the following Ordinance be approved.

ORDINANCE NO. 1032

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES – Appendix A – Zoning Ordinance

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

(8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near

Madison Heights Planning Commission - Minutes
March 16, 2004

such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication;

Section 6.

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Higgins, Kapolka, McFall, Swanson, Austin, Fisher, and Chairwoman Russell.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Swanson,
Supported by Commissioner McFall,
To adjourn the meeting.

Yeas: Commissioners Kapolka, McFall, Swanson, Austin, Fisher, Higgins, and Chairwoman Russell.

Nays: None

Motion Carried

Madison Heights Planning Commission - Minutes
March 16, 2004

Meeting Adjourned at 7:34 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 20, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioner Dixon.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of March 16, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1041 – Site Plan Review - Sam's Club - 31020 John R - Northeast corner of 13 Mile and John R

Request by Atwell - Hicks, Inc., 6303 26 Mile Road, Suite 100, Washington Twp., Michigan, for site plan approval of a proposed commercial building on acreage parcels 01-351-010, 01-351-015, and 01-351-016.

Mr. Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to vacation of necessary public easements.

Commissioner Higgins asked about the design of the Thirteen Mile Road driveways.

Mr. Schafer informed the Planning Commission that the Traffic Safety Committee reviewed the site plan and their

Madison Heights Planning Commission - Minutes
April 20, 2004

requirements have been added to the plan.

Chairwoman Russell asked about the no right turn signs on Irving Avenue.

Mr. Schafer informed the Planning Commission that there would be signage prohibiting right turns for trucks only.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from Atwell - Hicks, Inc., 6303 26 Mile Road, Suite 100, Washington Twp., Michigan, for site plan approval of a proposed commercial building on acreage parcels 01-351-010, 01-351-015, and 01-351-016, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to vacation of necessary public easements.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for a Sam's Club Warehouse with a motor vehicle maintenance service facility and gasoline sales on acreage parcels 01-351-010, 01-351-015, and 01-351-016, subject to vacation of necessary public easements.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.

Nays: None.

Motion carried.

-

Case No. ZOTXT 03-02 - Zoning Ordinance Amendment - Garage Sale Signs - City Council Referral to Planning Commission for Additional Consideration

Jeffrey Sherman, Assistant City Attorney, provided an overview of the proposed changes and explained the penalty provisions.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions, and

Whereas, the Assistant City Attorney drafted the requested amendment and recommended approval of the request, and

Whereas, the Planning Commission held a duly advertised public hearing on March 16, 2004 at which time there were no comments from the audience, and

Whereas, the Planning Commission recommended approval of the proposed amendment, and

Whereas, the City Council held a duly advertised public hearing on the proposed amendment on April 12, 2004, and

Madison Heights Planning Commission - Minutes
April 20, 2004

Whereas, following the public hearing, City Council referred the amendment to the Planning Commission for additional consideration of a penalty for non-compliance, and

Whereas, the Assistant City Attorney drafted proposed penalty provisions for Planning Commission consideration, and

Whereas, the Planning Commission reviewed the proposed penalty provisions at their April 20, 2004 meeting,

Now, therefore, be it resolved, that the Madison Heights Planning Commission concurs with the Assistant City Attorney's recommendation and hereby recommends to City Council that the following Ordinance be approved as revised.

ORDINANCE NO. 1032

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES – Appendix A – Zoning Ordinance

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

- (8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, **and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or where the sale was held. The first ticket shall carry a fine not to exceed \$25.00 for each offending sign. The second ticket shall carry a fine not to exceed \$50.00 for**

Madison Heights Planning Commission - Minutes
April 20, 2004

each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed \$100.00 for each offending sign.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6.

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Nays: None.

Motion Carried

-

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 7:44 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
February 17, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To excuse Commissioners Dixon and Pulice tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of November 18, 2003 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

Madison Heights Planning Commission - Minutes
February 17, 2004

PLANNING COMMISSION BUSINESS

ZOTXT 03-02 Continued Discussion of Zoning Ordinance Amendment Regarding Garage Sale Signs.

Jeffrey Sherman, Assistant City Attorney, reviewed the proposed draft and recommended the draft ordinance amendment version "C".

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To schedule the required Planning Commission Public Hearing on the proposed ordinance amendment version "C" at the Planning Commission's next regular meeting.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Swanson, Austin, and Chairwoman Russell.
Nays: None

Motion Carried

ZOTXT 03-01 Zoning Ordinance Amendments Regarding Landscaping and Screening, preliminary discussion.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the draft standards. Plans of previous developments within the City were reviewed with discussion of what the draft standards would require on sites that require site plan review.

Open discussion followed.

Mr. Schafer said that the draft standards will go through further review and refinement and will be brought back to the Planning Commission for further discussion following legal and Site Plan Review Committee review.

2003 Planning Commission Annual Report

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To accept and certify the 2003 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Higgins, Kapolka, McFall, Swanson, Austin, Fisher, and Chairwoman Russell.
Nays: None

Motion Carried

Madison Heights Planning Commission - Minutes
February 17, 2004

Election of Officers for 2004

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Marilyn Russell for Chairwoman.
Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To close nominations for Chairman and to elect Marilyn Russell as Chairwoman by acclamation.

Yeas: Commissioners Kapolka, McFall, Swanson, Austin, Fisher, Higgins, and Chairwoman Russell.
Nays: None

Motion Carried

Motion by Commissioner McFall,
Supported by Commissioner Swanson,

To nominate Michael Higgins for Vice-Chairman.

Motion by Commissioner Kapolka,
Supported by Commissioner Swanson,

To close nominations for Vice-Chairman and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners McFall, Swanson, Austin, Fisher, Higgins, Kapolka, and Chairwoman Russell.
Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 8:08 P.M.

Paul G. Bertalan
Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
March 16, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To excuse Commissioners Dixon and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of February 17, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLUBLIC HEARING

Case No. 1042 – Public Hearing - Easement Vacations – Madison Square Partners - North of 13 Mile Road between John R and Edward

Request by Madison Square Partners LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, to vacate the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend approval of the request to City Council.

Chairwoman Russell opened the Public Hearing.

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

Madison Heights Planning Commission - Minutes
March 16, 2004

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

Whereas, a request has been received from Madison Square Partners LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, to vacate the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R., and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the easement vacation, and

Whereas, letters of no objection were received from all applicable utilities, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission recommends approval to City Council for the (i) vacation of the six (6') foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371, of the John R Court Subdivision, as recorded in Liber 36, Page 41 of the Oakland County Records; (ii) vacation of the Twelve (12') foot wide public water main easement, as recorded in Liber 8117, pages 347 and 348, of the Oakland County Records; (iii) SUBJECT to all conditions required by the utilities in their respective review letters; (iv) AND subject to the relocation of the public water main and recording a new easement along the route of the relocated water main, as such easements are no longer necessary for utility purposes in the area.

That the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R. be absolutely vacated and discontinued subject to all conditions required by the utilities in their respective review letters and subject to the relocation of the public water main and recording a new easement along the route of the relocated water main.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Swanson, Austin and Chairwoman Russell.

Nays: None.

Motion carried.

Public Hearing - Case No. ZOTXT 03-02 - Zoning Ordinance Amendment - Garage Sale Signs

Request by the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

Chairwoman Russell opened the Public Hearing.

Madison Heights Planning Commission - Minutes
March 16, 2004

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

Whereas, a request has been received from the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions, and

Whereas, the Assistant City Attorney drafted the requested amendment and recommends approval of the request, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission concurs with the Assistant City Attorney's recommendation and hereby recommends to City Council that the following Ordinance be approved.

ORDINANCE NO. 1032

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES – Appendix A – Zoning Ordinance

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

(8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near

Madison Heights Planning Commission - Minutes
March 16, 2004

such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication;

Section 6.

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Higgins, Kapolka, McFall, Swanson, Austin, Fisher, and Chairwoman Russell.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Swanson,
Supported by Commissioner McFall,
To adjourn the meeting.

Yeas: Commissioners Kapolka, McFall, Swanson, Austin, Fisher, Higgins, and Chairwoman Russell.

Nays: None

Motion Carried

Madison Heights Planning Commission - Minutes
March 16, 2004

Meeting Adjourned at 7:34 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 20, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioner Dixon.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of March 16, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1041 – Site Plan Review - Sam's Club - 31020 John R - Northeast corner of 13 Mile and John R

Request by Atwell - Hicks, Inc., 6303 26 Mile Road, Suite 100, Washington Twp., Michigan, for site plan approval of a proposed commercial building on acreage parcels 01-351-010, 01-351-015, and 01-351-016.

Mr. Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to vacation of necessary public easements.

Commissioner Higgins asked about the design of the Thirteen Mile Road driveways.

Mr. Schafer informed the Planning Commission that the Traffic Safety Committee reviewed the site plan and their

Madison Heights Planning Commission - Minutes
April 20, 2004

requirements have been added to the plan.

Chairwoman Russell asked about the no right turn signs on Irving Avenue.

Mr. Schafer informed the Planning Commission that there would be signage prohibiting right turns for trucks only.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from Atwell - Hicks, Inc., 6303 26 Mile Road, Suite 100, Washington Twp., Michigan, for site plan approval of a proposed commercial building on acreage parcels 01-351-010, 01-351-015, and 01-351-016, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to vacation of necessary public easements.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for a Sam's Club Warehouse with a motor vehicle maintenance service facility and gasoline sales on acreage parcels 01-351-010, 01-351-015, and 01-351-016, subject to vacation of necessary public easements.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.

Nays: None.

Motion carried.

-

Case No. ZOTXT 03-02 - Zoning Ordinance Amendment - Garage Sale Signs - City Council Referral to Planning Commission for Additional Consideration

Jeffrey Sherman, Assistant City Attorney, provided an overview of the proposed changes and explained the penalty provisions.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions, and

Whereas, the Assistant City Attorney drafted the requested amendment and recommended approval of the request, and

Whereas, the Planning Commission held a duly advertised public hearing on March 16, 2004 at which time there were no comments from the audience, and

Whereas, the Planning Commission recommended approval of the proposed amendment, and

Whereas, the City Council held a duly advertised public hearing on the proposed amendment on April 12, 2004, and

Madison Heights Planning Commission - Minutes
April 20, 2004

Whereas, following the public hearing, City Council referred the amendment to the Planning Commission for additional consideration of a penalty for non-compliance, and

Whereas, the Assistant City Attorney drafted proposed penalty provisions for Planning Commission consideration, and

Whereas, the Planning Commission reviewed the proposed penalty provisions at their April 20, 2004 meeting,

Now, therefore, be it resolved, that the Madison Heights Planning Commission concurs with the Assistant City Attorney's recommendation and hereby recommends to City Council that the following Ordinance be approved as revised.

ORDINANCE NO. 1032

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES – Appendix A – Zoning Ordinance

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

- (8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, **and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or where the sale was held. The first ticket shall carry a fine not to exceed \$25.00 for each offending sign. The second ticket shall carry a fine not to exceed \$50.00 for**

Madison Heights Planning Commission - Minutes
April 20, 2004

each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed \$100.00 for each offending sign.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6.

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Nays: None.

Motion Carried

-

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 7:44 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
June 15, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Austin,

To approve the minutes of the regular meeting of April 20, 2004 as written.

Yeas: Commissioners Austin, Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1043 – Land Banked Parking Spaces Approval - Kar Nuts - 1200 E. Fourteen Mile Road

Request by Kemp Building & Development Co., 275 W. Girard, Madison Heights, Michigan, for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road, on lots 143 through 149 of Leho Industrial Acres Subdivision No. 6.

Mr. Schafer read a communication from the Community Development Department giving staff's analysis of the request and recommending Planning Commission approval.

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

Whereas, a request has been received from Kemp Building & Development Co., 275 W. Girard, Madison Heights, Michigan, for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road, on lots 143 through 149 of Leho Industrial Acres Subdivision No. 6, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road.

Yeas: Commissioners Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.
Nays: None.

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting at 7:35 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
February 17, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To excuse Commissioners Dixon and Pulice tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of November 18, 2003 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

Madison Heights Planning Commission - Minutes
February 17, 2004

PLANNING COMMISSION BUSINESS

ZOTXT 03-02 Continued Discussion of Zoning Ordinance Amendment Regarding Garage Sale Signs.

Jeffrey Sherman, Assistant City Attorney, reviewed the proposed draft and recommended the draft ordinance amendment version "C".

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To schedule the required Planning Commission Public Hearing on the proposed ordinance amendment version "C" at the Planning Commission's next regular meeting.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Swanson, Austin, and Chairwoman Russell.
Nays: None

Motion Carried

ZOTXT 03-01 Zoning Ordinance Amendments Regarding Landscaping and Screening, preliminary discussion.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the draft standards. Plans of previous developments within the City were reviewed with discussion of what the draft standards would require on sites that require site plan review.

Open discussion followed.

Mr. Schafer said that the draft standards will go through further review and refinement and will be brought back to the Planning Commission for further discussion following legal and Site Plan Review Committee review.

2003 Planning Commission Annual Report

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To accept and certify the 2003 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Higgins, Kapolka, McFall, Swanson, Austin, Fisher, and Chairwoman Russell.
Nays: None

Motion Carried

Madison Heights Planning Commission - Minutes
February 17, 2004

Election of Officers for 2004

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Marilyn Russell for Chairwoman.
Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To close nominations for Chairman and to elect Marilyn Russell as Chairwoman by acclamation.

Yeas: Commissioners Kapolka, McFall, Swanson, Austin, Fisher, Higgins, and Chairwoman Russell.
Nays: None

Motion Carried

Motion by Commissioner McFall,
Supported by Commissioner Swanson,

To nominate Michael Higgins for Vice-Chairman.

Motion by Commissioner Kapolka,
Supported by Commissioner Swanson,

To close nominations for Vice-Chairman and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners McFall, Swanson, Austin, Fisher, Higgins, Kapolka, and Chairwoman Russell.
Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 8:08 P.M.

Paul G. Bertalan
Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
March 16, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To excuse Commissioners Dixon and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of February 17, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLUBLIC HEARING

Case No. 1042 – Public Hearing - Easement Vacations – Madison Square Partners - North of 13 Mile Road between John R and Edward

Request by Madison Square Partners LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, to vacate the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend approval of the request to City Council.

Chairwoman Russell opened the Public Hearing.

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

Madison Heights Planning Commission - Minutes
March 16, 2004

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

Whereas, a request has been received from Madison Square Partners LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, to vacate the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R., and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the easement vacation, and

Whereas, letters of no objection were received from all applicable utilities, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission recommends approval to City Council for the (i) vacation of the six (6') foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371, of the John R Court Subdivision, as recorded in Liber 36, Page 41 of the Oakland County Records; (ii) vacation of the Twelve (12') foot wide public water main easement, as recorded in Liber 8117, pages 347 and 348, of the Oakland County Records; (iii) SUBJECT to all conditions required by the utilities in their respective review letters; (iv) AND subject to the relocation of the public water main and recording a new easement along the route of the relocated water main, as such easements are no longer necessary for utility purposes in the area.

That the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R. be absolutely vacated and discontinued subject to all conditions required by the utilities in their respective review letters and subject to the relocation of the public water main and recording a new easement along the route of the relocated water main.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Swanson, Austin and Chairwoman Russell.

Nays: None.

Motion carried.

Public Hearing - Case No. ZOTXT 03-02 - Zoning Ordinance Amendment - Garage Sale Signs

Request by the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

Chairwoman Russell opened the Public Hearing.

Madison Heights Planning Commission - Minutes
March 16, 2004

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

Whereas, a request has been received from the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions, and

Whereas, the Assistant City Attorney drafted the requested amendment and recommends approval of the request, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission concurs with the Assistant City Attorney's recommendation and hereby recommends to City Council that the following Ordinance be approved.

ORDINANCE NO. 1032

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES – Appendix A – Zoning Ordinance

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

(8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near

Madison Heights Planning Commission - Minutes
March 16, 2004

such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication;

Section 6.

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Higgins, Kapolka, McFall, Swanson, Austin, Fisher, and Chairwoman Russell.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Swanson,
Supported by Commissioner McFall,
To adjourn the meeting.

Yeas: Commissioners Kapolka, McFall, Swanson, Austin, Fisher, Higgins, and Chairwoman Russell.

Nays: None

Motion Carried

Madison Heights Planning Commission - Minutes
March 16, 2004

Meeting Adjourned at 7:34 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 20, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioner Dixon.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of March 16, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1041 – Site Plan Review - Sam's Club - 31020 John R - Northeast corner of 13 Mile and John R

Request by Atwell - Hicks, Inc., 6303 26 Mile Road, Suite 100, Washington Twp., Michigan, for site plan approval of a proposed commercial building on acreage parcels 01-351-010, 01-351-015, and 01-351-016.

Mr. Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to vacation of necessary public easements.

Commissioner Higgins asked about the design of the Thirteen Mile Road driveways.

Mr. Schafer informed the Planning Commission that the Traffic Safety Committee reviewed the site plan and their

Madison Heights Planning Commission - Minutes
April 20, 2004

requirements have been added to the plan.

Chairwoman Russell asked about the no right turn signs on Irving Avenue.

Mr. Schafer informed the Planning Commission that there would be signage prohibiting right turns for trucks only.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from Atwell - Hicks, Inc., 6303 26 Mile Road, Suite 100, Washington Twp., Michigan, for site plan approval of a proposed commercial building on acreage parcels 01-351-010, 01-351-015, and 01-351-016, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to vacation of necessary public easements.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for a Sam's Club Warehouse with a motor vehicle maintenance service facility and gasoline sales on acreage parcels 01-351-010, 01-351-015, and 01-351-016, subject to vacation of necessary public easements.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.

Nays: None.

Motion carried.

-

Case No. ZOTXT 03-02 - Zoning Ordinance Amendment - Garage Sale Signs - City Council Referral to Planning Commission for Additional Consideration

Jeffrey Sherman, Assistant City Attorney, provided an overview of the proposed changes and explained the penalty provisions.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions, and

Whereas, the Assistant City Attorney drafted the requested amendment and recommended approval of the request, and

Whereas, the Planning Commission held a duly advertised public hearing on March 16, 2004 at which time there were no comments from the audience, and

Whereas, the Planning Commission recommended approval of the proposed amendment, and

Whereas, the City Council held a duly advertised public hearing on the proposed amendment on April 12, 2004, and

Madison Heights Planning Commission - Minutes
April 20, 2004

Whereas, following the public hearing, City Council referred the amendment to the Planning Commission for additional consideration of a penalty for non-compliance, and

Whereas, the Assistant City Attorney drafted proposed penalty provisions for Planning Commission consideration, and

Whereas, the Planning Commission reviewed the proposed penalty provisions at their April 20, 2004 meeting,

Now, therefore, be it resolved, that the Madison Heights Planning Commission concurs with the Assistant City Attorney's recommendation and hereby recommends to City Council that the following Ordinance be approved as revised.

ORDINANCE NO. 1032

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES – Appendix A – Zoning Ordinance

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

- (8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, **and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or where the sale was held. The first ticket shall carry a fine not to exceed \$25.00 for each offending sign. The second ticket shall carry a fine not to exceed \$50.00 for**

Madison Heights Planning Commission - Minutes
April 20, 2004

each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed \$100.00 for each offending sign.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6.

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Nays: None.

Motion Carried

-

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 7:44 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
June 15, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Austin,

To approve the minutes of the regular meeting of April 20, 2004 as written.

Yeas: Commissioners Austin, Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1043 – Land Banked Parking Spaces Approval - Kar Nuts - 1200 E. Fourteen Mile Road

Request by Kemp Building & Development Co., 275 W. Girard, Madison Heights, Michigan, for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road, on lots 143 through 149 of Leho Industrial Acres Subdivision No. 6.

Mr. Schafer read a communication from the Community Development Department giving staff's analysis of the request and recommending Planning Commission approval.

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

Whereas, a request has been received from Kemp Building & Development Co., 275 W. Girard, Madison Heights, Michigan, for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road, on lots 143 through 149 of Leho Industrial Acres Subdivision No. 6, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road.

Yeas: Commissioners Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.
Nays: None.

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting at 7:35 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
August 17, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioner Dixon.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of June 15, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1041 – Site Plan Review - Big Boy Restaurant - 30460 John R - Northeast corner of John R and Woodside

Request by Darany Management Company, P.O. Box 2314, Birmingham, Michigan, for site plan approval of two proposed commercial buildings on Lots 336 through 369 of Northeastern Highway Subdivision No. 1. The area of request is located at the northeast corner of John R road and Woodside Avenue.

Mr. Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to Zoning Board of Appeals approval of a waiver of the 1,500' separation requirement.

Madison Heights Planning Commission - Minutes
August 17, 2004

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Darany Management Company, P.O. Box 2314, Birmingham, Michigan, for site plan approval of two proposed commercial buildings on Lots 336 through 369 of Northeastern Highway Subdivision No. 1 , and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to one condition.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for two proposed commercial buildings on Lots 336 through 369 of Northeastern Highway Subdivision No. 1 subject to Zoning Board of Appeals approval of a waiver of the 1,500' separation requirement.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.
Nays: None.

Motion carried.

-

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 7:33 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
February 15, 2005**

CALL TO ORDER

Acting Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.

Absent: Commissioners Dixon, Higgins, Pulice and Chairwoman Russell.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To excuse Commissioners Dixon, Higgins, Pulice and Chairwoman Russell from tonight's meeting.

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Kapolka,
Supported by Commissioner Austin,

To approve the minutes of the regular meeting of August 17, 2004 with the correction of "John r" in the first paragraph under Planning Commission Business to read: "John R".

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

2004 Planning Commission Annual Report

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To accept and certify the 2004 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.

Nays: None

Madison Heights Planning Commission - Minutes
February 15, 2005

Motion Carried
Election of Officers for 2005

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Frank McFall for Chairman and to close nominations for Chairman and elect Frank McFall as Chairman by acclamation.

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.
Nays: None

Motion Carried

Motion by Commissioner Kapolka,
Supported by Commissioner Swanson,

To nominate Michael Higgins for Vice-Chairman and to close nominations for Vice-Chairman and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.
Nays: None

Motion Carried

MMRMA Zoning Training Video

The Planning Commission viewed a new zoning training video produced by the Michigan Municipal Risk Management Authority.

ALL ELSE

The Planning Commission welcomed new Planning Commissioner Rachubinski.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 8:15 P.M.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
February 17, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To excuse Commissioners Dixon and Pulice tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of November 18, 2003 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

Madison Heights Planning Commission - Minutes
February 17, 2004

PLANNING COMMISSION BUSINESS

ZOTXT 03-02 Continued Discussion of Zoning Ordinance Amendment Regarding Garage Sale Signs.

Jeffrey Sherman, Assistant City Attorney, reviewed the proposed draft and recommended the draft ordinance amendment version "C".

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To schedule the required Planning Commission Public Hearing on the proposed ordinance amendment version "C" at the Planning Commission's next regular meeting.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Swanson, Austin, and Chairwoman Russell.
Nays: None

Motion Carried

ZOTXT 03-01 Zoning Ordinance Amendments Regarding Landscaping and Screening, preliminary discussion.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the draft standards. Plans of previous developments within the City were reviewed with discussion of what the draft standards would require on sites that require site plan review.

Open discussion followed.

Mr. Schafer said that the draft standards will go through further review and refinement and will be brought back to the Planning Commission for further discussion following legal and Site Plan Review Committee review.

2003 Planning Commission Annual Report

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To accept and certify the 2003 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Higgins, Kapolka, McFall, Swanson, Austin, Fisher, and Chairwoman Russell.
Nays: None

Motion Carried

Madison Heights Planning Commission - Minutes
February 17, 2004

Election of Officers for 2004

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Marilyn Russell for Chairwoman.
Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To close nominations for Chairman and to elect Marilyn Russell as Chairwoman by acclamation.

Yeas: Commissioners Kapolka, McFall, Swanson, Austin, Fisher, Higgins, and Chairwoman Russell.
Nays: None

Motion Carried

Motion by Commissioner McFall,
Supported by Commissioner Swanson,

To nominate Michael Higgins for Vice-Chairman.

Motion by Commissioner Kapolka,
Supported by Commissioner Swanson,

To close nominations for Vice-Chairman and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners McFall, Swanson, Austin, Fisher, Higgins, Kapolka, and Chairwoman Russell.
Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 8:08 P.M.

Paul G. Bertalan
Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
March 16, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

To excuse Commissioners Dixon and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of February 17, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLUBLIC HEARING

Case No. 1042 – Public Hearing - Easement Vacations – Madison Square Partners - North of 13 Mile Road between John R and Edward

Request by Madison Square Partners LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, to vacate the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R.

Jim Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission recommend approval of the request to City Council.

Chairwoman Russell opened the Public Hearing.

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

Madison Heights Planning Commission - Minutes
March 16, 2004

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

Whereas, a request has been received from Madison Square Partners LLC, 74 East Long Lake Road, Bloomfield Hills, Michigan, to vacate the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and to vacate the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R., and

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the easement vacation, and

Whereas, letters of no objection were received from all applicable utilities, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission recommends approval to City Council for the (i) vacation of the six (6') foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371, of the John R Court Subdivision, as recorded in Liber 36, Page 41 of the Oakland County Records; (ii) vacation of the Twelve (12') foot wide public water main easement, as recorded in Liber 8117, pages 347 and 348, of the Oakland County Records; (iii) SUBJECT to all conditions required by the utilities in their respective review letters; (iv) AND subject to the relocation of the public water main and recording a new easement along the route of the relocated water main, as such easements are no longer necessary for utility purposes in the area.

That the 6 foot wide public easement over the rear of Lots 349 through 353 and Lots 367 through 371 of John R Court Subdivision and the 12 foot wide water main easement as recorded in Liber 8117, pages 347 & 348 O.C.R. be absolutely vacated and discontinued subject to all conditions required by the utilities in their respective review letters and subject to the relocation of the public water main and recording a new easement along the route of the relocated water main.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Swanson, Austin and Chairwoman Russell.

Nays: None.

Motion carried.

Public Hearing - Case No. ZOTXT 03-02 - Zoning Ordinance Amendment - Garage Sale Signs

Request by the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

Chairwoman Russell opened the Public Hearing.

Madison Heights Planning Commission - Minutes
March 16, 2004

Hearing no comments from the audience, Chairwoman Russell closed the Public Hearing.

Motion by Commissioner Higgins,
Supported by Commissioner McFall,

Whereas, a request has been received from the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions, and

Whereas, the Assistant City Attorney drafted the requested amendment and recommends approval of the request, and

Whereas, the Planning Commission held a duly advertised public hearing at which time there were no comments from the audience,

Now, therefore, be it resolved, that the Madison Heights Planning Commission concurs with the Assistant City Attorney's recommendation and hereby recommends to City Council that the following Ordinance be approved.

ORDINANCE NO. 1032

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES – Appendix A – Zoning Ordinance

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

(8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near

Madison Heights Planning Commission - Minutes
March 16, 2004

such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication;

Section 6.

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Higgins, Kapolka, McFall, Swanson, Austin, Fisher, and Chairwoman Russell.

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Motion by Commissioner Swanson,
Supported by Commissioner McFall,
To adjourn the meeting.

Yeas: Commissioners Kapolka, McFall, Swanson, Austin, Fisher, Higgins, and Chairwoman Russell.

Nays: None

Motion Carried

Madison Heights Planning Commission - Minutes
March 16, 2004

Meeting Adjourned at 7:34 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
April 20, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioner Dixon.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of March 16, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1041 – Site Plan Review - Sam's Club - 31020 John R - Northeast corner of 13 Mile and John R

Request by Atwell - Hicks, Inc., 6303 26 Mile Road, Suite 100, Washington Twp., Michigan, for site plan approval of a proposed commercial building on acreage parcels 01-351-010, 01-351-015, and 01-351-016.

Mr. Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to vacation of necessary public easements.

Commissioner Higgins asked about the design of the Thirteen Mile Road driveways.

Mr. Schafer informed the Planning Commission that the Traffic Safety Committee reviewed the site plan and their

Madison Heights Planning Commission - Minutes
April 20, 2004

requirements have been added to the plan.

Chairwoman Russell asked about the no right turn signs on Irving Avenue.

Mr. Schafer informed the Planning Commission that there would be signage prohibiting right turns for trucks only.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from Atwell - Hicks, Inc., 6303 26 Mile Road, Suite 100, Washington Twp., Michigan, for site plan approval of a proposed commercial building on acreage parcels 01-351-010, 01-351-015, and 01-351-016, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to vacation of necessary public easements.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for a Sam's Club Warehouse with a motor vehicle maintenance service facility and gasoline sales on acreage parcels 01-351-010, 01-351-015, and 01-351-016, subject to vacation of necessary public easements.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.

Nays: None.

Motion carried.

-

Case No. ZOTXT 03-02 - Zoning Ordinance Amendment - Garage Sale Signs - City Council Referral to Planning Commission for Additional Consideration

Jeffrey Sherman, Assistant City Attorney, provided an overview of the proposed changes and explained the penalty provisions.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Madison Heights City Council to amend Section 10.511(1)(C)(8) of the Zoning Ordinance to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions, and

Whereas, the Assistant City Attorney drafted the requested amendment and recommended approval of the request, and

Whereas, the Planning Commission held a duly advertised public hearing on March 16, 2004 at which time there were no comments from the audience, and

Whereas, the Planning Commission recommended approval of the proposed amendment, and

Whereas, the City Council held a duly advertised public hearing on the proposed amendment on April 12, 2004, and

Madison Heights Planning Commission - Minutes
April 20, 2004

Whereas, following the public hearing, City Council referred the amendment to the Planning Commission for additional consideration of a penalty for non-compliance, and

Whereas, the Assistant City Attorney drafted proposed penalty provisions for Planning Commission consideration, and

Whereas, the Planning Commission reviewed the proposed penalty provisions at their April 20, 2004 meeting,

Now, therefore, be it resolved, that the Madison Heights Planning Commission concurs with the Assistant City Attorney's recommendation and hereby recommends to City Council that the following Ordinance be approved as revised.

ORDINANCE NO. 1032

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES – Appendix A – Zoning Ordinance

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Appendix A, entitled "Zoning Ordinance," being specifically Article XI, Section 10.511(I)(C)(8), to permit the display of garage or rummage sale signs on private property and in the public right-of-way subject to certain restrictions.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Appendix A, entitled "Zoning Ordinance," Section 10.511(I)(C)(8) of the Code of Ordinances is hereby amended to state as follows:

- (8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, **and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or where the sale was held. The first ticket shall carry a fine not to exceed \$25.00 for each offending sign. The second ticket shall carry a fine not to exceed \$50.00 for**

Madison Heights Planning Commission - Minutes
April 20, 2004

each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed \$100.00 for each offending sign.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

Section 5.

This Ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6.

A copy of this Ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m. on regular business days.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Nays: None.

Motion Carried

-

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 7:44 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
June 15, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Austin,

To approve the minutes of the regular meeting of April 20, 2004 as written.

Yeas: Commissioners Austin, Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.
Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1043 – Land Banked Parking Spaces Approval - Kar Nuts - 1200 E. Fourteen Mile Road

Request by Kemp Building & Development Co., 275 W. Girard, Madison Heights, Michigan, for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road, on lots 143 through 149 of Leho Industrial Acres Subdivision No. 6.

Mr. Schafer read a communication from the Community Development Department giving staff's analysis of the request and recommending Planning Commission approval.

Motion by Commissioner Swanson,
Supported by Commissioner McFall,

Whereas, a request has been received from Kemp Building & Development Co., 275 W. Girard, Madison Heights, Michigan, for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road, on lots 143 through 149 of Leho Industrial Acres Subdivision No. 6, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request for Land Banked Parking Spaces Approval for an existing light industrial building at 1200 E. Fourteen Mile Road.

Yeas: Commissioners Dixon, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.
Nays: None.

Motion carried.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting at 7:35 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
August 17, 2004**

CALL TO ORDER

Chairwoman Russell called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Absent: Commissioner Dixon.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner McFall,

To approve the minutes of the regular meeting of June 15, 2004 as written.

Yeas: Commissioners Austin, Fisher, Higgins, Kapolka, McFall, Pulice, Swanson and Chairwoman Russell.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1044 – Site Plan Review - Big Boy Restaurant - 30460 John R - Northeast corner of John R and Woodside

Request by Darany Management Company, P.O. Box 2314, Birmingham, Michigan, for site plan approval of two proposed commercial buildings on Lots 336 through 369 of Northeastern Highway Subdivision No. 1. The area of request is located at the northeast corner of John R road and Woodside Avenue.

Mr. Schafer read a communication from the Community Development Department giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to Zoning Board of Appeals approval of a waiver of the 1,500' separation requirement.

Madison Heights Planning Commission - Minutes
August 17, 2004

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from the Darany Management Company, P.O. Box 2314, Birmingham, Michigan, for site plan approval of two proposed commercial buildings on Lots 336 through 369 of Northeastern Highway Subdivision No. 1 , and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request subject to one condition.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for two proposed commercial buildings on Lots 336 through 369 of Northeastern Highway Subdivision No. 1 subject to Zoning Board of Appeals approval of a waiver of the 1,500' separation requirement.

Yeas: Commissioners Fisher, Higgins, Kapolka, McFall, Pulice, Swanson, Austin, and Chairwoman Russell.
Nays: None.

Motion carried.

-

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairwoman Russell adjourned the meeting.

Meeting Adjourned at 7:33 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING
February 15, 2005**

CALL TO ORDER

Acting Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.

Absent: Commissioners Dixon, Higgins, Pulice and Chairwoman Russell.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To excuse Commissioners Dixon, Higgins, Pulice and Chairwoman Russell from tonight's meeting.

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Kapolka,
Supported by Commissioner Austin,

To approve the minutes of the regular meeting of August 17, 2004 with the correction of "John r" in the first paragraph under Planning Commission Business to read: "John R".

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

2004 Planning Commission Annual Report

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To accept and certify the 2004 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.

Nays: None

Madison Heights Planning Commission - Minutes
February 15, 2005

Motion Carried
Election of Officers for 2005

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Frank McFall for Chairman and to close nominations for Chairman and elect Frank McFall as Chairman by acclamation.

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.
Nays: None

Motion Carried

Motion by Commissioner Kapolka,
Supported by Commissioner Swanson,

To nominate Michael Higgins for Vice-Chairman and to close nominations for Vice-Chairman and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners Austin, Kapolka, McFall, Rachubinski, and Swanson.
Nays: None

Motion Carried

MMRMA Zoning Training Video

The Planning Commission viewed a new zoning training video produced by the Michigan Municipal Risk Management Authority.

ALL ELSE

The Planning Commission welcomed new Planning Commissioner Rachubinski.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 8:15 P.M.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING - April 19, 2005**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Higgins, Kapolka, Pulice, Rachubinski, Russell, Swanson and Chairman McFall.

Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

To approve the minutes of the regular meeting of February 15, 2005 as written.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Pulice, Rachubinski, Russell, Swanson and Chairman McFall.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

Case No. 1047 – Site Plan No. 04-12 - 660 W. 12 Mile Road - Home Depot Garden Center Expansion

Request by Home Depot, 1400 West Dundee Road, Arlington Hts., Illinois, for site plan approval of a proposed addition to the garden center at 660 West Twelve Mile Road (25-11-451-008). The area of request is located on the north side of Twelve Mile Road east of I-75 (Chrysler Expressway).

Mr. Schafer read a communication from the Community Development Department giving the staff's analysis of the request and the Site Plan Review Committee's recommendation that the Planning Commission approve the request.

Motion by Commissioner Higgins,
Supported by Commissioner Pulice,

Whereas, a request has been received from Home Depot, 1400 West Dundee Road, Arlington Hts., Illinois, for site plan approval of a proposed addition to the garden center at 660 West Twelve Mile Road (25-11-451-008), and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for Home Depot, 1400 West Dundee Road, Arlington Hts., Illinois, for site plan approval of a proposed addition to the garden center at 660 West Twelve Mile Road (25-11-451-008).

Yeas: Commissioners Dixon, Higgins, Kapolka, Pulice, Rachubinski, Russell, Swanson, Austin and Chairman McFall.

Nays: None.

Motion carried.

Madison Heights Planning Commission - Minutes
April 19, 2005

Commissioner Rachubinski asked about the status of the proposed Lowes development on Twelve Mile Road and whether the Planning Commission would review it.

Mr. Schafer informed the Planning Commission that a Special Approval application is under review for consideration by City Council. The proposal is for a Lowe's store and two outlots. If granted special approval as proposed, Planning Commission site plan review would be required.

Commissioner Russell inquired as to the size of the proposed outlots and whether any tenants have been named for the outlots. Mr. Schafer informed the Planning Commission that the first submittal showed 1.5 and 1.9 acres and no tenants for the outlots have been identified.

Commissioner Rachubinski stated she had concerns regarding traffic and crime and inquired as to when she should express those concerns.

Commissioner Austin stated that this issue came up during the Meijer lawsuit and the judge noted concern regarding planning board members commenting at City Council meetings on items that would be before their board for later review. Commissioner Austin recommended that the City Attorney be consulted prior to making any comments at City Council meetings.

Commissioner Russell noted her understanding that this applied to ZBA members as well.

Assistant City Attorney Grochowski agreed with Commissioner Austin's comments and noted that there was a recent case regarding this issue. Mr. Grochowski stated he would provide a legal opinion in this regard.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting.

Meeting Adjourned at 7:40 P.M.

Paul G. Bertalan
Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 17, 2005**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Higgins, Pulice, Rachubinski, Russell, Swanson and Chairman McFall.

Absent: Kapolka.

MEMBERS EXCUSED

Motion by Commissioner Pulice,
Supported by Commissioner Higgins,

To excuse Commissioner Kapolka from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Higgins, Pulice, Rachubinski, Russell, Swanson and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Dixon,

To approve the minutes of the regular meeting of April 19, 2005 as written.

Yeas: Commissioners Austin, Dixon, Higgins, Pulice, Rachubinski, Russell, Swanson and Chairman McFall.

Nays: None.

Motion Carried

PLANNING COMMISSION BUSINESS

1. Case No. 1049 - Site Plan No. 04-15 – 30550 Stephenson Highway – COSTCO – Front Yard Parking Plan

Request by Costco Wholesale, 999 Lake Drive, Issaquah, Washington, for site plan approval of front yard parking at 30550 Stephenson Highway (25-11-127-012). The area of request is located on Stephenson Highway south of Thirteen Mile Road west of I-75 (Chrysler Expressway).

Commissioner Austin read a communication from the Community Development Department giving the staff's analysis of the request and the Site Plan Review Committee's recommendation that the Planning Commission approve the request.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 17, 2005**

Commissioner Rachubinski asked about the additional parking being proposed.

Richard Laurin, of 1168 Shetland Drive in South Lyon, General Manager of the Madison Heights Costco, was present to answer questions and present the site plan to the Commission. He stated that the expansion plans will be increasing the parking spaces for the site (619 to 657 parking spaces), which will be more than the City's parking requirements.

Commissioner Russell inquired as to which departments were being moved within the building as part of the expansion plans. She was pleased to see the business expanding in our community.

Commissioner Rachubinski asked if any additional facilities were to be brought into the building.

Mr. Laurin stated that this is an expansion of their current operations, and they will not be adding any new facilities or services. This expansion will provide Costco with elbow room in the building, which is currently smaller than their typical stores.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from Costco Wholesale, 999 Lake Drive, Issaquah, Washington, for site plan approval of front yard parking at 30550 Stephenson Highway (25-11-127-012), and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and recommending that the Planning Commission approve the request.

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for Costco Wholesale, 999 Lake Drive, Issaquah, Washington, for site plan approval of front yard parking at 30550 Stephenson Highway (25-11-127-012).

Yeas: Commissioners Dixon, Higgins, Pulice, Rachubinski, Russell, Swanson, Austin and Chairman McFall.
Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting.

Meeting Adjourned at 7:41 p.m.

Joyce Seitz
Acting Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2005**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell and Chairman McFall.
Absent: Commissioners Dixon, Swanson

MEMBERS EXCUSED

Motion by Commissioner Austin,
Supported by Commissioner Russell,

To excuse Commissioners Dixon and Swanson from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Commissioner Bennett requested a change to page two of the June 21, 2005 Meeting Minutes. Under Case No. 1050 it should read "Commissioner Bennett expressed concern about the safety of the residents due to the layout of the roads for the project with only one way in and out."

Motion by Commissioner Higgins,
Supported by Commissioner Russell,

To approve the minutes of the regular meeting of June 21, 2005, as corrected.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell and Chairman McFall.
Nays: None.

Motion Carried

Case No. 1051 – Rezoning – 210 W. Lincoln

Request by Vito Mitchell Homes, 6585 Rochester Road, Suite 106, Troy, MI 48084 to rezone lots 975 through 984 inclusive of the Stephenson SuperHighway Subdivision No. 2 and the south ½ of the vacated alley adjacent to said lots from B-3, General Business to R-3, One Family Residential. The area of the request is located on the north side of Lincoln Avenue between Alger and Brush.

Community Development Director Schafer read a communication from the Community Development Department giving the staff's analysis of the request and the Site Plan Review Committee's recommendation that the Planning Commission approve the request.

Chairman McFall opened the Public Hearing.

Bill Mosher of Apex Engineering Group was present to represent the developer and he talked about the proposed plans. He stated that the single-family homes would be approximately 2,000 square feet, 3 & 4 bedrooms, with two-car attached garages, and priced at about \$220,000.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2005**

Commissioner Bennett asked if the residents surrounding that area were notified of this meeting. Community Development Director Schafer stated that this is a rezoning request, so all property owners within 500 feet of the subject property were notified.

Commissioner Bennett expressed concern about the proposed size and prices of the homes to be built. She felt that in looking at the existing homes in that particular area, the proposed homes do not fit with that residential area.

Mr. Mosher stated that the developer put up a sign to market the project and they received approximately 30-40 inquiries to purchase the four lots. He said that it appears like there is a demand.

Commissioner Austin indicated that this is a rezoning request only. The Planning Commission is not approving the value or design of these homes, only that they would be single-family homes.

Community Development Director Schafer stated that the submitted plan is conceptual, and not for approval.

Commissioner Austin stated that the City appreciates efforts to develop single-family residential, as this is something the City very much desires. The City supports the idea of building above the market; it is a great driver of values in the neighborhoods and has been done throughout the City. Every subdivision that has been developed during the past fifteen years has been put in above the values of the surrounding area and they have sold quickly. Commissioner Austin stated that he looks forward to and supports this project.

Chairman McFall closed the Public Hearing.

Motion by Commissioner Russell,
Supported by Commissioner Pulice,

Whereas, a request has been received from Vito Mitchell Homes, 6585 Rochester Road, Suite 106, Troy, MI 48084 to rezone lots 975 through 984 inclusive of the Stephenson Superhighway Subdivision No. 2 and the south ½ of the vacated alley adjacent to said lots from B-3, General Business to R-3, One Family Residential, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and the Site Plan Review Committee's recommendation that the Planning Commission approve the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time there were no questions from the audience and the applicant's representative spoke in favor of the request,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the following described property be rezoned from B-3, General Business to R-3, One Family Residential in that such action is consistent with adjacent single-family residential land uses, and is more consistent with the Master Plan than the existing commercial zoning.

That lots 975 through 984 inclusive of the Stephenson Superhighway Subdivision No. 2 and the south ½ of the vacated alley adjacent to said lots be rezoned from B-3, General Business to R-3, One Family Residential,

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell and Chairman McFall.
Nays: None

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:40 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 20, 2005**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Higgins, Kapolka, Pulice, Russell and Chairman McFall.
Absent: Commissioners Bennett, Swanson.

MEMBERS EXCUSED

Motion by Commissioner Russell,
Supported by Commissioner Pulice,

To excuse Commissioners Bennett and Swanson from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Pulice, Russell and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Kapolka,

To approve the minutes of the regular meeting of August 16, 2005, as presented.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Pulice, Russell and Chairman McFall.
Nays: None.

Motion Carried

Case No. 1052 – Rezoning – 28411 Dequindre

Request by Jeff Chehab through James Carnago, Attorney, 850 West University Drive, Rochester, MI 48073 to rezone Outlot B of Steven Heights Subdivision from O-1, Office to B-1, Local Business. The area of the request is located at 28411 Dequindre on the west side of Dequindre between Nottingham and Jenifer.

Community Development Director Schafer read a communication from the Community Development Department giving the staff's analysis of the request, background of previous actions pertaining to this property, and the Site Plan Review Committee's recommendation that the Planning Commission recommend denial of the request.

Chairman McFall opened the Public Hearing.

James Carnago, Attorney, was present to speak for the applicant and he discussed the current building and its need to be updated. He stated that his client had renovated the existing building, which had been derelict and empty for years. The current building does not have aesthetic value and needs to be updated further. This is why his client's plan is to put in a new five-unit commercial center. Mr. Carnago discussed the commercial uses currently to the north and east of this property and that there is no impact due to this rezoning. The proposed uses would be small retail stores. His client would like to remove the current building and build something more appropriate for the location. Mr. Carnago also stated that there is a wall and green belt to the rear of the property so there would be no impact on the neighbors. He said that one of the drives for the property could be eliminated, thus improving traffic flow to and from the site.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 20, 2005

They are so close to a change in the zoning to commercial, that he does not see any impact on the neighbors. There is a wall to the rear, there is sufficient parking planned, and since the Sixma School is no longer there, there is no impact on younger students. The infrastructure for the proposed development is also there. Due to the location, proximity to commercial zoning, lack of impact on the neighbors, types of businesses that would be there, and the infrastructure that is already there, plus the fact that this would be a minute change to our Master Plan, Mr. Carnago does not see any reason to not allow this rezoning to occur.

Ria Palm of 1667 Beverly, was present to inquire about this rezoning request. She lives in the area and is concerned about the changes being proposed. She would like to know what types of businesses would be at this center if the rezoning were approved. She sees that some of the businesses on Dequindre are not flourishing and some buildings are vacant.

Community Development Director Schafer discussed the proposed plan and the building proposed by the applicant. The request before the Planning Commission is to rezone the parcel to allow commercial business uses, not to approve a specific site plan. He stated that the B-1 District allows for a range of general business uses if the rezoning were approved.

Mr. Carnago stated that it would not be the intent of the applicant to place a gas station or repair facility on the site.

Jeff Chehab, property owner of 28411 Dequindre, was present to discuss his proposed plan and the rezoning request. He would like to build a new building for his pharmacy and plans to be at this site for a long time. He does not want to put any businesses on this site that would be detrimental to the City or hurt his main business, a pharmacy. He plans to take two of the units himself for his business. He wants to put in a professional building that is beneficial to the neighborhood, him, and the City. Mr. Chehab will not just be the developer; he will be there all the time. The O-1 zoning limits what he can bring in to the proposed center.

Chairman McFall closed the Public Hearing.

Commissioner Russell stated that she understands what Mr. Chehab is telling them and his good intentions, but if he sold his business five years down the line and other owners came in, the City could not limit what businesses might come into the center after his departure.

Commissioner Austin asked that since the owner has indicated that he would like to have doctor's and professional offices to make up the strip mall, are these uses allowed in the current O-1 Zoning. Community Development Director Schafer indicated that office uses and accessory uses for offices are allowed within the current zoning for the property. Mr. Chehab's current use variance allows for his pharmacy in particular as a stand-alone business.

Commissioner Higgins stated that the new forty-one homes that are going to be built behind this area will have families with children, so the City needs to keep this property's density down as an office use.

Commissioner Pulice stated that in the past, the residents in the neighborhood were against a strip mall.

Commissioner Austin reiterated his reasons for making the motion to deny this request:

- 1) Negative impact on the neighborhood, especially due to the new homes being built behind this property;
- 2) Non-conformance with the Master Plan;
- 3) Surrounding zoning on Dequindre, in particular to the south and west.

Mr. Carnago spoke again about the limited items Mr. Chehab can sell in his pharmacy; this is very limited compared to other pharmacies in the area. He is not able to sell bread and milk.

Commissioner Pulice stated that they were told in the past that Mr. Chehab would not be selling other items in his pharmacy, and now he is saying that he does want to sell additional items like food and milk.

Mr. Carnago stated that this is why Mr. Chehab is requesting the rezoning, so that he would have the option to sell milk and bread in his pharmacy along with other items useful for the neighborhood.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 20, 2005**

Community Development Director Schafer read a letter received on September 15, 2005, from Carol Russell, of 1657 Myrtle. This letter indicated that she is opposed to this rezoning request (Letter attached).

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from Jeff Chehab, by James V. Carnago, Attorney, 850 W. University Drive, Rochester, MI, 48073 to rezone Outlot B of Steven Heights Subdivision from O-1, Office to B-1, Local Business. The area of the request is located at 28411 Dequindre on the west side of Dequindre between Nottingham and Jenifer, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and the Site Plan Review Committee and staff's recommendation that the Planning Commission deny the request, and

Whereas, a duly advertised public hearing was held by the Commission at which time there was one person who spoke in opposition to the request at the hearing and one resident opposing the rezoning in writing, which letter was read into the record at the meeting and,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to City Council that the request to rezone the following described property be **denied** in that such action would not be in conformance with the Master Plan designation for the site, would allow an extension of commercial uses into a planned office area, and is inconsistent with adjacent zoning and land uses immediately to the south and west, and existing and proposed single-family uses to the rear.

That Outlot "B" of Steven Heights Subdivision not be rezoned from O-1, Office to B-1, Local Business.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Pulice, Russell and Chairman McFall.
Nays: None.

Motion carried

Community Development Director Schafer stated for the benefit of the applicant and the audience that the Planning Commission's action tonight is a recommendation to the City Council. City Council will be setting a future public hearing date, and then City Council will hear the request, conduct the public hearing, and then take action on the request.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:59 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 18, 2005**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Swanson and Chairman McFall.
Absent: Commissioners Dixon and Russell.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Pulice,

To excuse Commissioners Dixon and Russell from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Swanson and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Higgins,

To approve the minutes of the regular meeting of September 20, 2005, with two typographical errors corrected as follows:

Page 1 – Case 1052 – Third line: "...if..." should read "...is..."

Page 2 – Case 1052 – Second Paragraph – "Anna Palm" should read "Ria Palm"

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Swanson and Chairman McFall.
Nays: None.

Motion Carried

Case No. 1053 – Kemp & Sherman Site Condominium

Request by Kemp & Sherman, 1000 E. Mandoline, Madison Heights, MI 48071 for Preliminary Plan Approval of a two-unit site condominium located at 1523 E. Whitcomb. The intended use is for two industrial sites to accommodate two industrial buildings.

Community Development Director Schafer read a communication from the Community Development Department giving the staff's analysis of the request, and the Site Plan Review Committee's recommendation that the Planning Commission approve the Preliminary Plan as it demonstrates conformance with lot size and lot layout standards for the M-1 District.

Ed Sherman of Kemp & Sherman was present to answer questions about the proposed development.

Commissioner Bennett asked what tenants were anticipated. Mr. Sherman stated that the Detroit News was planned for Unit 1 and they were entertaining other possible tenants for Unit 2.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 18, 2005**

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from Kemp & Sherman, 1000 E. Mandoline, Madison Heights, MI 48071 for Preliminary Plan Approval of a two-unit site condominium located at 1523 E. Whitcomb, and

Whereas, the intended use is for two industrial sites to accommodate two industrial buildings, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and the Site Plan Review Committee and staff's recommendation that the Planning Commission approve the request for Preliminary Plan Approval,

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the request for Preliminary Plan Approval of a proposed two-unit site condominium in that such action is in conformance with lot size and lot layout standards for the M-1 District.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Swanson and Chairman McFall.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:36 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 20, 2005**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson and Chairman McFall.
Absent: Commissioner Russell.

MEMBERS EXCUSED

Motion by Commissioner Kapolka,
Supported by Commissioner Pulice,

To excuse Commissioner Russell from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson and Chairman McFall.
Nays: None.

Motion Carried

Commissioner Russell arrived at 7:32 p.m.

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting of October 18, 2005, as written.

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Russell, Swanson and Chairman McFall.
Nays: None.

Motion Carried

Case No. 1039 – Rezoning from P-1 to R-3

Request by Robert Sheldon, 26761 John R, Madison Heights, MI 48071 to Rezone lots 157 through 159, except the easterly 24" of said lots, of Oak Gardens Subdivision from P-1, Vehicular Parking District to R-3, One-Family Residential. The proposed use is for three single-family homes.

Community Development Director Schafer read a communication from the Community Development Department giving the staff's analysis of the request, and the recommendation that the Planning Commission recommend to the City Council approval of the proposed rezoning request as it is in conformance with the Master Plan for the area and provides for a logical extension of single-family homes on Brush Street while maintaining commercial uses and associated parking on John R.

Community Development Director Schafer also explained the rezoning process.

Chairman McFall opened the Public Hearing.

Commissioner Austin was glad to see this type of project for the DDA, that it seems to be in conformance with the City's Master Plan, and that the project provides an extra buffer for people in the neighborhood by establishing houses

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 20, 2005**

in that area.

Commissioner Russell commented that to have a viable DDA we have to remain open for these types of changes; that was the intent of the DDA. She said that in the last year and a half we have seen some terrific redevelopment in that area and she hopes we can continue with it.

Chairman McFall commented that he has talked with several residents in the area down there who are very excited about this development and future plans for the area.

Recommendation:

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed rezoning request as it is in conformance with the Master Plan for the area and provides for a logical extension of single-family homes on Brush Street while maintaining commercial uses and associated parking on John R.

Chairman McFall closed the Public Hearing.

Motion by Commissioner Austin,
Supported by Commissioner Russell,

Whereas, a request has been received from Robert Sheldon, 26761 John R, Madison Heights, MI 48071 to Rezone lots 157 through 159, except the easterly 24' of said lots, of Oak Gardens Subdivision from P-1, Vehicular Parking District to R-3, One-Family Residential, and

Whereas, the intended use is for development of 3 single-family homes, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request, and staff's recommendation that the Planning Commission recommend to the City Council approval of the proposed rezoning request, and

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to the City Council approval of the proposed rezoning request in that such action is in conformance with the Master Plan for the area and provides for a logical extension of single-family homes on Brush Street while maintaining commercial uses and associated parking on John R.

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Russell, Swanson and Chairman McFall.

Nays: None.

Motion carried

Case No. 1046 - LOWE's - Site Plan Review and Land Banked Parking

Request by Lowe's Company, Inc., 434 W. 12 Mile Road, Madison Heights, MI 48071 for Site Plan Review and Land Banked Parking. The proposed use is for Lowe's Home Improvement Center and two outlots.

Community Development Director Schafer read a communication from the Community Development Department giving the staff's analysis of the request, and the Traffic Safety and Site Plan Review Committees recommendation that the Planning Commission approve the proposed site plan, development agreement and land banked parking subject to compliance with the conditions of City Council Special Approval.

Rick Rattner, an attorney representing Lowe's was present to answer questions about the proposed development. Various Lowe's and Ramco-Gershenson representatives were also present.

Mr. Rattner stated that they are excited to come to Madison Heights. Lowe's is moving along very nicely with their neighbors on their agreement for the combined drive. They have gotten favorable responses from Sears-Kmart so far on the agreement. There are some details that have to be provided to them and perhaps some minor adjustments will need to be made. It is a positive move and they hope to come to the City very soon with any adjustments. It is all good

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 20, 2005

news as far as Lowe's is concerned.

Commissioner Russell stated that she appreciated Lowe's time to get approval from their neighbors. She looks forward to the start of construction as early as possible. She will be pleased to have the traffic taken off 12 Mile that will relieve the flow at John R/12 Mile once the proposed road is put in. She also asked Community Development Director Schafer about the traffic light at I-75 and 12 Mile and MDOT's future plans to reconstruct this interchange.

Community Development Director Schafer stated that that I-75 corridor project is still years away from actual development. MDOT has not given the City a set target date. It will be a number of years before that project would move forward. It is a project in excess of \$500 million. If the I-75 expansion went ahead in the future, this intersection would be completely reevaluated and reconstructed.

Commissioner Austin stated that the proposed I-75 project for the 12 Mile exits is at least 5-10 years out, if even then. The Lowe's development agreement will go to MDOT, which controls the study of I-75, and MDOT will determine if an additional light is warranted on 12 Mile Road.

Commissioner Russell also asked about the 12 Mile Road right-turn lane proposed as part of this project. Community Development Director Schafer stated that the City has met with all three of the affected property owners involved and they are working on the final details now. They would anticipate construction as soon as they are able to work out the agreements. The funds have already been budgeted to augment Lowe's contribution to these improvements.

Commissioner Bennett expressed concern for the residents that live in that area, of which she is one. She still feels that the flow of traffic is horrendous there now. She still does not understand what will be done with the off-ramp off I-75. Her biggest concern is that people will be sitting there at the traffic light trying to go somewhere and they cannot.

Community Development Director Schafer reiterated that if MDOT decides that this off-ramp meets warrants for a signal at the southbound I-75 ramp, then installation would occur. He stated that we would see the installation of a new traffic signal, not a redesign of the interchange at that time.

Commissioner Austin stated that the ring road is key to this development and that is why the City has pushed for this as part of the development agreement. He thinks it will be a big advantage for those people who use 12 Mile every day. This proposed road will provide some relief to those who use 12 Mile and John R. He also stated that the Drain Commissioner is very interested in this project and he would like to have a stakeholders meeting in January to accommodate this project and keep everyone on track. The Drain Commissioner would like to move the redevelopment of the drain property forward in the 2006 construction year.

Mr. Rattner stated that they would like to coordinate a meeting in January that is convenient for everyone.

Commissioner Russell commented that the Drain Commissioner and the City are anticipating the development of soccer fields on the north side of the proposed road on the drain property. She hopes they can get this up and running for the kids this summer.

Commissioner Higgins expressed concern about left turns after exiting I-75, and those folks coming down eastbound from John R in front of this property. The back ups there are pretty bad now. He asked if there would be a new light in front of the Lowe's property to accommodate left turns into the site. He believes that people will begin to use the ring road to go left before John R, bringing even more traffic to this location.

Roger Wilson from the Parsons Corporation, traffic consultant for Lowe's, was present to speak on this issue. He discussed their traffic studies and their analyses of the trips people will take, and the mitigations identified that will allow traffic to operate through this area. They will also recommend adjustments to the traffic signal timing to improve traffic flow and permit additional volumes. He commented that the SCAT System can be adjusted, but this is a high traffic area and there will be times when back ups will occur, especially at peak periods. They feel confident that the timing at the signal could be adjusted to help the road system operate more efficiently and accommodate drivers.

Commissioner Bennett asked about the current traffic light at the Home Depot and the traffic light proposed at the ring

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 20, 2005**

road too. She asked if there would be an adjustment made at those lights.

Mr. Wilson commented that their study considered the timing of the current signals as well as the proposed one for the project. They consider and project traffic volumes for the future. They will suggest to the Road Commission timing changes for the signals at all of these locations along 12 Mile Road. It will be up to the Road Commission if they want to accept these recommendations, but they generally look very closely at these types of studies.

Recommendation:

The Traffic Safety and Site Plan Review Committees recommend that the Planning Commission approve the proposed site plan, development agreement and land banked parking subject to compliance with the conditions of City Council Special Approval.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received from Lowe's Company, Inc., 434 W. 12 Mile Road, Madison Heights, MI 48071, for approval of the proposed site plan, development agreement and land banked parking subject to compliance with the conditions of City Council Special Approval, and

Whereas, the intended use is for development of Lowe's Home Improvement Center and two outlots, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request, and the Traffic Safety and Site Plan Review Committees recommendation that the Planning Commission approve the proposed site plan, development agreement and land banked parking subject to compliance with the conditions of City Council Special Approval, and

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves of the proposed site plan, development agreement and land banked parking subject to compliance with the conditions of City Council Special Approval.

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Russell, Swanson and Chairman McFall.
Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 8:05 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 21, 2006**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Kapolka, Swanson and Chairman McFall.
Absent: Commissioners Bennett, Higgins, Pulice, and Russell.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Dixon,

To excuse Commissioners Bennett, Higgins, Pulice, and Russell from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Kapolka, Swanson and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Dixon,

To approve the minutes of the regular meeting of December 20, 2005, as written.

Yeas: Commissioners Austin, Dixon, Kapolka, Swanson and Chairman McFall.
Nays: None.

Motion Carried

2005 PLANNING COMMISSION ANNUAL REPORT

Community Development Director Schafer presented the 2005 Planning Commission Annual Report for the Commission's consideration.

Motion by Commissioner Austin,
Supported by Commissioner Dixon,

To accept and certify the 2005 Planning Commission Annual Report as presented, and direct staff to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Austin, Dixon, Kapolka, Swanson and Chairman McFall.
Nays: None.

Motion Carried

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 21, 2006**

ELECTION OF OFFICERS FOR 2006

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Frank McFall for Chairman, close nominations for Chairman, and elect Frank McFall as Chairman by acclamation.

Yeas: Commissioners Austin, Dixon, Kapolka, Swanson and Chairman McFall.

Nays: None.

Motion Carried

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Mike Higgins for Vice-Chairman, close nominations for Vice-Chairman, and to elect Mike Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners Austin, Dixon, Kapolka, Swanson and Chairman McFall.

Nays: None

Motion Carried

PUBLIC NOTIFICATIONS

Community Development Director Schafer discussed a City Council assignment for the Planning Commission regarding on-site notification. The City Council asked the Planning Commission to consider under what circumstances, or if, the Planning Commission would consider on-site notification (posting of signs) of pending Planning Commission actions. Mr. Schafer presented a survey (attached) of surrounding communities regarding their procedures (if any) regarding on-site notification for discussion, and noted that the City currently notifies in excess of minimum requirements for all projects.

Commissioner Austin added that the issue first came up during the Harvard Village site condominium project.

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To not provide on-site notification signage of pending Planning Commission actions.

Yeas: Commissioners Austin, Dixon, Kapolka, Swanson and Chairman McFall.

Nays: None.

Motion carried

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 21, 2006

On-site Signage Notification Procedures

Area Community Survey

Type of Review / Case	On-Site Signage Posted?						
	Clawson	Warren*	Troy *	Berkley	Royal Oak	Hazel Park	Sterling Heights*
Site Plan Review			✓				
Site Condominium Preliminary Plan Review			✓				
Subdivision (Plat) Review			✓				
Rezoning Request (Map)		✓	✓				✓
ROW / Easement Vacation							

- **Troy** – 2' x 2' sign made, installed and removed by Public Works Department (yard sign); Vandalism has been an issue; No cost information available, but no cost passed on to applicant.
- **Sterling Heights** – 2' x 3' sign made, installed and removed by Public Works Department; Cost (\$250) added to the application fee; sign posts are used; Application form has notice of sign installation and applicant signs off approval for City to install the sign; No problem with vandalism.
- **Warren** – 4' x 4' sign made, installed and removed by Public Works Department; Vandalism rare; Cost = \$500 deposit returned upon DPW reclaiming sign.
- Madison Heights Department of Public Services sign shop estimates a 2' x 2' yard sign would cost ~ \$20 to produce.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:45 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2006**

CALL TO ORDER

Vice Chairman Higgins called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Bennett, Dixon, Kapolka, Pulice, Russell, Swanson, and Vice Chairman Higgins.
Absent: Commissioners Austin and Chairman McFall.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Dixon,

To excuse Commissioner Austin and Chairman McFall from tonight's meeting.

Yeas: Commissioners Bennett, Dixon, Kapolka, Pulice, Russell, Swanson, and Vice Chairman Higgins.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting of February 21, 2006 as written.

Yeas: Commissioners, Bennett, Dixon, Kapolka, Pulice, Russell, Swanson and Vice Chairman Higgins.
Nays: None.

Motion Carried

Case No. 1054 – Rezoning from R-3 to B-3

Request No. 1054 by Naima - East L.L.C. 1249 Baldwin Avenue, Pontiac, MI 48340 to rezone lots 68, 69 and 70 of the Symphony Park Subdivision, also known as 27032 Brush, 27042 Brush and 27048 Brush, from R-3 One-Family Residential to B-3, General Business. The area of the request is located on the East side of Brush Avenue north of 11 Mile.

Mr. Schafer gave a description of the rezoning case noting three existing homes are proposed to be demolished for commercial development. Mr. Schafer also noted that the parcels are in the Downtown Development Authority.

Vice-Chairman Higgins opened the public hearing.

Nancy Hilton of 27032 Brush expressed her approval of the rezoning.

There being no one else wishing to speak, Vice Chairman Higgins closed the Public Hearing.

Commissioner Bennett stated her support for the rezoning.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2006**

Motion by Commissioner Swanson,
Supported by Commissioner Russell,

Whereas, a request has been received from Naima – East L.L.C., 1249 Baldwin Avenue, Pontiac, MI 48340 to rezone lots 68, 69, and 70 of the Symphony Park Subdivision, also known as 27032 Brush, 27042 Brush, and 27048 Brush, from R-3 One Family Residential to B-3 General Business, and

Whereas, the proposed use is for commercial redevelopment, and

Whereas, the subject parcels are within the Downtown Development Authority area, and

Whereas, the community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request, and staff's recommendation that the Planning Commission recommend to the City council approval of the proposed rezoning request, and

Whereas, a duly advertised public hearing was held by the Commission at which one resident spoke in favor of the request, and

Now, therefore, be it resolved, that the Madison Heights Planning commission hereby recommends to the City Council approval of the proposed rezoning request to rezone lots 68, 69, and 70 of the Symphony Park Subdivision, also known as 27032 Brush, 27042 Brush, and 27048 Brush, from R-3 One Family Residential to B-3 General Business, in that such action provides for logical commercial redevelopment in the area.

Yeas: Commissioners, Bennett, Dixon, Kapolka, Pulice, Russell, Swanson and Vice Chairman Higgins.

Nays: None.

Motion carried

Case No. 1055 – Alley Vacation

Request No. 1055 by Naima - East LLC, Edward Bahoura, 1249 Baldwin Ave., Pontiac, MI 48340 to vacate the existing 18' alley adjacent to Lots 25 through 60 and 67 - 81 of Symphony Park Subdivision and to retain the existing public utility easements therein; Also, to vacate the existing public utility easements within the previously vacated 18' wide alley adjacent to lots 60 through 67 of Symphony Park Subdivision. The area of request is located on the northwest corner of Eleven Mile Road and John R Road.

Mr. Schafer explained the proposed alley vacation and easement vacation requests. Mr. Schafer also referenced the various utility companies' review letters and responses.

Vice Chairman Higgins opened the public hearing.

Roy Reese of 27704 Brush asked if a wall would be installed between his property and the adjacent site.

Mr. Schafer explained that a wall would be required if the applicant receives approved plans and ultimately builds the project as proposed, including the proposed property acquisitions.

Mr. Reese asked if the alley would no longer be in existence.

Mr. Schafer explained that if the alley vacation is approved, it will no longer be an alley.

There being no one else wishing to speak, Vice Chairman Higgins closed the Public Hearing.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2006**

Motion by Commissioner Russell,
Supported by Commissioner Bennett,

Whereas, a request has been received from Naima - East LLC, Edward Bahoura, 1249 Baldwin Ave., Pontiac, MI 48340 to vacate the existing 18' alley adjacent to Lots 25 through 60 and 67 - 81 of Symphony Park Subdivision and to retain the existing public utility easements therein; Also, to vacate the existing public utility easements within the previously vacated 18' wide alley adjacent to lots 60 through 67 of Symphony Park Subdivision, and

Whereas, review and approval letters were received from all utilities following their review of the request, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request, and staff's recommendation that the Planning Commission recommend to the City Council approval of the proposed alley and public utility easement vacation, and

Whereas, a duly advertised public hearing was held by the Commission at which time there was one person who asked a question regarding the proposal, and

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to the City Council approval of the proposed alley vacation of the existing 18' alley adjacent to Lots 25 through 60 and 67 - 81 of Symphony Park Subdivision and to retain the existing public utility easements therein; and the approval of the proposed vacation of the existing public utility easement within the previously vacated 18' wide alley adjacent to lots 60 through 67 of Symphony Park Subdivision, subject to all conditions of the utilities in their respective review letters.

Yeas: Commissioners, Bennett, Dixon, Kapolka, Pulice, Russell, Swanson and Vice Chairman Higgins.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice Chairman Higgins adjourned the meeting at 7:47 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – June 20, 2006**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Pulice, Russell, Swanson, Higgins, and Chairman McFall.
Absent: Commissioners Bennett, Dixon, and Kapolka.

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To excuse Commissioners Bennett, Dixon, and Kapolka from tonight's meeting.

Yeas: Commissioners Austin, Pulice, Russell, Swanson, Higgins, and Chairman McFall
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Higgins,

To approve the minutes of the regular meeting of April 18, 2006 as written.

Yeas: Commissioners Austin, Pulice, Russell, Swanson, Higgins, and Chairman McFall
Nays: None.

Motion Carried

Case No. 1056 – Site Plan Review

Site Plan Review – Case 1056 – Naima East Commercial Buildings – Northwest corner of 11 Mile / John R and Northwest corner of University / John R.

Mr. Schafer gave a description of the site plan noting building locations and size, alley vacation, easement retention, and the incorporation of the rezoned lots 68-70.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

Whereas, a request has been received by Naima-East L.L.C., 1249 Baldwin Avenue. Pontiac, MI 48340, for approval of the proposed site plan for one multi-tenant commercial building with drive-through at the corner of 11 Mile and John R, and a second building at the northwest corner of John R and University.

Whereas, the proposed site plan incorporates the approved alley vacation and easement retention action by City Council along with the rezoning from R-3 to B-3 of lots 68-70.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – June 20, 2006**

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request and the Site Plan review Committee's recommendation that the Planning Commission approve the request with conditions;

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby approves the site plan for Naima-East L.L.C., 1249 Baldwin Avenue. Pontiac, MI 48340, for commercial development at the corner of 11 Mile and John R and the northwest corner of John R and University subject to:

1. Compliance with all conditions of the applicable utilities regarding the relocation / provision of easements for utilities;
2. Combining all parcels and provision of recorded evidence of acquisition of lots 68 – 70 and the entire westerly ½ of the vacated alley adjoining Lots 71 – 81.

Yeas: Commissioners Austin, Pulice, Russell, Swanson, Higgins, and Chairman McFall.

Nays: None.

Motion carried

PA 110 of 2006 – Michigan Zoning Enabling Act – General Discussion

Mr. Schafer reviewed a handout that highlighted statutory changes in PA 110 of 2006.

Mr. Schafer explained the changes were of general "housekeeping" in nature and that it incorporates township items into the city and vice versa.

Mr. Schafer said that staff and the assistant city attorney were analyzing the act to determine necessary amendments for the Planning Commission's consideration.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:40 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 19, 2006**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Higgins, Kapolka, and Chairman McFall.
Absent: Commissioners Dixon, Pulice, Russell, Swanson

MEMBERS EXCUSED

Motion by Commissioner Higgins,
Supported by Austin,

To excuse Commissioners Dixon, Pulice, Russell, Swanson from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, and Chairman McFall
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Higgins,

To approve the minutes of the regular meeting of June 20, 2006 as written.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, and Chairman McFall
Nays: None.

Motion Carried

MASTER PLAN REVIEW- INITIAL DISCUSSION

Community Development Director Jim Schafer gave an overview of the Master Plan Amendment and review process. The Planning Commission reviewed the 2005-2006 City Council Goal G and the Parks & Recreation Master Plan regarding:

1. Gravel Park:	Begin process towards redeveloping park to a residential use
2. Sunset / Rosie's exchange:	Explore the possibility of a land exchange between Madison Schools and City parkland

Mr. Shafer informed the Commission that no specific action was required at this time and that staff, with the concurrence of the Planning Commission, will begin to draft amendments for consideration at a future meeting.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 19, 2006**

City of Troy Master Plan Amendment – Rochester Road Overlay District – Request for Comment

Mr. Schafer gave a summary of a proposed Future Land Use amendment for the City of Troy's "Rochester Road Overlay District". As required by state law, Troy had sent the amendment to the City for review and comment.

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To receive and file the Proposed City of Troy Future Land Use Plan - Rochester Road Overlay District Amendment; to direct staff to send a letter to the City of Troy noting that the proposed amendment is compatible with our commercial corridor objectives; and to thank the City of Troy for the opportunity to review the proposed amendment.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, and Chairman McFall.
Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 8:07 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2006**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell, Swanson, and Chairman McFall.
Absent: Commissioner Dixon

MEMBERS EXCUSED

Motion by Commissioner Russell,
Supported by Commissioner Swanson,

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners, Bennett, Higgins, Kapolka, Pulice, Russell, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Swanson

To approve the minutes of the regular meeting of September 19, 2006 as written.

Yeas: Commissioners, Bennett, Higgins, Kapolka, Pulice, Russell, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

Case No. 1057 – Rezoning from R-3 to B-3

Request No. 1057 by Giles Everingham VFW Post 9507, 630 E Eleven Mile Road to rezone lots 1 through 5 of Joanna Park Subdivision, also including the North 16 feet of the vacated alley adjacent to same, also known as 630 E Eleven Mile Road, from R-3 One-Family Residential to B-3, General Business. The area of the request is located on the southwest corner of Eleven Mile Road and Lorenz.

Community Development Director Schafer gave a description of the rezoning case noting that the proposed rezoning would eliminate the nonconforming use status of the site, but that nonconformities relative to the building and parking would remain.

Chairman McFall opened the public hearing.

Dave Hopper of 26724 Osmun had no objections to the rezoning.

There being no one else wishing to speak, Chairman McFall closed the public hearing.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2006**

*Motion by Commissioner Austin,
Supported by Commissioner Pulice,*

***Whereas,** Request No. 1057 has been received from Giles Everingham VFW Post 9507, 630 E Eleven Mile Rd, Madison Heights, MI 48071, to rezone lots 1 to 5 of Joanna Park Subdivision, also including the North 16 feet of the vacated alley adjacent to same, also known as 630 E Eleven Mile Road, from R-3 One-Family Residential to B-3 General Business.*

***Whereas,** The area of request is located on the south side of Eleven Mile Road between Lorenz and Osmun, and*

***Whereas,** the proposed use is for continuation of the private club, and*

***Whereas,** the subject parcels are within the Downtown Development Authority area, and*

***Whereas,** the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request, and staff's recommendation that the Planning Commission recommend to the City Council approval of the proposed rezoning request as it is consistent with the Master Plan, and*

***Whereas,** a duly advertised public hearing was held by the Commission at which one resident stated he had no objection to the request, and*

***Now, therefore, be it resolved,** that the Madison Heights Planning Commission hereby recommends to the City Council approval of the proposed rezoning request to lots 1 to 5 of Joanna Park Subdivision, also including the North 16 feet of the vacated alley adjacent to same, also known as 630 E Eleven Mile Road, from R-3 One-Family Residential to B-3 General Business, in that such action is consistent with the Master Plan and provides for logical commercial development in the area.*

Yeas: Commissioners Austin, Bennett, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins and Chairman McFall

Nays: None.

Motion carried

Case No. 1059 – Rezoning from O-1 to B-1

Request No. 1059 by TEC Investment Co., Inc. and Cellnet Communications, L.L.C. 31075 John R, Madison Heights, MI 48071 to rezone the South 2 ft of lot 92, all of lots 93 to 105 also including the North 13 ft of lot 106, all of lots 166 to 171 also including the North 35 ft of lot 172, and all of the vacated alley adjacent to same, of the Julius Bermans John R Subdivision, also known as 31075 John R, from O-1 Office to B-1 Local Business. The area of the request is located on the west side of John R between Thirteen Mile Road and Irving Avenue.

Mr. Schafer gave a description of the rezoning case noting that the proposed rezoning reflects recent commercial development patterns in the area.

Chairman McFall opened the public hearing.

Marty Bernstein, 7125 Orchard Lake Rd, West Bloomfield, was present to represent the client.

There being no one wishing to speak Chairman McFall closed the public hearing.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2006**

*Motion by Commissioner Higgins,
Supported by Commissioner Swanson,*

***Whereas,** Request No. 1059 has been received from TEC Investment Co., Inc. and Cellnet Communications, L.L.C. 31075 John R, Madison Heights, MI 48071 to rezone the South 2 ft of lot 92, all of lots 93 to 105 also including the North 13 ft of lot 106, all of lots 166 to 171 also including the North 35 ft of lot 172, and all of the vacated alley adjacent to same, of the Julius Bermans John R Subdivision, also known as 31075 John R, from O-1 Office to B-1 Local Business.*

***Whereas,** The area of request is located on the west side of John R between Thirteen Mile Road and Irving Avenue, and*

***Whereas,** the proposed use is for local retail commercial uses in the existing building, and*

***Whereas,** the Community Development Department submitted a report to the Planning Commission giving staff's analysis of the request, and staff's recommendation that the Planning Commission recommend to City Council approval of the proposed rezoning request, and*

***Whereas,** a duly advertised public hearing was held by the Commission at which no one spoke, and*

***Now, therefore, be it resolved,** that the Madison Heights Planning Commission hereby recommends to the City Council approval of the proposed request to rezone the South 2 ft of lot 92, all of lots 93 to 105 also including the North 13 ft of lot 106, all of lots 166 to 171 also including the North 35 ft of lot 172, and all of the vacated alley adjacent to same, of the Julius Bermans John R Subdivision, also known as 31075 John R, from O-1 Office to B-1 Local Business, in that such action is consistent with recent commercial redevelopment in the area and provides for logical commercial development in the area.*

Yeas: Commissioners Austin, Bennett, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins and Chairman McFall

Nays: None.

Motion carried

Case No. 1060 – Rezoning from R-3 to O-1

Request No. 1060 by Parajan Investments L.L.C. 1080 Naughton, Troy, MI 48083 to rezone the North 38 feet of lot 51, also lot 52 excluding the Westerly 27 feet of both said lots, also all of lot 84, also the North 38 feet of lot 85, of the Groveland Subdivision, also known as 26550 John R, from R-3 Residential to O-1 Office. The area of the request is located on the East side of John R Road south of Greig Avenue.

Mr. Schafer gave a description of the rezoning case, noting that the proposed rezoning is compatible with and less intensive than the predominant land uses fronting John R, and that the proposed reuses of the parcel will necessitate a joint easement for ingress / egress with the Madison Schools, which is not an issue at the rezoning stage.

Chairman McFall opened the public hearing.

Thomas Bruce was present as the applicant.

There being no one wishing to speak Chairman McFall closed the public hearing.

Commissioner Russell inquired about monitoring the building, water and heat at the current building.

Commissioner Austin responded that communications are continually open with the applicant and working through the

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2006**

90 day due diligence period and that the building is being maintained.

Commissioner Bennett inquired what type of business would be going into the building.

Thomas Bruce responded that it would be an office.

Commissioner Bennett inquired about the joint easement with the Madison Schools.

Thomas Bruce responded that discussion with the School Board continues and there should be nothing holding up progress on the easement.

Mr. Schafer reviewed the conceptual site plan and described the easement and approach.

*Motion by Commissioner Austin,
Supported by Commissioner Russell,*

Whereas, Request No. 1060 by Parajan Investments L.L.C. 1080 Naughton, Troy, MI 48083 to rezone the North 38 feet of lot 51, also lot 52 Excluding the Westerly 27 feet of both said lots, also all of lot 84, also the North 38 feet of lot 85, of the Groveland Subdivision, also known as 26550 John R, from R-3 Residential to O-1 Office.

Whereas, The area of the request is located on the East side of John R Road south of Greig Avenue, and

Whereas, the proposed use is for office reuse of the existing building for office purposes, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request, and staff's recommendation that the Planning Commission recommend to the City council approval of the proposed rezoning request, and

Whereas, a duly advertised public hearing was held by the Commission at which the applicant spoke in favor of the request, and

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to the City Council approval of the proposed request to rezone the North 38 feet of lot 51, also lot 52 Excluding the Westerly 27 feet of both said lots, also all of lot 84, also the North 38 feet of lot 85, of the Groveland Subdivision, also known as 26550 John R, from R-3 Residential to O-1 Office, in that such action provides for logical office redevelopment in the area.

*Yeas: Commissioners Austin, Bennett, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins and Chairman McFall
Nays: None.*

Motion carried

Continued Discussion of Master Plan Amendment – Gravel Park and Sunset Park; Periodic Review

Mr. Schafer reviewed the process of amending/updating the Master Plan.

Mr. Schafer then briefly highlighted Gravel Park describing location, land use, accessibility, parking, zoning, and spatial relationships to other parks.

Commissioner Austin addressed a concern about the extension of Barrington Street without first hearing from the public.

Commissioner Austin added that the extension of Barrington Street came up with residents during the Woodside paving

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2006

project and with City Council when addressing the Parks and Recreation Master Plan and we had indicated to the residents there were no plans to do so at that time. Since that time, the Parks & Recreation Plan process resulted in recommendation to sell Gravel Park, which has changed the circumstances. Commissioner Austin said there's a need to notify the adjacent property owner's of Gravel Park because of their previous interest, and hold off on recommendation until we do so. This will allow the Planning Commission to provide a specific recommendation to Council.

Commissioner Higgins expressed his agreement with this concern.

Commissioner Bennett agreed and asked who would be responsible for funding of a road extension.

Commissioner Austin replied that the cost would most likely be a developer cost, dedicated as a public road.

Commissioner Bennett asked where the money from the park would be allocated.

Commissioner Austin replied that the City Council has said such decisions are budgetary and the issue is open at this time.

*Motion by Commissioner Austin,
Supported by Commissioner Russell,*

To place the Master Plan Amendment consideration on hold and schedule a public hearing for the December 19, 2006 Planning Commission meeting as it relates to the possible extension of Barrington Street and to notify the area residents.

Discussion

Commissioner Russell agreed to revise the time frame of the proposal.

Commissioner Russell then complimented Community Development Director Jim Schafer and his staff on their job in the preparation and presentation of the amendments.

Commissioner Bennett expressed a concern about having a public hearing so close to the holidays, and how much advance notice the residents are given.

Mr. Schafer responded that state law requires a fifteen day advanced notice.

Commissioner Austin added that the reason for the consideration is that it is easier for city services to operate off a through street than a dead end, yet because of a light at the end of Barrington this may become the main funnel for traffic in this immediate neighborhood.

*Yeas: Commissioners Austin, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins and
Chairman McFall
Nays: Commissioner Bennett*

Continued Discussion

Commissioner Bennett stated she agreed with part of the motion but is concerned the residents will not have enough time.

Mr. Schafer asked for clarification as to if the motion was for Gravel park only and secondly whether the public hearing will be formal in nature or a "workshop" type.

Commissioner Austin stated that he favors more of a "workshop" hearing and he would like the residents to be encouraged to express their thoughts on the matter and be recorded in the minutes.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2006

Commissioner Higgins asked if the notification area would be expanded to additional areas.

Commissioner Austin agreed that notification extensions would be good to consider.

Discussion of Sunset Park

Mr. Schafer gave an overview of Sunset Park noting its location, land use, future land use, and existing conditions.

Mr. Schafer then gave an overview of Rosie's Park and its location in relation to the surrounding area and proposed land swap.

Mr. Schafer continued to summarize the findings and goals of the proposed land swap.

Commissioner Austin commented that the language of the recommendation needs to include parking options.

Mr. Schafer replied it would be added.

Mr. Schafer added that the City is in compliance with state law that mandates a Master Plan review every five years and this falls in that window.

Commissioner Austin questioned whether to act on the two Master Plan Amendments separately or keep them together.

Mr. Schafer suggested keeping them together for the December meeting and moving them forward in a single document to council.

Assistant City Attorney Niccolas Grochowski asked whether a motion is needed to say there was a Master Plan review.

Mr. Schafer responded that the text noting that is in the amendment.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 8:31 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 19, 2006**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Dixon, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins and Chairman McFall

Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

To approve the minutes of the regular meeting of November 21, 2006 as written.

Yeas: Commissioners Austin, Bennett, Dixon, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins and Chairman McFall

Nays: None.

Motion Carried

Case No. 1058 – Rezoning from B-2 to B-3

Request No. 1058 by Wal-Mart Stores Inc., through Atwell-Hicks, civil engineer, 50182 Schoenherr Road, Shelby Township, MI 48315 to rezone parcel of land being part of the Southwest ¼ of Section 1, Town 1 North, Range 11 East, Madison Heights, Oakland County, Michigan, and including lots 349 through 362, and portions of lots 363 and 367 through 371, vacated Townley Street (recorded as Thinly Street) and an alley of John R. Court as recorded in Liber 33, Page 41 in Oakland County Register of Deeds, further described as: Commencing at the Southwest Corner of said Section 1; thence North 379.78 feet along the West Line of said Section 1 and along the Centerline of John R Road (variable width); thence N89°53'00"E 60.00 feet to the Easterly Right-of-Way Line of said John R Road for a PLACE OF BEGINNING; thence North 470.25 feet along said Easterly Line to the Southerly Right-of-Way Line of Irving Avenue (60 feet wide); thence N89°59'28"E 765.00 feet along said Southerly Line; thence South 290.00 feet; thence N89°59'28"E 70.00 feet; thence South 498.59 feet to the Northerly Right-of-Way Line of 13 Mile Road (variable width); thence S89°53'30"W 657.52 feet along said Northerly Line; thence North 286.63 feet; thence S89°53'00"W 154.98 feet; thence North 33.18 feet; thence S89°53'00"W 22.50 feet to the Place of Beginning, containing 13.48 acres of land, also known as 31270 John R and 31020 John R, from B-2 Planned Business to B-3 General Business. The area of the request is located on the east side of John R Road between Irving Avenue and Thirteen Mile Rd.

Community Development Director Schafer reviewed the staff report on this case:

Applicant: Wal-Mart Stores Inc., through Atwell-Hicks, civil engineer, 50182 Schoenherr Road, Shelby Township, MI 48315

Location: East side of John R Road between Irving Avenue and Thirteen Mile Rd.

Existing Land Use: Sams Club with Members Only fuel station

Master Plan: Commercial

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 19, 2006

Proposed Use: Maintain existing Sams Club and members only fuel station, and add a member's only car wash.

Staff Analysis:

1. Applicant proposes to rezone the parcel to B-3 General Business in order to allow applicant to apply for special approval to City Council to build a members only car wash immediately adjacent to the existing members only fuel station. (Car wash facilities are not permitted in the B-2 District, and require special approval in the proposed B-3 District). A copy of a site plan, showing existing and proposed conditions, is attached for conceptual purposes only and is not under consideration at this time.
2. The existing Sams Club facility is a permitted principal use in the existing B-2 District. The existing vehicle repair facility and fuel station were permitted by City Council as special approval uses in the existing B-2 District.
3. The existing B-2 Planned Business district is "...designed to cater to the needs of a larger consumer population than is served by the local business district, and are generally characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic". The existing facility was designed to integrate with the members warehouse, fuel station and adjacent CVS facility on the corner of John R / 13 Mile, including an integrated shared drive and ingress / egress easements, in accord with intent of the B-2 District.
4. The existing B-2 district requires substantially different building setbacks than the proposed B-3 district:

<u>District</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
B-2	75'	20' (50' if adjacent to Res.)	20'
B-3	5'	0'	20'

Rezoning to B-3 would permit new buildings, additions and uses to be constructed with the reduced setbacks of the B-3 District

5. The proposed B-3 District allows the following uses that are not permitted, either by right or as special approval, in the existing B-2 District:

☐ Regulated Uses	☐ Veterinary Offices and clinics
☐ Private Clubs and Lodges	☐ Car washes
☐ New and Used car sales	☐ Funeral Homes
☐ Public utility offices, exchanges, transformer stations, service yards (without outside storage)	
6. The existing zoning and uses are consistent with the Master Plan. While the proposed rezoning is consistent with the Master Plan "Commercial" designation for the parcel, the existing Sams Club facility was designed and built in conformance with the current B-2 Planned Business district. The large setbacks, integrated parking, and limitations on uses are all in conformance with the current zoning. Changing the zoning to the requested B-3 District will permit a range of uses not currently permitted, either by right or special approval. In addition, new construction on the site would only need to conform to substantially reduced (or eliminated) setbacks. In short, the existing zoning is in conformance with the Master Plan and the existing uses are consistent with the intent of the current B-2 District.

Recommendation:

Staff recommends that the Planning Commission conduct the required public hearing and, following said hearing, recommends denial of the proposed rezoning request to City Council for the reasons noted in paragraphs 3-6 above.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 19, 2006**

Chairman McFall opened the public hearing.

Todd Lesley of Atwell-Hicks spoke on behalf of Sams Club and handed out a document showing spatial relationships of car washes in the city.

Sharon Farin of 635 W Girard stated her objections to the rezoning.

There being no one else wishing to speak, Chairman McFall closed the public hearing.

Commissioner Russell stated the proposed use would not be in the general interest of the public.

Commissioner Austin inquired about what regulated uses would be allowed if the zoning were changed to B-3.

Mr. Schafer listed regulated uses.

- Adult oriented arcades
- Adult book stores
- Adult video stores
- Adult Cabarets
- Adult Motels
- Adult motion picture theaters
- Adult retail stores
- Adult theaters
- Escort Agencies
- Message parlor/sauna/spa
- Nude model studios
- Pawn brokers
- Pool/Billiard halls
- Sexual encounters center
- Tattoo parlor
- Used good uses
- Any establishment that permits patrons to be filmed or photographed performing sexually explicit activities.

Commissioner Austin expressed opposition and stated that these types of businesses can move into the city's central corridor in the event of Sams Club closing.

Commissioner Pulice expressed opposition to the rezoning.

*Motion by Commissioner Austin,
Supported by Commissioner Russell,*

Whereas, Request No. 1058 by Wal-Mart Stores Inc., through Atwell-Hicks, civil engineer, 50182 Schoenherr Road, Shelby Township, MI 48315 to rezone parcel of land being part of the Southwest ¼ of Section 1, Town 1 North, Range 11 East, Madison Heights, Oakland County, Michigan, and including lots 349 through 362, and portions of lots 363 and 367 through 371, vacated Townley Street (recorded as Thinly Street) and an alley of John R. Court as recorded in Liber 33, Page 41 in Oakland County Register of Deeds, further described as: Commencing at the Southwest Corner of said Section 1; thence North 379.78 feet along the West Line of said Section 1 and along the Centerline of John R Road (variable width); thence N89°53'00"E 60.00 feet to the Easterly Right-of-Way Line of said John R Road for a PLACE OF BEGINNING; thence North 470.25 feet along said Easterly Line to the Southerly Right-of-Way Line of Irving Avenue (60 feet wide); thence N89°59'28"E 765.00 feet along said Southerly Line; thence South 290.00 feet; thence N89°59'28"E 70.00 feet; thence South 498.59 feet to the Northerly Right-of-Way Line of 13 Mile Road (variable width); thence S89°53'30"W 657.52 feet along said Northerly Line; thence North 286.63 feet; thence S89°53'00"W 154.98 feet; thence North 33.18 feet; thence S89°53'00"W 22.50 feet to the Place of Beginning, containing 13.48 acres of land, also known as 31270 John R and 31020 John R, from B-2 Planned Business to B-3 General Business.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 19, 2006**

Whereas, The area of request is located on the east side of John R Road between Irving Avenue and Thirteen Mile Rd.

Whereas, the applicant's proposed use is for a members only car wash immediately adjacent to the members only fuel station, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request, and staff's recommendation that the Planning Commission recommend to the City Council denial of the proposed rezoning, and

Whereas, a duly advertised public hearing was held by the Commission at which the applicant's representative spoke in favor of the request and one resident spoke in opposition to the request, and

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to the City Council denial of the proposed rezoning request from B-2 Planned Business to B-3 General Business, for the reasons noted in paragraph's 3 through 6 of the December 13, 2006 staff report.

Yeas: Commissioners Austin, Bennett, Dixon, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins and Chairman McFall

Nays: None.

Motion carried

Continued Discussion of Master Plan Amendment – Gravel Park Public Workshop

Mr. Schafer described the Master Plan and reviewed the process of amending/updating the Master Plan.

Mr. Shafer then highlighted Gravel Park describing location, land use, accessibility, parking, zoning, and spatial relationships to other parks.

Mr. Schafer reviewed the goals in regards to the proposed Master Plan amendment and recommendations in regard to Gravel Park.

Commissioner Austin added that this public workshop was set up in advance of the required public hearing to hear opinions before decisions were made.

Chairman McFall opened the public hearing.

Robert Feurneisen of 30500 Barrington stated that he doesn't want to see Gravel Park sold. He also stated opposition to the extension of Barrington, that there is heavy traffic on the weekends from the union halls and heavy weekly traffic from the offices near by.

Theresa Nance of 628 Woodside stated that the neighborhood needs Gravel Park and the city should replace the removed trees. In addition, she expressed opposition to the expansion of Barrington and expressed a concern of public safety in the office complex areas.

John Marchione of 30407 Palmer stated he is against selling Gravel Park and the extension of Barrington. He expressed concern about increased traffic and does not agree that public safety response time will be affected if the road is extended. In addition, he expressed concern that his eight year old daughter would not have access to a park without needing to cross a major thoroughfare or traveling through industrial areas. Mr. Marchione then asked whether the four parcels on the west side of Barrington were approved for development.

Mr. Schafer responded that the parcels were approved for development and the developer still owns the property and

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 19, 2006

picked up the majority of the cost for the extension of Barrington and the sewer installation.

Marsha Sackett of 30720 Barrington stated she raised two children that utilized Gravel Park. She does not believe that opening Barrington would be good. She already sees increased traffic due to the high school and is concerned that traffic, speeding, and problems would just increase. In addition, she does not believe the city needs more residential lots in regards to selling Gravel Park.

Tracey Carr of 30438 Barrington disapproves of the extension of Barrington especially with the high school at the end of the street. She stated that she sees many people still use the park and it should be fixed up and trees planted.

Joanne Fisher of 30451 Palmer stated she was present as a friend of Bill Gravel and noted a tree and bench memorial of Gravel's family are present in the park. She thinks it is important to keep the park as Mr. Gravel was a big part of the city. In addition, children frequent the park and wildlife such as hawks and woodpeckers have been seen there. She also stated that she had bought her house knowing it abutted the park, and that selling the park would be financially unsound since other new subdivisions in the city are not selling.

Ernest Farin of 635 W Girard moved to this location because of the dead end and the uniqueness and solitude of the street. He is concerned with the increased traffic and is against the extension of Barrington.

Hubert Pemberton of 30420 Barrington stated he is strictly opposed to selling the park. In addition, he opposed connecting Barrington.

Peter Fisher of 30451 Palmer agreed with the opposing views of his neighbors. He stated Gravel Park is the heart of his neighborhood and keeps extra traffic from driving through the neighborhood. Also, he thanked City Manager Jon Austin for helping with posting police officers in the neighborhood to deter speeders a few years back. In addition Mr. Fisher added that the city should not eliminate parks and make the existing ones larger, but add more neighborhood parks. In regards to Barrington, he stated that if the park is sold, Barrington should be connected due to possible increased traffic down Palmer.

Francis Przekaza of 30473 Palmer, in opposition of selling Gravel Park, stated many families visit the park in the summer and that promises of new equipment in the park have never materialized. In addition, she stated that connecting Barrington would be a mistake because of the high school traffic.

Dino Pezzato of 700 W Girard, resident of 22 years, stated his opposition of selling Gravel Park in that the neighborhood residents who use the park do not have to cross John R or Thirteen Mile Road. Also, she opposed to connecting Barrington due to increased cut through traffic.

Maryann Gilbert of 611 W Girard stated that more people use the park now and that it is better looking than in the past. She then asked if this was a done deal with the developer and what could the residents do to prove they want the park to stay.

Commissioner Austin responded that residents can express opinions to the planning commission during the public hearing, and that the hearing was not a required part of the process but the commission felt the residents' input needed to be put up front.

Mr. Schafer added that state law puts the public hearing at the end of the Mater Plan update process and the intent of this workshop was to put public opinion at the beginning of the process so the public can be heard prior to the Planning Commission making a determination.

Maryann Gilbert then added that the planning commission should consider making Barrington a one way street if connected the decision is to connect it.

Eric Przekaza of 30473 Palmer stated he was born and raised in a house next to the park but also realizes progress needs to happen. He stated that park visitors have increased and is opposed to selling Gravel Park. Also, expressed a concern of increased traffic from the high school if Barrington were connected.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 19, 2006**

John Marchione of 30407 Palmer asked if the residents are too late in addressing the Planning Commission since Parks and Recreation has made a plan to sell lots where the park is located.

Mr. Schafer explained the Parks and Recreation Master Plan and the involvement of the Planning Commission and City Council in accommodating the sale of the land, and the connection of Barrington.

Commissioner Austin added that a change in the Master Plan is possible and the Master Plan does not bind City Council.

Commissioner Russell expressed her opposition to connecting Barrington. She added that the city has reduced staff and does not have the funds to do anything more for the park and sacrifice of luxuries such as the park need to be made to continue services such as police and fire. Also, Commissioner Russell asked for a report of incidences from the chief of police for the area.

Chairman McFall closed the public hearing.

Master Plan Amendment - Sunset Park Land Swap

*Motion by Commissioner Austin,
Supported by Commissioner Higgins,*

The Future Land Use Plan designation of "Recreation" for Sunset Park should be changed to the "Public and Schools" designation to accommodate the swap of the property with Madison Schools for a like area adjacent to Rosie's Park, for continued use as recreation / open space and to provide area for needed parking, drop-off and pick-up areas for Halfman students.

Both the School District and City should restrict future use of both Sunset Park and the Schoenhals swap / Rosie's Park expansion to recreational uses and, in the case of Sunset, for a limited expansion of student drop-off / pick-up and parking areas.

*Yeas: Commissioners Austin, Bennett, Dixon, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins
and Chairman McFall
Nays: None.*

Motion carried

Master Plan Amendment – Gravel Park

*Motion by Commissioner Austin,
Supported by Commissioner Higgins,*

The Future Land Use Plan designation of "Recreation" for Gravel Park should be changed to the "Single-Family" designation to accommodate the possible sale of the park for redevelopment as single-family residential homes.

A maximum of 4 single-family lots would result in a development pattern that is consistent with the lot sizes in the area.

Barrington Street should not be connected as part of this development.

Commissioner Bennett stated she was opposed to the first part of the motion, and then made a substitute motion to amend the initial motion.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 19, 2006**

Motion by Commissioner Bennett,
Supported by Commissioner Dixon,

To leave the Gravel Park Land Use designation as is.

Commissioner Austin stated a point of order and indicated that a no vote would have the same result.

Mr. Shafer clarified that there was an amendment motion on the floor to leave the park Master Plan designation as it is, and two components of the original motion remained, the connection of Barrington and the density issue. In agreement with Commissioner Austin he stated that the effect of the amended motion would nullify any action. In clarification he asked if there was no intent by Commissioner Bennett to make any Master Plan Amendment to the connection of Barrington.

Commissioner Bennett confirmed.

Assistant City Attorney Grochowski stated that the substitute motion would have the same impact as a no vote on the original motion

Commissioner Bennett withdrew her amendment motion. In addition, she stated she was opposed to having the public hearing at this time and wanted it in January.

Commissioner Higgins explained that the Parks and Recreation Board were the individuals who put the issue into their Master Plan with their reasons to move the issue to the Planning Commission noting that input from the public was wanted and the regular notification area extended.

Commissioner Austin commented in support of the motion and explained the many concerns about park improvements verses the funding concerns of the city.

*Yeas: Commissioners Austin, Dixon, Kapolka, Pulice, Russell, Swanson, Vice Chairman Higgins
and Chairman McFall
Nays: Commissioner Bennett*

Motion carried

Commissioner Russell expressed thanks from the Planning Commission to DPS Director Ben Myers for putting together the traffic safety report regarding speed signage in the City.

Mr. Schafer explained what happens next in the Master Plan Amendment process.

Resident asked if the public will be kept in contact with and if it is possible for them to purchase the property.

Mr. Schafer explained the formal notification process.

Commissioner Russell added that residents can follow the process using the city website or Council agendas available on Comcast or WOW.

Commissioner Austin stated that if there were any questions regarding the purchasing of property residents they can call the City manager's Office or Mr. Schafer at the Community Development Department.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 9:19 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2007**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Kapolka, Pulice, Swanson, and Chairman McFall.

Absent: Commissioners Bennett, Dixon, Russell, and Vice Chairman Higgins.

MEMBERS EXCUSED

Motion by Commissioner Swanson,

Supported by Commissioner Pulice,

To excuse Commissioners Bennett, Dixon, Russell, and Vice Chairman Higgins from tonight's meeting.

Yeas: Commissioners Austin, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,

Supported by Commissioner Pulice,

To approve the minutes of the regular meeting December 19, 2006 as written.

Yeas: Commissioners Austin, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

Case No. 1061 – 32900 N Avis – Land Banked Parking

Community Development Director Schafer reviewed the staff report on this case:

Request: To allow land banked parking for 23 spaces at existing industrial facility.

Applicant: Kemp & Sherman, 1000 E. Mandoline, Madison Heights, MI 48071

Location: North Avis south of 14 Mile Road

Staff Analysis:

1. Applicant proposes to land bank 23 of the required 134 parking spaces for the existing industrial building. This is permitted by ordinance after Planning Commission review, and is encouraged to reduce land area covered by asphalt when it is not needed by businesses.
2. Need for the parking modification results from applicant's recent split of the property. The intent of the split is to accommodate future development of the new split parcel. This resulted in loss of existing parking for the current building. The site plan modifications demonstrate the ability to accommodate conformance with minimum parking standards and the installation of those required spaces in the future should the need arise, as required by ordinance.
3. The Site Plan Review Committee has reviewed the proposal and has no further items to address. The Committee recommends approval of the proposed land banked parking.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2007**

*Motion by Commissioner Swanson,
Supported by Commissioner Pulice,*

To approve land banking 23 of the required 134 parking spaces for the existing industrial building.

To accommodate conformance with minimum parking standards and the installation of required spaces in the future should the need arise, as required by ordinance.

Yeas: Commissioners Austin, Kapolka, Pulice, Swanson, and Chairman McFall

Nays: None.

Motion carried

Planning Commission 2006 Annual Report

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To accept and certify the 2006 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Austin, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

Election of Officers for 2007

Motion by Commissioner Swanson,
Supported by Commissioner Pulice,

To nominate Frank McFall for Chairman and to close nominations for Chairman and elect Frank McFall as Chairman by acclamation.

Yeas: Commissioners Austin, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

Motion by Commissioner Kapolka,
Supported by Commissioner Pulice,

To nominate Michael Higgins for Vice-Chairman and to close nominations for Vice-Chairman and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners Austin, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

Mr. Schafer introduced Camille Walker, the City's new Economic Development Coordinator.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:35 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 20, 2007**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Dixon, Kapolka, Pulice, Russell, Swanson, and Chairman McFall.
Absent: Commissioners Austin, Bennett, and Vice Chairman Higgins.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To excuse Commissioners Austin, Bennett, and Vice Chairman Higgins from tonight's meeting.

Yeas: Commissioners Dixon, Kapolka, Pulice, Russell, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson,
Supported by Commissioner Pulice,

To approve the minutes of the regular meeting January 16, 2007 as written.

Yeas: Commissioners Dixon, Kapolka, Pulice, Russell, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

ZOTXT 07-01 1500' Restaurant Separation Distance

Community Development Director Schafer reviewed the following staff report of the draft text amendment.

ZOTXT 07-01 1500' Restaurant Separation Distance

Attached is a draft text amendment that would eliminate the current 1500' separation standard for restaurants. Currently, the code requires that restaurants go to the ZBA for a waiver of this requirement if they do not meet the 1500' separation standard. The code also requires that they do so after City Council has granted special approval for the restaurant (special approval is required for all restaurants that have seating). As noted in Mr. Grochowski's attached letter, the special approval and site plan review procedures adequately address the impacts of restaurant uses and afford City Council the opportunity to focus on any issues prior to approval through conditions. In addition, the ZBA has approved every 1500' waiver request in the last seven years. Finally, the waiver requirement essentially forces every restaurant to go to the ZBA, as there are now few if any locations zoned appropriately that meet the separation standard. This adds a minimum of 2 – 4 weeks to the development review process in the City and results in added costs to both the City and applicant.

Staff recommends that the Planning Commission review the attached draft and, subject to any additional clarifications or changes, approve the draft for consideration at a future public

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 20, 2007**

hearing.

Motion by Commissioner Russell,
Supported by Commissioner Pulice,

To approve the draft of amendment ZOTXT07-01 for consideration at a future public hearing.

Yeas: Commissioners Dixon, Kapolka, Pulice, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion carried

ZOTXT 07-02 Electronic Message Board Signs

Community Development Director Jim Schafer reviewed the following staff report regarding the City Council assignment to revisit ordinance of electronic message board sign requirements:

ZOTXT 07-02 Electronic Message Board Signs

January 22, 2007 City Council Assignment

At the January 22, 2007 Council Meeting, local car wash owner Steve Gunn approached City Council with a request that the City change its electronic message board sign requirements to allow the frequency of message changes be reduced from 60 seconds to 5 - 10 second intervals. Mr. Gunn stated that he had visited a number of other businesses with electronic signs to solicit their support for this proposal. Also in attendance at the meeting were representatives from Peoples State Bank, Bob & Rob's and other businesses.

City Council has requested that the Planning Commission revisit this Ordinance requirement. In addition, Councilwoman Scott requested that staff contact the Michigan Municipal League to seek information on this issue and inquire if they are aware of any recent attempts by other communities to address this issue. She also recommended to Councilman Clark that the Chamber be surveyed to obtain information on the electronic message intervals.

History of Sign Code Changes

In 2001 the Planning Commission began, and ultimately recommended for approval, a comprehensive update of the sign section of the Zoning Ordinance. During that process, staff and legal counsel developed a draft amendment that included for the first time specific authorization to have Electronic Message Board signs. The initial draft considered by the Planning Commission set a 3-minute change cycle. Following two discussion meetings, the Planning Commission maintained the 3-minute change cycle in the draft that was the subject of the required public hearing at the Planning Commission. There were no comments at the public hearing. At that time, the City Attorney rendered a legal opinion recommending a one-minute change cycle. The Planning Commission subsequently recommended approval of the entire sign amendment to City Council with one change to the draft – a one-minute change cycle for electronic message boards.

City Council then considered the amendment in the normal course. During the City Council's review, a request was made by Councilman Corbett to modify the electronic reader board change cycle to 30 seconds. Staff prepared the requested draft text with a 30-second change cycle for City Council's review and consideration. Following public hearing, City Council adopted the proposed amendment unanimously with the one-minute change cycle standard as recommended by the Planning Commission. The one-minute change cycle has been in effect since June 20, 2002.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 20, 2007**

Code Enforcement Activity Regarding Electronic Message Boards

During the January 22, 2007 City Council meeting references were made to code enforcement actions regarding electronic message boards. The following table summarizes actual code enforcement activity from 2004 to present:

**DORSEY BUSINESS SCHOOL 30821
BARRINGTON:**

SIGN FLASHING 9/9/05 VERBAL
9/14/05 FOLLOW UP
9/16/05 COMPLIED

SIGN FLASHING 9/28/06 VERBAL
10/02/06 COMPLIED

SIGN FLASHING 12/20/06 VERBAL
12/21/06 COMPLIED

CVS PHARMACY 31010 JOHN R ROAD:

SIGN FLASHING 1/13/05 VERBAL
1/21/05 COMPLIED

QUICK & EASY 32350 JOHN R ROAD:

SIGN FLASHING 12/5/06 VERBAL
12/7/06 COMPLIED

SIGN FLASHING 1/9/07 VERBAL
1/10/07 COMPLIED

WASH POINTE 28245 JOHN R ROAD:

SIGN FLASHING 5/12/05 VERBAL
5/13/05 COMPLIED

SIGN FLASHING 6/28/05 VERBAL
6/29/05 COMPLIED

SIGN FLASHING 1/9/07 VERBAL /
HEARING
1/15/07 COMPLIED

SIGN FLASHING 1/17/07 VERBAL
1/18/07 COMPLIED

PEOPLE'S STATE BANK 600 E. 14 MILE:

NO VIOLATIONS

BOB & ROBS 28167 JOHN R ROAD:

SIGN FLASHING 1/10/07 VERBAL
1/11/07 COMPLIED

SIGN FLASHING 2/13/07 VERBAL
2/14/07 COMPLIED

PEOPLE'S STATE BANK 1800 E. 12 MILE:

SIGN FLASHING 1/12/07 VERBAL
1/15/07 COMPLIED

MEDICAL OFFICE 28200 JOHN R ROAD:

NO VIOLATIONS

CVS PHARMACY 26800 JOHN R ROAD:

SIGN FLASHING 2/21/05 VERBAL
2/24/05 COMPLIED

SIGN FLASHING 11/16/06 VERBAL
12/08/06 COMPLIED

WALGREEN'S 26800 JOHN R ROAD:

NO VIOLATIONS

MADISON ATHLETIC CLUB 2 ALAX:

SIGN FLASHING 1/19/05 VERBAL
1/12/05 COMPLIED

SIGN FLASHING 3/6/06 VERBAL
3/14/06 COMPLIED

VALUE CENTER 1485 W. 14 MILE:

SIGN FLASHING 7/9/04 VERBAL
7/9/04 COMPLIED

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 20, 2007

Current Code Standards in Other Communities

As a part of staff's analysis of this issue, a survey was done of surrounding communities as well as specific communities brought to our attention through the City Council discussion (St. Clair Shores, Royal Oak) and after contact with MML (Adrian, Walker, Mt. Clemens). The results of that survey are noted below:

City	Permitted Change Cycle	Comments
Madison Heights	One Minute; 30 seconds for Time/Temp	"Electronic changeable message boards (signs) may be incorporated as part of any permitted sign. The message shall not change more than once every one (1) minute. Text displays shall conform to the requirements of paragraph (6) above and moving text and video displays shall not be permitted. The change cycle for time and temperature shall not be less than thirty (30) seconds."
Royal Oak	Not less than 30 seconds ; Time/Temp – 10 seconds	Flashing / moving lights prohibited except on Woodward Ave – Heritage Route where flashing, moving or animation signage is allowed after approval of master signage plan by Planning Commission.
Warren	Not Permitted	Electronic Message Boards are prohibited. The Zoning Board of Appeals hears appeals. When approved they may include conditions regarding duration of change cycle. This includes the gas station price signs that are LED.
Troy	Not less than 1 minute ; 30 seconds for date / time	Flashing / Intermittent illumination prohibited
Clawson	Not Permitted	Prohibited.
Ferndale	Prohibited except for Time/Temp	Prohibited. Police Department hears reviews of the prohibition on flashing signage based on public safety.
Sterling Heights	30 Seconds	No flashing, moving, scrolling, animated or intermittent illumination. Only permitted to operate during business hours or 6:00 a.m. and 10:00 p.m., whichever time period is less.
Hazel Park	Time/Temp only permitted – No specified time	Animated signs (Copy changes more than 8 times per day) prohibited.
St. Clair Shores	Time/Temp only permitted – Min 10 seconds	No moving, intermittent or blinking lights permitted.
Adrian	Time/Temp – No specified time; EMB's – 1 Hour	No moving or intermittent images or messages. Electronic reader board messages must remain static on the sign for at least one hour.
Mount Clemens	No specified time	No flashing, animated, moving or bare bulb-type signs or displays. Changeable copy signs prohibited, except as part of a permanent freestanding sign. No more than twenty (20) percent of a permanent freestanding sign shall be utilized for changeable copy unless otherwise specified in this Ordinance. Schools, churches and public buildings may utilize up to fifty (50) percent of the sign face for changeable copy. For Commercial, business and industrial districts one of the permitted signs on a site may include or may be an electronic reader board with scrolling text or graphics.
Walker	30 Seconds	No flashing or intermittent illumination on any sign. Electronic reader boards are permitted provided that the electronic message shall not scroll and shall not change more often than once every thirty (30) seconds.
Waterford	Time/Temp Only – 7.5 seconds	Moving signs are limited to those that provide alternating time and temperature or financial indexes. Signs containing flashing, intermittent, animated or moving lights are prohibited.

In summary, the survey indicates that when they are permitted, electronic message board regulations vary widely, from no time specifications to 4 hours between text changes, with the vast majority of communities specifically prohibit flashing, moving and intermittent signage; even where electronic message boards are permitted (as is the case with our current City code).

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 20, 2007

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 20, 2007

Traffic Safety

A comment made by a business owner at the City Council meeting referenced a contact with the Police Department inquiring as to any accidents caused by the electronic message board at the Lamphere High School. Staff confirmed with the Police Chief that the Police Department does not record accident data regarding signage unless it was directly involved in a crash (e.g. the sign is hit by a vehicle). Accordingly, it is anticipated that no data would show a correlation between the sign and any adjacent accidents.

Staff also contacted the American Planning Association (APA), Michigan Municipal League (MML) and Michigan Association of Planning (MAP) to inquire if they had any data or reports that might assist in addressing this issue. MAP had no information, MML sent three community code sections summarized above (Adrian, Walker, Mt. Clemens), and APA sent a packet of ordinance requirements from around the country which essentially mirror the results of the local survey completed by staff and summarized in the table above.

Signage Viewing Time in Seconds By Speed and Distance

The following table outlines the amount of time (in seconds) a passerby in a vehicle, traveling at various speeds, is in front of a parcel of land at various lot widths. This allows an analysis of the amount of time available for a passing motorist to read a message on a sign. Typical speed limits on John R and the Mile Roads range from 30 to 40 mph (a speed limit map is attached for reference).

Speed (in mph)	<i>Lot Width (in feet)</i>					
	<i>50</i>	<i>75</i>	<i>100</i>	<i>125</i>	<i>150</i>	<i>200</i>
	<i>Viewing Time in Seconds</i>					
<i>25</i>	<i>1.4</i>	<i>2.0</i>	<i>2.7</i>	<i>3.4</i>	<i>4.1</i>	<i>5.5</i>
<i>30</i>	<i>1.1</i>	<i>1.7</i>	<i>2.3</i>	<i>2.8</i>	<i>3.4</i>	<i>4.5</i>
<i>35</i>	<i>1.0</i>	<i>1.5</i>	<i>1.9</i>	<i>2.4</i>	<i>2.9</i>	<i>3.9</i>
<i>40</i>	<i>0.9</i>	<i>1.3</i>	<i>1.7</i>	<i>2.1</i>	<i>2.6</i>	<i>3.4</i>
<i>45</i>	<i>0.8</i>	<i>1.1</i>	<i>1.5</i>	<i>1.9</i>	<i>2.3</i>	<i>3.0</i>
<i>50</i>	<i>0.7</i>	<i>1.0</i>	<i>1.4</i>	<i>1.7</i>	<i>2.0</i>	<i>2.7</i>

As indicated on the table, at a lot width of 200', there is 5.5 seconds of viewing time at a 25 mph speed. As noted above, typical speed limits on the commercial corridors range from 30 to 40 mph, thus reducing view times to 3.4 to 4.5 seconds. Smaller parcels have reduced viewing time at the same speed. Of course, signs are visible for more than the width of a lot. However, for comparative purposes, this chart enables an apple-to-apple analysis of view times. One can use this table to compare the relative number of text changes that would be viewable to a passing motorist at given speeds and lot widths. In addition, it is important to note that as these signs become more prevalent, the table can also provide insight into the cumulative impact of the signs along a commercial corridor. In other words, passing motorists will be exposed to increasing numbers of these signs as the technology improves and becomes widespread. As motorists progress down a commercial corridor they will be viewing and digesting electronic message boards on an increasing basis.

Local School District Signage

During discussion of this item before City Council several comments were made regarding local school facility signage that does not meet the City's one-minute change cycle standard. This is true. The Lamphere High School sign is operated routinely with a change cycle much faster than the one-minute standard (typically in the 5 – 15 second range) in addition to having moving / flashing text. Under state law, school districts are exempt from local zoning ordinances, including

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 20, 2007

the sign provisions of the Zoning Ordinance. Accordingly, Lamphere Schools are not required to adhere to the one-minute electronic message board change cycle and the prohibition on moving text. Please note that the Lamphere School District was notified when the electronic reader board was installed at the Lamphere High School to inform them of the City's one-minute change cycle standard.

Also in the course of the City Council meeting, reference was made to "State Regulations" on signage at schools, with the comment that if the standards are good enough for the State they should be good enough for Madison Heights. Staff contacted the Bureau of Construction Codes, who has jurisdiction over schools, to confirm that they do not regulate electronic message boards in terms of message and frequency of change cycle and that the State has no standards in this regard. The Bureau confirmed that they do not regulate any aspect of signage other than procedural review and code compliance for the sign structure itself, not sign design or operation. In short, these signs are not regulated and there are no State standards.

Staff Comments

1. *Attached for the Planning Commission's information are the following:*

- ☐ *Pictures of existing electronic message boards in the City*
- ☐ *Minutes of the August 21, 2001, December 18, 2001, February 19, 2002 and March 19, 2002 Planning Commission meetings.*
- ☐ *Minutes of the April 8, 2002, May 13, 2002 and January 22, 2007 City Council Meetings*
- ☐ *Copies of recent press articles regarding the electronic message board issue*
- ☐ *Copy of the February 22, 2002 letter from the City Attorney recommending the one-minute change cycle.*
- ☐ *Speed Limit map*

In addition, staff has prepared an 8-minute video showing various change cycles using the City's new electronic message board as a sample.

2. *The Site Plan Review Committee has reviewed the issue of electronic message board change cycles. The Committee noted the following concerns with an increased (faster) change cycle:*

- ☐ *Distraction for drivers as they attempt to read signage that changes as they drive by. The faster the change cycle, the more times a driver is "asked" to read and digest the sign content as they drive by.*
- ☐ *Cumulative impact of electronic message boards with quicker change cycles on the City's main commercial corridors from a driver distraction and aesthetic perspective.*

For these reasons, the Site Plan Review Committee does not recommend any change to the current one-minute change cycle. In addition, should the Planning Commission and City Council ultimately consider such a change, the Committee does not recommend a cycle any faster than 30 seconds (the current date and time requirement), with maintenance of the prohibition on moving text and video displays.

Robert Gunn, owner of Wash Point Auto Wash, 28245 John R, was present and provided information of his own research from a manufacturer of electronic reader board signs. He stated that a sign with 6 inch characters can not be viewed until within 300 feet and within 6 seconds you would have traveled past the sign if going 35 Mph, or 51 feet per second. A 12-inch character sign would have fewer words, such as "open", or "car wash", which is readable from 600 feet away and the sign would be passed in 12 seconds at a speed of 35 Mph. From this information, Mr. Gunn stated a 12 to 15 second interval would give the public a chance to view, at the most, one message at a 35 mph speed limit. In addition, roads that have a higher speed limit would allow drivers to see less resulting in less of a

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 20, 2007**

distraction. He stated that a 15 second interval would be ideal, being a good compromise from a 5 second change or a flashing message.

Commissioner Russell stated she concurred with the recommendation of the Site Plan Review Committee and made the following motion:

Motion by Commissioner Russell,
Supported by Commissioner Pulice,

To recommend no change to the current one-minute change cycle for electronic message boards.

Amended Motion by Commissioner Swanson to recommend to City Council that the current change cycle for electronic message board signs be changed to a 30 second interval.

Amended Motion died for lack of a second.

Vote on the original motion:

Yeas: Commissioners Dixon, Kapolka, Pulice, Russell, and Chairman McFall.

Nays: Commissioner Swanson.

Motion Carried

ZOTXT 07-03 Covered Porches

Community Development Director Schafer reviewed the staff report of the draft text amendment:

ZOTXT 07-03 Covered Porches

Attached is a draft ordinance amendment that would allow, in limited circumstances, a front porch roof to extend into the required front yard of single-family homes. As explained in Mr. Grochowski's attached letter, this amendment is a reflection of the ZBA actions on these types of requests over the past three years, where every request (16) for these types of roof variances was granted, with no visible change to the character of the area. In short, the amendment would allow porches that extend up to 6' into the required front yard to be covered. These porches are currently allowed to extend 6' into the required front yard but they must be uncovered. The only change would be to allow covered porches up the same encroachment currently allowed for uncovered porches.

The vast majority of these requests are approved by the ZBA with no impact to the neighborhoods, and are in many instances enhancing the quality of the City's housing stock. In addition, the amendment would reduce the cost and time impacts of ZBA applications on both homeowners and the City. With this in mind, staff recommends that the Planning Commission review the attached draft and, subject to any additional clarifications or changes, approve the draft for consideration at a future public hearing.

Motion by Commissioner Russell,
Supported by Commissioner Dixon,

To approve the draft of amendment ZOTXT07-03 for consideration at a future public hearing.

Yeas: Commissioners Dixon, Kapolka, Pulice, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:58 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2007**

CALL TO ORDER

Vice Chairman Higgins called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Bennett, Kapolka, Pulice, Russell, and Vice Chairman Higgins.
Absent: Commissioners Austin, Dixon, Swanson, and Chairman McFall.

MEMBERS EXCUSED

Motion by Commissioner Kapolka,
Supported by Commissioner Pulice

To excuse Commissioners Austin, Dixon, Swanson, and Chairman McFall from tonight's meeting.

Yeas: Commissioners Bennett, Kapolka, Pulice, Russell, and Vice Chairman Higgins.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Russell,
Supported by Commissioner Kapolka,

To approve the minutes of the regular meeting March 20, 2007 as written.

Yeas: Commissioners Bennett, Kapolka, Pulice, Russell.
Nays: None.
Abstained: Vice Chairman Higgins.

Motion Carried

Public Hearing - ZOTXT 07-01 Proposed Amendment to Section 10.319(4) of the Zoning Ordinance to eliminate the current 1500' separation requirement for new restaurants.

Community Development Director Schafer reviewed the following staff report of the draft text amendment.

Currently, Section 10.319(4) requires that new restaurants must be at least 1500' away from another restaurant. Those that are not must go to the ZBA for a waiver if they do not meet the 1500' separation standard. The code also requires that they do so after City Council has granted special approval for the restaurant (special approval is required for all restaurants that have seating). As noted in Mr. Grochowski's attached letter, the special approval and site plan review procedures adequately address the impacts of restaurant uses. City Council has the opportunity to focus on any issues prior to approval through the application of conditions on special approval. In addition, the ZBA has approved every 1500' waiver request in the last seven years. Finally, the waiver requirement essentially forces every restaurant to go to the ZBA, as there are now few if any locations zoned appropriately that meet the separation standard. This adds a minimum of 2 – 4 weeks to the development review process for restaurants and results in added costs to both the City and applicant.

Recommendation

Following the required public hearing, staff recommends that the Planning Commission recommend

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2007**

approval of the proposed amendment to City Council.

Vice Chairman Higgins opened the public hearing.

There being no one wishing to speak Vice Chairman Higgins closed the public hearing.

Motion by Commissioner Pulice,
Supported by Commissioner Russell,

Whereas, the Planning Commission reviewed and considered, at their March 20, 2007 meeting, a proposed amendment to Section 10.319(4) of the Zoning Ordinance to eliminate the current 1500' separation requirement between restaurants, and

Whereas, the Community Development Department and Assistant City Attorney submitted a report to the Planning Commission recommending approval of the proposed amendment, and

Whereas, the Planning Commission held a duly advertised public hearing on April 17, 2007 at which time there was no public present and no public comment from the audience,

Now, therefore be it resolved, that the Madison Heights Planning Commission hereby recommends that the City Council approve the proposed Zoning Text Amendment Case No. ZOTXT 07-01 – Section 10.319(4) for the reasons noted in the staff and Assistant City Attorney reports.

Yeas: Commissioners Bennett, Kapolka, Pulice, Russell, and Vice Chairman Higgins.

Nays: None.

Motion carried

Public Hearing - ZOTXT 07-03 Proposed Amendment to Section 10.601(8) of the Zoning Ordinance to allow conforming porches that encroach into required front yards to be covered.

Community Development Director Schafer reviewed the following staff report of the draft text amendment.

Currently, Section 10.601(8) allows uncovered and unenclosed porches to extend up to 6' into required front yards in the single family zoning districts. As explained in Mr. Grochowski's attached letter, this amendment is a reflection of the ZBA actions on these types of requests over the past three years, where every request (16) for these types of roof variances was granted. In short, the amendment would allow porches that extend up to 6' into the required front yard to be covered. The only change would be to allow covered porches up to the same encroachment currently allowed for uncovered porches. The requests approved by the ZBA have had no impact to the neighborhoods, and are in many instances enhancing the quality of the City's housing stock. In addition, the amendment would reduce the cost and time impacts of ZBA applications on both homeowners and the City.

Recommendation

Following the required public hearing, staff recommends that the Planning Commission recommend approval of the proposed amendment to City Council.

Vice Chairman Higgins opened the public hearing.

There being no one wishing to speak Vice Chairman Higgins closed the public hearing.

Motion by Commissioner Russell,
Supported by Commissioner Pulice,

Whereas, the Planning Commission reviewed and considered, at their March 20, 2007 meeting, a proposed amendment

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2007**

to Section 10.601(8) of the Zoning Ordinance to allow conforming porches that encroach into required front yards to be covered, and

Whereas, the Community Development Department and Assistant City Attorney submitted a report to the Planning Commission recommending approval of the proposed amendment, and

Whereas, the Planning Commission held a duly advertised public hearing on April 17, 2007 at which time there was no public present and no public comment from the audience,

Now, therefore be it resolved, that the Madison Heights Planning Commission hereby recommends that the City Council approve the proposed Zoning Text Amendment Case No. ZOTXT 07-03 – Section 10.601(8) for the reasons outlined in the staff and Assistant City Attorney reports.

Yeas: Commissioners Bennett, Kapolka, Pulice, Russell, and Vice Chairman Higgins.

Nays: None.

Motion carried

Future Public Hearing

Mr. Schafer gave an update of the proposed amendments to the master plan and reviewed the following staff report.

The Oakland County Zoning Coordinating Committee has completed their required review of the proposed Master Plan amendments. Attached is a copy of the Oakland County Zoning Coordinating Committee's finding that the proposed amendments are "not inconsistent with the plan of any of the surrounding communities". The County's finding constitutes their review and "approval" of the proposed amendments under State law. In addition, attached is a copy of the March 13, 2007 Troy Planning Commission Resolution of Support for the proposed amendments. No other comments were received.

Recommendation

The required 40-day review period has now passed. Accordingly, the Planning Commission's next step is to conduct the required public hearing on the proposed Master Plan amendments. Appropriate action would be to schedule the required public hearing for the Planning Commission's May 15, 2007 meeting at 7:30 p.m.

Motion by Commissioner Kapolka,

Supported by Commissioner Bennett,

To set the required public hearing on the proposed Master Plan amendments for May 15, 2007 at 7:30 p.m.

Yeas: Commissioners Bennett, Kapolka, Pulice, Russell, and Vice Chairman Higgins.

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice Chairman Higgins adjourned the meeting at 7:37 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 15, 2007**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Dixon, Kapolka, Pulice, Swanson, Vice Chairman Higgins, and Chairman McFall
Absent: Commissioner Russell

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioner Russell from tonight's meeting,

Yeas: Commissioners Austin, Bennett, Dixon, Kapolka, Pulice, Swanson, Vice Chairman Higgins, and Chairman McFall
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner Bennett,

To approve the minutes of the regular meeting April 17, 2007.

Yeas: Commissioners Bennett, Dixon, Kapolka, Pulice, Swanson, Vice Chairman Higgins, and Chairman McFall
Nays: None
Abstain: Commissioner Austin

Motion Carried

Case ZOTXT 07-02: Amendment to section 10.511(III)(A)(7) of the Zoning Ordinance to change the permitted Electronic Message Board frequency from One minute to 30 seconds.

Community Development Director Schafer reviewed the staff report of the proposed Zoning Ordinance change.

Chairman McFall opened the public hearing.

There being no one wishing to speak Chairman McFall closed the public hearing.

*Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,*

That the electronic message board frequency be changed from one minute to thirty seconds

Commissioner Pulice stated his opposition to changing the frequency and mentioned that new technologies such as phones and I-pod's can lead drivers to take their eyes off the road and result in an accident. In addition, he feel's changing the electronic signs can have a similar result.

Commissioner Bennett expressed her agreement to these statements, and thinks the city also has enough electronic signs

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 15, 2007**

already.

Chairman McFall stated that individuals he had talked to in the community were not in favor of the change.

Commissioner Austin stated four reasons in opposition to the change:

1. City Council adopted the one-minute standard not that long ago, June 20, 2002.
2. The survey shows other communities with stricter or equal policies to that of Madison Heights.
3. The site plan review committee and city staff reviewed this proposal and raised concerns regarding involving distractions.
4. Legal review indicates the city's current standard is supportable.

Commissioner Higgins stated that he feels it is difficult enough as it is at the current frequency to read the signs and agreed with previous comments that faster frequency was a safety issue.

*Substitute Motion by **Commissioner Pulice**,
Supported by **Commissioner Bennett**,*

Recommend that the City Council deny the proposed amendment to change the permitted Electronic Message Board frequency from One minute to 30 seconds.

Roll Call Vote:

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, and Chairman McFall.

Nays: Commissioner Swanson.

Motion carried

Community Development Director Schafer reviewed the next steps to be taken in the process, namely that the recommendation would be forwarded to City Council who, after public hearing, would make the final decision on the proposed amendment.

Commissioner Bennett asked how many electronic message boards may be coming to Madison Heights in the future, and are there ways to restrict these.

Mr. Schafer stated that the number has substantially increased since 2002 yet there are still only a few in the city. Even so, there appears to be more interest in these, and they are a legitimate form of signage.

Commissioner Pulice expressed his concern about having several businesses display these signs in a row.

Chairman McFall asked if there are any restrictions to the size of the signs.

Mr. Schafer responded that these signs are incorporated in the overall permitted size of signage for a given site.

Proposed Amendment to the Madison Heights Master Plan to change the designation of Gravel Park from Recreation to Single-family, and Sunset Park from Recreation to Public and Schools.

Community Development Director Schafer reviewed the staff report of the Proposed Amendment to the Madison Heights Master Plan.

Chairman McFall opened the public hearing.

There being no one wishing to speak Chairman McFall closed the public hearing.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 15, 2007**

***Motion** by Commissioner Austin,
Supported by Commissioner Pulice,*

To adopt the following Resolution of Approval:

**Amendment to the Madison Heights Master Plan to change the designation of Gravel Park from Recreation to Single-Family, and Sunset Park from Recreation to Public and Schools.
City of Madison Heights Planning Commission
May 15, 2007**

Whereas; on December 13, 2004 City Council adopted the 2005-2006 Goal Plan. Included in that Plan was the following:

Goal G: Analyze options and update the Parks & Recreation Master Plan including, but not limited to, the possible sale of Gravel Park for residential redevelopment and swapping equivalent park properties at Sunset Park and Rosie's Park within the Madison School District. and,

Whereas; on November 17, 2005 the Madison Heights Parks & Recreation Advisory Board approved the proposed 2006 – 2010 Parks & Recreation Plan. Included in that Plan were the following Action / Budget Plan Program objectives:

2006 Action / Budget Program

1. ***GRAVEL PARK: Begin process towards redeveloping park to a residential use.**
Basis for Action – *Loss of Ash trees in Gravel Park greatly impacts its use, but further redevelopment of the city's park facilities is possible with revenues from its sale.**
2. ***SUNSET / ROSIE'S EXCHANGE: Explore the possibility of a land exchange between Madison Schools and City parkland**
Basis for Action – *Analyze available land opportunities in order to determine how to best deliver park services to residents. and,**

Whereas; on January 23, 2006 City Council adopted the 2006 – 2010 Parks & Recreation Master Plan, including the above 2006 Action / Budget Program. and,

Whereas; the Planning Commission reviewed the proposed amendments and conducted the required 5-year Master Plan review at their September 19, 2006, November 21, 2006 and December 19, 2006 meetings, including a public workshop for Gravel Park area residents at the December 19, 2006 meeting, and

Whereas; Notices of Intent to Plan were sent to all required entities on September 20, 2006, and

Whereas; the Planning Commission considered the maps, aerial photographs and data included in the proposed amendments as well as the comments received at the public workshop, and,

Whereas; the amendments were sent to City Council who, on February 12, 2007 concurred with the recommendation of the Planning Commission, authorized distribution of the Draft Master Plan Amendment to the adjacent communities, Oakland County, SEMCOG and other required parties, and determined that approval authority will remain with the Planning Commission, and,

Whereas; copies of the proposed amendments were distributed to required entities on February 14, 2007, and

Whereas; the Planning Commission conducted the required public hearing on the Master Plan amendments at their May 15, 2007 meeting,

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 15, 2007

Now Therefore be it resolved; that the Madison Heights Master Plan has been reviewed by the Planning Commission and is hereby amended to change the designation of Gravel Park from “Recreation” to “Single-Family”, and Sunset Park from “Recreation” to “Public and Schools”.

Commissioner Pulice asked if new homes were to be built in the Gravel Park area.

Commissioner Austin responded that he is not sure the city is ready to move on selling any properties to accommodate building new homes, but the changes will allow City Council to move on the actions if the situation arises in the future.

Chairman McFall asked if there is a possibility that Barrington will be extended adjacent to Gravel Park.

Commissioner Austin reminded the Planning Commission that a motion was passed to recommend that Barrington not be extended adjacent to Gravel Park.

Commissioner Pulice asked if the residents knew the public hearing was taking place.

Mr. Schafer stated that at a previous meeting the residents were informed of the process and the notices of future meetings would occur as required by state law, which was done, and it was recommended that they maintain contact with the city, which many did.

Commissioner Austin stated that the meeting held in December was not required as part of the process but thought it would be helpful in involving residents sooner in the process than required by State law.

Commissioner Swanson added that people who attended that meeting were interested in possibly purchasing the land if it did go up for sell.

Commissioner Bennett stated she was opposed to selling Gravel Park and stated that personal letters should have been sent out about the public hearing. She then asked if a resident or business owner donated Gravel Park.

Assistant City Attorney Nicolas Grochowski responded that a title search was performed and that he believes the park was donated but there were no restrictions on the deed as far as keeping it parkland.

Commissioner Swanson asked if the land would still be used as a park.

Commissioner Austin responded that there would be options for future use as determined by City Council.

Commissioner Bennett expressed concern that if the market improves the land could be sold to build homes on, and feels there is not enough green space in the area.

Commissioner Austin stated that the City just entered into a twenty-five year agreement to maintain and operate an 11 acre park about a quarter of a mile south of this location.

Commissioner Higgins addressed notification processes and stated that residents have several opportunities to learn about what is happening with City Council.

Commissioner Pulice asked how many homes could be put on the Gravel Park site.

Commissioner Austin responded four at the most.

Commissioner Swanson stated that if the park did go for sale residents could bid to buy it by sealed bid.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: Commissioner Bennett.

Motion carried

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 15, 2007

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:55 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2007

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Higgins, Kapolka, Russell, Swanson, and Chairman McFall.

Absent: Commissioners Bennett, and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Russell,

To excuse Commissioners Bennett and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting of May 15, 2007 as written.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

Case No. 1062 – Site Plan Review

Site Plan Review – Case 1062 – 1431 E. 12 Mile – Crown Office Village – Building “L”

Mr. Schafer gave a description of the proposed site plan.

Scott Marcus from Crown Office Village thanked the City and staff for their assistance with the plan.

Commissioner Bennett asked whether a tenant is secured for the addition and whether it will be a single tenant or multiple.
Mr. Marcus replied that no tenant has been secured and the site is flexible to accommodate different tenant(s).

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

That the Madison Heights Planning Commission hereby approves the site plan for Crown Office Plaza, 1431 E. 12 Mile, Building “L”, as proposed.

Yeas: Commissioners Austin, Dixon, Higgins, Kapolka, Russell, Swanson, and Chairman McFall.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:35 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 16, 2007**

CALL TO ORDER

Vice-Chairman Higgins called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell, and Swanson.
Absent: Commissioner Dixon and Chairman McFall.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Russell,

To excuse Commissioner Dixon and Chairman McFall from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell, and Swanson.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice,
Supported by Commissioner Kapolka

To approve the minutes of the regular meeting of August 21, 2007 as written.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell, and Swanson.
Nays: None.

Motion Carried

Case No. 1063 – Rezoning 28459 Dequindre from O-1 Office to B-1 Local Business

Request: To rezone a vacant parcel of land in the northeast ¼ of section 13, T.1.N, R.11E, City of Madison Heights, Oakland County, MI, from O-1 Office to B-1, Local Business.

Location: 28459 Dequindre - West side of Dequindre Road between Jenifer Ave. and Nottingham Dr., more particularly described as commencing at the northeast corner of said Section 13; thence S00°10'40"W, a distance of 1,318.18'; thence N89°01'18"W, a distance of 60.01' to the point of beginning; thence continue westerly along said line, a distance of 174.69'; thence N00°10'40"E a distance of 75.00'; thence S89°01'14"E. a distance of 174.76'; thence S00°10'40"W a distance of 75.00' to the point of beginning.

Applicant: Robert J. Cliffe – MGA Architects, 818 W. 11 Mile Road, Royal Oak, MI 48067, representing the property owner – Chehab Properties, L.L.C. 3336 Farmdale, Sterling Heights, MI

Master Plan: Parcel: Commercial
North: Commercial
South: Office
East: Dequindre ROW
West: Public / Schools and Recreation

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 16, 2007**

Zoning: Parcel: O-1 Office
North: B-2 Planned Business
South: O-1 Office
East: Dequindre ROW
West: O-1 Office

Community Development Director Schafer gave a description of the rezoning case noting the intent of use and previous rezoning requests of the property to the south. In addition, noting the proposed B-1 Local Business would permit less intense commercial uses than the adjacent B-2 Planned business district to the north.

Vice Chairman Higgins opened the public hearing.

There being no one wishing to speak, Vice Chairman Higgins closed the public hearing.

Vice Chairman Higgins asked if the adjacent retention pond is to remain.

Mr. Schafer stated the retention pond is sized to accommodate both Harvard Village and development of the subject site.

Robert J. Cliffe, of MGA Architects, 818 W. Eleven Mile Road, Royal Oak, MI 48067, presented the proposed plan of property, stated that work would be done in two phases so not to interrupt the continuing operations of the pharmacy. In addition, he addressed what the façade was to look like.

Commissioner Swanson asked what the size of the building is to be.

Mr. Cliffe answered 5,085 sq ft.

Vice Chairman Higgins asked what plans were in store for the current pharmacy site.

Mr. Cliffe answered that a decision was still being worked on based on the zoning and site constraints.

Commissioner Austin stated he is in favor of the idea of using the existing approach and no additional curb cuts will be made.

*Motion by Commissioner Austin,
Supported by Commissioner Pulice,*

Whereas, Request No. 1063 has been received from Robert J. Cliffe – MGA Architects, 818 W. 11 Mile Road, Royal Oak, MI 48067, representing the property owner – Chehab Properties, L.L.C. 3336 Farmdale, Sterling Heights, M, to rezone a vacant parcel of land particularly described as commencing at the northeast corner of said Section 13; thence S00°10'40"W, a distance of 1,318.18'; thence N89°01'18"W, a distance of 60.01' to the point of beginning; thence continue westerly along said line, a distance of 174.69'; thence N00°10'40"E a distance of 75.00'; thence S89°01'14"E. a distance of 174.76'; thence S00°10'40"W a distance of 75.00' to the point of beginning, also known as 28459 Dequindre, from O-1 Office to B-1 Local Business.

Whereas, the area of request is located on the West side of Dequindre Road between Jenifer Ave. and Nottingham Dr, and

Whereas, the intent is to develop a retail center on the subject parcel, utilizing combined parking with the adjacent parcel to the south, and

Whereas, the Community Development Department submitted a report to the Planning Commission giving the staff's analysis of the request, and staff's recommendation that the Planning Commission recommend to the City Council approval of the proposed rezoning request as it is in conformance with the Master Plan, and

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 16, 2007**

Whereas, a duly advertised public hearing was held by the Commission at which no one had an objection to the request, and

Now, therefore, be it resolved, that the Madison Heights Planning Commission hereby recommends to the City Council approval of the proposed rezoning request of a vacant parcel of land particularly described as commencing at the northeast corner of said Section 13; thence S00°10'40"W, a distance of 1,318.18'; thence N89°01'18"W, a distance of 60.01' to the point of beginning; thence continue westerly along said line, a distance of 174.69'; thence N00°10'40"E a distance of 75.00'; thence S89°01'14"E, a distance of 174.76'; thence S00°10'40"W a distance of 75.00' to the point of beginning, also known as 28459 Dequindre, from O-1 Office to B-1 Local Business, in that such action is consistent with the Master Plan and provides for logical development in the area.

Yeas: Commissioners Austin, Bennett, Higgins, Kapolka, Pulice, Russell, and Swanson.

Nays: None.

Motion carried

Discussion of Screen Wall Requirements

City Council has requested that the Planning Commission review the current Zoning Ordinance standards for screen walls to determine if businesses could be required to match existing adjacent walls when new walls are constructed.

Mr. Schafer gave an overview of current standards and staff analysis. City Council directed the issue to the Planning Commission to look at whether or not modifications should be made of existing standards for mandating or requiring compatibility of adjacent screen walls.

Commissioner Bennett asked who maintains these walls. Mr. Schafer answered the commercial or industrial property owners are required to install and maintain the walls.

Commissioner Russell stated that no action should be taken on this. Current standards are fine.

Commissioner Swanson stated there has only been one complaint in the last eight years concerning the issue.

Commissioner Austin stated that he had met with the resident and the adjacent business to address the problem.

Vice Chairman Higgins said that it is just one of hazards of buying property next to a business of this type.

*Motion by Commissioner Russell,
Supported by Commissioner Swanson,*

To take no action in modifying the existing standards for mandating or requiring compatibility for adjacent screen walls.

Yeas: Commissioners Austin, Bennett, Kapolka, Pulice, Russell, Swanson, and Vice Chairman Higgins

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice-Chairman Higgins adjourned the meeting at 7:53 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 19, 2008**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Kapolka, Swanson, and Chairman McFall.

Absent: Commissioners Dixon, Pulice, Russell, and Vice Chairman Higgins.

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To excuse Commissioners Dixon, Pulice, Russell, and Vice Chairman Higgins from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Kapolka, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Bennett,

To approve the minutes of the regular meeting October 16, 2007 with correction.

Yeas: Commissioners Austin, Bennett, Kapolka, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

Planning Commission 2007 Annual Report

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

To accept and certify the 2007 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Austin, Bennett, Kapolka, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 19, 2008**

Election of Officers for 2008

Motion by Commissioner Swanson,
Supported by Commissioner Kapolka,

To nominate Frank McFall for Chairman, to close nominations for Chairman and elect Frank McFall as Chairman by acclamation.

Yeas: Commissioners Austin, Bennett, Kapolka, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

Motion by Commissioner Austin,
Supported by Commissioner Kapolka,

To nominate Michael Higgins for Vice-Chairman, to close nominations for Vice-Chairman, and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners Austin, Bennett, Kapolka, Swanson, and Chairman McFall.

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:35 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 20, 2008**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Absent: Commissioners Russell

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Higgins,

To excuse Commissioner Russell from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin,
Supported by Commissioner Swanson,

To approve the minutes of the regular meeting February 19, 2008 as written.

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

Site Plan Review 08-04 – 32650 N. Avis – WOW!

Project Description:	40,176 s.f. Industrial Office / Warehouse Building
Applicant:	Kemp & Sherman
Zoning:	M-1 Light Industrial
Existing Land Use:	Vacant

Mr. Schafer gave a description of the proposed site plan.

Motion by Commissioner Swanson,
Supported by Commissioner Pulice,

That the Madison Heights Planning Commission hereby approves the site plan for WOW!, 32650 N. Avis as proposed.

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion carried

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 20, 2008**

Overview of Changes to State Planning and Zoning Enabling Acts

Mr. Schafer gave an overview of recent changes to the State Zoning and Planning Enabling Acts, highlighting impacts to the city.

Commissioner Swanson asked if there was ever an instance where a member of city council was a chair of ZBA.

Commissioner Austin responded that there was a brief occurrence of this with the Planning Commission, not the ZBA.

Discussion of possible Zoning Ordinance Amendments

Mr. Shafer gave a brief presentation on possible Zoning Ordinance amendments regarding:

Section 10.328 (1) – Research and Office uses in M-1 Light Industrial and Section 10.401 Footnote I – Parking in Front Yards in Excess of Front Setback

Motion by Commissioner Higgins,
Supported by Commissioner Kapolka,

To direct staff to prepare the draft ordinance amendments for consideration at future a meeting.

Yeas: Commissioners Austin, Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:45 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 19, 2008**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Absent: Commissioners Bennett, Dixon, and Russell

MEMBERS EXCUSED

Motion by Commissioner Swanson,
Supported by Commissioner Pulice,

To excuse Commissioners Bennett, Dixon, and Russell from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins,
Supported by Commissioner Kapolka,

To approve the minutes of the regular meeting May 20, 2008 as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

Discussion of proposed Zoning Ordinance Amendments – Case No. ZOTXT 08-08 – Section 10.328(1) – Research and Office Uses in M-1 District; Section 10.401(i) – Parking in Front Yards in Excess of Required Setback in M-1 District; Section 10.508(6) – Garage Sales in R-1, R-2 and R-3 Districts.

Mr. Schafer gave a description of the proposed Zoning Amendments.

Motion by Commissioner Austin,
Supported by Commissioner Pulice,

That the Madison Heights Planning Commission establish a public hearing on the draft amendments for the September 16, 2008 meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion carried

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 19, 2008**

Review of Proposed Draft 2008 Troy Master Plan

Mr. Schafer gave an overview of the proposed 2008 Troy master plan..

Motion by Commissioner Swanson,
Supported by Commissioner Austin,

To receive and file the transmittal; to send a letter to the city of Troy noting that the proposed Troy Master Plan is compatible with the City of Madison Heights Master Plan objectives; and, to thank the City of Troy for the opportunity to review their draft plan.

Yeas: Commissioners Austin, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:33 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 16, 2008**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Absent: Commissioners Austin and Russell.

MEMBERS EXCUSED

Motion by Commissioner Swanson
Supported by Commissioner Kapolka

To excuse Commissioners Austin and Russell from tonight's meeting.

Yeas: Commissioners Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins
Supported by Commissioner Swanson

To approve the minutes of the regular meeting August 19, 2008 as written.

Yeas: Commissioners Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

Zoning Ordinance Amendments – Case No. ZOTXT 08-01 - Section 10.328(1) – Research and Office Uses in M-1 District; Section 10.401(i) – Parking in Front Yards in Excess of Required Setback in O-1, M-1 and M-2 Districts; Section 10.508(6) – Garage Sales in R-1, R-2 and R-3 Districts.

Mr. Schafer gave a description and staff analysis of the proposed Zoning Amendments.

Chairman McFall opened the public hearing.

There being no one wishing to speak Chairman McFall closed the public hearing.

Motion by Pulice:
Supported by Higgins:

Whereas, the Planning Commission has reviewed and considered proposed amendments to Section 10.328(1) – Research and Office Uses in M-1 District; Section 10.401(i) – Parking in Front Yards in excess of Required Setback in O-1, M-1 and M-2 Districts; Section 10.508(6) – Garage Sales in R-1, R-2 and R-3 Districts, and

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 16, 2008

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the proposed amendments, and

Whereas, the Planning Commission held a duly advertised public hearing on September 16, 2008 at which time there were no verbal public comments and four written public comments supporting the proposed garage sale amendment,

Now, therefore be it resolved, that the Madison Heights Planning Commission hereby recommends that the City Council approve the proposed Zoning Text Amendment Case No. ZOTXT 08-01.

Yeas: Commissioners Bennett, Kapolka, Pulice, Swanson, Dixon, Vice Chairman Higgins and Chairman McFall.

Nays: None.

Motion carried

Review of Draft 2008 Clawson Master Plan

Mr. Schafer gave an overview of the proposed 2008 Clawson master plan.

Motion by Commissioner Swanson

Supported by Commissioner Pulice

To receive and file the transmittal; to send a letter to the city of Clawson noting that the proposed Clawson Master Plan is compatible with the City of Madison Heights Master Plan objectives; and, to thank the City of Clawson for the opportunity to review their draft plan.

Yeas: Commissioners Bennett, Dixon, Higgins, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:37 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 16, 2008**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Pulice, Swanson, and Chairman McFall.
Absent: Commissioner Dixon.

MEMBERS EXCUSED

Motion by Commissioner Higgins
Supported by Commissioner Pulice

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson
Supported by Commissioner Pulice

To approve the minutes of the regular meeting of September 16, 2008 as written.

Yeas: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Pulice, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

Site Plan Review 08-09 (PC Case #1065) – 32350 John R – Quick & Easy Oil Change

Project Description:	1,250 sf addition to existing oil change facility for RV oil change bay
Applicant:	Phil Kelly – MAGP LLC
Zoning:	B-3 General Business
Existing Land Use:	Oil Change Facility

Mr. Schafer gave a description of the proposed site plan.

Phil Kelly, 32350 John R, addressed the commission stating that the business is expanding to serve larger vehicles and motor homes.

Commissioner Austin added a concern about appropriate signage at the north drive and requested adding a "Do Not Enter" sign facing west at the northerly driveway and a "Do Not Enter" sign facing west on the back of the proposed stop sign adjacent to the addition. Commissioner Austin also questioned the applicant on whether the building will be repainted.

Mr. Kelly agreed to additional signage and stated he plans to repaint the building in the next 18 months to a more subdued color.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 16, 2008

Motion by Commissioner Swanson
Supported by Commissioner Pulice

That the Madison Heights Planning Commission hereby approves the site plan for a single bay addition to the Quick & Easy Oil Change, 32350 John R, subject to adding a “Do Not Enter” sign facing west at the northerly driveway and a “Do Not Enter” sign facing west on the back of the proposed stop sign adjacent to the addition.

Yeas: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion carried

Site Plan Review 08-12 (PC Case #1066) 26717 John R – John R Glass

Project Description:	New John R Glass showroom, sales and shop area with 1 auto glass repair bay
Applicant:	Robert Fender
Zoning:	B-3 General Business
Existing Land Use:	Vacant

Mr. Schafer gave a description of the proposed site plan noting City Council has granted special approval.

Commissioner Austin questioned the rear parking where parking spots are located in front of the garage doors.

Robert Fender, 26717 John R, responded that the garage is to be used primarily for storage and should not pose a conflict.

Motion by Commissioner Austin
Supported by Commissioner Higgins

That the Madison Heights Planning Commission hereby approves the site plan for John R Glass, 26717 John R, as proposed.

Yeas: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Pulice, Swanson, and Chairman McFall.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:42 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 17, 2009**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Hartwell, Kapolka, and Chairman McFall.
Absent: Commissioners Bennett, Higgins, Pulice, and Swanson.

MEMBERS EXCUSED

Motion by Commissioner Austin
Supported by Commissioner Kapolka

To excuse Commissioners Bennett, Higgins, Pulice, and Swanson from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Hartwell, Kapolka, and Chairman McFall
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Hartwell
Supported by Commissioner Austin

To approve the minutes of the regular meeting December 16, 2008 as written.

Yeas: Commissioners Austin, Dixon, Hartwell, Kapolka, and Chairman McFall
Nays: None.

Motion Carried

Site Plan Review 08-14 (PC Case #1067) 31353 Dequindre – Red Oaks Dog Park

Project Description:	Proposed exterior dog park and associated parking area
Applicant:	Oakland County Parks & Recreation
Zoning:	R-1 Single-Family Residential
Existing Land Use:	Red Run Drain; Overflow Parking for Water park (to remain)

Mr. Schafer gave a description of the proposed site plan noting that all Site Plan Review Committee comments were addressed on revised plans and that staff recommends approval of proposed site plan.

Mike Donnellon, Chief of Park Facilities, Maintenance & Development and Sue Wells, Park Administrator, were present to represent Oakland County.

Mr. Donnellon stated that the county is working on a grant application for an extension to Thirteen Mile Rd for a boardwalk that would go adjacent to the existing water park and described the location of the proposed boardwalk. In addition, the existing water park parking lot could serve as additional parking for the dog park if need be. He added that there are no ordinance standards for parking calculations of dog parks. The proposed is modeled after an existing dog park in Orion Township.

Commissioner Austin asked what the hours of operations would be.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 17, 2009**

Ms. Wells responded that other dog parks in the county open at 8 am and close before sunset, seven days a week 365 days a year.

Commissioner Austin asked how access to the park will be controlled.

Ms. Wells stated that other parks use vehicle permits, but this location is considering a “FOB” computer chip system. This would limit the number of individuals that have access to the park.

Commissioner Austin asked when the park will be manned by personnel from the parks department.

Ms. Wells responded that the park will be manned daily by staff from the nearby Water Park and golf course.

Commissioner Austin asked what type of signage will be provided to field complaints.

Ms. Wells answered signage with County Park numbers, including Oakland County Sheriff, would be provided. In addition, signs with park rules and regulations will be posted.

Mr. Donnellon added that there will be a standard park sign off the Dequindre Rd. entrance.

Commissioner Austin asked what communities the park will serve.

Ms. Wells stated that the focus is primarily on individuals in Madison Heights, Royal Oak, Berkley, and surrounding areas. Although, there will be people that will come from other areas.

Commissioner Austin asked if there is a backup plan if the grant is not approved, and what grant is being applied for.

Mr. Donnellon responded that the grant is the Michigan Natural Resources Trust Fund Grant and the application is compounded of several projects throughout the County Park system. The grant application is just for the boardwalk and monies have not been budgeted for the asphalt connection to 13 Mile. Grant acceptance will not be known until December of 2009, then the agreements would be in the following year, thus the project would not be implemented until the Fall of 2010 or Spring of 2011.

Mr. Austin asked if there was a cost determined thus far.

Mr. Donnellon responded that the boardwalk has a \$200,000 budget amount.

Mr. Donnellon presented a Resolution from the Oakland County Parks and Recreation Commission (attached and made part of these minutes).

Ms. Wells added that as a backup plan, the project would continue, but not in the proposed budget year.

Mr. Schafer asked if a grant support letter will be asked for from the City of Madison Heights.

Ms. Wells responded yes - when the final application for the Michigan Land Trust is done.

*Motion by Commissioner Austin
Supported by Commissioner Kapolka*

That the Madison Heights Planning Commission hereby approves the site plan for Red Oaks Dog Park, 31353 Dequindre, as proposed.

Yeas: Commissioners Austin, Dixon, Hartwell, Kapolka, and Chairman McFall

Nays: None.

Motion carried

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 17, 2009**

Planning Commission 2008 Annual Report

Motion by Commissioner Dixon
Supported by Commissioner Hartwell

To accept and certify the 2008 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Austin, Dixon, Hartwell, Kapolka, and Chairman McFall

Nays: None.

Motion Carried

Election of Officers for 2009

Motion by Commissioner Kapolka
Supported by Commissioner Austin

To nominate Frank McFall for Chairman, to close nominations for Chairman and elect Frank McFall as Chairman by acclamation.

Yeas: Commissioners Austin, Dixon, Hartwell, Kapolka, and Chairman McFall

Nays: None.

Motion Carried

Motion by Commissioner Kapolka
Supported by Commissioner Dixon

To nominate Michael Higgins for Vice-Chairman, to close nominations for Vice-Chairman, and to elect Michael Higgins as Vice-Chairman by acclamation.

Yeas: Commissioners Austin, Dixon, Hartwell, Kapolka, and Chairman McFall

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:55 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 17, 2009**

**PR09-003
RESOLUTION**

**IN SUPPORT OF THE APPLICATION FOR
A MICHIGAN NATURAL RESOURCES TRUST FUND DEVELOPMENT GRANT
FOR THE OAKLAND COUNTY PARKS AND RECREATION**

**NATURAL AREA ACCESSIBILITY IMPROVEMENTS AT
HIGHLAND, LYON, RED AND ROSE OAKS COUNTY PARKS**

WHEREAS, the Oakland County Parks and Recreation Commission has been notified by the Department of Natural Resources that application for cost sharing grants from the Michigan Natural Resources Trust Fund may be submitted by **April 1, 2009**; and

WHEREAS, the Oakland County Parks and Recreation Commission has identified and established priorities for acquisitions and improvements within the adopted Recreation Master Plan; and

WHEREAS, this program ties in with the Oakland County Parks and Recreation Commission's strategic plan objective 2.10.1 to develop and implement a system-wide phased accessibility plan with the goal of creating ADA compliance; and

WHEREAS, the Oakland County Parks and Recreation Commission recommends the filing of the following application to the Department of Natural Resources for a \$308,000 grant (44% of total project costs) with a local match of \$392,000 (56%):

**NATURAL AREA ACCESSIBILITY IMPROVEMENTS AT
HIGHLAND, LYON, RED AND ROSE OAKS COUNTY PARKS**

NOW THEREFORE BE IT RESOLVED that the Oakland County Parks and Recreation Commission hereby requests the Oakland County Board of Commissioners authorize and approve the Michigan Natural Resources Trust Fund Development grant application

BE IT FURTHER RESOLVED that the Oakland County Parks and Recreation Commission hereby requests the Board of Commissioners direct its Chairperson or designee to execute said application on behalf of the County of Oakland.

Moved by _____

Supported by _____

Date _____

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 17, 2009**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:25 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Swanson, and Chairman McFall.
Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson
Supported by Commissioner Austin

To excuse Commissioners Dixon and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Hartwell
Supported by Commissioner Kapolka

To approve the minutes of the regular meeting February 17, 2008 as written.

Yeas: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Swanson, and Chairman McFall.
Nays: None.

Motion Carried

ZOTXT 09-01 Ordinance No. 1064 Massage Establishments and Non-Commercial Signs

Mr. Schafer gave a description of the proposed Ordinance amendments.

Commissioner Hartwell asked about a referenced Supreme Court decision in Mr. Grochowski's letter.

Assistant City Attorney Grochowski replied he would provide the reference to the Commission.

Commissioner Hartwell asked about the importance of the City's objectives in relation to the ordinance.

Mr. Grochowski explained historical changes in sign regulations and free speech due to trends in court decisions.

Commissioner Hartwell asked if the sign ordinance is for private property only.

Mr. Schafer stated that these amendments addressed only private property regulations.

Commissioner Austin commented about previous inquiries from the ACLU regarding restrictiveness of political sign ordinances free speech and the abilities to control sign usage.

Commissioner Hartwell asked how the sign dimension restrictions were determined.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 17, 2009**

Mr. Schafer explained that this is the existing non-commercial sign standard.

*Motion by Commissioner Austin
Supported by Commissioner Kapolka*

That the Madison Heights Planning Commission schedule a public hearing for ordinance revisions, as proposed.

Yeas: Commissioners Austin, Bennett, Higgins, Hartwell, Kapolka, Swanson, and Chairman McFall

Nays: None.

Motion carried

Initial Discussion of proposed Planning Commission By-Laws

Mr. Schafer described proposed By-Laws that are required by state law and as drafted by Assistant City Attorney Grochowski.

Chairman McFall noted a typographical error in Section 3.

Mr. Grochowski described time notices for special meetings.

*Motion by Commissioner Austin
Supported by Commissioner Kapolka*

That the Madison Heights Planning Commission to approve By-Laws as presented

Commissioner Hartwell questions Article 4, Section 1.

Commissioner Austin described the time of notice for all boards.

Mr. Schafer added that as a matter of routine, agendas are posted and on the Internet at least four days before the minimum time requirement.

Mr. Grochowski noted that for special meetings, applicants must compensate the city for costs incurred.

Commissioner Hartwell commented on conflict of interest in regard to office/board positions held and the clarity of language in article 4, Section 2.

Mr. Grochowski added that you cannot serve on any other board or commission in the city once appointed to the city's Planning Commission. He further stated that he would look at the cited section further for possible clarification.

Commissioner Bennett stated that the cited language was vague.

Commissioner Hartwell noted two typographical errors, Article 4 Section 1 and 3.

Commissioner Austin withdrew motion, with support concurring.

Chairman McFall directed staff and legal counsel to address the noted items and bring draft back for consideration at a future meeting.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:59 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – July 21, 2009**

CALL TO ORDER

Vice Chairman Higgins called the regular meeting of the Madison Heights Planning Commission to order at 7:29 p.m.

ROLL CALL

Present: Commissioners Dixon, Hartwell, Kapolka, Pulice, and Vice Chairman Higgins.
Absent: Commissioners Austin, Bennett, Swanson, and Chairman McFall.

MEMBERS EXCUSED

Motion by Commissioner Pulice
Supported by Commissioner Hartwell

To excuse Commissioners Austin, Bennett, Swanson, and Chairman McFall from tonight's meeting.

Yeas: Commissioners Dixon, Hartwell, Kapolka, Pulice, and Vice Chairman Higgins.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice
Supported by Commissioner Kapolka

To approve the minutes of the regular meeting May 19, 2009 as written.

Yeas: Commissioners Dixon, Hartwell, Kapolka, Pulice, and Vice Chairman Higgins
Nays: None.

Motion Carried

Mr. Schafer noted the applicant for Public Hearing Case 1068 was not present and suggested the Planning Commission could consider adjusting the order of the hearings.

Public Hearing: Case No. 1069 - Request to rezone Outlot B of Stephenson Heights Subdivision (28411 Dequindre) from O-1 office to B-1 Local Business

Mr. Schafer gave a review of the rezoning request along with staff comments recommending denial of the rezoning.

Mr. Schafer read a letter from resident Carol Russell, 1657 Myrtle, in opposition of the rezoning and noted that other letters of support already received had been included in the packet.

Vice Chairman Higgins opened the Public Hearing.

Robert Cliff, MGA Architects, 818 W. Eleven Mile Rd, Royal Oak, spoke in favor of the rezoning.

The following residents spoke in favor of the request:

Susan Webber, 28459 Park Court
Lori Brewster, 28321 Couzens
Neville Nofar, 3412 Cleveland Drive, Troy

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – July 21, 2009**

Steve Burzynski, 45906 Dutton, Macomb Twp, current occupant of 28411 Dequindre Suite 1.
Glenn Brewster, 6374 Adams, Troy.
Joel Kaboski (sp?), Paramount Real Estate, 1517 W Farnum, Royal Oak.
Paul Yousef, 28459 Dequindre, franchisee of AT&T store

Jeff Chehab, 3336 Farmdale, Sterling Heights, petitioner, spoke in favor of the rezoning.

Vice Chairman Higgins Closed the Public Hearing.

Commissioner Hartwell clarified what was being voted on, rezoning only, and asked the petitioner what the intended use of the new property was.

Jeff Chehab responded that he would like to bring in an Urgent Care facility connected to the pharmacy. Also commented that VTI medical equipment being next to the pharmacy would increase his business.

Commissioner Hartwell asked if the use variance continues if there was a new building project.

Mr. Schafer responded that the current zoning and use variance could accommodate redevelopment of the Pharmacy Shop. In addition, the current zoning accommodates medical office facilities without special approval.

Resident Lori Brewster, 28321 Couzens, asked to receive notification of future hearings.

*Motion by Commissioner Kapolka
Supported by Commissioner Hartwell*

Whereas; *The Madison Heights Planning Commission received an application on June 3, 2009 to rezone Outlot B of Stephenson Subdivision (28411 Dequindre) from O-1 Office to B-1 Local Business; and*

Whereas; *The Planning Commission public hearing was scheduled for July 21, 2009 and was duly noticed and advertised; and*

Whereas; *Staff recommended DENIAL of the requested rezoning as it is not in conformance with the Master plan and established land use patterns in the area; and*

Whereas; *The Planning Commission conducted the required and duly advertised public hearing on July 21, 2009, at which the applicant, applicant's architect and seven people spoke in favor of the request, and where one letter opposing the request was read into the record; and*

Now Therefore Be It Resolved; *That the Madison Heights Planning Commission recommends that the City Council DENY a request to rezone Outlot B of Stephenson Subdivision (28411 Dequindre) from O-1 Office to B-1 Local Business for the reasons outlined in paragraphs 7, 8 and 9 of the July 15, 2009 staff report as follows:*

- 7. The Master Plan designates this parcel as the northerly extent of planned office uses along the Dequindre frontage. North of this site, frontage parcels are planned for commercial uses. As required by PA 265 of 2001, the Planning Commission conducted reviews of the Master Plan in 2002 and 2007, determined that no Master Plan update or amendment was necessary relative to this parcel or any adjoining parcels, thus affirming the Master Plan designation of Office for this parcel.*
- 8. B-1 zoning on this parcel would extend commercial zoning and uses into an area planned for Office. In addition, B-1 zoning would permit more intense commercial uses adjacent to the single-family residential area that is planned, zoned, used and platted for single-family residential uses.*
- 9. The existing O-1 District permits a full range of office uses and a limited range of commercial type uses as discussed above, one of which (pharmacy as an accessory use) has been permitted on the site by the ZBA as a principal use through a use variance. However, B-1 zoning permits a wider range of*

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – July 21, 2009**

commercial uses, including convenience stores, opportunity for restaurant and automotive related services, and the associated potential impact of commercial uses on the adjacent residential uses to west.

Yeas: Commissioners Dixon, Higgins, Hartwell, Kapolka, and Pulice.

Nays: None.

Motion carried

Public Hearing: Case No. 1068 – Request to rezone a parcel of land (parcel No. 44-25-483-032) adjacent to 27117 and 27137 John R (west ½ of the vacated alley adjacent to lots 71-81 inclusive, Symphony Park Subdivision) from R-3, Residential to B-3, General Business.

Mr. Schafer gave a review of the rezoning request along with staff comments recommending approval of the rezoning.

Vice Chairman Higgins opened the Public Hearing.

With no one wishing to speak Vice Chairman Higgins Closed the Public Hearing.

Motion by Commissioner Kapolka

Supported by Commissioner Pulice

Whereas; *The Madison Heights Planning Commission received an application on May 27, 2009 to rezone a parcel of land (parcel No. 44-25-14-483-032) adjacent to 27117 and 27137 John R (west ½ of the vacated alley adjacent to lots 71-81 inclusive, Symphony Park Subdivision) from R-3, Residential to B-3, General Business; and*

Whereas; *The Planning Commission public hearing was scheduled for July 21, 2009 and was duly advertised; and*

Whereas; *Staff recommended Approval of the requested rezoning as it is conformance with the Master plan and established land use patterns in the area; and*

Whereas; *The Planning Commission conducted the required and duly advertised public hearing on July 21, 2009, at which no one spoke on the proposed amendments; and*

Now Therefore Be It Resolved; *That the Madison Heights Planning Commission APPROVE a request to rezone a parcel of land (parcel No. 44-25-14-483-032) adjacent to 27117 and 27137 John R (west ½ of the vacated alley adjacent to lots 71-81 inclusive, Symphony Park Subdivision) from R-3, Residential to B-3, General Business as it is in conformance with the Master Plan and established land use patterns in the area.*

Yeas: Commissioners Dixon, Higgins, Hartwell, Kapolka, and Pulice.

Nays: None.

Motion carried

Public Hearing: ZOTXT 09-01 Ordinance No. 1064

Mr. Schafer provided a brief overview of the proposed rezoning.

Vice Chairman Higgins opened the Public Hearing.

With no one wishing to speak Vice Chairman Higgins Closed the Public Hearing.

ZOTXT 09-01 Ordinance No. 1064

Motion by Commissioner Hartwell

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – July 21, 2009**

Supported by Commissioner Dixon

Whereas; *The Madison Heights Planning Commission discussed draft amendments to Sections 10.319(6), 10.322(5), 10.326(13) and 10.502(A)4 regarding Regulated Uses – Massage Establishments; and Sections 10.511(I)C and 10.511(I)D regarding Non-Commercial Signs and political signs at their May 19, 2009 meeting; and*

Whereas; *The Planning Commission made no changes to the proposed amendments and scheduled the amendments for public hearing; and*

Whereas; *The Planning Commission conducted the required and duly advertised public hearing on July 21, 2009, at which no one spoke on the proposed amendments; and*

Now Therefore Be It Resolved; *That the Madison Heights Planning Commission recommends City Council APPROVAL of the proposed Zoning Text amendments to Sections 10.319(6), 10.322(5), 10.326(13) and 10.502(A)4 regarding Regulated Uses – Massage Establishments; and Sections 10.511(I)C and 10.511(I)D regarding Non-Commercial Signs and political signs.*

Yeas: Commissioners Dixon, Higgins, Hartwell, Kapolka, and Pulice.

Nays: None.

Motion carried

Planning Commission By-Laws – Consideration for Approval

Mr. Schafer described revisions to proposed By-Laws.

Commissioner Hartwell thanked the city attorney for reviewing the written language of the By-Laws and added that he does not believe the context has changed and that the words were just re-arranged.

City attorney, Mr. Sherman, stated that the Attorney General has issued statements defining particulars about required changes.

Motion by Commissioner Dixon

Supported by Commissioner Pulice

To approve the Planning Commission By-laws as written.

Yeas: Commissioners Dixon, Higgins, Hartwell, Kapolka, and Pulice.

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice Chairman Higgins adjourned the meeting at 8:15 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 15, 2009**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Hartwell, Pulice, Austin, Bennett, Vice Chairman Higgins and Chairman McFall.
Absent: Commissioners Kapolka, Dixon and Swanson.

MEMBERS EXCUSED

Motion by Vice Chairman Higgins;
Supported by Commissioner Pulice

To excuse Commissioners Kapolka, Dixon and Swanson from tonight's meeting.

Yeas: Commissioners Hartwell, Pulice, Austin, Bennett, Vice Chairman Higgins and Chairman McFall.
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Pulice;
Supported by Vice Chairman Higgins

To approve the minutes of the regular July 21, 2009 Planning Commission meeting as written.

Yeas: Commissioners Hartwell, Pulice, Austin, Bennett, Vice Chairman Higgins and Chairman McFall.
Nays: None.

Motion Carried

ZOTXT 09-02 – Proposed Zoning Amendments – Initial Discussion

Initial discussion of proposed amendments to Sections 10.200, 10.505, 10.511, 10.516, 10.601, 10.701, 10.702 and 10.703 of the Zoning Ordinance regarding signs, off-street parking, fences, Projections into Yards and Ordinance Administration.

Mr. Schafer reviewed the draft amendments and explained that staff and legal counsel developed the proposed ordinance amendments for Planning Commission preliminary discussion to address current issues with the ordinance:

Section 1:

10.200(6) - A new definition of "Billboard" has been included to more closely follow the definition in the State law.

10.200(56) - The sign ordinance (Section 10.511) was amended in 2002, including a new definition of "sign". The definition in Section 10.200 was not updated. This change makes both definitions the same.

Section 2:

10.505(5) - The City has always required that industrial parcels meet the 1 space / 435 s.f. parking standard with existing or banked parking regardless of proposed use. This proposed amendment clarifies this requirement, as the existing provisions are sometimes misinterpreted.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 15, 2009**

Section 3:

10.511(I)(A) - This change removes the phrase “Outdoor advertising signs” which are not referenced anywhere else in the ordinance, correctly references “billboards”, and clarifies the last sentence regarding billboards being a principle use of a lot.

Section 4:

10.511(I)(B) - Adds a new definition of “Billboard” to the Sign regulations. This is the same definition as 10.200(6) and is duplicated here as a convenience as the sign section of the Zoning Ordinance is routinely handed out separately to customers.

Section 5:

10.511(IV)(A) - This change clarifies the prohibition on parking advertising vehicles on private property between the street and the building. The existing language could be construed to permit off premise advertising vehicles, which was not the intention. This amendment would clarify that restrictions apply equally to on-site and off-site advertising vehicles.

Section 6:

10.511(IV)(A) - This section was added to assist our code enforcement personnel with enforcement of the ordinance. The items listed in this section are not currently permitted but there is no language specifically stating so. The ordinance is constructed to permit signage by allowing it rather than prohibiting it but this concept is difficult to explain to the layperson. This proposed amendment clarifies prohibited signage.

Section 7:

10.511(IV)(D)(6) – New businesses in the City often place on-site and off-site grand opening signage in violation of temporary sign standards. In addition, we often receive requests for grand opening signage that is in excess of what current standards allow (3 signs per address, per year; one month per sign; maximum 32 s.f. per side). The proposed amendment would allow one additional temporary sign to be used by a new business at its grand opening. The grand opening sign may be used once, and may coincide with one other temporary sign to permit two temporary signs during this period.

Section 8:

10.511(IV)(E) - This new section provides more specific regulations for billboards. The current ordinance does not provide any regulations for billboards except limiting them to a principle use. State law currently regulates billboards in terms of size, location, setbacks, height and the like but allows Cities to adopt their own regulations provided that they are not in conflict with the State law. This proposed amendment places specific size and locational limitations on billboards, while maintaining compatibility with State law.

Section 9:

10.516(f) – There are numerous types of fencing available on the market. Acknowledging that fact, the proposed amendment to this section clarifies fence installation requirements are to be in accordance with manufacturer’s specifications. In addition, the existing prohibition on inserted or attached materials on chain link fences has been expanded to include new types of materials on the market.

Section 10:

10.601(9) – The current ordinance provisions are intended to regulate architectural features such as bay windows and eaves. However, as written they effectively allow a builder to cantilever an entire wall, or walls, of a building into the required setbacks. This was never the intent of the section. The proposed amendment clarifies the limited scope of permitted projections into required yards. In addition, air conditioners and generators are now specifically restricted from placement in a required front or side yard. Currently, they are permitted by policy – not ordinance – after receipt of a notarized letter from the adjacent neighbor. Legal counsel has advised that this is not advisable and creates inequities now and in the future based on adjacent home ownership, which is subject to change over time.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – December 15, 2009**

Sections 11, 12 & 13:

10.701; 10.702; 10.703 - These sections have been superseded or pre-empted by the City's adopted building code. In addition, some of the provisions were adopted to deal with non-conformities that existed as a result of the original adoption of the ordinance and are no longer relevant. The proposed changes bring the ordinance into compliance with current State law, the City's building codes and current City policies and practices.

Sections 14 – 18:

These Sections are required for ordinance adoption.

Vice-Chairman Higgins asked what the restrictions were on the people who wear signs out in front of businesses and walk up and down the sidewalk? Mr. Schafer responded that as long as they stayed on the sidewalk and were wearing or holding the sign, they are not subject to zoning regulation. Assistant City Attorney Grochowski concurred.

Commissioner Bennett asked who drafted the amendments and how they originated. Mr. Schafer explained that staff and legal counsel developed the proposed ordinance amendments for Planning Commission preliminary discussion to address current issues with the ordinance.

Commissioner Hartwell asked what the standards were on the billboard trucks that drive around on the streets. Mr. Schafer responded that as long as they are driving on streets they are not subject to zoning regulation. If they were to park on private property, they would be subject to regulation as an advertising vehicle. Assistant City Attorney Grochowski concurred.

Commissioner Hartwell asked if any of these requirements impacted political speech. Mr. Schafer responded that they do not. Assistant City Attorney Grochowski also responded that they do not, and remind the Planning Commission that the recently adopted amendments to the sign section of the zoning ordinance substantially reduced political sign requirements in accordance with recent court actions.

Mr. Schafer informed the Planning Commission that no action is required. The proposed amendments are for preliminary discussion only. Following this Planning Commission review, staff will incorporate comments into the draft amendments for consideration and public hearing, at a future Planning Commission meeting.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:50 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 16, 2010**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:28 p.m.

ROLL CALL

Present: Commissioners Austin, Bennett, Hartwell, Kapolka, Pulice, Swanson and Chairman McFall.
Absent: Commissioners Dixon and Vice Chairman Higgins.

MEMBERS EXCUSED

Motion by Commissioner Pulice; Supported by Commissioner Swanson

To excuse Commissioners Dixon and Vice Chairman Higgins from tonight's meeting.

Yeas: Commissioners Austin, Bennett, Hartwell, Kapolka, Pulice, Swanson and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson; Supported by Commissioner Kapolka

To approve the minutes of the regular December 15, 2009 Planning Commission meeting as written.

Yeas: Commissioners Austin, Bennett, Hartwell, Kapolka, Pulice, Swanson and Chairman McFall.

Nays: None.

Motion Carried

ZOTXT 09-02 – PROPOSED ZONING AMENDMENTS – CONTINUED DISCUSSION

Continued discussion of proposed amendments to Sections 10.200, 10.314, 10.318, 10.319, 10.322, 10.325, 10.326, 10.328, 10.505, 10.509, 10.511, 10.516, 10.601, 10.701, 10.702 and 10.703 of the Zoning Ordinance regarding signs, Trade Schools, Restaurants, Accessory Retail in Industrial Districts, lighting, off-street parking, fences, Projections into Yards and Ordinance Administration.

Mr. Schafer reviewed the draft amendments and explained that staff and legal counsel developed the proposed ordinance amendments for Planning Commission preliminary discussion to address current issues with the ordinance:

Vice-Chairman Higgins asked what the restrictions were on the people who wear signs out in front of businesses and walk up and down the sidewalk? Mr. Schafer responded that as long as they stayed on the sidewalk and were wearing or holding the sign, they are not subject to zoning regulation. Assistant City Attorney Grochowski concurred.

Commissioner Bennett asked who drafted the amendments and how they originated. Mr. Schafer explained that staff and legal counsel developed the proposed ordinance amendments for Planning Commission preliminary discussion to address current issues with the ordinance.

Commissioner Hartwell asked what the standards were on the billboard trucks that drive around on the streets. Mr. Schafer responded that as long as they are driving on streets they are not subject to zoning regulation. If they were to park on private property, they would be subject to regulation as an advertising vehicle. Assistant City Attorney Grochowski concurred. Commissioner Hartwell asked if any of these requirements impacted political speech. Mr. Schafer responded that they do not.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 16, 2010**

Assistant City Attorney Grochowski also responded that they do not, and reminded the Planning Commission that the recently adopted amendments to the sign section of the zoning ordinance substantially reduced political sign requirements in accordance with recent court actions.

The Planning Commission took no action and directed staff to schedule the draft amendments for consideration and public hearing at a future Planning Commission meeting.

PLANNING COMMISSION 2009 ANNUAL REPORT

Motion by Commissioner Austin; Supported by Commissioner Pulice

To accept and certify the 2009 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Austin, Bennett, Hartwell, Kapolka, Pulice, Swanson and Chairman McFall.

Nays: None.

Motion Carried

ELECTION OF OFFICERS

Motion by Commissioner Swanson; Supported by Commissioner Kapolka

To nominate Frank McFall for Chairman, to close nominations for Chairman and elect Frank McFall as Chairman by acclamation.

Yeas: Commissioners Austin, Bennett, Hartwell, Kapolka, Pulice, Swanson and Chairman McFall.

Nays: None.

Motion Carried

Motion by Commissioner Hartwell; Supported by Commissioner Swanson

To nominate Peggy Bennett for Vice-Chairman, to close nominations for Vice-Chairman, and to elect Peggy Bennett as Vice-Chairman by acclamation.

Yeas: Commissioners Austin, Bennett, Hartwell, Kapolka, Pulice, Swanson and Chairman McFall.

Nays: None.

Motion Carried

Motion by Commissioner Swanson; Supported by Commissioner Austin

To nominate Michael Kapolka for Secretary, to close nominations for Secretary, and to elect Michael Kapolka as Secretary by acclamation.

Yeas: Commissioners Austin, Bennett, Hartwell, Kapolka, Pulice, Swanson and Chairman McFall.

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:42 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 17, 2010**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Higgins, Hartwell, Pulice, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Absent: None.

APPROVAL OF THE MINUTES

Motion by Commissioner Austin; Supported by Commissioner Kapolka

To approve the minutes of the regular March 16, 2010 with two typographic corrections.

Yeas: Commissioners Austin, Dixon, Higgins, Hartwell, Pulice, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Nays: None.

Motion Carried

CASE ZOTXT 09-02 – PUBLIC HEARING

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.200 – Definitions (Billboards and Signs); Section 10.314 – O-1 Office Districts (Business or Trade Schools); Sections 10.318 & 10.319 – B-1 Local Business District (Restaurants); Section 10.322 – B-2 Planned Business District (Restaurants); Sections 10.325 & 10.326 – B-3 General Business District (Restaurants); Section 10.328 – M-1 Light Industrial District (Retail Sales; Business and Trade Schools); Section 10.505 – Parking Requirements (Industrial parking standards); Section 10.511 - Sign Regulations (Billboards, advertising vehicles, Temporary signs); Section 10.516 - Fence Regulations (partition fences); Section 10.601 - Area, Height and Use Exceptions (Projections into Required Yards); Section 10.701 - Establishing of Administrative Official; Section 10.702 - Building Permits; Section 10.703 - Certificate of Occupancy; and Section 10.1802 High Rise District (Business and Trade Schools) of the Zoning Ordinance.

Chairman McFall opened the public hearing.

There being no one wishing to speak Chairman McFall closed the public hearing.

Motion by Austin:

Supported by Pulice:

Whereas, the Planning Commission has reviewed and considered proposed amendments to Appendix A, Section 10.200 – Definitions (Billboards and Signs); Section 10.314 – O-1 Office Districts (Business or Trade Schools); Sections 10.318 & 10.319 – B-1 Local Business District (Restaurants); Section 10.322 – B-2 Planned Business District (Restaurants); Sections 10.325 & 10.326 – B-3 General Business District (Restaurants); Section 10.328 – M-1 Light Industrial District (Retail Sales; Business and Trade Schools); Section 10.505 – Parking Requirements (Industrial parking standards); Section 10.511 - Sign Regulations (Billboards, advertising vehicles, Temporary signs); Section 10.516 - Fence Regulations (partition fences); Section 10.601 - Area, Height and Use Exceptions (Projections into Required Yards); Section 10.701 - Establishing of Administrative Official; Section 10.702 - Building Permits; Section 10.703 - Certificate of Occupancy; and Section 10.1802 High Rise District (Business and Trade Schools) of the Zoning Ordinance, and

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 17, 2010

Whereas, the Community Development Department submitted a report to the Planning Commission recommending approval of the proposed amendments, and

Whereas, the Planning Commission held a duly advertised public hearing on August 17, 2010 at which time there were no written or verbal public comments,

Now, therefore be it resolved, that the Madison Heights Planning Commission hereby recommends that the City Council approve the proposed amendments to Appendix A, Section 10.200 – Definitions (Billboards and Signs); Section 10.314 – O-1 Office Districts (Business or Trade Schools); Sections 10.318 & 10.319 – B-1 Local Business District (Restaurants); Section 10.322 – B-2 Planned Business District (Restaurants); Sections 10.325 & 10.326 – B-3 General Business District (Restaurants); Section 10.328 – M-1 Light Industrial District (Retail Sales; Business and Trade Schools); Section 10.505 – Parking Requirements (Industrial parking standards); Section 10.511 - Sign Regulations (Billboards, advertising vehicles, Temporary signs); Section 10.516 - Fence Regulations (partition fences); Section 10.601 - Area, Height and Use Exceptions (Projections into Required Yards); Section 10.701 - Establishing of Administrative Official; Section 10.702 - Building Permits; Section 10.703 - Certificate of Occupancy; and Section 10.1802 High Rise District (Business and Trade Schools) of the Zoning Ordinance, Case No. CASE ZOTXT 09-02.

Yeas: Commissioners Austin, Dixon, Higgins, Hartwell, Pulice, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:37 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 19, 2010**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Hartwell, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Absent: Commissioners Dixon and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson; Supported by Commissioner Higgins

To excuse Commissioners Dixon and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Hartwell, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin; Supported by Commissioner Kapolka

To approve the minutes of the regular August 17, 2010 meeting as written.

Yeas: Commissioners Austin, Higgins, Hartwell, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Nays: None.

Motion Carried

Public Hearing: Request No. 1071 by Kowalski Companies, 2270 Holbrook, Hamtramck, MI 48212 to rezone Lots 1 through 10 inclusive of Shermans Industrial Village from B-3 General Business to M-1, Light Industrial. The area of the request is located at 800 E. Fourteen Mile Road.

Mr. Schafer gave a review of the rezoning request along with staff comments recommending approval of the rezoning.

Chairman McFall opened the Public Hearing.

George Dragisity, Kowalski Companies, INC., 2270 Holbrook Ave, Hamtramck, spoke in favor of the rezoning.

Commissioner Swanson asked if the operation is to completely move out of Hamtramck.

Mr. Dragisity responded yes.

Chairman McFall asked if products were going to be sold at the proposed location

Mr. Dragisity responded that a retail component is under consideration for the site.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 19, 2010**

Commissioner Higgins asked about truck parking requirements.

Mr. Schafer responded that when the process gets to the stage of redevelopment it would trigger review of requirements for truck parking, noting that the previous operation on the site had a fairly substantial trucking component.

There being no one else wishing to speak, Chairman McFall closed the public hearing.

Commissioner Austin added that he feels that this well established business is a good fit.

Commissioner Bennett asked if the goal was to consolidate all current locations of the business to the building proposed.

Mr. Dragisity responded that this is the goal and he feels the size of the location is adequate.

*Motion by Commissioner Austin
Supported by Commissioner Kapolka*

Whereas; The Madison Heights Planning Commission received an application on September 28, 2010 to rezone a parcel of land (parcel No. 44-25-01-126-023) lots 1 through 10 inclusive of Shermans Industrial Village from B-3 General Business to M-1 Light Industrial; and

Whereas; The Planning Commission public hearing was scheduled for October 19, 2010 and was duly advertised; and

Whereas; Staff recommended Approval of the requested rezoning as it is conformance with the Master plan and established land use patterns in the area; and

Whereas; The Planning Commission conducted the required and duly advertised public hearing on October 19, 2010, at which one person spoke in favor of the proposed rezoning; and

Now Therefore Be It Resolved; That the Madison Heights Planning Commission recommends APPROVAL of the request to rezone 800 E. Fourteen Mile Road, a parcel of land described as (parcel No. 44-25-01-126-023) lots 1 through 10 inclusive of Shermans Industrial Village from B-3 General Business to M-1 Light Industrial as it is in conformance with the Master Plan and established land use patterns in the area.

Yeas: Commissioners Austin, Higgins, Hartwell, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:41 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 16, 2010**

CALL TO ORDER

Vice-Chairperson Bennett called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Hartwell, Pulice, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Absent: Commissioners Dixon.

MEMBERS EXCUSED

Motion by Commissioner Swanson; Supported by Commissioner Pulice

To excuse Commissioner Dixon from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Hartwell, Pulice, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin; Supported by Commissioner Kapolka

To approve the minutes of the regular October 19, 2010 meeting as written.

Yeas: Commissioners Austin, Higgins, Hartwell, Pulice, Swanson, Secretary Kapolka, Vice Chairman Bennett and Chairman McFall.

Nays: None.

Motion Carried

Preliminary Discussion – Possible amendments to the Zoning Ordinance to address solar / wind power, geothermal installations and rain barrels.

Mr. Schafer provided an overview of the staff report summarizing current ordinance provisions for solar, wind and geothermal power as well as rain barrels:

One of the assignments from the October 25, 2010 City Council meeting was:

Councilman Gerald has requested that the City look into putting together a set of environmental related ordinances that would speak to, in particular, solar power, rain barrels, wind generators and geothermal heating.

The purpose of this initial discussion is to review existing codes relative to these energy producing / saving measures and to explore alternative means to address them in the Zoning Ordinance, if necessary.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 16, 2010

Rain Barrels

Rain barrels are devices that collect rainwater so that it can be stored and then directed to gardens, lawns etc. when they are in need of watering. They come in a wide variety of manufactured or homemade styles, ranging from simple plastic garbage can conversions to manufactured barrels with hose taps to underground cisterns with pumps to disperse water. From a zoning standpoint, they do not require specific regulation, as they would be considered ancillary to a typical single-family home. Should there be an issue with stagnant water, the current code has a provision (Section 17-26) that provides remedial actions to address such occurrences.

Geothermal

Geothermal systems use the constant temperature of the ground / groundwater to heat and cool structures and the like. In short, a system of pipes is placed in the ground at a depth that allows transfer of the earth's heat to the air, water or anti-freeze in the pipes. These pipes then pass through the building where the transferred "heat" is used to either "cool" the building in the summer or "heat" the building in the winter. The systems come in two main types – open and closed. In open systems, groundwater is used directly through the pipes after being pumped out of a well. In a closed system air, water or anti-freeze is pumped through a looped pipe network. Systems can be either vertical or horizontal in the ground, with horizontal systems being the norm.

The City currently prohibits wells. This prohibition is in place to insure that wells do not spread groundwater / soil contamination or migrate those issues to the surface, where they are more likely to come in contact with people. Therefore, closed geothermal systems are the only type permitted in the City. Under our current mechanical code closed geothermal systems are allowed via a mechanical permit. No zoning ordinance regulation is necessary.

Solar

Solar "power" typically refers to one of two systems – Photovoltaic and Thermal. Photovoltaic systems convert sunlight into electricity, which can then be used on site or inter-connected with the power grid (if permitted by the utility). Thermal systems use sunlight to heat water directly, thus eliminating or reducing the need for water heating systems that use gas or electricity. They typically are arranged in arrays or panels that gather the sunlight. Photovoltaic systems require electrical and building permits. Thermal systems require mechanical and building.

Solar systems that are mounted on structures (the norm) are permitted currently under both the zoning ordinance as well as the building, electrical and mechanical codes. Solar panels are considered architectural features and are accommodated on roofs as well as sides of structures. Photovoltaic systems require electrical and building permits. Thermal systems require mechanical and building.

Solar systems that are not building mounted (ground arrays) would be considered an accessory structure and would be regulated by the zoning ordinance accordingly. This would limit them to the rear yard only, with no more than 40% of a required rear yard occupied by all accessory structures (including any sheds, garages etc.). Photovoltaic systems require electrical and building permits. Thermal systems require mechanical and building.

Wind

Wind power systems typically fall into two categories: small on-site systems generating electricity for use on-site and larger systems that generate power for the electrical grid. Our current zoning ordinance does not have specific provisions for either type of wind energy system. However, our building and electrical codes would accommodate either system with permit. In addition, the zoning ordinance does have extensive provisions for antennas and cell towers that could be used to accommodate wind systems with amendments to address wind systems specifically.

Unique aspects of wind energy systems that are different from antennas include:

Movement – The wind moves propellers or louvers to generate power.

Light "Flicker" – The movement of blades creates a flickering shadow pattern on the ground and structures.

Noise – The moving blades, depending on wind speed and style, make noise.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 16, 2010**

Summary

Attached are several publications that provide overviews of wind, solar and geothermal energy. This initial discussion is intended to generally review each and discuss current regulatory standards and possible need for additional standards. No specific action by the Planning Commission is required, however direction regarding areas where the Planning Commission determines standards are necessary would be appropriate. Staff would then proceed with draft amendment language for future Planning Commission consideration.

Vice-Chairperson Bennett opened the meeting to discussion by the Planning Commission.

Rain barrels

No Planning Commission comment.

Geothermal

General discussion regarding depth of construction (depends on soils and groundwater), how common are geothermal systems in Michigan (not the norm), whether any homes in Madison Heights that have geothermal systems (none known) and DTE website information availability.

Solar

General discussion regarding how many installations in Madison Heights (a couple, most installed many years ago – No recent inquiries or applications).

Wind

General discussion regarding noise from the turbines (dependent on type, height and wind velocity), lack of adequate area to accommodate wind turbines due to small lots sizes, trees and buildings (wind blocked by buildings and trees), lack of any appropriate area in the city to accommodate any large scale commercial / utility grade wind turbines, property assessment clean energy incentives, whether energy can be stored for non-windy times (yes - Battery), commercial areas vs. residential areas (impact of towers and turbines), height of towers necessary to get to a point where wind is not impacted by development or trees (varies), type of towers necessary to hold the turbines are different than antennae, utility buy back of excess energy (net metering), impact on property values, size of turbines (range from vertical louvers to propellers in the 3' – 8' range).

Vice-Chairperson Bennett polled the Planning Commission and determined unanimous consensus that no additional zoning regulations or amendments are necessary to address installation of rain barrels or geothermal, solar or wind energy systems.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice-Chairperson Bennett adjourned the meeting at 8:10 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2011**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Hartwell, Kapolka, Higgins, Swanson and Chairman McFall.
Absent: Commissioners Dixon, Vice-Chair Bennett, and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Swanson; Supported by Commissioner Higgins

To excuse Commissioners Dixon, Pulice and Vice Chairman Bennett from tonight's meeting.

Yeas: Commissioners Austin, Hartwell, Kapolka, Higgins, Swanson and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Swanson; Supported by Commissioner Kapolka

To approve the minutes of the regular November 16, 2010 Planning Commission meeting as written.

Yeas: Commissioners Austin, Hartwell, Kapolka, Higgins, Swanson and Chairman McFall.

Nays: None.

Motion Carried

PLANNING COMMISSION 2010 ANNUAL REPORT

Motion by Commissioner Austin; Supported by Commissioner Kapolka

To accept and certify the 2010 Planning Commission Annual Report, and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Yeas: Commissioners Austin, Hartwell, Kapolka, Higgins, Swanson and Chairman McFall.

Nays: None.

Motion Carried

ELECTION OF OFFICERS

Motion by Commissioner Swanson; Supported by Commissioner Higgins

To nominate Frank McFall for Chairman, to close nominations for Chairman and elect Frank McFall as Chairman by acclamation.

Yeas: Commissioners Austin, Hartwell, Kapolka, Higgins, Swanson and Chairman McFall.

Nays: None.

Motion Carried

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2011

Motion by Commissioner Swanson; Supported by Commissioner Higgins

To nominate Peggy Bennett for Vice-Chairman, to close nominations for Vice-Chairman, and to elect Peggy Bennett as Vice-Chairman by acclamation.

Yeas: Commissioners Austin, Hartwell, Kapolka, Higgins, Swanson and Chairman McFall.

Nays: None.

Motion Carried

Motion by Commissioner Swanson; Supported by Commissioner Higgins

To nominate Michael Kapolka for Secretary, to close nominations for Secretary, and to elect Michael Kapolka as Secretary by acclamation.

Yeas: Commissioners Austin, Hartwell, Kapolka, Higgins, Swanson and Chairman McFall.

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:37 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 17, 2011**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Austin, Dixon, Kapolka, Higgins, Swanson, Vice-Chair Bennett, and Chairman McFall.
Absent: Commissioners Hartwell and Pulice.

MEMBERS EXCUSED

Motion by Commissioner Higgins; Supported by Commissioner Kapolka:

To excuse Commissioners Hartwell and Pulice from tonight's meeting.

Yeas: Commissioners Austin, Dixon, Kapolka, Higgins, Swanson, Vice-Chair Bennett, and Chairman McFall.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin; Supported by Commissioner Swanson:

To approve the minutes of the regular April 19, 2011 Planning Commission meeting as written.

Yeas: Commissioners Austin, Dixon, Kapolka, Higgins, Swanson, Vice-Chair Bennett, and Chairman McFall.

Nays: None.

Motion Carried

CASE NO. 1072 – 27117 JOHN R – SITE PLAN REVIEW – NORTHWEST CORNER OF JOHN R / 11 MILE

Request: Site plan review

Applicant: Ed Bahoura 1249 Baldwin Avenue, Pontiac, MI 48340

Location: Northwest corner of 11 Mile / John R.

Existing Land Use: Vacant land

Zoning: B-3 General Business

Downtown Development Authority (DDA): The site is within the DDA area.

Proposed Use: Commercial Retail

Staff Analysis:

1. Applicant proposes a new multi-tenant commercial building at the corner of 11 Mile / John R (14,262 s.f.)
2. The applicant has indicated intent to pursue a restaurant use with a drive-through lane in the proposed southerly tenant space. Should such use include entertainment or outdoor seating, separate application and special approval by City Council is required prior to issuance of any permits for such use.
3. The Site Plan Review Committee has reviewed the proposed site plan and all review comments have been addressed. No signage is approved as a part of site plan review.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 17, 2011**

Staff Recommendation:

Staff concurs with the recommendation of the Site Plan Review Committee and recommends that Planning Commission approve the proposed site plan subject to the following conditions:

1. No signage is approved as part of site plan review.
2. Engineering Plan review and approval.

Vice-Chair Bennett inquired what tenants are proposed. Mr. Schafer stated that the applicant has indicated a dollar store and breakfast oriented food establishment are two probable tenants.

Commissioner Swanson asked if the proposed approach on 11 Mile met with staff approval. Mr. Schafer stated that the approach was modified to restrict left out turn movements.

Commissioner Austin asked where the drive-through window order board was located. Mr. Schafer located the area on the site plan for the Commission.

Commissioner Higgins inquired if there was a screen wall on Brush. Mr. Schafer stated there was a screen wall proposed adjacent to the dumpsters.

Motion by Commissioner Austin; Supported by Commissioner Higgins:

To approve the proposed site plan subject to:

1. No signage is approved as part of site plan review.
2. Engineering Plan review and approval.

Yeas: Commissioners Austin, Dixon, Kapolka, Higgins, Swanson, Vice-Chair Bennett, and Chairman McFall.

Nays: None.

Motion Carried

Commissioner Swanson asked how long the developer had to start construction. Mr. Schafer responded that site plan approval was valid for one year. In addition, with this project, if the developer wishes to avail himself of the DDA funding recently approved, he must commence construction within one year.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:40 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 18, 2011**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 7:35 p.m.

ROLL CALL

Present: Commissioners Austin, Kapolka, Swanson, Hartwell, and Chairman McFall.

Absent: Commissioners Higgins, Pulice and Vice-Chair Bennett.

MEMBERS EXCUSED

Motion by Commissioner Swanson; Supported by Commissioner Kapolka:

To excuse Commissioners Higgins, Pulice and Vice-Chair Bennett from tonight's meeting.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, and Chairman McFall

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin; Supported by Commissioner Swanson:

To approve the minutes of the regular May 17, 2011 Planning Commission meeting as written.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, and Chairman McFall

Nays: None.

Motion Carried

DISCUSSION OF PROPOSED ROYAL OAK MASTER PLAN AMENDMENT, NON-MOTORIZED TRANSPORTATION PLAN, AND ROCHESTER ROAD ACCESS MANAGEMENT PLAN.

Mr. Schafer reviewed the proposed Royal Oak Master Plan.

Motion by Commissioner Austin; Supported by Commissioner Swanson:

1. Receive and file the transmittal
2. Send a letter to the City of Royal Oak noting that the proposed amendment is generally compatible with our Master Plan objectives and thanking Royal Oak for the opportunity to review the draft plan.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, and Chairman McFall

Nays: None.

Motion Carried

Mr. Schafer reviewed the draft Royal Oak Non-Motorized Transportation Plan.

Mr. Schafer noted that overall, the plan is very comprehensive and generally compatible with our Master Plan and our Sidewalk Gap Program. However, The Plan does propose bicycle improvement concepts that would impact the Campbell Road, 14 Mile Road and 12 Mile Road corridors. Specifically, the Plan calls for a "Road Diet" for the existing Campbell Road, 14 Mile Road and 12 Mile Road corridors with a reduction down to three lanes with on-street bike lanes. This would constitute a substantial change to the traffic capacity of these roads and, for the portions

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 18, 2011

bordering Madison Heights, does not consider adjacent available right of way to accommodate off-road paths. Mr. Schafer noted that staff has discussed this with Royal Oak staff, who confirmed this issue has been raised by their Engineering Department as well.

Motion by Commissioner Swanson; Supported by Commissioner Kapolka:

1. Receive and file the transmittal
2. Send a letter to the City of Royal Oak noting that the proposed plan is generally compatible with our Master Plan objectives and Sidewalk Gap Plan. However, the letter should also note that the provisions calling for a “Road Diet” for 12 Mile Road, 14 Mile Road and Campbell Road would result in lane reductions that would have substantial capacity impacts, requiring detailed engineering analysis from both the Cities of Madison Heights and Royal Oak, as well as the Road Commission for Oakland County, before any consideration or development of implementation plans.
3. Thank Royal Oak for the opportunity to review the draft plan.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, and Chairman McFall

Nays: None.

Motion Carried

Mr. Schafer reviewed the draft Royal Oak Rochester Road Access Management Plan.

Motion by Commissioner Austin; Supported by Commissioner Hartwell:

1. Receive and file the transmittal
2. Send a letter to the City of Royal Oak noting that the proposed Plan is generally compatible with our Master Plan objectives and thanking Royal Oak for the opportunity to review the draft plan.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, and Chairman McFall

Nays: None.

Motion Carried

INITIAL DISCUSSION OF POSSIBLE ZONING ORDINANCE AMENDMENTS

Mr. Schafer noted that Staff periodically identifies areas of the Zoning Ordinance to consider for possible amendments. Specifically, clarification of Service/Retail Uses in commercial districts, outside retail sales in commercial districts, M-1 and M-2 setback calculations and allowable project signage in H-M were noted.

In keeping with past practice, staff asked for direction and input from the Planning Commission prior to drafting any amendment language.

Commissioner Austin suggested that staff consider standards to encourage a “Sense of Place” such as mixed uses – commercial, residential, service – and to also promote Walkability.

Mr. Schafer asked whether the Planning Commission wished to consider procedural incentives (administrative review) or open it up more to mixed uses but still require additional reviews by Planning Commission and / or City Council. Planning Commission suggested that the process be streamlined, with maximum flexibility and incentives to the extent possible to spur development / incentive to redevelop.

Commissioner Hartwell suggested that staff also look into permeable parking, perhaps on an incentive basis. Mr. Schafer noted that banked parking is also an option already allowed that can be further incentivized. Staff will evaluate and develop suggestions such as adjacent rain gardens etc.

Commissioner Hartwell also asked that the amendments be broken down into a smaller packet for consideration.

Mr. Schafer stated that staff will prepare draft amendments for consideration at a future meeting.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 18, 2011**

INITIAL DISCUSSION OF CITY COUNCIL GAP MEASURE – REDUCTION IN SCHEDULED MEETINGS.

Mr. Schafer noted that last year City Council considered numerous measures to help reduce costs and administrative burdens as part of their Budget Gap process. As a part of that process, staff proposed and City Council approved a Gap Measure to “Reduce scheduled meetings of the Planning Commission, ZBA, BRA and DDA.” In conformance with this Gap Measure, the Planning Commission 2012 meeting schedule is before the Commission for discussion. Staff proposes that the Planning Commission consider four quarterly meetings – January, April, August and November. Should an applicant seek a special meeting there would be opportunity to do so at cost on the third Tuesday of any other month, subject to an available quorum. Staff also suggested the Planning Commission consider changing the meeting start time from 7:30 pm to 6:30 pm.

Motion by Commissioner Austin; Supported by Commissioner Swanson:

In conformance with the City Council Gap measure, to schedule four quarterly meetings of the Planning Commission for 2012 and to change the starting time for all Planning Commission meetings to 5:30 p.m.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, and Chairman McFall

Nays: None.

Motion Carried

ANNOUNCEMENTS: CITY RECEIPT OF WALKABILITY RECOGNITION; CITY RECEIPT OF MICHIGAN ASSOCIATION OF PLANNING (MAP) TRAINING SCHOLARSHIP AWARD

Mr. Schafer announced that the City received recognition recently as the third most “walkable” community in the State by Walk Score (of the 65 largest cities). This is great news and recognizes the long-term commitment the City has made to provide a citywide non-motorized transportation system.

In addition, Mr. Schafer announced that the Michigan Association of Planning (MAP) has awarded the City a Planning Memorial Scholarship. This competitive scholarship will provide on-site training for the Planning Commission at no expense to the City. These programs typically cost in excess of \$1,000 and are put on by planning consultants with expertise in the various subject areas. Attached is the brochure outlining the various workshop topics.

After general discussion, the Planning Commission asked staff to arrange an abbreviated version of the Basic Planning and Zoning Session and target the training for a regularly scheduled Planning Commission meeting night, with ZBA members and City Council members invited to attend.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 8:30 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2011**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Austin, Higgins, Kapolka, Swanson, Hartwell, and Chairman McFall.
Absent: Vice-Chair Bennett

Also Present: Nic Grochowski – Assistant City Attorney; Jim Schafer – Community Development Director

With profound sadness, the Planning Commission acknowledged the passing of long-time Planning Commissioner and Zoning Board of Appeals member John Pulice.

MEMBERS EXCUSED

Motion by Commissioner Higgins; Supported by Commissioner Kapolka:

To excuse Vice-Chair Bennett from tonight's meeting.

Yeas: Commissioners Austin, Higgins, Kapolka, Swanson, Hartwell, and Chairman McFall
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin; Supported by Commissioner Swanson:

To approve the minutes of the regular October 18, 2011 Planning Commission meeting as written.

Yeas: Commissioners Austin, Higgins, Kapolka, Swanson, Hartwell, and Chairman McFall
Nays: None.

Motion Carried

CONTINUED DISCUSSION OF POSSIBLE ZONING ORDINANCE AMENDMENTS

Mr. Schafer noted that at the October 18, 2011 Planning Commission meeting, the following areas of the Zoning Ordinance were identified for possible amendments:

Clarification of Restaurants as Permitted use in B-2 District

Mr. Schafer noted that comprehensive amendments to the Zoning Ordinance became effective on October 22, 2010. Among those amendments were provisions to allow restaurants by right in the B-1, B-2 and B-3 Districts. Unfortunately, a reference to restaurants in the B-2 District was missed that could be interpreted to require special approval for restaurants. This was not the intent and makes no sense given the other restaurant related amendments. To correct this oversight, the following amendment is proposed:

Section 10.321 is hereby amended by deleting the existing paragraph (2)(a) and inserting the following new paragraph:

- “(a) Any retail business whose principal activity is the sale of merchandise in an enclosed building, ~~except eating and/or drinking establishments.~~”

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2011**

There were no comments or questions from the Planning Commission on this proposed amendment.

Clarification of Service/Retail Uses in commercial districts

Mr. Schafer stated that in order to clarify and expand the areas where service establishments can be located, the following amendment is proposed:

Section 10.321 is hereby amended by deleting the existing paragraph (2)(b) and inserting the following new paragraph:

~~“(b) Any Service establishments provided that the principal use of the space is of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment joint radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.”~~

There were no comments or questions from the Planning Commission on this proposed amendment.

Outside retail sales in commercial districts

Mr. Schafer stated that in order to allow outside sales areas at corner commercial locations in the B-2 and B-3 and to insure adequate site lines for all such uses, the following amendment is proposed:

Section 10.321 is hereby amended by deleting the existing paragraph (4)(a) and inserting the following new paragraph:

“(a) Retail sales of plant materials not grown on the site and sale of lawn furniture, playground equipment, and other home garden supplies. ~~When not located at the intersection of major thoroughfares~~ Said retail area may not occupy any required setback.”

Mr. Schafer noted that the most recent example of this type of use, which currently would require ZBA approval, was this past summer at the northeast corner of 12 Mile / Campbell Road.

There were no comments or questions from the Planning Commission on this proposed amendment.

M-1 and M-2 setback calculations

Mr. Schafer reviewed the following proposed amendment, which is intended to eliminate inaccurate building code references and to clarify calculation of the setbacks in the industrial districts:

Section 10.401(l) is hereby amended by deleting the existing section and inserting the following new section:

(l) No building shall be closer to the outer perimeter (property line) than the herein required side yard, except that along the interior side lot line when said property line is adjacent to ~~the M-1 or M-2 like use districts,~~ no the side yard ~~shall~~ may be ~~required if the building is constructed of unpierced fireproof construction with a parapet wall extending eighteen (18) inches or more above the adjoining roof construction, provided further, that if said building is not constructed with unpierced fireproof walls with a parapet, a minimum setback of ten (10) feet shall be required; reduced to the minimum permitted by the adopted building code.~~

There were no comments or questions from the Planning Commission on this proposed amendment.

Allowable project signage in the H-M Mobile Home District

Mr. Schafer explained that in researching a property owner inquiry, staff determined that the H-M Mobile Homes District is not specifically referenced in the signage standards. In addition, the applicable standards for residential project signage are redundant and confusing. The following amendments address these issues:

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2011**

Section 10.511(IV)(C)(1) is hereby amended by adding deleting the existing section and inserting the following new section:

“(1) Use district

**R-1 Single-Family Residential District;
R-2 Single-Family Residential District;
R-3 Single-Family Residential District;
R-T Two-Family Residential District;
R-M Multiple-Family Residential District;
R-C Condominium Residential District.
H-M Mobile Homes**

(a) R-1, R-2, R-3, R-T, R-M, R-C and H-M districts:

1. ~~Signs advertising developments or subdivisions.~~ Signs advertising housing developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat.

2. ~~No sign shall be located closer than thirty (30) feet to any property line of any adjacent residential district.”~~

~~(b) R-M AND R-C: Signs in multiple-family housing districts shall be permitted as follows:~~

~~1. Signs advertising developments or subdivisions. Signs advertising developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan.~~

~~2. No sign shall be located closer than thirty (30) feet to any property line of an adjacent R-1, R-2, R-3 or R-T district.”~~

There were no comments or questions from the Planning Commission on this proposed amendment.

Fence Height Adjacent to Houses

Mr. Schafer noted that the ZBA has entertained a number of variance requests to allow 6’ high screening fences along side property lines between the front and rear building lines of houses. All of these requests have been approved where they are on an exterior side lot line that does not abut another home (corner lots). The current code limits height of fences on side yard lines to 4’ from the front of the home to the back of the home. This amendment would allow 6’ high fences by right in the area between the front and rear building lines extended, except where adjacent to another residential parcel, where 4’ would be maintained. The primary impact of this amendment is on corner lots, and is consistent with ZBA actions in this regard.

Section 10.516(D)(1)(a) is hereby amended by deleting the existing section and inserting the following new section:

“(a) ~~Partition and privacy~~ fences may be extended to the front house line or along a portion of such partition line not beyond the extended front house line pursuant to the requirements of this code. Where the side or rear lot line is adjacent to another residential parcel the maximum height for any such fence between the extended front and rear house lines on the subject parcel or the adjacent parcel shall be four (4) feet.”

Commissioner Austin asked that the amendment include a specific reference to the height of partition and privacy fences so users do not need to look up the definition for allowable heights. Mr. Schafer noted that was a good suggestion that would be incorporated into revised draft text. There were no other comments or questions from the Planning Commission on this proposed amendment.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2011**

Standards to encourage a “Sense of Place” such as mixed uses – commercial, residential, service

Mr. Schafer noted that the Zoning Ordinance currently accommodates accessory dwellings in the B-1 and B-3 business districts after special approval. Two developers initially sought approval for this concept but did not proceed. The reason cited at the time (6-7 years ago) was inability to secure financing for mixed-use development. We have not received any requests or inquiries for mixed use with residential as a component in many years. This provision remains in the ordinance and is available for application in any business district.

The M-1 and M-2 Industrial Districts also accommodate mixed uses (office, commercial), but special approval is required for retail or service uses that are not accessory or incidental to the primary permitted industrial or office use(s) on a site.

Two approaches to this issue warrant discussion: Procedural Incentives such as eliminating the requirements for special approval and accommodating mixed uses by right; or Procedural Requirements such as creating a planned unit development (PUD) style approval process where developers could encompass their proposed mixed uses in a single, all-inclusive application / review process. Typically, PUD's are not viewed as “incentives” as much as a vehicle to accommodate mixed uses. They typically are more involved review procedures, often requiring several planning commission / city council reviews / approvals. The opposite approach is to incentivize mixed uses through streamlined review procedures. In other words – allow mixed uses by right through site plan review.

Initial discussion at the October Planning Commission meeting indicated an incentive based approach was desired. Staff suggests that this issue be discussed in more detail to provide staff with direction on the approach desired.

Chairman McFall stated he has heard all positive comments regarding how the Lowes development turned out. He noted the process worked very well.

Commissioner Hartwell stated that he would favor a process that was streamlined, with minimal additional meetings and did not require extensive City Council review and approval. Planning Commission review perhaps, but reliance on professional administrative review should be the focus.

Commissioner Austin stated that he agreed with streamlined review procedures and incentives to encourage redevelopment.

Mr. Schafer noted that another benefit of this approach is to allow new mixed-use development along the developed frontages, while maintaining the existing development patterns in the commercial and industrial districts. In other words, allowing zero lot line mixed uses with the parking fields between these new developments and the existing development patterns.

The Planning Commission indicated preference for this approach.

Standards to Promote Walkability

Mr. Schafer explained that our standards currently require that developers install right of way (ROW) sidewalk where none exists at the time of development. In addition, we have general standards that are applied to all site plans to accommodate safe pedestrian and bicycle access to and from new development sites. However, they are very generic and open to a wide range of interpretation.

Mr. Schafer showed the Planning Commission the Sam's Club at 13 Mile / John R as an example of our current approach to pedestrian / walkability without specific requirements. Culvers is another, more recent example of these types of linkages.

He noted that in order to more directly promote “walkability”, which would include both pedestrian and bicycle traffic, additional site design standards could be developed that would require interior private site sidewalks to link with the adjacent public ROW sidewalk system. This would be a relatively simple and minor amendment that would be required at the time of site plan review; so only new developments or expansions would be impacted.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2011

Regarding bicycles in particular, Mr. Schafer noted that a simple approach to promote bicycle use would be to allow a single parking space reduction for placement of a multiple bike rack, perhaps with an option for an additional space or so for larger developments with multiple bike racks. A word of caution here - A bike rack will require impervious surface and if the intent is to reduce impervious surface, this may be a zero sum game, but nonetheless would provide an incentive to encourage bicycle use.

The Planning Commission indicated preference for this approach.

Permeable Pavement for Parking Lots / Rain Gardens - Incentives

Mr. Schafer stated that staff has reviewed this Planning Commission suggestion with our City Engineers and they have indicated that we can certainly accommodate permeable paving as an option for private developments. However, they point out that such pavement designs are substantially more expensive than standard asphalt / concrete. He indicated that an approach to this would be to accommodate permeable paving as an optional standard for private parking lots. In addition, he noted that a corollary discussion regarding the means of conveying storm water from parking lots is warranted. Standards could also be developed that would require or incentivize conveyance of storm water to landscape swales, infiltration areas and rain gardens. (An excellent example of this technique is the golf course parking lot that was redone a couple years ago). These would be incorporated into the parking / landscaping standards.

Commissioner Austin asked for clarification of detention vs. retention. Mr. Schafer explained that detention slowed down release, while retention keeps storm water on-site.

Commissioner Hartwell asked what the advantages are to this approach. Mr. Schafer explained we are actually required to retain / detain storm water, and we are retroactively requiring this through detention / retention ponds, swales, rain gardens, pipe farms etc.

The Planning Commission indicated preference for this approach – Both allowing permeable paving as an option as well as incentives for drainage swales.

Banked parking option – Increase incentives

Mr. Schafer noted that our ordinance currently allows developers to “bank” parking (spaces are shown on approved plans, but on the ground the “spaces” are landscaping instead of paved parking area) subject to Planning Commission approval. Only a few developments have availed themselves of this option. He noted that anecdotal feedback has been primarily that it is not enough of an economic incentive to warrant adding a planning commission meeting to the otherwise administrative site plan review process. In other words, the need for Planning Commission approval is a disincentive to developers proposing banked parking. One approach would be to eliminate the need for Planning Commission approval of banked parking, but maintain the ability of the planning commission to compel installation of the banked parking spaces should actual usage warrant said installation. Such an approach can be incorporated into the current administrative review process.

The Planning Commission expressed support for allowing administrative approval of banked parking, with Planning Commission review / appeals should there be a need for the spaces in the future.

Mr. Schafer stated that staff will develop these concepts further and will review more detailed amendment language with the Planning Commission at a future meeting.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2011**

ALL ELSE

Condolence Resolution for Family of John Pulice

Mr. Schafer presented the Planning Commission with a draft Resolution of Condolence for the family of John Pulice:

***City of Madison Heights
Planning Commission***

November 15, 2011

CONDOLENCE RESOLUTION

WHEREAS, it was with profound sorrow that the Planning Commission learned of the passing of John Pulice, a longtime member of the Planning Commission; and

WHEREAS, John's dedicated service to the City as a planning commissioner, was valued by his fellow planning commissioners and staff; and

WHEREAS, John served with distinction as the Zoning Board of Appeals' liaison to the Planning Commission, serving as a valued link between the two boards; and

WHEREAS, John's distinguished service to the Planning Commission was reflected in his dedicated and tireless efforts to improve the quality of life in the community;

NOW, THEREFORE BE IT RESOLVED, that the City of Madison Heights Planning Commission does hereby express its condolences to John's wife Lillian and his family and hope that the positive influence he had on the Planning Commission and the City will comfort and console them.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to the family as a token of the Planning Commission's sympathy and as a lasting tribute of respect to John.

Resolution passed by unanimous acclamation of the Madison Heights Planning Commission.

Future Michigan Association of Planning (MAP) Training Session

Mr. Schafer indicated that we are tentatively targeting the regularly scheduled Planning Commission on January 17, 2012 for a 5:30 p.m. – 9:30 p.m. training program. We are receiving the training at no cost through a grant that we were successful in receiving from the Michigan Association of Planning (MAP).

Commissioner Austin clarified that we are also inviting the ZBA and City Council to attend.

Mr. Schafer also noted that he would be inviting staff to attend as well.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 6:30 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 17, 2012**

CALL TO ORDER

Chairman McFall called the regular meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Austin, Kapolka, Swanson, Hartwell, Holder and Chairman McFall.
Absent: Vice-Chair Bennett, Commissioner Higgins
Also Present: Jim Schafer – Community Development Director

MEMBERS EXCUSED

Motion by Commissioner Kapolka; Supported by Commissioner Swanson:

To excuse Vice-Chair Bennett from tonight's meeting.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, Holder and Chairman McFall

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin; Supported by Commissioner Kapolka:

To approve the minutes of the regular November 15, 2011 Planning Commission meeting as written.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, Holder and Chairman McFall

Nays: None.

Motion Carried

PLANNING COMMISSION 2011 ANNUAL REPORT

Motion by Commissioner Austin; Supported by Commissioner Kapolka:

To accept and certify the 2011 Planning Commission Annual Report and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, Holder and Chairman McFall

Nays: None.

Motion Carried

ELECTION OF OFFICERS FOR 2012

Motion by Commissioner Swanson; Supported by Commissioner Kapolka:

To nominate Frank McFall for Chairman, Peggy Bennett as Vice-Chair, and Mike Kapolka as Secretary, to close nominations for Chairman, Vice-Chair and Secretary and elect Frank McFall as Chairman, Peggy Bennett as Vice-Chair, and Mike Kapolka as Secretary, by acclamation.

Yeas: Commissioners Austin, Kapolka, Swanson, Hartwell, Holder and Chairman McFall

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 5:45 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2012

CALL TO ORDER

Vice-Chair Bennett called the regular meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Austin, Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, and Vice-Chair Bennett.

Absent: Chairman McFall

Also Present: Jim Schafer – Community Development Director

MEMBERS EXCUSED

Motion by Commissioner Swanson; Supported by Commissioner Kapolka:

To excuse Chairman McFall from tonight's meeting.

Yeas: Commissioners Austin, Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, and Vice-Chair Bennett.

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Austin; Supported by Commissioner Swanson:

To approve the minutes of the regular January 17, 2012 Planning Commission meeting as amended to reflect that Commissioner Higgins was not present.

Yeas: Commissioners Austin, Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, and Vice-Chair Bennett.

Nays: None.

Motion Carried

CONTINUED DISCUSSION OF POSSIBLE ZONING AMENDMENTS

Vice-Chair Bennett asked Mr. Schafer to review the proposed draft amendments.

Mr. Schafer summarized the staff report and noted that following the October 18, 2011 and November 15, 2011 Planning Commission discussions, the following areas of the Zoning Ordinance have been identified to consider for possible amendments:

Section 1 - Standards to encourage a "Sense of Place" such as mixed uses – commercial, residential, service – Accessory Dwellings in B-1 and B-3

At the January 17, 2012 meeting the Planning Commission discussed the existing Zoning Ordinance standards that accommodate accessory dwellings in the B-1 and B-3 business districts after special approval. Two developers initially sought approval for this concept but did not proceed. The reason cited at the time (6-7 years ago) was inability to secure financing for mixed-use development. Mr. Schafer noted that there have been no requests or inquiries for mixed use with residential as a component in many years. This provision remains in the ordinance and is available for application in B-1 and B-3 business districts. In addition, the M-1 and M-2 Industrial Districts also accommodate mixed uses (office, commercial), with special approval required for retail or service uses that are not accessory or incidental to the primary permitted industrial or office use(s) on a site.

Mr. Schafer noted that the Planning Commission discussed two approaches to this issue at the previous meeting: Procedural Incentives such as eliminating the requirements for special approval and accommodating mixed uses by right; or Procedural Requirements such as creating a planned unit development (PUD) approval process where developers could encompass their proposed mixed uses in a single, all-inclusive application / review process. Typically, PUD's are not viewed as "incentives" as much as a vehicle to accommodate mixed uses. They are more involved review

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2012

procedures, often requiring several planning commission / city council reviews / approvals. The other approach is to incentivize mixed uses through streamlined review procedures, allowing mixed uses by right through site plan review.

The Planning Commission directed staff to draft amendments to the Accessory Structures provisions in B-1 and B-3 Districts to allow them by right after site plan review and approval. The following is the draft amendment that would accomplish this goal:

Section 10.319(7) is hereby deleted in its entirety and renumbered as a new Section 10.318(9), as amended:

- (79) Accessory Dwellings in accordance with the following criteria.*
- a. Dwelling units shall have a minimum area of eight hundred (800) square feet.*
 - b. Dwelling units shall be permitted only where the existing or proposed commercial building and use is in conformance with the provisions of this ordinance.*
 - c. Dwelling units shall be located only on the second story or, where proposed on the first floor, in the rear of the building.*
 - d. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).*
 - e. Pedestrian entrance doors typically shall be located on the side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. ~~City Council may require Architectural or design modifications may be required~~ to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the application for special approval.*
 - f. Where accessory dwelling units are proposed for the second floor of a structure, ~~City Council may, as part of the special approval, permit~~ a maximum building height of thirty feet and a third story to permit two story dwelling units is permitted. The third story shall be part of the dwelling unit located directly underneath.*

The Planning Commission had no additional comments to address.

Section 2 - Clarification of Restaurants as Permitted use in B-2 District

Mr. Schafer noted that a series of amendments to the Zoning Ordinance became effective on October 22, 2010. Among those amendments were intended provisions to allow restaurants by right in the B-1, B-2 and B-3 Districts. Mr. Schafer noted that unfortunately, we missed a reference to restaurants in the B-2 District that could still be interpreted to require special approval for restaurants. This was not the intent and makes no sense given the other restaurant related amendments. To correct this oversight, the following amendment is proposed:

Section 10.321 is hereby amended by deleting the existing paragraph (2)(a) and inserting the following new paragraph to stand in its place.

“(a) Any retail business whose principal activity is the sale of merchandise in an enclosed building, ~~except eating and/or drinking establishments.~~”

The Planning Commission had no additional comments to address.

Section 3 - Clarification of Service/Retail Uses in commercial districts

Mr. Schafer noted that this amendment was intended to clarify where service establishments can be located:

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2012**

Section 10.321 is hereby amended by deleting the existing paragraph (2)(b) and inserting the following new paragraph to stand in its place.

~~“(b) Any Service establishments provided that the principal use of the space is of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment joint radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.”~~

Assistant Attorney Grochowski noted that he has reviewed the draft language and would like to work with staff to clarify the language to make the objective of the amendment more clear. He suggested that he and staff work on the language and bring the revised language back to the Planning Commission for review. There were no additional comments from the Planning Commission. Vice-Chair Bennett asked Mr. Grochowski and Mr. Schafer to draft the changes and bring them back before the Planning Commission at a future meeting.

Section 4 - Outside retail sales in commercial districts

Mr. Schafer noted that the intent of this amendment was to clarify outside sales areas at corner commercial locations in the B-2 and B-3 and insure adequate site lines for all such uses:

Section 10.321 is hereby amended by deleting the existing paragraph (4)(a) and inserting the following new paragraph to stand in its place.

~~“(a) Retail sales of plant materials not grown on the site and sale of lawn furniture, playground equipment, and other home garden supplies. When not located at the intersection of major thoroughfares Said retail area may not occupy any required setback.”~~

The Planning Commission had no additional comments to address.

Section 5 - Standards to encourage a “Sense of Place” such as mixed uses – commercial, residential, service – Accessory Dwellings in B-1 and B-3

Mr. Schafer noted that this amendment would allow accessory dwellings by right in the B-3 District after site plan review.

Section 10.325 (9) is hereby amended to read as follows:

~~(9) Accessory structures and uses customarily incidental to the above permitted uses. Accessory dwelling units are permitted in accordance with the provisions of Section 10.318(9).~~

The Planning Commission had no additional comments.

Section 6 - Standards to encourage a “Sense of Place” such as mixed uses – commercial, residential, service – Accessory Dwellings in B-1 and B-3

Mr. Schafer stated that this proposed amendment would eliminate the requirement for special approval for accessory dwellings in B-3 District.

Section 10.326(14) is hereby deleted in its entirety.

~~(14) Accessory dwellings in accordance with the provisions of Section 10.319.~~

The Planning Commission had no comments to address.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2012**

Section 7 - M-1 and M-2 setback calculations

Mr. Schafer noted that the following proposed amendment is intended to eliminate inaccurate building code references and to clarify calculation of the setbacks in the industrial districts:

Section 10.401(l) is hereby amended by deleting the existing section and inserting the following new section to stand in its place.

(l) No building shall be closer to the outer perimeter (property line) than the herein required side yard, except that along the interior side lot line when said property line is adjacent to ~~the M-1 or M-2 like use districts~~, ~~no~~ the side yard ~~shall~~ may be required if the building is constructed of unpierced fireproof construction with a parapet wall extending eighteen (18) inches or more above the adjoining roof construction; provided further, that if said building is not constructed with unpierced fireproof walls with a parapet, a minimum setback of ten (10) feet shall be required: ~~reduced to the minimum permitted by the adopted building code.~~

Mr. Grochowski suggested that the proposed language be changed to clarify the wording as follows:

(l) No building shall be closer to the outer perimeter (property line) than the herein required side yard, except that along the interior side lot line when said property line is adjacent to an ~~the M-1 or M-2 like use districts~~, ~~no~~ the side yard ~~shall~~ may be required if the building is constructed of unpierced fireproof construction with a parapet wall extending eighteen (18) inches or more above the adjoining roof construction; provided further, that if said building is not constructed with unpierced fireproof walls with a parapet, a minimum setback of ten (10) feet shall be required: ~~reduced to the minimum permitted by the adopted building code.~~

The Planning Commission concurred with the changes and had no additional comments to address.

Section 8 – Banked Parking Standards

Mr. Schafer noted that the Zoning Ordinance currently allows “banked” parking (spaces are shown on approved plans, but on the ground the “spaces” are landscaping instead of paved parking area) subject to Planning Commission approval. As previously discussed, only a few developments have availed themselves of this option. Anecdotal feedback has been primarily that it is not enough of an economic incentive to warrant adding a planning commission meeting to the otherwise administrative review process. In other words, the need for Planning Commission approval is a disincentive to developers proposing banked parking. At the January meeting the Planning Commission directed staff to develop an amendment that would eliminate the need for Planning Commission approval of banked parking, but maintain the ability of the City to compel installation of the banked parking spaces should actual usage warrant said installation. The following ordinance amendment incorporates these changes into the current administrative site plan review process:

Section 10.505(11) is hereby amended as follows:

All occupancies shall provide for the minimum number of off-street parking spaces as determined by type of use in accordance with the following schedule. If it is determined during the plan review process that the proposed use may require less parking than that required by the ordinance, the surplus parking area may be shown as “banked” on the plan, subject to approval of the ~~Planning Commission Site Plan Review Committee~~. The parking area saved by reducing the number of spaces (“banked spaces”) shall be landscaped. If at any time the City determines that part or all of the banked spaces are required to provide adequate parking, the Community Development Department shall notify the property owner, ~~who shall construct and the Planning Commission~~. ~~If the Planning Commission determines the spaces are required, said spaces shall be constructed within ninety (90) days of notification of the determination, or as established by the Site Plan Review Committee Planning Commission~~ due to seasonal conditions.

Mr. Grochowski suggested that a requirement for a written agreement be added to the amendment so that the applicant is on record agreeing to banked parking and installation of such parking in the future if required. The Planning Commission concurred with Mr. Grochowski’s recommendation and directed he and staff to provide such language in revised language for Planning Commission consideration at a future meeting.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2012

Section 9 – Permeable Pavement for Parking Lots - Incentives

Mr. Schafer noted that at a previous meeting the Planning Commission suggested an amendment to allow permeable paving. The City Engineers have indicated that we can accommodate permeable paving as an option for private developments. However, the City Engineer points out that such pavement designs are substantially more expensive than standard asphalt / concrete. The following draft amendment would accommodate permeable paving as an optional standard for private parking lots.

Section 10.506 (2) is hereby amended as follows:

- (2) *Adequate ingress and egress to the parking lot shall be provided. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.*

All drives and parking spaces shall be surfaced in a manner equivalent to that which is provided for the parking areas under Section 10.340. ~~Permeable asphaltic or concrete pavement may be permitted after review and approval of the design by the City Engineer for conformance with City standards.~~

The Planning Commission had no additional comments to address.

Section 10 – Standards to promote Walkability

Mr. Schafer stated that standards currently require that developers install right of way (ROW) sidewalk where none exists at the time of development. In addition, we have general standards that are applied to all site plans to accommodate non-motorized access to and from new development sites. They are general and open to interpretation. At the last meeting the Planning Commission directed staff to develop an amendment that would directly promote “walkability”, including both pedestrian and bicycle traffic at the time of site plan review; so only new developments or expansions would be impacted.

Section 10.506 is hereby amended by adding a new paragraph (7):

- ~~(7) All principal uses shall be connected to the adjacent public sidewalk system with 5' wide concrete sidewalk(s) meeting the City's public sidewalk standards. Existing uses shall incorporate this requirement into any development or expansion that requires site plan review. The internal sidewalk design shall be designed to permit safe ingress and egress of pedestrians and encourage walkability and non-motorized access.~~

Section 11 – Standards to Promote Bicycling

Mr. Schafer noted that at the last meeting the Planning Commission directed staff to develop a standard to allow a single parking space reduction for placement of a multiple bike rack as an incentive to encourage bicycle use.

Section 10.506 is hereby amended by adding a new paragraph (8):

- ~~(8) One required parking space (9' x 20') may be designated for bicycle parking by the owner or developer of any land use. Said space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground.~~

Commissioner Wakeland asked if a business or property owner could locate a bicycle rack anywhere else on a property. Mr. Schafer responded – yes – they would be able to place a bike rack elsewhere. This ordinance was permissive – not mandatory.

Commissioner Austin asked if this would impact barrier free spaces in any way. Mr. Schafer responded – no – barrier free space requirements are set based on required parking and this amendment would have no impact on those calculations. A barrier free space could not be used for bicycle parking.

The Planning Commission had no additional comments to address.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2012**

Section 12 – Allowable project signage in H-M

Mr. Schafer stated that while researching a property owner inquiry, staff determined that the H-M Mobile Homes District was not specifically referenced in the signage standards. In addition, the applicable standards were redundant and confusing. The following amendments address these issues:

Section 10.511(IV)(C)(1) is hereby amended by adding deleting the existing section and inserting the following new section to stand in its place.

“(1) Use district

**R-1 Single-Family Residential District;
R-2 Single-Family Residential District;
R-3 Single-Family Residential District;
R-T Two-Family Residential District;
R-M Multiple-Family Residential District;
R-C Condominium Residential District.
H-M Mobile Homes**

(a) R-1, R-2, R-3, R-T, R-M, R-C and H-M districts:

1. ~~Signs advertising developments or subdivisions. Signs advertising housing developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat.~~
2. ~~No sign shall be located closer than thirty (30) feet to any property line of any adjacent residential district.”~~

~~(b) R-M AND R-C: Signs in multiple-family housing districts shall be permitted as follows:~~

- ~~1. Signs advertising developments or subdivisions. Signs advertising developments or subdivisions not exceeding eighteen (18) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan.~~
- ~~2. No sign shall be located closer than thirty (30) feet to any property line of an adjacent R-1, R-2, R-3 or R-T district.”~~

The Planning Commission had no comments to address.

Section 13 - Section Fence Height adjacent to houses

Mr. Schafer noted that the ZBA has entertained a number of variance requests over the years to allow 6’ high screening fences along side property lines between the front and rear building lines of houses. Almost all of these requests have been approved where they are on an exterior side lot line that does not abut another home (corner lots). The current code limits height of fences on side yard lines to 4’ from the front of the home to the back of the home. This amendment would allow 6’ high fences by right in the area between the front and rear building lines extended, except where adjacent to another residential parcel, where 4’ would be maintained. The primary impact of this amendment is on corner lots, and is consistent with ZBA actions in this regard.

At the last Planning Commission meeting Commissioner Austin had recommended adding a dimension to the “Partition and privacy fence” reference as a convenience to users. This has been done and is noted below.

Section 10.516(D)(1)(a) is hereby amended by deleting the existing section and inserting the following new section to stand in its place.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2012

- (a) ~~Partition and privacy fences up to six (6) feet in height may be extended to the front house line or along a portion of such partition line not beyond the extended front house line pursuant to the requirements of this code. Where the side or rear lot line is adjacent to another residential parcel the maximum height for any such fence between the extended front and rear house lines on the subject parcel or the adjacent parcel shall be four (4) feet.~~

Motion by Commissioner Higgins; Supported by Commissioner Wakeland:

To direct staff to incorporate the changes discussed at tonight's meeting into the draft amendments and bring them back to the Planning Commission for public hearing at a future Planning Commission meeting.

Vice-Chair Bennett asked if there were any questions on the motion.

Commissioner Hartwell asked if our current standards for outdoor seating at restaurants were adequate. Mr. Schafer stated that all outdoor seating requires special approval. He noted that there are a number of specific zoning standards that City Council can use to address the possible impact of outdoor seating such as noise, lighting, screening and traffic. These standards are provided to City Council with every special approval application and can be used by City Council for the basis of any conditions, as well as approval or denial.

Commissioner Hartwell asked about our billboard standards and why our standard was more restrictive than the state. Mr. Schafer noted that the ordinance was amended a couple years back to develop standards, as there were none. The standards were developed after a comprehensive review of the existing billboards in the City as well as state law.

Mr. Grochowski noted that the ordinance is in compliance with state law, that the City could have a more restrictive standard than the state but could not allow more than the state allowed, and that the standards were developed because none previously existed. He also noted that extensive discussion of separation standards occurred during development of the amendment.

Commissioner Austin stated that there were also several consent judgments that previously allowed billboards. He also noted that aesthetics is an issue, that restricting these to the freeways only is a key component of this, and that we have more than our share of billboards already. The current standards do a good job of limiting billboards to an appropriate number along our freeways.

Commissioner Hartwell asked if we could ban billboards. Commissioner Austin responded – no – a city cannot outright ban them. Mr. Grochowski concurred.

There were no further questions from the Planning Commission.

Vice-Chair Bennett called the vote on the motion:

Yeas: Commissioners Austin, Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, and Vice-Chair Bennett.

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice-Chair Bennett adjourned the meeting at 6:15 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 16, 2012**

CALL TO ORDER

Chairman McFall called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Absent: Commissioner Austin

Also Present: Jim Schafer – Community Development Director

MEMBER EXCUSED

Motion by Commissioner Swanson; Supported by Commissioner Higgins:

To excuse Commissioner Austin from tonight's meeting.

Yeas: Commissioners Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Hartwell; Supported by Commissioner Swanson:

To approve the minutes of the regular April 17, 2012 Planning Commission meeting as printed.

Yeas: Commissioners Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

PUBLIC HEARING – CASE 1073

Rezoning Request by 32 Fourteen Mile LLC to rezone Lots 37 to 41 inclusive and the west ½ of the vacated alley adjacent to same, of John R Subdivision from M-1, Light Industrial to B-3, General Business. The area of the request is located at 32834 John R.

Chairman McFall introduced the case and opened the public hearing. No one in attendance spoke. Chairman McFall closed the public hearing.

Motion by Wakeland; Supported by Higgins:

Whereas; The Madison Heights Planning Commission received an application on September 14, 2012 to rezone Lots 37 to 41 inclusive and the west ½ of the vacated alley adjacent to same, of John R Subdivision from M-1, Light Industrial to B-3, General Business. The area of the request is located at 32834 John R.; and

Whereas; The Planning Commission public hearing was scheduled for October 16, 2012 and was duly advertised; and

Whereas; Staff recommended Approval of the requested rezoning as it is in conformance with the Master plan and established land use patterns in the area; and

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – October 16, 2012**

Whereas; The Planning Commission conducted the required and duly advertised public hearing on October 16, 2012, at which no one spoke; and

Now Therefore Be It Resolved; That the Madison Heights Planning Commission recommends APPROVAL of the request to rezone Lots 37 to 41 inclusive and the west ½ of the vacated alley adjacent to same, of John R Subdivision from M-1, Light Industrial to B-3, General Business, the area of the request is located at 32834 John R, as it is in conformance with the Master Plan and established land use patterns in the area.

Yeas: Commissioners Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion carried

SITE PLAN REVIEW – CASE 1074

Site Plan Review request by 32 Fourteen Mile LLC for two commercial buildings and associated parking on the south side 14 Mile between John R and Groveland.

Motion by Hartwell; Supported by Kapolka:

To approve the proposed site plan as presented, subject to approval of the proposed rezoning (Case 1073) by City Council.

Yeas: Commissioners Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 5:45 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2012**

CALL TO ORDER

Chairman McFall called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Absent: Commissioner Austin

APPROVAL OF THE MINUTES

Motion by Commissioner Holder; Supported by Commissioner Swanson:

To approve the minutes of the regular October 16, 2012 Planning Commission meeting as printed.

Yeas: Commissioners Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

PUBLIC HEARING – ZOTXT Case No. 11-1

Zoning Text Amendment 11-01: An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 200 – Definitions, Section 10.318 – Local Business, Section 10.319 – Local Business, Section 10.321 – B-2 Planned Business, Section 10.325 – B-3 General Business, Section 10.326 – B-3 General Business, Section 10.401 – Notes to Schedule of Regulations, Section 10.505 – Parking Requirements, Section 10.506 – Off Street Parking Space Layout, Section 10.511 – Sign Regulations and Section 10.516 – Fences, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

Chairman McFall introduced the case and asked Community Development Director Jim Schafer to summarize the proposed amendments.

Mr. Schafer summarized the proposed amendments and noted that there was one change to Section 1, which was distributed to the Planning Commission and made available to anyone wishing a copy.

Chairman McFall opened the public hearing. No one in attendance spoke. Chairman McFall closed the public hearing.

Motion by Swanson; Supported by Wakeland:

Whereas; The Madison Heights Planning Commission reviewed and discussed proposed amendments to the Zoning Ordinance at their October 18, 2011, November 15, 2011, April 17, 2012 and November 20, 2012 meetings; and

Whereas; The Planning Commission public hearing was scheduled for November 20, 2012 and was duly advertised; and

Whereas; Staff and legal counsel recommended Approval of the proposed zoning text amendments; and

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2012**

Whereas; The Planning Commission conducted the required and duly advertised public hearing on November 20, 2012, at which no one spoke; and

Whereas; No written comments were received by the Planning Commission prior to or during the public hearing.

***Now Therefore Be It Resolved;** That the Madison Heights Planning Commission recommends APPROVAL of the proposed zoning text amendments as presented at the November 20, 2012 public hearing, being amendments to the following:*

Zoning Text Amendment 11-01: An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 200 – Definitions, Section 10.318 – Local Business, Section 10.319 – Local Business, Section 10.321 – B-2 Planned Business, Section 10.325 – B-3 General Business, Section 10.326 – B-3 General Business, Section 10.401 – Notes to Schedule of Regulations, Section 10.505 – Parking Requirements, Section 10.506 – Off Street Parking Space Layout, Section 10.511 – Sign Regulations and Section 10.516 – Fences, of the Zoning Ordinance.

Yeas: Commissioners Hartwell, Higgins, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion carried

INITIAL DISCUSSION – 5 YEAR MASTER PLAN REVIEW

Chairman McFall introduced the agenda item and asked Mr. Schafer to provide a summary.

Mr. Schafer noted that the Planning Commission is required by state law to review the Master Plan every 5 years to determine if, in the Planning Commission's opinion, it needs an update or amendment. The Planning Commission conducted its first such review in 2002 and its second review and a subsequent amendment in 2007. Accordingly, it is time for the Planning Commission to conduct its 5-year Master Plan review.

By way of background, in 2002 the Planning Commission conducted its first 5-year review and determined that there was no need to amend or update the Master Plan. In 2007, the Parks & Recreation Advisory Board, through the Recreation Plan update process, and City Council through the Goal Process, asked the Planning Commission to consider amending the Master Plan to provide for conversion of Gravel Park to single-family use and the exchange of Sunset Park for an extension of Rosie's Park, in cooperation with Madison Schools. The Planning Commission proceeded with the Master Plan amendment process and did indeed amend the Master Plan regarding Gravel Park and Sunset / Rosie's Park. During that amendment process, the Planning Commission also conducted its state-mandated 5-year review and determined that there was no need to amend the Master Plan beyond the two areas specifically requested as noted above.

Mr. Schafer discussed the following points for the Planning Commission's initial consideration:

Requested land use changes through rezoning, and their conformance with the Master Plan, are one measure of the ongoing validity of the Master Plan's Land Use designations. The idea being that private or City-initiated requests for land use changes through rezoning that are not in conformance with the Master Plan are indicative of a potential need to review the Master Plan. Since 2007, there have been 7 property owner rezonings and no City-Initiated requests. Of the rezoning applications, 5 were in full conformance with the Master Plan, one was due to the sale of the former branch library for an office, and one was in partial conformance with the master plan but was found compatible with adjacent existing land uses by the Planning Commission.

Since the 2007 Master Plan review, the 2010 Census was conducted. The Census indicated a 4.5% decline in

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2012

population, a continued trend towards an aging population, decreased median and per capita incomes, increases in the percentage of persons and households in poverty, substantial declines in property values, and substantial increases in renter occupied single-family housing. Many of the trends that the 2010 Census identified can be directly attributed to the economic downturn and its impact on people, how much they make, where they work, and how they pay for the land they use. Staff will provide Census details / comparisons at a future Planning Commission meeting.

Finally, it is important to note that Madison Heights is, essentially, built out. In other words, approximately 98% of the City's land area is developed, with most vacant land clearly within well-established land use patterns (i.e. vacant lots within residential, commercial or industrial areas etc.) remarkably consistent with the Master Plan.

Mr. Schafer noted that this initial discussion would focus on the process and then provide an opportunity for Planning Commission feedback on any areas the Planning Commission believes should be evaluated for possible additional analysis, if any. No formal action is necessary at this time. Staff will present additional information and analysis, based on Planning Commission direction, at a future meeting.

Chairman McFall noted that this was not a public hearing, but invited any comments from the audience.

Mark McHale and Sam Yaldo, owners of 401 E. 13 Mile, asked the Planning Commission to consider changing the land use designation from Office to Commercial, citing adjacent commercial land uses and difficulties in leasing the property for office uses for the past several years.

Mr. Schafer noted the location of the site for the Planning Commission and stated that the owners were seeking input as they were contemplating a rezoning application. The Planning Commission did not voice any concerns with the possible land use change from office to commercial at 401 E. 13 Mile.

Chairman McFall asked the Planning Commission for any comments or questions on the Master Plan review.

Commissioner Hartwell asked about the status of the development at the northwest corner of 11 Mile and John R. Mr. Schafer responded that the property owner has received numerous approvals over the past few years for site plans, rezonings, alley/easement vacations, BRA and DDA financing and ZBA variances. However, the owner has not proceeded with permits to build and site plan approvals have now lapsed. As soon as applications are received they will be processed in the normal course.

Commissioner Hartwell asked about the status of the I-75 widening project. Mr. Schafer responded that staff is in routine contact with MDOT officials and we have been advised that the project is essentially on hold at this point, as no financing has been identified.

Commissioner Hartwell noted that it has been 5 years since we last reviewed the Master Plan regarding Gravel Park. He questioned whether it might be time to revisit the concept of pocket parks in light of the housing market. Mr. Schafer noted that the City's Park & Recreation Advisory Board would perhaps be the appropriate venue to have that discussion, as the Gravel Park recommendations originated with that Board at the time.

Commissioner Wakeland asked whether bike lanes on streets were a consideration in the Master Plan. Mr. Schafer responded that they were indeed part of the discussion regarding non-motorized transportation. Mr. Schafer noted that the City has a Sidewalk Gap and Repair Program that is entering the 11th year of a 12-year program. Timing would be excellent to consider bike paths in conjunction with an update of that City Council Policy document.

There being no additional questions or comments from the Planning Commission, Chairman McFall closed the discussion.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 6:15 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 15, 2013**

CALL TO ORDER

Chairman McFall called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Hartwell, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall
Absent: Commissioners Austin and Higgins

MEMBERS EXCUSED

Motion by Commissioner Hartwell, Supported by Commissioner Holder

To excuse Commissioners Austin and Higgins from tonight's meeting.

Yeas: Commissioners Hartwell, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall
Nays: None.

Motion Carried

ADDITION TO AGENDA

Motion by Commissioner Swanson, Supported by Commissioner Holder:

To add a new Agenda Item 6 – Election of Officers for 2013”.

Yeas: Commissioners Hartwell, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall
Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Holder; Supported by Commissioner Wakeland:

To approve the minutes of the regular November 20, 2012 Planning Commission meeting as printed.

Yeas: Commissioners Hartwell, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall
Nays: None.

Motion Carried

PUBLIC HEARING – Rezoning Case No. 1075 – 401 E. 13 Mile – O-1 Office to B-3 General Business

Chairman McFall asked Mr. Schafer to summarize the request.

Mr. Schafer reviewed the staff report:

Case No 1075 - Rezoning Request by 13 JR Investments LLC to rezone a parcel of land described as: T1N, R11E, SEC 1, JOHN R COURT, PART OF LOT 363, ALL OF LOTS 364, 365 & 366, PART OF LOTS 367, 368 & 369, ALL OF LOTS 471 TO 487 INCL, PART OF LOTS 470 & 488, ALSO ALL OF VAC ALLEY ADJ TO SAME, ALSO ALL OF VAC OSMUN AVE ADJ TO SAME ALL DESC AS BEG AT PT DIST N 89-54-00 E 895 FT & N 60 FT FROM SW SEC COR, TH N 198.59 FT, TH N 89-59-20 E 421.87 FT, TH S 00-47-09 W 197.98 FT, TH S 89-54-00 W 422.72 FT TO BEG EXC E 30 FT TAKEN FOR EDWARD AVE, from O-1, Office to B-3 General Business. The area of the request is located at 401 E. 13 Mile Road.

Request: Rezone From O-1, Office to B-3, General Business

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 15, 2013

Location: 401 E. 13 Mile Rd.

Existing Use: **Site:** Vacant office building (15,800 sf)

North: Senior Housing

South: Multiple Family Residential

East: Church

West: Commercial

Master Plan Designation:

Site: Office

North: Multiple Family

South: Multiple Family

East: Special Project Area

West: Commercial

Existing Zoning: **Site:** O-1, Office

North: H-R, High Rise

South: R-M, Multiple Family Residential

East: R-1, Residential

West: B-2, Planned Business

Staff Comments:

1. Applicant proposes this rezoning to accommodate planned commercial redevelopment of the site. The applicant's concept plan denotes two commercial buildings on the site plan. (Note: The site plan is not the subject of the rezoning review and is included for demonstrative purposes only. The site plan has not been reviewed for conformance with our standards and is not an enforceable document. Should the rezoning ultimately be approved, site plan review and approval would be required for redevelopment of the site.)
2. The proposed rezoning is in partial compliance with the master plan designation for the parcel, in that the requested B-3 District does permit office uses. However, the request is not in conformance with the Master Plan relative to the retail and non-office service uses that would be permitted in the B-3 District. While the request is compatible with planned, zoned and existing land uses to the west, it would result in an extension of general commercial uses into an area planned for office uses.
3. At the time of the Master Plan's development, the Sam's Club site was an older commercial strip center with a bank out lot and the Meijer site was a large lot single-family neighborhood. Since that time, the Meijer site has been developed and the Sam's Club has been built. This has introduced two destination commercial sites (Meijer and Sam's Club), and a new single-family development in immediate proximity to the subject parcel, somewhat altering the land use characteristics of the area.
4. The Site Plan Review Committee has reviewed the proposed rezoning request and recommends denial of the request, as it is not in conformance with the Master Plan and would permit a range of general retail uses that could be incompatible with existing uses in the area. The Committee notes that the B-1, Local Business District affords a more limited range of retail uses, in addition to office uses, that are intended to be more compatible with adjacent non-commercial uses. In addition, the B-1 District prohibits outdoor sales activities (car sales, car washes etc.) and regulated uses that tend to increase negative impact on surrounding uses.
5. While the proposed rezoning is not compatible with the Office designation of the parcel, consideration of the B-1, Local Business District for the property is warranted. The B-1 District permits office uses and a limited range of retail and service uses that are of a neighborhood level that are more compatible with adjacent uses. In addition, neighborhood scale retail uses could provide additional opportunities for non-motorized access to retail / service uses from adjacent residential areas.

Planning Commission Action:

Following the public hearing, staff recommends that the Planning Commission recommend to City Council denial of the requested rezoning from O-1 to B-3 as it would permit a range of uses that is incompatible with the master plan and with adjacent uses. Staff further recommends that the Planning Commission recommend to City Council rezoning the subject parcel from O-1, Office to B-1, Local Business for the reasons cited above.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 15, 2013**

Chairman McFall opened the public hearing.

Mark McHale – representing the applicant 13 JR Investments, LLC, spoke in favor of the request.

Commissioner Bennett asked the applicant what the proposed uses were. Mr. McHale responded that local retail is proposed.

Assistant City Attorney Grochowski asked the applicant why they requested B-3 and not B-1. Mr. McHale responded that they were seeking maximum flexibility for possible retail uses.

Mr. Schafer asked the applicant if they were in agreement with the staff recommendation of B-1, Local Business. Mr. McHale responded yes – they agree with the recommendation.

Chairman McFall closed the public hearing.

Motion by Holder; Supported by Wakeland:

***Whereas;** The Madison Heights Planning Commission reviewed and discussed the proposed rezoning Case 1075 at the January 15, 2013 meeting; and*

***Whereas;** The Planning Commission public hearing was scheduled for January 15, 2013 and was duly advertised; and*

***Whereas;** The Planning Commission conducted the required and duly advertised public hearing on January 15, 2013, at which one person spoke in favor of the request; and*

***Whereas;** No written comments were received by the Planning Commission.*

***Whereas;** Staff recommended that, following the public hearing, the Planning Commission recommend to City Council denial of the requested rezoning from O-1 to B-3 as it would permit a range of uses that is incompatible with the master plan and with adjacent uses. Staff further recommended that the Planning Commission recommend to City Council approval of rezoning the subject parcel from O-1, Office to B-1, Local Business in that the B-1 District permits office uses and a limited range of retail and service uses that are of a neighborhood level that are more compatible with adjacent uses. In addition, neighborhood scale retail uses could provide opportunities for non-motorized access to retail / service uses from adjacent residential areas; and*

***Whereas;** That the area of the rezoning request is described as:*

T1N, R11E, SEC 1, JOHN R COURT, PART OF LOT 363, ALL OF LOTS 364, 365 & 366, PART OF LOTS 367, 368 & 369, ALL OF LOTS 471 TO 487 INCL, PART OF LOTS 470 & 488, ALSO ALL OF VAC ALLEY ADJ TO SAME, ALSO ALL OF VAC OSMUN AVE ADJ TO SAME ALL DESC AS BEG AT PT DIST N 89-54-00 E 895 FT & N 60 FT FROM SW SEC COR, TH N 198.59 FT, TH N 89-59-20 E 421.87 FT, TH S 00-47-09 W 197.98 FT, TH S 89-54-00 W 422.72 FT TO BEG EXC E 30 FT TAKEN FOR EDWARD AVE. The area of the request is located at 401 E. 13 Mile Road.

***Now Therefore Be It Resolved;** That the Madison Heights Planning Commission recommends denial of the requested rezoning from O-1 to B-3 as it would permit a range of uses that is incompatible with the master plan and with adjacent uses. The Planning Commission further recommends that the City Council approve rezoning the subject parcel from O-1, Office to B-1, Local Business in that the B-1 District permits office uses and a limited range of retail and service uses that are of a neighborhood level that are more compatible with adjacent uses. In addition, neighborhood scale retail uses could provide opportunities for non-motorized access to retail / service uses from adjacent residential areas;*

Roll Call Vote:

Yeas: Commissioners Hartwell, Holder, Kapolka, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 15, 2013**

Nays: None.

Motion Carried

CONTINUED DISCUSSION – 5 YEAR MASTER PLAN REVIEW

Chairman McFall introduced the agenda item and asked Mr. Schafer to provide a summary.

Mr. Schafer reviewed demographic statistics relative to the City.

Commissioner Hartwell commented on the aging population projected and noted the need to continue to address public transit, pedestrian safety and barrier free access.

Commissioner Wakeland noted that bike lanes should be a consideration.

Mr. Schafer noted that the City has a comprehensive annual sidewalk program that addresses many of the issues involved in pedestrian safety and senior mobility. As discussed at the November 20, 2012 meeting, he also suggested that the sidewalk policy would be an excellent opportunity to address bike lanes and further non-motorized mobility issues. That program is two years from completion, is a well-established City Council Policy, has been implemented consistently and successfully, and is well understood by the public, businesses and City Council. Staff anticipates beginning the process to review it shortly for possible recommendations to City Council. Planning Commission input would be incorporated into the process.

Commissioner Holder noted that costs for bike lanes and pedestrian signals need to be considered.

Commissioner Bennett noted that bike lanes often cause further congestion on roads.

Mr. Schafer noted that there would be additional discussion at the next regularly scheduled Planning Commission meeting. At that time the Planning Commission can make it's determination on the need to make any changes to the Master Plan.

As there were no additional questions or comments, Chairman McFall closed the discussion

PLANNING COMMISSION 2012 ANNUAL REPORT

Motion by Commissioner Swanson; Supported by Commissioner Wakeland:

To accept and certify the 2012 Planning Commission Annual Report and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code

Yeas: Commissioners Bennett, Kapolka, Swanson, Hartwell, Holder, Wakeland and Chairman McFall

Nays: None.

Motion Carried

ELECTION OF OFFICERS FOR 2013

Motion by Commissioner Kapolka; Supported by Commissioner Holder:

To nominate Frank McFall for Chairman, Peggy Bennett as Vice-Chair, and Mike Kapolka as Secretary, to close nominations for Chairman, Vice-Chair and Secretary and elect Frank McFall as Chairman, Peggy Bennett as Vice-Chair, and Mike Kapolka as Secretary, by acclamation.

Yeas: Commissioners Bennett, Kapolka, Swanson, Hartwell, Holder, Wakeland and Chairman McFall

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 6:45 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 19, 2013**

CALL TO ORDER

Chairman McFall called the meeting of the Madison Heights Planning Commission to order at 5:45 p.m.

ROLL CALL

Present: Commissioners Hartwell, Kapolka, Myers, Wakeland, and Chairman McFall
Absent: Commissioners Holder, Swanson, Vice-Chair Bennett and Higgins

MEMBERS EXCUSED

Motion by Commissioner Wakeland, Supported by Commissioner Myers

To excuse Commissioners Holder, Swanson, Vice-Chair Bennett and Higgins from tonight's meeting.

Yeas: Commissioners Hartwell, Kapolka, Myers, Wakeland, and Chairman McFall

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Wakeland; Supported by Commissioner Hartwell:

To approve the minutes of the regular January 15, 2013 Planning Commission meeting as printed.

Yeas: Commissioners Hartwell, Kapolka, Myers, Wakeland, and Chairman McFall

Nays: None.

Motion Carried

SITE PLAN REVIEW – Case 1076 (PSPR 12-18) – New Commercial Building at 361 W. 14 Mile

Mr. Schafer reviewed the proposed site plan and accompanying staff report.

Site Plan Review request by Madison Fourteen LLC for a commercial building at 361 W. 14 Mile.

Location: 361 W. 14 Mile Rd. (Southeast corner of 14 Mile and Palmer)

Existing Use: **Site:** Vacant (Former site of Goodyear Tire – Demolished in 2011).

North: Commercial (Troy)

South: Commercial (Star Theatre parking lot)

East: Commercial (Grande Azteca Restaurant)

West: Commercial (Belle Tire)

Master Plan Designation: **Site:** Commercial

North: Commercial

South: Commercial

East: Commercial

West: Commercial

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 19, 2013**

Existing Zoning: **Site:** B-3, General Business
 North: Commercial (Troy)
 South: B-3, General Business
 East: B-3, General Business
 West: B-3, General Business

Staff Comments:

1. Applicant proposes this site plan to accommodate a planned redevelopment of the southeast corner of 14 Mile / Palmer, with one commercial building.
2. The site was previously used for a Goodyear Tire store, which was demolished in 2011.
3. This parcel is combined with the adjacent Grande Azteca restaurant, and as such, triggers the need for Planning Commission review (two or more buildings on one site).
4. The Zoning Board of Appeals granted a variance for 8 parking spaces in March 2012. The proposed site plan conforms to the granted variance.
5. The site plan includes a sidewalk connection to both Alger and Palmer, per the newly adopted Zoning Ordinance requirement.
6. Key positive elements of the proposed plan include: Elimination of two existing driveways – one on 14 Mile Road and one on Palmer; and enhanced landscaping adjacent to Palmer and 14 Mile.
7. The Site Plan Review Committee has reviewed the proposed site plan. All review comments have been addressed.

Planning Commission Action:

Staff recommends that the Planning Commission approve the site plan.

Mark Drane – Architect, was in attendance representing the developer.

There were no questions from the Planning Commission.

Motion by Commissioner Wakeland: Supported by Commissioner Hartwell:

To approve Site Plan No. 1076 (PSPR 12-18) for a new commercial building at 261 W. 14 Mile Rd.

Yeas: Commissioners Hartwell, Kapolka, Myers, Wakeland, and Chairman McFall

Nays: None

Motion Carried

CONTINUED DISCUSSION – 5 YEAR MASTER PLAN REVIEW

Chairman McFall introduced the agenda item and asked Mr. Schafer to provide a summary.

Mr. Schafer noted that the Planning Commission is required by state law to review the Master Plan every 5 years to determine if, in the Planning Commission's opinion, it needs an update or amendment. The Planning Commission conducted its first such review in 2002 and its second review and a subsequent amendment in 2007. Accordingly, the Planning Commission began its 5-year Master Plan review at the November 20, 2012 meeting and continued that review at the January 15, 2013 meeting.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 19, 2013

The initial Master Plan review discussions of the Planning Commission focused on process, demographics, past land use decisions and Planning Commission feedback on any areas the Planning Commission believes should be evaluated for possible additional analysis. Out of those discussions there was one area that the Planning Commission suggested additional analysis or consideration – Non-motorized transportation. This was discussed at both meetings and staff noted that the City has a Sidewalk Gap and Annual Repair Program Plan. This City Council Policy document encompasses a comprehensive annual sidewalk program that addresses many of the issues involved in non-motorized pedestrian safety and senior mobility. Update of this Policy would be an excellent opportunity to address bike lanes and additional non-motorized mobility issues. Mr. Schafer noted that timing is excellent, as the 12-Year Gap and Repair Program is two years from completion (2014 is the last year of the Program), it is a well-established City Council Policy, that has been implemented consistently and successfully, and is well understood by the public, businesses and City Council. Staff anticipates beginning the process shortly to review the Policy for recommendation to City Council. Planning Commission input would be incorporated into policy recommendations to City Council.

Mr. Schafer noted that staff does not have any additional areas for Planning Commission consideration regarding an update or amendment to the Master Plan.

Chairman McFall asked the Planning Commissioners if they had any additional questions or comments. Hearing none, the Chairman called for a motion.

Motion by Commissioner Myers; Supported by Commissioner Wakeland:

In accordance with State law, the Planning Commission has conducted its 5-year review of the Master Plan and finds no updates or amendments are recommended at this time.

Yeas: Commissioners Hartwell, Kapolka, Myers, Wakeland, and Chairman McFall

Nays: None

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 6:05 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 16, 2013

CALL TO ORDER

Chairman McFall called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Hartwell, Higgins, Kapolka, Myers, Wakeland, and Chairman McFall
Absent: Commissioners Holder, Swanson, Vice-Chair Bennett

MEMBERS EXCUSED

Motion by Commissioner Kapolka, Supported by Commissioner Higgins

To excuse Commissioners Holder, Swanson and Vice-Chair Bennett from tonight's meeting.

Yeas: Commissioners Hartwell, Higgins, Kapolka, Myers, Wakeland, and Chairman McFall

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Myers; Supported by Commissioner Wakeland:

To approve the minutes of the regular March 19, 2013 Planning Commission meeting as printed.

Yeas: Commissioners Hartwell, Higgins, Kapolka, Myers, Wakeland, and Chairman McFall

Nays: None.

Motion Carried

SITE PLAN REVIEW – Case 1077 (PSPR 13-01) – Parking Lot Landscaping Review – Parking Lot Addition to rear of Buildings at 1208 and 1222 E. 11 Mile Rd.

Mr. Schafer reviewed the proposed site plan and accompanying staff report.

Request: Site Plan Review of a new landscaping associated with a new P-2 Vehicular Parking lot.

Location: Rear of Buildings at 1208 and 1222 E. 11 Mile Rd. (Southeast corner of 11 Mile and Northeastern)

Existing Use: **Site:** Vacant
 North: Industrial
 South: Single Family Residential
 East: Single Family Residential
 West: Single Family Residential

Existing Zoning: **Site:** P-2, Vehicular Parking
 North: M-1, Light Industrial
 South: R-3, Single- Family Residential
 East: R-3, Single- Family Residential
 West: R-3, Single- Family Residential

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 16, 2013**

Staff Comments:

1. Applicant proposes this site plan to accommodate a parking lot expansion for the buildings on the 11 Mile frontage.
2. This parcel is zoned P-2 Vehicular Parking. The intent of this district is to provide parking only for adjacent non-residential uses. The plan is in conformance with all standards.
3. The P-2 District requires Planning Commission review and approval of the landscaping associated with the ROW greenbelt on Northeastern. Applicant proposes to install three 6' - 8' pine trees, 30' on center. This is in conformance with City standards. The Planning Commission's review is limited by ordinance to the landscaping portion of the plan.
4. The Site Plan Review Committee has reviewed the proposed site plan and associated parking easements. All review comments have been addressed.

Planning Commission Action:

Staff recommends that the Planning Commission approve the landscaping plan as submitted, as it is in conformance with applicable standards.

Motion by Commissioner Higgins; Supported by Commissioner Myers:

To approve the right of way landscaping for the proposed parking lot in Case No. 1077.

Yeas: Commissioners Hartwell, Higgins, Kapolka, Myers, Wakeland, and Chairman McFall

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 5:37 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 20, 2013**

CALL TO ORDER

Chairman McFall called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Hartwell, Higgins, Kapolka, Myers, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall
Absent: Commissioners Holder

MEMBERS EXCUSED

Motion by Commissioner Swanson, Supported by Commissioner Wakeland

To excuse Commissioner Holder from tonight's meeting.

Yeas: Commissioners Hartwell, Higgins, Kapolka, Myers, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Myers; Supported by Commissioner Kapolka:

To approve the minutes of the regular April 16, 2013 Planning Commission meeting as printed.

Yeas: Commissioners Hartwell, Higgins, Kapolka, Myers, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

SITE PLAN REVIEW: Case No 1072 - PSPR 13-11 – New Commercial Center – NW Corner of 11 Mile / John R.

Request: Site plan review
Applicant: Naima-East, LLC
Location: Northwest corner of 11 Mile / John R.
Existing Land Use: Vacant land
Zoning: B-3 General Business
Proposed Use: Commercial Retail

Mr. Schafer reviewed the Staff Analysis:

1. Applicant proposes a new multi-tenant commercial building at the corner of 11 Mile / John R (14,262 s.f.). This plan is identical to the plan previously approved by the Planning Commission in 2011. As site plans are valid for one year from date of approval, applicant is again seeking site plan approval.
2. Should any proposed use include outdoor seating, separate application and special approval by City Council is required prior to issuance of any permits for such use.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 20, 2013

3. The Site Plan Review Committee has reviewed the proposed site plan and notes the following recommended conditions for Planning Commission consideration:
 - a. No signage is approved as a part of site plan review.
 - b. Concrete pads are required under dumpster locations – To be addressed on Engineering Plans
 - c. Engineering Plan Review is required.
 - d. Consolidation of parcels is required.

Recommendation:

Staff concurs with the recommendation of the Site Plan Review Committee and recommends that Planning Commission approve the proposed site plan subject to the above referenced conditions.

Commissioner Wakeland commented that he felt the proposed east / west center drive was too wide and that there be no open storage permitted on site.

Mr. Schafer responded that outside storage is not permitted in this zoning district and the drive is for a three-lane curb cut and ordinance standards do not have a maximum aisle width.

Motion by Commissioner Higgins; Supported by Commissioner Myers:

To approve the site plan in Case No. 1077 subject to the recommended conditions..

Yeas: Commissioners Hartwell, Higgins, Kapolka, Myers, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

Initial Discussion of Possible Amendments to Zoning Ordinance

Temporary Signage - The Planning Commission discussed a City Council directive to consider expanding the number of 30 day Temporary Sign Permits allowed.

Mr. Schafer summarized the request and reviewed a previous 3-25-13 staff report on the issue, including the current standard of three (3) 30-day temporary signs, one grand opening sign, and the two temporary public / educational / charitable / religious signs per year.

Commissioner Higgins noted that charitable organizations do rely on events at businesses as fundraisers.

Commissioner Kapolka asked if other businesses have asked for an increase, or a single business request. Mr. Schafer responded that this is the only request.

Commissioner Wakeland commented that perhaps more signs for a reduced duration of time would be beneficial.

Commissioner Myers noted that we do not want to increase the burden on our limited code enforcement personnel. The current system is automated to the 30 day timing and works quite well.

Commissioner Bennett commented that she does not want to see an increase in clutter by having these signs all over for long periods of time.

Commissioner Hartwell commented that we should also consider the fee schedule to address any added burden on code enforcement.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 20, 2013

The Planning Commission directed staff and legal counsel to draft an amendment that would allow one additional 30-day temporary sign per calendar year and suggested that City Council consider a possible fee adjustment during the budget consideration process.

Site Plan Review Process – The Planning Commission discussed the site plan review process and specifically, whether to continue requiring Planning Commission review of site plans that have two or more buildings on a single parcel.

Commissioner Bennett asked for a summary of the current site plan review process. Mr. Schafer explained that all site plans are reviewed administratively by the Site Plan Review Committee except those that have two or more buildings on the site. Those plans are reviewed by the Site Plan Review Committee to insure conformance with the Zoning Ordinance and then are forwarded to the Planning Commission for approval.

Commissioner Higgins commented that he was OK with the concept, however he would like to be apprised of plans that had been reviewed; perhaps through a periodic report.

Commissioner Wakeland stated that he was OK with the concept, and supports the continued review and update of the standards in the Zoning Ordinance.

Commissioner Myers commented that the intent was to focus on the administrative function of site plan review and that he was also supportive of the concept. The Planning Commission and City Council set the standards through the Zoning Ordinance and staff then makes sure those standards are implemented through site plans.

Commissioner Hartwell asked what the membership of the Site Plan Review Committee was and how often they met. Mr. Schafer responded that the Committee included the Building Official, Building Inspector, City Engineer, Fire Chief and Community Development Director. In addition, the Economic Development Coordinator and Water & Sewer Coordinator attend all the meetings, The Committee meets every Wednesday when there are plans to review.

The Planning Commission directed staff and legal counsel to draft an amendment that would require administrative review of all site plans. In addition, should the amendment proceed and be adopted, the Planning Commission would like to receive periodic status reports on new site plans.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman McFall adjourned the meeting at 6:15 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 19, 2013**

CALL TO ORDER

Chairman McFall called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Higgins, Holder, Myers, Soltis, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall
Absent: Commissioner Kapolka

MEMBERS EXCUSED

Motion by Commissioner Myers, Supported by Commissioner Swanson

To excuse Commissioner Kapolka from tonight's meeting.

Yeas: Commissioners Higgins, Holder, Myers, Soltis, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Higgins; Supported by Commissioner Wakeland:

To approve the minutes of the regular August 20, 2013 Planning Commission meeting as printed.

Yeas: Commissioners Higgins, Holder, Myers, Soltis, Swanson, Wakeland, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

Continued Discussion of Possible Zoning Ordinance Text Amendments (ZOTXT 13-01)

Temporary Signage - The Planning Commission discussed a City Council directive to consider expanding the number of 30 day Temporary Sign Permits allowed.

Mr. Schafer summarized the request and reviewed a previous 3-25-13 staff report on the issue, including the current standard of three (3) 30-day temporary signs, one grand opening sign, and the two temporary public / educational / charitable / religious signs per year. He then reviewed a first draft of a Zoning Ordinance Text Amendment that provided for one additional temporary sign for 30 days per calendar year.

The Planning Commission had no additional comments.

Site Plan Review Process – In response to the Planning Commission's request, Mr. Schafer reviewed a first draft of a Zoning Ordinance Text Amendment that would make all site plans an administrative review and approval process. In addition, the amendment would address the membership of the Site Plan Review Committee to reflect recent administrative position changes due to cutbacks and organizational changes. Finally, the draft revises submittal requirements to reduce the quantity of plans needed, reflecting the change to administrative reviews.

Commissioner Bennett asked about the report process regarding plans that had been reviewed, as discussed at the previous meeting.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 19, 2013

Mr. Schafer responded that a report would be provided periodically should the amendment be approved.

Commissioner Wakeland asked whether the City was accepting electronic submittals yet.

Mr. Schafer responded that, yes, the City does accept plans in PDF form for certain submittals. However, he noted that there are problems with certain electronic submittals and software compatibility.

The Planning Commission had no additional comments.

Mr. Schafer noted that the amendments would be back before the Planning Commission for a final review prior to scheduling for public hearing and recommendation to the City Council.

Initial Discussion of Sidewalk Repair and Non-Motorized Transportation Policy

Mr. Schafer reviewed the City's past and current sidewalk repair programs and the current Sidewalk Gap Policy. He also reviewed regional and adjacent community non-motorized transportation plans, with specific emphasis on the connections between those communities and Madison Heights. He then reviewed an overview map that provided opportunities for non-motorized transportation enhancements as well as a proposed concept to continue the City's highly successful annual sidewalk repair program. The concept presented would provide for a mix of sidewalk, pathway and on-street bicycle routes through the City, capitalizing on the almost complete network of sidewalks within the city. These would be enhanced by pavement markings (sharrows), signage and an education program to highlight pedestrian, bicycle and motorist rights and responsibilities.

Commissioner Bennett inquired about the need to continuously repair walks damaged by roots.

Mr. Schafer noted that in the City's earlier sidewalk programs roots were not as aggressively removed where sidewalk sections were replaced. Now, the City cuts the roots out from adjacent and under the new walk.

Commissioner Holder asked about being more aggressive in removing them when they become a hazard.

Commissioner Myers explained the City DPS Policy regarding tree assessment and determination of need for removal based on the viability of the tree (Red Yellow Green) and stated that the City does not remove healthy trees.

Commissioner Bennett asked if the I-75 Widening Project could have an impact on non-motorized transportation.

Mr. Schafer responded that yes, it would have an impact. There are a limited number of freeway crossings, construction will last for years, and the City has asked that the actual project include facilities for pedestrians and bicyclists as well.

Commissioner Holder asked if there was a liability for the City if we encourage bicyclists to use walks and roads.

Mr. Schafer responded that state law is clear – bicyclists can use both roadways and sidewalks, as long as they obey appropriate traffic controls. The approach suggested for Madison Heights would highlight both users to each other and passing motorists through pavement markings, signage and education.

Commissioner Wakeland noted that as a bicyclist himself, he would prefer to see bicycles using the streets as opposed to sidewalks. He stated he believes that it is safer for the bicyclist.

Mr. Schafer noted that staff will review the comments generated and would provide additional concepts and plans at a future Planning Commission meeting for additional discussion.

ADJOURNMENT OF MEETING

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 19, 2013

Having no further business before the Commission, Chairman McFall adjourned the meeting at 7:00 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 21, 2014**

CALL TO ORDER

Chairman McFall called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Holder, McFall, Myers, Swanson, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland
Absent: Commissioners Higgins and Soltis

MEMBERS EXCUSED

Motion by Commissioner Swanson, Supported by Commissioner Wakeland

To excuse Commissioners Higgins and Soltis from tonight's meeting.

Yeas: Commissioners Holder, Myers, Swanson, Wakeland, Secretary Kapolka, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner Myers; Supported by Commissioner Bennett:

To approve the minutes of the regular November 19, 2013 Planning Commission meeting as printed.

Yeas: Commissioners Holder, Myers, Swanson, Wakeland, Secretary Kapolka, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

ELECTION OF PLANNING COMMISSION OFFICERS FOR 2014

Motion by Commissioner Myers; Supported by Commissioner Swanson:

To nominate Andy Wakeland for Chairman, Peggy Bennett as Vice-Chair, and Mike Kapolka as Secretary, to close nominations for Chairman, Vice-Chair and Secretary and elect Andy Wakeland as Chairman, Peggy Bennett as Vice-Chair, and Mike Kapolka as Secretary, by acclamation.

Yeas: Commissioners Holder, Myers, Swanson, Wakeland, Secretary Kapolka, Vice-Chair Bennett and Chairman McFall

Nays: None.

Motion Carried

RESOLUTION OF APPRECIATION – FRANK MCFALL

Mayor Swanson offered a Resolution of Appreciation as follows:

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 21, 2014**

CERTIFICATE OF APPRECIATION

WHEREAS, the City of Madison Heights Planning Commission wishes to express its sincere appreciation to:

Frank McFall

in recognition of his outstanding service to the community as Chairman of the Madison Heights Planning Commission from 2005 to 2013; and

WHEREAS, his leadership in this capacity has furthered those ideals that contribute to a better community through sound planning.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission expresses the City's sincere appreciation and recognition to this distinguished citizen for his public service.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to Frank McFall to serve as a lasting expression of the Planning Commission's gratitude for his contributions to the betterment of the City of Madison Heights.

Resolution passed unanimously by the Planning Commission on this 21st day of January 2014.

Continued Discussion of Possible Zoning Ordinance Text Amendments (ZOTXT 13-01)

Temporary Signs – Mr. Schafer noted that at the March 25, 2013 City Council Meeting a City business owner asked City Council to consider an amendment to the Zoning Ordinance that would permit more temporary signs for businesses each year. City Council asked that the Planning Commission evaluate the request and provide Council with a recommendation regarding amendment of the temporary sign standards in the Zoning Ordinance.

Mr. Schafer further noted that the Planning Commission discussed this item at their August 20, 2013 and November 19, 2013 meetings. At the August 20, 2013 meeting the Planning Commission directed staff to develop draft amendment language that would permit one additional 30-day temporary sign permit per calendar year. The Planning Commission reviewed that draft at their November 19, 2013 meeting. The Planning Commission had no additional comments on the draft.

Planning Commission Site Plan Review – Mr. Schafer noted that during the last review of Zoning Ordinance amendments the Planning Commission recommended, and City Council adopted, a number of streamlining provisions that reduced or eliminated aspects of special approval and site plan review for certain types of developments. During that process, the Planning Commission's involvement in the site plan review process was also discussed as a possible future amendment.

Currently, Planning Commission review of site plans is required when there is more than one building on a site. All other site plans are reviewed administratively, regardless of size. As a result, the vast majority of site plans are reviewed administratively. The cost associated with Planning Commission review is \$1,000, while administrative review is \$500, reflecting the additional administrative activity associated with preparing and distributing plans to the Planning Commission and conducting the meeting.

Under State law, site plans must be approved if they conform to zoning ordinance standards. There is not a discretionary review component to site plan review, as there is with special approval standards, for instance. Accordingly, site plans are considered an administrative function, and staff always insures that site plans meet zoning ordinance requirements before a site plan is placed on the Planning Commission's agenda for review.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 21, 2014

With the Planning Commission having only four scheduled meetings per year, delays do occur in scheduling Planning Commission site plan reviews. In light of the administrative focus of site plan review and the added cost both to the applicant and City, as previously discussed, the Planning Commission directed staff at their August 20, 2013 meeting to develop a draft amendment that would eliminate the requirement for Planning Commission review of site plans and place site plan review and approval authority with the Site Plan Review Committee.

The Planning Commission reviewed the draft at their November 19, 2013 meeting. That draft amendment, reflecting recent changes to staffing, also included the make up of the Site Plan Review Committee as it currently stands, due to changes to the department's staffing as a result of budgetary constraints. Finally, the draft also modifies the required copies of plan submittals to reduce the number of plans submitted for only administrative review.

The Planning Commission reviewed the following draft:

Zoning Text Amendment 13-01 (Ordinance No. 2102)

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.511 – Temporary Signs; and Section 10.514 – Site Plan Review, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.511 (IV), paragraph (D) is hereby amended by deleting the existing paragraph and inserting the following paragraph.

- (D) ***Temporary Signs:*** The following regulations shall be applicable to all temporary signs placed or situated in any place other than inside a building:
- (1) *Generally. A single temporary sign may be permitted for thirty (30) days at a time for each non-residential address located in the City. No address may have a temporary sign for more than ~~three (3)~~ four (4) months in a single calendar year, subject to subsection 6 below.*
 - (2) *Height and area limitations. No temporary sign may have a single face greater than thirty-two (32) square feet in area nor have a greater total surface area of more than sixty-four (64) square feet nor be a greater height than eight (8) feet above the ground.*
 - (3) *Number of signs. No more than one (1) temporary sign for each address shall be displayed on any site, subject to subsection 6 below.*
 - (4) *Display: A temporary sign shall be displayed only at the address for which the permit was issued, shall advertise only the business or activity located thereon, and shall be located entirely within the subject property.*
 - (5) *Prompt removal of sign. Temporary signs shall be removed as soon as torn or damaged, or promptly at the end of the display period provided for above.*
 - (6) *Grand Opening Signs - One temporary sign, not to exceed thirty-two (32) square feet, shall be permitted at the opening of a new business in a commercial, office or industrial district for a period not to exceed thirty (30) consecutive days from the date the occupancy certificate or business license is issued, whichever is later. Such grand opening signage may be used in addition to, or in conjunction with, other permitted temporary signs.*

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 21, 2014

Section 2. Section 10.514, paragraph (B) and paragraph (C) are hereby amended by deleting the existing paragraphs and inserting the following paragraphs.

B. Site Plan Review Authority

1. There is hereby established a Site Plan Review Committee consisting of the Fire Chief or designee, Community Development Director, Deputy Community Development Director, ~~Community Development Technician, and the~~ City Engineering Consultants, Water & Sewer Coordinator or designee, and ~~The Building Inspector shall serve as alternate when a committee member is unavailable.~~ The Economic Development Coordinator shall be an ex officio member without vote. A minimum of three (3) affirmative votes is required to approve any motion.
2. Upon receipt of a site plan the Site Plan Review Committee shall ~~review the plan. If the Site Plan Review Committee determines that the parcel could reasonably support more than one principal building at the time of ultimate development the plan shall, subject to Paragraph C, below, be forwarded to the Planning Commission for their review and approval prior to issuance of permits for any construction. In all other situations the Site Plan Review Committee shall~~ review and approve all site plans prior to issuance of any permits for any construction. The Committee may refer any plan to the Planning Commission for their review and approval.

C. Site plan review process

Site plans shall be reviewed in conformance with the following process:

1. Applicant requests pre-application conference with Community Development Department to discuss the proposed site plan, review procedures, design elements, and ordinance requirements.
2. Applicant initiates site plan review process by submitting the following materials and fees to the Community Development Department:
 - a. ~~Ten One (10)~~ One (1) copy of the completed site plan application form.
 - b. ~~Ten Eight (108)~~ Eight (8) copies of the site plan. A site plan submitted to the City for preliminary site plan review must contain all of the information set forth in Paragraph D below.
 - c. One (1) 11' x 17" original reduction of the site plan
 - d. ~~Ten One (10)~~ One (1) copy of the "Hazardous Substance Reporting Form" and "Environmental Permits Checklist" (provided by City)
 - e. All applicable fees.

The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.
3. Site Plans are distributed to Site Plan Review Committee for Preliminary Site Plan Review.
4. Site Plan Review Committee conducts Preliminary Site Plan Review and determines if Planning Commission review is required.
5. Preliminary Site Plan Review comments sent to applicant.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 21, 2014**

6. Applicant revises plans and submits ~~Ten Eight (108)~~ ten (10) copies of revised site plans and any additional required information to Community Development Department ~~twenty (20) copies if Planning Commission Review is required~~.
7. Site Plan Review Committee conducts Final Site Plan Review and ~~makes recommendation to the Planning Commission for final review if required, or~~ takes final action on the site plan.
8. If a site plan is referred to the Planning Commission by the Site Plan Review Committee, Site Plans requiring Planning Commission review must be submitted a minimum three (3) weeks prior to the Planning Commission's meeting to be considered for that agenda. The site plan will be placed on the agenda of a meeting of the Planning Commission after the site plan has received final site plan review by the Site Plan Review Committee. The applicant will be notified of the date, time and place of the meeting at which the Planning Commission will consider the application.
9. The Site Plan Review Committee, and Planning Commission if required, shall approve, approve with conditions, or deny the final site plan.
10. If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the final site plan shall be revised by the applicant and resubmitted to the Community Development Department for verification of compliance with necessary plan revisions.
11. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above beginning with submittal of final site plans review shall be followed.
12. When all conditions of approval are met by the applicant six copies of the final site plan shall be stamped "APPROVED", dated and transmitted in accordance with the following:
 - 2 - Community Development Department
 - 1 - City Engineer
 - 1 - Department of Public Services
 - 1 - Fire Department
 - 1 - Applicant

Section 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 6. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 7. Enactment.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 21, 2014**

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 a.m. and 4:30 p.m. on regular business days.

Motion by Commissioner Holder; Supported by Commissioner Swanson:

To set the Planning Commission public hearing for zoning ordinance text amendment ZOTXT 13-01 (Ordinance No. 2102) for the April 15, 2014 Planning Commission meeting.

Yeas: Commissioners Holder, McFall, Myers, Swanson, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland

Nays: None.

Motion Carried

Continued Discussion of Sidewalk Repair and Non-Motorized Transportation Policy

Mr. Schafer reviewed the status of the Planning Commission's ongoing discussion regarding the People Powered Transportation and Sidewalk Repair Program. During the last 5-year review of the Master Plan the Planning Commission discussed non-motorized transportation as a possible area for further consideration. The current 12-Year Sidewalk Gap and Repair Program will be completed in 2014. Accordingly, the Planning Commission decided to recommend incorporating non-motorized transportation elements into a new recommended Policy for City Council consideration when City Council considers a new annual sidewalk repair program. Work on the Policy would be timed so that City Council could consider a recommended Policy from the Planning Commission in the summer of 2014, well in advance of Capital Improvement Planning for the 2015 construction season.

To initiate this discussion, staff developed a number of maps and graphics that were reviewed by the Planning Commission at their November 19, 2013 meeting. Staff reviewed the history of the sidewalk repair program, the current Sidewalk Gap Program, and non-motorized transportation opportunities in the City as well as adjacent community connectivity.

Mr. Schafer noted that the Draft People Powered Transportation and Sidewalk Repair Program provided for the Planning Commission includes the following elements:

1. Elimination of SAD funding for annual sidewalk repairs (Use SAD revolving fund, R2 Road millage and Major / Local Road funds)
2. Creation of new 8-Year annual repair program
3. Inclusion of on-street and off-street non-motorized transportation elements to be installed on same 8-year cycle

On December 4, 2013 the City's administrative Public Construction Project Coordination Meeting agenda included review and comment of the Draft People Powered Transportation and Sidewalk Repair Program. This administrative committee meets periodically during the year to review the status of public road, sidewalk and utility projects, as well as plan for future infrastructure projects. The committee is made up of Community Development, Public Services, Police, Fire, Finance and City Manager staff, as well as the City's consulting engineers – Nowak & Fraus. The committee reviewed the draft and had no additional comments on the draft itself. The group did recommend that the City's Traffic Safety Committee review the draft, and that the Planning Commission consider holding a public workshop to solicit public input on the program.

On December 11, 2013 the Traffic Safety Committee (Fire Chief, Police Chief, Assistant City Manager and Community Development Director) and City Consulting Engineer met to review the draft policy. The TSC had no comments to address.

Chairman Wakeland asked the Planning Commission for their comments.

Commissioner Bennett asked when the new program would start, what the source of funding would be, what estimated costs would be, and what the walk/ride sharepaths were.

Mr. Schafer responded that, if approved by City Council, the program would begin in 2015. He stated the funding would be a combination of SAD Revolving, Major and Local Roads (Act 51 requires non-motorized expenditures), and R2 Residential

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 21, 2014

Roads millage, with no assessments to property owners. Estimated costs are noted in the Capital Improvement Plan (CIP). The walk/ride sharepaths are 5' wide concrete sidewalks. Most exist and simply are denoted to reflect compliance with state law that allows pedestrian and bicycle use of sidewalks.

Commissioner Myers noted that the CIP estimates are: Year 12 (2014) Current Program (SAD) \$400,000; Year 1 (2015) New Program \$125,000; Year 2 (2016) New Program \$100,000; Year 3 (2017) New Program \$200,000; Year 4 (2018) New Program \$125,000. Mr. Myers noted that the City Council annually accepts the CIP as the initial step in the budget process and it would include the new sidewalk program if adopted by City Council.

Commissioner Bennett suggested that the program estimates be provided to the Planning Commission as well as be available for the public. She also stated that she thought these estimates were rather large and asked whether this was a good use of money.

Chairman Wakeland noted that he views the estimates as very reasonable for programs of this nature.

Commissioner Myers noted that the annual sidewalk repair program is instrumental and very successful in eliminating liability claims against the City and property owners.

Commissioner Swanson asked for clarification regarding the type of signage that will be placed.

Mr. Schafer noted that small-scale signage would be placed to advise pedestrians and bicyclists of routes. In addition, pavement markings would be placed periodically along on-street bike routes. The intent is to inform and educate people about the sidewalk and bike path system in the City – not clutter the City's streets with unnecessary signage.

Chairman Wakeland stated that he was pleased with how well the plan is laid out and links to adjacent communities' facilities. He asked why Lorenz St. adjacent to the High School was not shown as a Bike Route.

Mr. Schafer responded that with the proposed Madison Schools One Campus there will be added elementary and middle school students using the walks. When this area was evaluated the thinking was that a new sidewalk to complete the gaps in the system would be more advantageous to all non-motorized users, whether school-related or other.

Chairman Wakeland asked Mr. Schafer to provide cost estimates for the Planning Commission.

The Planning Commission discussed holding an informal public workshop to solicit input on the proposed plan.

Motion by Myers, Second by Bennett

To conduct an informal public workshop to solicit public input on the draft People Powered Transportation and Sidewalk Repair Program on April 15, 2014.

Yeas: Commissioners Holder, McFall, Myers, Swanson, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland
Nays: None.

Motion Carried

PLANNING COMMISSION ANNUAL REPORT - 2013

Motion by Holder, Seconded by Myers

To accept and certify the 2013 Planning Commission Annual Report and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:15 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 15, 2014

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Holder, Higgins, McFall, Myers, Soltis, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland

Absent: Commissioner Swanson

MEMBERS EXCUSED

Motion by Commissioner Myers, Supported by Commissioner McFall

To excuse Commissioner Swanson from tonight's meeting.

Yeas: Commissioners Holder, Higgins, McFall, Myers, Soltis, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland

Nays: None.

Motion Carried

APPROVAL OF THE MINUTES

Motion by Commissioner McFall; Supported by Commissioner Holder:

To approve the minutes of the regular January 21, 2014 Planning Commission meeting as printed.

Yeas: Commissioners Holder, Higgins, McFall, Myers, Soltis, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland

Nays: None.

Motion Carried

Public Hearings: ZOTXT 13-01 -- Amendments to Zoning Ordinance Regarding Temporary Signs and Site Plan Review Process

Mr. Grochowski gave an overview of proposed amendments.

Chairman Wakeland opened the public hearing.

There being no one wishing to speak, Chairman Wakeland closed the public hearing.

Motion by Commissioner Myers; Supported by Commissioner McFall:

Whereas; The Madison Heights Planning Commission reviewed and discussed proposed amendments to the Zoning Ordinance at their August 20, 2013, November 19, 2013 and January 21, 2014 meetings; and

Whereas; The Planning Commission public hearing was scheduled for April 15, 2014; and

Whereas; Staff and legal counsel recommended Approval of the proposed zoning text amendments; and

Whereas; The Planning Commission conducted the required and duly advertised public hearing on April 15, 2014,

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 15, 2014

at which no one spoke; and

***Whereas;** No written comments were received by the Planning Commission prior to or during the public hearing.*

***Now Therefore Be It Resolved;** That the Madison Heights Planning Commission recommends APPROVAL of the proposed zoning text amendments as presented at the April 15, 2014 public hearing, being amendments to the following:*

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.511 – Temporary Signs; and Section 10.514 – Site Plan Review, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

Yeas: Commissioners Holder, Higgins, McFall, Myers, Soltis, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland

Nays: None.

Motion carried

Continued discussion of People Powered Transportation and Sidewalk Repair Program (PPT):

Mr. Grochowski gave an overview of the program policy draft and reminded the Commission this is for discussion purposes only prior to the public workshop being held at 6:30 pm the same evening.

Commissioner Bennett asked if the walk/ride share path would inhibit traffic on either side of the road.

City Engineer Tim Germain responded that there would be no barriers to traffic. Pavement markings would be placed near the curb similar to stop bars.

Chairman Wakeland added that the markings are just a reminder to share the road.

Commissioner Bennett stated that several of her acquaintances have never seen anything like this before and that other communities do not have this type of program. Why Madison Heights?

Mr. Germain responded that other communities are in fact putting together similar packages now. The program is designed to remind drivers and riders to share the same space.

Commissioner Myers added that it is the city's long term goal to connect to the regional non-motorized transportation network.

Commissioner Bennett stated that she understands cities like Ann Arbor developing a program like this, because of large amounts of students riding bicycles and that she doesn't see that many people in Madison Heights riding.

Mr. Grochowski added that the plan seeks to tie in the sidewalks, streets and bike paths to link the city's major areas.

Mr. Germain stated that newer subdivisions are planned for bike routes, while older communities are trying to work in programs that fit the current infrastructure to create safer non-motorized routes.

Commissioner Soltis asked if the paths will be conducive to bicycles with thinner tires.

Mr. Germain responded that the paths will all be hard surface.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 15, 2014**

Commissioner Bennett asked if the roads are going to be repaired.

Mr. Germain responded that roads will not be repaired under this particular program, but that all roads in the pathways will be passable.

Commissioner Myers added that a new road rating is planned for the next fiscal year.

Commissioner Soltis gave concern to areas near the senior citizen towers on Dequindre.

Chairman Wakeland added that the Dequindre ROW jurisdiction is Macomb County.

Mr. Germain stated proposed routes are based on anticipated traffic and routes can be modified in the future.

Commissioner Myers reminded the Commission that the plan incorporates use of the public sidewalk system for bicycles and pedestrians, which is legal in the State of Michigan.

Commissioner Soltis asked if there is more that can be done to accommodate senior citizens.

Commissioner Myers noted that the Traffic Safety Committee has already reviewed the Dequindre Corridor which has led to additional signage, light improvements, and the like.

Chairman Wakeland added his support to the program.

Motion by Commissioner Kapolka; Supported by Commissioner Holder:

To take a recess until the start of the PPT public workshop.

Yeas: Commissioners Holder, Higgins, McFall, Myers, Soltis, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland

Nays: None.

Motion Carried

Commissioner Swanson arrived at 6:15 pm.

People Powered Transportation and Sidewalk Repair Program (PPT) Public Workshop:

Chairman Wakeland opened the public workshop at 6:30 pm.

Mr. Germain gave a PowerPoint presentation describing the purpose and design of ride/walk share paths.

The Commission along with the public dispersed into groups to discuss ideas.

Motion by Commissioner Soltis; Supported by Commissioner McFall:

To recommend to City Council approval of the proposed People Powered Transportation and Sidewalk Repair Program.

Yeas: Commissioners Holder, Higgins, McFall, Myers, Soltis, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland

Nays: None.

Motion Carried

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 7:20 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 19, 2014

CALL TO ORDER

Vice-Chair Bennett called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Higgins, Myers, Swanson, Secretary Kapolka and Vice-Chair Bennett

Absent: Commissioners Holder, McFall, Soltis and Chairman Wakeland

Note: Chairman Wakeland arrived at 5:45 pm; Commissioner Soltis arrived at 6:00 pm.

MEMBERS EXCUSED

Motion by Higgins, Supported by Kapolka

To excuse Commissioners Holder, McFall, Soltis and Chairman Wakeland from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Myers; Supported by Kapolka:

To approve the minutes of the regular April 15, 2014 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS - No Public Hearings Scheduled

Continued Discussion of Possible Zoning Ordinance Text Amendments

Temporary Structures - The Planning Commission discussed the current temporary structure regulations as they relate to uses that also require City Council approval. Current zoning ordinance requires the ZBA to approve temporary structures (including tents). In instances where the proposed temporary use also requires City Council approval (outdoor sales etc.), the applicant is required to go before both the ZBA and City Council. This results in added cost and time for both the applicant and City.

The Planning Commission directed staff to develop draft standards that would combine the temporary structure approval with the City Council approval process, while maintaining the necessary staff reviews to insure parking, safety etc. The ZBA would still review requests not associated with a City Council item.

Outdoor Seating - The Planning Commission discussed the current outdoor seating requirements. Specifically, pedestrian benches placed at stores, restaurants etc. that people are using to eat and drink. This has raised equity issues with special approval for outdoor seating for restaurants. The question is to what extent outdoor seating differs when it is associated with eating / drinking and when it is just for accommodating customer comfort.

Commissioner Higgins noted there is a big difference when alcohol is involved vs. just eating. He also noted no issues with "Dairy Queen" type seating.

Commissioner Myers noted that there is a difference when people are being served vs. no service (the Dairy Queen Model).

Mr. Schafer noted that another aspect of this is that the City is emphasizing walkability. Outdoor pedestrian-focused seating is supportive of that effort, so we do not want to discourage seating opportunities that enhance walkability. In addition, the seating issue has a connection to parking demands, as the longer customers linger on a site, due to seating availability, the more parking demand increases. So there is a direct correlation between seating capacity and parking.

The Planning Commission directed staff to develop draft standards that would clarify outdoor seating requirements to encourage walkability, but continue to address outdoor seating that is provided food / drink service / sales.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:05 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 18, 2014**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Higgins, Holder, Myers, Secretary Kapolka and Chairman Wakeland
Absent: Commissioners McFall, Soltis, Swanson and Vice-Chair Bennett

MEMBERS EXCUSED

Motion by Myers, Supported by Kapolka
To excuse Commissioners McFall, Soltis, Swanson and Vice-Chairman Bennett from tonight's meeting.
Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Myers; Supported by Holder:
To approve the minutes of the regular August 19, 2014 Planning Commission meeting as printed.
Motion Carried Unanimously

PUBLIC HEARINGS - No Public Hearings Scheduled

Continued Discussion of Possible Zoning Ordinance Text Amendments

Temporary Structures - The Planning Commission continued discussion of the current temporary structure regulations as they relate to uses that also require City Council approval. Current zoning ordinance requires the ZBA to approve temporary structures (including tents). In instances where the proposed temporary use also requires City Council approval (outdoor sales etc.), the applicant is required to go before both the ZBA and City Council. This results in added cost and time for both the applicant and City. At the August 19, 2014 meeting the Planning Commission directed staff to develop draft standards that would combine the temporary structure approval with the City Council approval process, while maintaining the necessary staff reviews to insure parking, safety etc. The ZBA would still review requests not associated with a City Council item.

The Planning Commission reviewed the draft standards presented and had no further comment.

Outdoor Seating - The Planning Commission continued discussion of the current outdoor seating requirements. Specifically, pedestrian benches placed at stores, restaurants etc. that people are using to eat and drink. This has raised equity issues with special approval for outdoor seating for restaurants. The question is to what extent outdoor seating differs when it is associated with eating / drinking and when it is just for accommodating customer comfort. At the August 19, 2014 meeting the Planning Commission directed staff to develop draft standards that would clarify outdoor seating requirements to encourage walkability, but continue to address outdoor seating that is provided food / drink service / sales.

The Planning Commission reviewed the draft standards presented and had no further comment.

Accessory Dwellings / Mixed Uses in the O-1 District – Mr. Schafer noted that staff has discussed a concept for Planning Commission consideration regarding permitting Accessory Dwellings and limited mixed uses in the O-1 Office District. These are already permitted in the B-1 and B-3 Districts and this proposal would allow a similar mixed use concept in the O-1 Office District (Office first floor and residential on the second floor). The intent is to further encourage mixed uses in our office districts and provide alternative types of residential housing in the City. The purpose of the discussion is to form a basis for possible Zoning Ordinance text amendments that would then be drafted and considered for possible recommendation to City Council at a future meeting. The current Accessory Dwelling standards for the B-1 and B-3 Districts were reviewed to serve as a basis for the discussion.

Commissioner Holder asked if the regulations differed for rental / owner occupied. Mr. Schafer responded that the regulations would be the same for either.

Commissioner Myers asked if the 1 parking space per residential unit was adequate. Mr. Schafer responded that the standard was

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 18, 2014

intended to augment an existing parking field for the office uses only to the extent necessary to accommodate the residential use. Commissioner Wakeland asked where the multiple story office buildings were in the City. Mr. Schafer responded that they were primarily on Dequindre south of 12 Mile, although there were a few other locations throughout the City as well.

Commissioner Wakeland asked if there was any consideration to allowing commercial first floor, office second floor and residential third floor. Mr. Schafer responded that yes, this could be accommodated in the B-3 based on height, however it might be an issue elsewhere due to height restrictions in the districts. Planning Commission suggested that we explore this concept further for the possible amendment.

Commissioner Holder asked how the taxes are addressed with mixed uses. Mr. Schafer responded that the assessors address that through their processes, unrelated to zoning.

The Planning Commission directed staff to draft an amendment for future Planning Commission consideration.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 5:45 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – JANUARY 20, 2015**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners McFall, Soltis, Myers, Swanson, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland

Absent: Commissioners Higgins, Holder

MEMBERS EXCUSED

Motion by Commissioner Swanson, Supported by Commissioner Myers

To excuse Commissioners Higgins and Holder from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Swanson; Supported by Commissioner Myers:

To approve the minutes of the regular November 18, 2014 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS - No Public Hearings Scheduled

ELECTION OF PLANNING COMMISSION OFFICERS

Motion by Commissioner Swanson; Supported by Commissioner Soltis:

To nominate Andy Wakeland for Chairman, Peggy Bennett as Vice-Chair, and Mike Kapolka as Secretary, to close nominations for Chairman, Vice-Chair and Secretary and elect Andy Wakeland as Chairman, Peggy Bennett as Vice-Chair, and Mike Kapolka as Secretary, by acclamation.

Motion Carried Unanimously

2014 PLANNING COMMISSION ANNUAL REPORT

Motion by Commissioner Myers; Supported by Commissioner Swanson:

To accept and certify the 2014 Planning Commission Annual Report and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code

Motion Carried Unanimously

CONTINUED DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Ms. Williams presented an overview of the possible zoning ordinance text amendments as discussed at the November 18, 2014 Board Meeting.

Section 1 – These draft amendments would accommodate limited mixed uses (1) and Accessory Residential Uses (4) in the O-1 Office District. As discussed at the November 18, 2014 Planning Commission meeting, accessory residential uses are currently allowed after special approval in the B-1 and B-3 Districts and this proposal would allow a similar mixed use concept in the O-1 Office District (Office first floor and residential on the second floor) after special approval by City Council. The intent is to further encourage mixed uses in our office districts and provide alternative types of residential housing in the City. A copy of the current Accessory Residential standards are attached for reference. In addition, a zoning map with the O-1 Districts highlighted is attached as well to show the areas of the City where these standards could be considered for special approval by City Council if the proposed amendments were ultimately approved.

Section 2 – This draft amendment would accommodate pedestrian benches in any zoning district, provided they do not block required accessible routes. Ms. Williams stated the Nice Modern Creamery is a good example of such business that has pedestrian benches in place.

Section 3 – These draft amendments would allow City Council to approve tents in conjunction with an application for a temporary seasonal business license. This would eliminate the need for applicants to go to both the ZBA and City Council in these limited instances. In addition, per Planning Commission direction, the text includes a provision that permits tents for charitable, religious or non-profit events of 2 days or less in duration without need for ZBA or City Council.

The Site Plan Review Committee reviewed these draft amendments at their January 7, 2015 meeting. The Committee had no additional comments to address.

The Planning Commission had no further comment after staff's overview of the draft zoning text amendments 14-01.

Motion was made by Commissioner Myers, seconded by Commissioner Swanson to direct staff to set the public meeting for April 21, 2015.

Motion Carried Unanimously

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 5:40 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 21, 2015

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Higgins, Holder, Myers, Soltis, Secretary Kapolka, and Chairman Wakeland

Absent: Commissioners McFall, Swanson and Vice-Chair Bennett

MEMBERS EXCUSED

Motion by Commissioner Myers, Supported by Commissioner Kapolka

To excuse Commissioners McFall, Swanson and Vice-Chair Bennett from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Myers; Supported by Commissioner Soltis:

To approve the minutes of the regular January 20, 2015 Planning Commission meeting as amended to show Commissioner Holder as excused.

Motion Carried Unanimously

PUBLIC HEARINGS

Zoning Text Amendment 14-01(Ordinance 2107): An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.315 – Uses Permissible on Special Approval in O-1 District; Section 10.601 – General Exceptions; and Section 10.804 – Power of Zoning Board of Appeals, of the Zoning Ordinance.

Mr. Schafer presented an overview of the proposed zoning ordinance text amendments. He also recommended a change to the proposed amendments to Section 3 to address a City Council Assignment regarding the Temporary Seasonal Business License Process which was just received by staff. The change would not substantively impact the amendment, but would allow for tent approvals regardless of how City Council ultimately addressed their assignment regarding the approval process for temporary seasonal business licenses. The proposed amendment change would read **(BOLD)**:

Section 3. *Section 10.804, paragraph 3(B) is hereby amended by deleting the existing paragraph and inserting the following paragraph.*

- (b) *In other cases, the Zoning Board of Appeals may grant a permit for temporary buildings, tents or uses for periods determined by the ZBA, not to exceed two (2) years. ZBA approval is not required where City Council has approved a tent HAS BEEN APPROVED in conjunction with an application for a temporary seasonal business license, or for a tent for a charitable, religious or non-profit event 2 days or less in duration.*

The Planning Commission had no comment on the proposed change and directed staff to make the change in the proposed amendment forwarded to City Council.

Chairman Wakeland opened the Public Hearing.

There were no public comments and no public in attendance.

Chairman Wakeland closed the Public Hearing.

Motion by Commissioner Myers; Supported by Commissioner Higgins:

To recommend to City Council approval of the proposed Zoning Ordinance Amendments, as amended at tonight's meeting, said amendment to read:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 21, 2015

Ordinance No. 2107 - Zoning Text Amendment 14-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.315 – Uses Permissible on Special Approval in O-1 District; Section 10.601 – General Exceptions; and Section 10.804 – Power of Zoning Board of Appeals, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare. The City of Madison Heights ordains:

Section 1. Section 10.315 is hereby amended by deleting the existing paragraph 1, inserting the following paragraph 1, and adding a new paragraph 4:

- (1) ~~An accessory building and use customarily related to a use authorized by this section such as a pharmacy, or apothecary shop;~~ stores limited to medical supplies, corrective garments or bandages, optical company, tailor, seamstress, beauty parlors and barber shops, or restaurant. ~~may be permitted, provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.~~
- (2) Funeral homes.
- (3) Transformer stations and substations, and gas regulator stations (without storage yards) when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
- (4) Accessory dwelling units in accordance with the provisions of Section 10.318(9).

Section 2. Section 10.601 is hereby amended by adding a new paragraph (11) as follows:

- (11) **Pedestrian Benches.** The provisions of this ordinance shall not be construed to prevent the placement of pedestrian benches on private property, where said benches do not block required accessible routes.

Section 3. Section 10.804, paragraph 3(B) is hereby amended by deleting the existing paragraph and inserting the following paragraph.

- (b) In other cases, the Zoning Board of Appeals may grant a permit for temporary buildings, tents or uses for periods determined by the ZBA, not to exceed two (2) years. ZBA approval is not required where a tent has been approved in conjunction with an application for a temporary seasonal business license, or for a tent for a charitable, religious or non-profit event 2 days or less in duration.

Section 4. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 6. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 7. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 8. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 a.m. and 4:30 p.m. on regular business days.

Motion Carried Unanimously

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 5:40 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 18, 2015

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Higgins, Holder, Myers, Secretary Kapolka, and Chairman Wakeland

Absent: Commissioners Soltis, Swanson and Vice-Chair Bennett

MEMBERS EXCUSED

Motion by Commissioner Higgins, Supported by Commissioner Kapolka

To excuse Commissioners Soltis, Swanson and Vice-Chair Bennett from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Myers; Supported by Commissioner Higgins:

To approve the minutes of the regular April 21, 2015 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

None scheduled.

INITIAL DISCUSSION OF POSSIBLE ZONING ORDINANCE AMENDMENTS

Chairman Wakeland asked Community Development Director Schafer to summarize the Zoning Amendment process and provide an overview of possible amendments for Planning Commission consideration.

Mr. Schafer noted that the Planning Commission typically considers possible amendments each fall / winter, for possible public hearing and recommendation to City Council in the spring. He then noted the following zoning ordinance areas for amendment review consideration:

Signage – A recent Supreme Court decision - Reed V. Gilbert - will impact our sign regulations relative to the issue of content neutrality. As this is a very recent decision, there is still a lot of analysis going on to determine the meaning of the decision and the impact on local sign ordinances. Staff will be researching this as well as attending an upcoming seminar on the topic. There is probable impact on content specific signs – permanent and temporary, both right of way and private property.

M-2 – Heavy Industrial – Junkyards are currently Permitted Principal uses. To be consistent with other similar uses in the M-2, special approval should be required.

Parking – Possible review of the current standards for retail and industrial standards as well as parking dimensions.

Chairman Wakeland asked if the landscaping standards could be reviewed. Mr. Schafer noted that the Zoning Ordinance did not currently have any standards relative to required landscape area. Chairman Wakeland noted that landscaping standards would improve the aesthetics of new developments. Mr. Schafer noted that they are also a component of storm water management as well.

Chairman Wakeland asked the Planning Commission if they had any more suggestions. Hearing none, Chairman Wakeland asked staff to draft amendment language for consideration by the Planning Commission at a future meeting.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:00 p.m.

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Bliss, Corbett, Hartwell, Higgins, Holder, Myers, Secretary Kapolka, and
Chairman Wakeland
Absent: Vice-Chair Bennett

MEMBERS EXCUSED

Motion by Commissioner Higgins, Supported by Commissioner Myers
To excuse Vice-Chair Bennett from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Holder; Supported by Commissioner Hartwell:
To approve the minutes of the regular August 18, 2015 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

None scheduled.

INITIAL DISCUSSION OF POSSIBLE ZONING ORDINANCE AMENDMENTS

Chairman Wakeland asked Community Development Director Schafer to summarize the Zoning Amendment process and provide an overview of possible amendments for Planning Commission consideration.

M-2 – Heavy Industrial – Junkyards are currently Permitted Principal uses. To be consistent with other similar uses in the M-2, special approval should be required. In addition, Temporary buildings are addressed either through building permit standards for a trailer or through the ZBA for temporary structures. The following draft ordinance amendment language was presented to the Planning Commission.

Section 1. Section 10.332 is hereby amended by deleting paragraphs (4) and (5) in their entirety as follows:

- ~~(4) — Junkyards and places so called for the dismantling, wrecking, and disposing of junk and/or refuse material of agricultural and automotive vehicles may be granted permits or licenses for one year periods upon authorized inspection and approval of the Building Inspector, whose approval shall be based on the performance standards set forth in Section 10.509 of this Ordinance, provided such use is not closer than three hundred (300) feet from the border of any M-2 District, and provided further that no burning shall be permitted.~~
- ~~(5) — Temporary buildings and uses for construction purposes for a period of one (1) year or less.~~

Section 2. Section 10-332A is hereby amended by adding a new Paragraph (6) as follows:

(6) Yard Waste Transfer, Composting Facilities, Recycling Facilities and Junkyards are subject to the special approval requirements in Section 10.508(5). For purposes of this Section, Junkyards shall meet the standards for Recycling Processing Facilities as outlined in Section 10.508(5)f.

There were no additional comments from the Planning Commission on this proposed language.

Signage – Mr. Schafer reviewed a recent Supreme Court decision - Reed V. Gilbert – that will impact our sign regulations relative to the issue of content neutrality. As this is a very recent decision, there is ongoing analysis of the decision and the impact on local sign ordinances. There is probable impact on content specific signs – permanent and temporary, both right of way and private property.

The Planning Commission discussed the various sign types and the implications of the Reed case on regulations. Specifically, the issue of content neutrality will need to be addressed with permanent and temporary signs, as well as the current sign code structure based on type of sign (political, garage sale, personal expression, real estate, construction, etc.)

Mr. Schafer and Mr. Grochowski responded to questions regarding the Reed case in general and noted that they will be developing draft amendment language for the Planning Commission’s consideration at a future meeting.

Parking – Mr. Schafer distributed a two-page handout with suggestions from Planning Commission Chair Wakeland regarding the current parking standards. Mr. Schafer provided a general overview of trends in parking – including smaller vehicles, reduced parking demand for certain uses, and the increase in flexible standards to accommodate mixed uses.

Landscaping - Chairman Wakeland requested that the landscaping standards be reviewed and incorporated into the parking standards updates with the intent of increasing green space and storm water management areas on new development sites. The Planning Commission concurred and directed staff to develop standards for consideration by the Planning Commission at a future meeting.

Bike Racks - Chairman Wakeland also requested that we develop a standard so that bike racks would be required for new developments. Mr. Schafer noted for the Commission that the Zoning Ordinance was recently amended to allow a bike rack to be placed within one required parking space on any new or existing development. Several Commissioners voiced concern with requiring versus recommending bike racks. However, the Planning Commission directed staff to develop draft standards for review and further discussion by the Planning Commission.

Chairman Wakeland asked the Planning Commission if they had any more suggestions. Hearing none, Chairman Wakeland asked staff to draft the referenced amendment language for consideration by the Planning Commission at a future meeting.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:30 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2016**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Commissioners Bliss, Corbett, Hartwell, Myers, Secretary Kapolka, and Chairman Wakeland

Absent: Higgins, Holder, Vice-Chair Bennett

MEMBERS EXCUSED

Motion by Commissioner Myers, Supported by Commissioner Hartwell

To excuse Commissioners Higgins, Holder and Vice-Chair Bennett from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Hartwell; Supported by Commissioner Bliss:

To approve the minutes of the regular November 17, 2015 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

Request No. 1078 (Ordinance 2109):

Request by Klempert Properties, LLC to rezone a parcel of land described as: T1N, R11E, SEC 13, PART OF NW 1/4 BEG AT W 1/4 COR, TH N 00-59-30 E 217.26 FT, TH S 89-39-10 E 392.65 FT, TH S 00-59-30 W 236.71 FT, TH N 86-49-00 W 392.92 FT TO BEGINNING, (2.05 ACRES), from O-1, Office to B-3 General Business. The area of the request is located at the northeast corner of John R / Gardenia. The address of the request is 28050 John R Road.

Chairman Wakeland asked Mr. Schafer to give a summary of the rezoning request. Mr. Schafer reviewed the staff report and recommendation:

Request: Rezone From O-1, Office to B-3, General Business

Location: 28050 John R

Existing Use: **Site:** Existing 6,437 s.f. office building
 North: Church (Across Hecht)
 South: Commercial (John R Frontage); Single Family Residential (Gardenia Frontage).
 East: Single Family Residential
 West: Commercial (John R Frontage)

Master Plan Designation: **Site:** Commercial
 North: Commercial (Across Hecht)
 South: Commercial (John R Frontage); Single Family
 East: Single Family
 West: Commercial (Across John R)

Existing Zoning: **Site:** O-1, Office
 North: O-1, Office (Across Hecht)
 South: B-3, General Business; R-3, Single Family Residential
 East: R-3, Single Family Residential
 West: B-3, General Business (Across John R)

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2016**

Staff Comments:

1. Applicant proposes this rezoning to accommodate planned expansion of Family Heating and Cooling offices and operations to this site. The applicant's concept plan shows the existing two-story building will be maintained and minor modifications will be made to the existing parking lot to accommodate fleet vehicles. (Note: The site plan is not the subject of the rezoning review and is included for demonstrative purposes only.)
2. The proposed rezoning is in full compliance with the master plan designation for the parcel, which calls for Commercial uses on the parcel.
3. The existing parking exceeds parking requirements for the site.
4. The Site Plan Review Committee has reviewed the proposed rezoning request and recommends **approval** of the request, as it is in conformance with the Master Plan and would permit a range of general retail uses that are compatible with existing uses in the area.

Planning Commission Action:

Following the public hearing, staff recommends that the Planning Commission recommend to City Council **Approval** of the requested rezoning from O-1 to B-3 as it is in full compliance with the Master Plan designation for the property.

Chairman Wakeland opened the public hearing. As there was no one in the audience wishing to speak, Chairman Wakeland closed the public hearing.

Motion by Commissioner Myers, Supported by Commissioner Kapolka

To recommend to City Council **Approval** of the requested rezoning from O-1 to B-3 as it is in full compliance with the Master Plan designation for the property.

Motion Carried Unanimously

ELECTION OF OFFICERS FOR 2016

Chairman

Motion by Commissioner Hartwell, Supported by Commissioner Bliss

To nominate Chairman Wakeland to continue as Chairman for 2016, and to close nominations.

Motion Carried Unanimously

Vice-Chair

Motion by Commissioner Corbett, Supported by Commissioner Kapolka

To nominate Vice-Chair Bennett to continue as Vice-Chair for 2016, and to close nominations.

Motion Carried Unanimously

Secretary

Motion by Commissioner Myers, Supported by Commissioner Bliss

To nominate Secretary Kapolka to continue as Secretary for 2016, and to close nominations.

Motion Carried Unanimously

CONTINUED DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland asked Community Development Director Schafer to summarize the draft Zoning Amendment process and provide an overview of possible amendments for Planning Commission consideration. Mr. Schafer reviewed the following draft text amendments:

M-2 – Heavy Industrial – Junkyards are currently Permitted Principal uses. To be consistent with other similar uses in the M-2, special approval should be required. In addition, Temporary buildings are addressed either through building permit standards for a trailer or through the ZBA for temporary structures. The following draft ordinance amendment language was presented to the Planning Commission.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2016

Section 1. Section 10.332 is hereby amended by deleting paragraphs (4) and (5) in their entirety as follows:

~~(4) — Junkyards and places so called for the dismantling, wrecking, and disposing of junk and/or refuse material of agricultural and automotive vehicles may be granted permits or licenses for one year periods upon authorized inspection and approval of the Building Inspector, whose approval shall be based on the performance standards set forth in Section 10.509 of this Ordinance, provided such use is not closer than three hundred (300) feet from the border of any M-2 District, and provided further that no burning shall be permitted.~~

~~(5) — Temporary buildings and uses for construction purposes for a period of one (1) year or less.~~

Section 2. Section 10-332A is hereby amended by adding a new Paragraph (6) as follows:

(6) Yard Waste Transfer, Composting Facilities, Recycling Facilities and Junkyards are subject to the special approval requirements in Section 10.508(5). For purposes of this Section, Junkyards shall meet the standards for Recycling Processing Facilities as outlined in Section 10.508(5)f.

Parking Standards – The following draft amendments reflect modifications to parking standards, primarily to reduce parking requirements for various land uses and to increase flexibility with shared parking to encourage such arrangements.

Section 3. Section 10-505(1) is hereby amended to read as follows:

(1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, ~~and under the control of the same ownership as the principal building or use it is intended to serve,~~ measured from the nearest point of the building property lines to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.

Section 4. Section 10-505(4) is hereby amended to read as follows:

(4) Any area once designated as required off-street parking shall not be changed to any other use unless, ~~and until, equal~~ parking facilities are provided elsewhere in conformance with current standards.

Section 5. Section 10-505(6) is hereby amended to read as follows:

(6) Two (2) or more buildings or uses may collectively provide ~~the~~ required off-street parking. The required number of parking spaces shall not be less than 90% of the sum of the requirements for the ~~several~~ individual uses computed separately.

Section 6. Section 10-505(7) is hereby amended to read as follows:

(7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings and uses do not overlap, ~~upon approval of the Zoning Board of Appeals~~ subject to compliance with Sections 10.505(1) and (6).

Section 7. Section 10-505(10)(b) is hereby amended to read as follows:

(b) **PLACES OF ASSEMBLY** - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each ~~eighteen (18)~~ twenty four (24) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2016

Section 8. Section 10-505(11)(a) is hereby amended to read as follows:

- (a) Banks / Credit Unions
One (1) for each ~~one hundred fifty (150)~~ two hundred (200) square feet of gross building area plus adequate stacking for any drive-thru area.

Section 9. Section 10-505(11)(b) is hereby amended to read as follows:

- (b) Beauty parlor, barbershops, nail salons, tanning facilities
~~Three (3)~~ Two (2) spaces for each of the first two (2) chairs and ~~one and one half (1 ½)~~ spaces for each additional chair plus one (1) space for any unattended station (including but not limited to, a tanning- and /or booth}.

Section 10. Section 10-505(11)(h) is hereby amended to read as follows:

- (h) General industrial
One (1) space for every ~~one and one half (1 1/2)~~ employees in the largest working shift, or one (1) space for every ~~four hundred thirty five (435)~~ five hundred fifty (550) square feet of gross building area. ~~or whichever is greater. When the amount of office area exceeds twenty five (25) percent of gross floor area, the parking requirement for such office area shall be computed as one (1) space for each two hundred (200) square feet.~~

Section 11. Section 10-505(11)(j) is hereby amended to read as follows:

- (j) Housing for senior citizens
Convalescent homes: One (1) for each ~~two (2)~~ three (3) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit ~~plus one (1) space for each employee on the maximum shift.~~

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, ~~one (1) space for each employee on the maximum shift,~~ and visitor parking at one (1) space for each five (5) rooms or units.

Section 12. Section 10-505(11)(q) is hereby amended to read as follows:

- (q) Offices.
Business and professional:
One (1) space for each ~~two hundred (200)~~ three hundred (300) square feet of gross floor area.
Medical and dental:
One (1) space for each ~~fifty (50)~~ two hundred (200) square feet of gross floor area ~~in waiting room and one (1) for each examining room, dentist chair or similar use area, plus one (1) for each doctor, dentist or employee.~~

Section 13. Section 10-505(11)(r) is hereby amended to read as follows:

- (r) Planned business district and shopping centers greater than 25,000 square feet.
One (1) for each ~~two hundred fifty (250)~~ three hundred (300) square feet of gross building area. ~~When the amount of area to be occupied as Places of assembly exceeds twenty five (25) percent of the gross floor area, the Parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use Group A in the adopted building code including, but not limited to, restaurants, private clubs and churches.~~

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2016**

Section 14. Section 10-505(11)(v) is hereby amended to read as follows:

- (v) Retail sales in wholesale establishments:
One (1) space for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of retail sales floor area.

Section 15. Section 10-505(11)(w) is hereby amended to read as follows:

- (w) Retail stores except as otherwise specified herein
One (1) for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of gross building area.

Section 16. Section 10-505(11)(x) is hereby amended to read as follows:

- (x) Restaurants, bars, taverns and night clubs:
Carry-out only facilities: One space for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee ~~plus 1 space for each fifteen (15) square feet of lobby and/or waiting area.~~ Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Section 17. Section 10-505(11)(dd) is hereby amended to read as follows:

- (dd) Veterinarian offices and clinics:
One (1) space for each ~~one hundred (100)~~ two hundred (200) square feet. ~~for the first one thousand five hundred (1,500) square feet of gross floor area, plus one (1) space for each additional two hundred fifty (250) square feet of gross floor area.~~

Section 18. Section 10-506(4) is hereby amended to read as follows:

- (4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.

Parking pattern	Minimum Maneuvering Lane Width	Minimum Parking Space Width	Minimum Parking Space Length ²	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	~~20~~ <u>22</u> ft.	9 ft.	~~20~~ <u>18</u> ft.	40 ft.	~~60~~ <u>58</u> ft.
60°	18 ft.	9 ft.	~~20~~ <u>18</u> ft.	~~37~~ <u>38</u> ft.	56 ft.
45°	15 ft.	9 ft.	~~20~~ <u>18</u> ft.	~~30~~ <u>34</u> ft.	~~50~~ <u>53</u> ft.
Parallel	12 ft.	9 ft.	~~20~~ <u>18</u> ft.	~~21~~ <u>31</u> ft.	---
45° Herringbone	12 ft.	9 ft.	~~20~~ <u>18</u> ft.	---	~~43~~ <u>50</u> ft.

²Two (2) feet of the minimum parking space length may over hang a landscaped area or a sidewalk, where the walk is a minimum 7' wide.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2016

Section 19. *Section 10-506(8) is hereby amended to read as follows:*

- (8) *A bicycle rack shall be provided on all sites that require site plan review. The rack shall not block walks or drives. One required parking space (9' x 20')* ~~*may be designated for bicycle parking by the owner or developer of any land use. Said space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground*~~

Commissioner Myers asked if there was a specific standard anticipated for bike racks. Mr. Schafer stated that there was an expected flexibility in what type of racks would be needed based on the use(s). So, there would be no set standard for all uses.

Chairman Wakeland suggested that the parallel parking length standard remain 20'. Mr. Schafer stated that the standard is currently, and can certainly remain 20'. The Planning Commission concurred and future drafts will reflect 20'.

There were no additional comments from the Planning Commission on this proposed language.

Mr. Schafer noted that staff and legal counsel will be developing draft sign and landscaping amendment language for the Planning Commission's consideration at a future meeting.

Chairman Wakeland asked the Planning Commission if they had any more suggestions. Hearing none, Chairman Wakeland asked staff to draft the referenced sign and landscape amendment language for consideration by the Planning Commission at a future meeting.

ALL ELSE

Mayor Hartwell introduced the Simons Elementary School Cub Scout Pack 1591 who were in attendance at the Planning Commission meeting. The Mayor noted how well they conducted themselves and asked them to introduce themselves to the Planning Commission.

Chairman Wakeland welcomed the Pack and thanked both the members and their parents for attending tonight's meeting.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 5:55 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Bliss, Hartwell, Higgins, Holder, Myers, Secretary Kapolka, Vice-Chair Bennett and Chairman Wakeland
Absent: Corbett

MEMBERS EXCUSED

Motion by Commissioner Kapolka, Supported by Commissioner Higgins
To excuse Commissioner Corbett from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Myers; Supported by Commissioner Kapolka:
To approve the minutes of the regular January 19, 2016 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

No public hearings scheduled.

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

No public present.

CONTINUED DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland asked Community Development Director Schafer to summarize the draft Zoning Amendment for Planning Commission consideration. Mr. Schafer reviewed the following draft text amendments:

M-2 – Heavy Industrial – Junkyards are currently Permitted Principal uses. To be consistent with other similar uses in the M-2, special approval should be required. In addition, Temporary buildings are addressed either through building permit standards for a trailer or through the ZBA for temporary structures. The following draft ordinance amendment language was presented to the Planning Commission.

Section 1. Section 10.332 is hereby amended by deleting paragraphs (4) and (5) in their entirety as follows:

~~(4) Junkyards and places so called for the dismantling, wrecking, and disposing of junk and/or refuse material of agricultural and automotive vehicles may be granted permits or licenses for one year periods upon authorized inspection and approval of the Building Inspector, whose approval shall be based on the performance standards set forth in Section 10.509 of this Ordinance, provided such use is not closer than three hundred (300) feet from the border of any M-2 District, and provided further that no burning shall be permitted.~~

~~(5) Temporary buildings and uses for construction purposes for a period of one (1) year or less.~~

Section 2. Section 10-332A is hereby amended by adding a new Paragraph (6) as follows:

(6) Yard Waste Transfer, Composting Facilities, Recycling Facilities and Junkyards are subject to the special approval requirements in Section 10.508(5). For purposes of this Section, Junkyards shall meet the standards for Recycling Processing Facilities as outlined in Section 10.508(5)f.

Parking Standards – The following draft amendments reflect modifications to parking standards, primarily to reduce parking requirements for various land uses and to increase flexibility with shared parking to encourage such arrangements.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

Section 3. Section 10-505(1) is hereby amended to read as follows:

- (1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, ~~and under the control of the same ownership as the principal building or use it is intended to serve,~~ measured from the nearest point of the building property lines to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.

Section 4. Section 10-505(4) is hereby amended to read as follows:

- (4) Any area once designated as required off-street parking shall not be changed to any other use unless, ~~and until, equal~~ parking facilities are provided elsewhere in conformance with current standards.

Section 5. Section 10-505(6) is hereby amended to read as follows:

- (6) Two (2) or more buildings or uses may collectively provide ~~the~~ required off-street parking. The required number of parking spaces shall not be less than 90% of the sum of the requirements for the ~~several~~ individual uses computed separately.

Section 6. Section 10-505(7) is hereby amended to read as follows:

- (7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings and uses do not overlap, ~~upon approval of the Zoning Board of Appeals~~ subject to compliance with Sections 10.505(1) and (6).

Section 7. Section 10-505(10)(b) is hereby amended to read as follows:

- (b) PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each ~~eighteen (18)~~ twenty four (24) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

Section 8. Section 10-505(11)(a) is hereby amended to read as follows:

- (a) Banks / Credit Unions
One (1) for each ~~one hundred fifty (150)~~ two hundred (200) square feet of gross building area plus adequate stacking for any drive-thru area.

Section 9. Section 10-505(11)(b) is hereby amended to read as follows:

- (b) Beauty parlor, barbershops, nail salons, tanning facilities
~~Three (3) Two (2) spaces for each of the first two (2) chairs and one and one-half (1 1/2) spaces for each additional chair plus one (1) space for any unattended station (including but not limited to, a tanning and / or booth).~~

Section 10. Section 10-505(11)(h) is hereby amended to read as follows:

- (h) General industrial
One ~~(1) space for every one and one-half (1 1/2) employees in the largest working shift, or one (1) space for every four hundred thirty-five (435)~~ five hundred fifty (550) square feet of gross building area. ~~or whichever is greater. When the amount of office area exceeds twenty-five (25) percent of~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

~~gross floor area, the parking requirement for such office area shall be computed as one (1) space for each two hundred (200) square feet.~~

Section 11. Section 10-505(11)(j) is hereby amended to read as follows:

- (j) Housing for senior citizens
Convalescent homes: One (1) for each ~~two (2)~~ three (3) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit ~~plus one (1) space for each employee on the maximum shift.~~

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, ~~one (1) space for each employee on the maximum shift,~~ and visitor parking at one (1) space for each five (5) rooms or units.

Section 12. Section 10-505(11)(q) is hereby amended to read as follows:

- (q) Offices.

Business and professional:

One (1) space for each ~~two hundred (200)~~ three hundred (300) square feet of gross floor area.

Medical and dental:

One (1) ~~space~~ for each ~~fifty (50)~~ two hundred (200) square feet of gross floor area in waiting room and one (1) for each examining room, dentist chair or similar use area, plus one (1) for each doctor, dentist or employee.

Section 13. Section 10-505(11)(r) is hereby amended to read as follows:

- (r) Planned business district and shopping centers greater than 25,000 square feet.
One (1) for each ~~two hundred fifty (250)~~ three hundred (300) square feet of gross building area. ~~When the amount of area to be occupied as Places of assembly exceeds twenty-five (25) percent of the gross floor area, the~~ Parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use Group A in the adopted building code including, but not limited to, restaurants, private clubs and churches.

Section 14. Section 10-505(11)(v) is hereby amended to read as follows:

- (v) Retail sales in wholesale establishments:
One (1) space for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of retail sales floor area.

Section 15. Section 10-505(11)(w) is hereby amended to read as follows:

- (w) Retail stores except as otherwise specified herein
One (1) for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of gross building area.

Section 16. Section 10-505(11)(x) is hereby amended to read as follows:

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016**

- (x) Restaurants, bars, taverns and night clubs:
Carry-out only facilities: One space for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee ~~plus 1 space for each fifteen (15) square feet of lobby and/or waiting area.~~ Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Section 17. Section 10-505(11)(dd) is hereby amended to read as follows:

- (dd) Veterinarian offices and clinics:
One (1) space for each ~~one hundred (100)~~ two hundred (200) square feet. ~~for the first one thousand five hundred (1,500) square feet of gross floor area, plus one (1) space for each additional two hundred fifty (250) square feet of gross floor area.~~

Section 18. Section 10-506(4) is hereby amended to read as follows:

- (4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.

Parking pattern	Minimum Maneuvering Lane Width	Minimum Parking Space Width	Minimum Parking Space Length*	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	~~20~~ <u>22</u> ft.	9 ft.	20 ft.	~~40~~ <u>42</u> ft.	~~60~~ <u>62</u> ft.
60°	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45°	15 ft.	9 ft.	20 ft.	30 ft.	~~50~~ <u>53</u> ft.
Parallel	12 ft.	9 ft.	20 ft.	~~24~~ <u>31</u> ft.	---
45° Herringbone	12 ft.	9 ft.	20 ft.	---	~~43~~ <u>50</u> ft.

*Two (2) feet of the minimum parking space length may over hang a landscaped area or a sidewalk, where the walk is a minimum 7' wide.

Section 19. Section 10-506(8) is hereby amended to read as follows:

- (8) A bicycle rack shall be provided on all sites that require site plan review. The rack shall not block walks or drives. One required parking space ~~(9' x 20')~~ may be designated for bicycle parking by the owner or developer of any land use. Said space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground

Section 20. Section 10.510 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

Section 10.510. ~~Plant materials.~~ Landscaping and Screening

~~Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided:~~

- ~~(1) Plant material spacing:~~
 - ~~(a) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.~~
 - ~~(b) Where plant materials are planted in two (2) or more rows plantings shall be staggered in rows~~
 - ~~(c) Evergreen trees shall be planted not more than thirty (30) feet on centers.~~
 - ~~(d) Narrow evergreens shall be planted not more than three (3) feet on centers.~~
 - ~~(e) Deciduous trees shall be planted not more than thirty (30) feet on centers.~~
 - ~~(f) Treelike shrubs shall be planted not more than ten (10) feet on centers.~~
 - ~~(g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.~~
- ~~(2) Suggested plant materials minimum size:~~
 - ~~(a) Evergreen trees five (5) feet in height:~~
 - ~~(1) Juniper~~
 - ~~(2) Red Cedar~~
 - ~~(3) White Cedar~~
 - ~~(4) Pines~~
 - ~~(b) Narrow evergreens three (3) feet in height:~~
 - ~~(1) Pyramidal Arborvitaes~~
 - ~~(2) Columnar Juniper~~
 - ~~(3) Irish Juniper~~
 - ~~(c) Treelike shrubs four (4) feet in height:~~
 - ~~(1) Flowering Crabs~~
 - ~~(2) Russian Olives~~
 - ~~(3) Mountain Ash~~
 - ~~(4) Dogwood~~
 - ~~(5) Redbud~~
 - ~~(6) Rose of Sharon~~
 - ~~(d) Large deciduous shrubs six (6) feet in height:~~
 - ~~(1) Honeysuckle~~
 - ~~(2) Viburnum~~
 - ~~(3) Mock Orange~~
 - ~~(4) Forsythia~~
 - ~~(5) Lilacs~~
 - ~~(6) Ninebark~~
 - ~~(e) Large deciduous trees eight (8) feet in height:~~
 - ~~(1) Oaks~~
 - ~~(2) Hard Maples~~
 - ~~(3) Ash~~
 - ~~(4) Hackberry~~
 - ~~(5) Sycamore~~
 - ~~(f) Trees not permitted:~~
 - ~~(1) Box Elder~~
 - ~~(2) Soft Maples~~
 - ~~(3) Elms~~
 - ~~(4) Poplars~~
 - ~~(5) Ailanthus (tree of Heaven)~~
 - ~~(6) All thorned varieties of trees~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

Screening and landscaping, where required, shall adhere to the following minimum standards where new development (or major redevelopment where existing buildings and / or parking areas are demolished) requires site plan review.

(A) General Provisions

In all zoning districts the following minimum standards apply:

- (1) All landscaping as shown on the approved site / landscape plan shall be continuously maintained in a healthy condition.
- (2) All required landscape plantings that are diseased or dead must be replaced in conformance with the approved landscape plan.
- (3) All required landscape areas that abut vehicular drives, parking or other uses areas shall be separated from the vehicular use area with a 6" concrete curb.
- (4) Landscaping shall be designed to maintain clear vision at intersection, drives, sidewalks and building entrances at time of planting as well as mature plant growth.
- (5) Where greenbelts, landform buffers or buffer strips are required or proposed, they may be encroached upon or punctuated by approved driveways, sidewalks and structures, in conformance with applicable setback standards. Common driveways between two or more properties are encouraged. Where a common driveway serving two or more parcels is located on or adjacent to a property line no greenbelt, landform buffer or buffer strip is required adjacent to areas occupied by the common drive.
- (6) Use of landscape areas for storm water management is encouraged. Design of storm water systems may include swales and infiltration areas to convey water to drainage structures and detention areas. Curbing requirements may be flexible to achieve storm water management objectives. Detention ponds, swales and infiltration areas may be considered in calculating minimum area requirements for parking lot landscaping, where they include required plantings and meet the applicable location and size requirements.

(B) Landscaping Standards

This subsection is intended to define the various types of landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.

(1) Landform Buffer

A landform buffer is ~~any~~ combination of a raised earthen berm and plantings intended to forms a visual barrier at least three (3) feet above the surrounding grade and a visual buffer of varying additional height. All landform buffers shall also conform to the following:

a. Planting design standards:

1. The landform buffer shall be comprised of soil and covered with grass, except for planting areas, which shall consist of planting materials,

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

living groundcover, woodchips, mulch, stone, or any combination of the above.

2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every fifteen (15) linear feet of required landform buffer.

3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every fifteen (15) linear feet of landform buffer.

4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

b. The berm shall have a maximum side slope of 3:1 and a minimum height of three (3) feet.

(2) Buffer Strip

A Buffer Strip is a landscaped area of trees, shrubs and groundcover intended to form a visual buffer of varying height. All Buffer Strips shall conform to the following:

a. The Buffer Strip shall be a minimum of fifteen (15) feet wide.

b. Planting design standards:

1. The buffer strip shall be covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.

2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every twenty (20) linear feet of required buffer strip.

3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every twenty (20) linear feet of buffer strip.

4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

(3) Screen Wall Greenbelt

A Screen Wall Greenbelt is a combination screen wall and landscape area intended to form a complete visual barrier at least six (6) feet in height. When a screen wall is required it shall meet the following standards:

a. All walls shall conform to the following provisions:

1. Screen walls shall be located where required by subsection (C) Required Minimum Screening and Landscaping below. Required walls shall be a minimum six (6) feet high or, after approval by the Site Plan Review Committee, to a height which is in continuity with an existing adjacent screen wall. The Site Plan Review Committee may require screening walls up to eight (8) feet where they find it necessary due to the nature and location of the use district, proposed use, or adjoining use(s) or district(s).

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

2. Required screen walls shall be located on the property line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls may be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone.
3. Screen walls shall have no openings for vehicular traffic or other purposes, except as approved after site plan review. All screen walls herein required shall be constructed only of poured concrete or masonry materials on a concrete foundation.
4. Screen walls shall be reduced to a maximum four (4) feet in height for fifteen (15) feet to maintain visibility at the intersection of driveways or alleys with rights of way and sidewalks.

b. Required screen walls shall include a minimum five (5) foot wide greenbelt adjacent to the required wall for its entire length, planted in accordance with the greenbelt planting standards below.

(4) Greenbelt

A greenbelt is a landscaped planting area of trees, shrubs and groundcover. All greenbelts shall conform to the following planting design standards:

- a. The greenbelt shall be covered with grass, living groundcover, woodchips, mulch, stone, or any combination of the above.
- b. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every thirty (30) linear feet of required greenbelt. No evergreen trees are permitted where a greenbelt is adjacent to a public or private road right of way
- c. Four (4) 24"-30" high or wide evergreen or deciduous shrubs for every thirty (30) linear feet of greenbelt.
- d. Minimum width for required greenbelts shall be five (5) feet unless otherwise specified in this ordinance.

(5) Right of Way Screen Wall Option

Wherever a greenbelt is required in this ordinance which is adjacent to a public street right of way, a masonry screen wall may substituted for the required greenbelt subject to the following:

- a. Approval of the right of way screen wall option is required as a part of site plan approval.
- b. The wall shall be thirty (30) inches in height and shall be of common or face brick, or a masonry material that is compatible with that of the principal building(s) on site and other existing walls in the area.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

- c. The wall shall be designed to maintain adequate separation from vehicular drives and parking areas.
- d. Greenbelts are encouraged adjacent to right of way screen walls and, where installed, should meet the guidelines in subsection (4) Greenbelts above.
- e. Concrete curbing, wheel blocks or guard posts may be installed where necessary to prevent vehicular damage to the wall.

(6) Interior Landscaping

For every new development that requires site plan review, except site condominiums as regulated in Section 10.515, interior landscaping areas shall be provided, equal to at least five (5) percent of the total impervious area (buildings and paved areas). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways and service areas. All interior landscaping shall be designed to the following general design standards:

- a. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.
- b. One (1) two and one-half (2 1/2) inch caliper deciduous tree for every four-hundred (400) square feet of required interior landscaping area.
- c. Two (2) eighteen (18) inch high or wide shrubs shall be required for every four hundred (400) square feet of required interior landscaping area.

(7) Parking Lot Landscaping

In addition to the Interior Landscaping above and the other required landscaping herein, within every parking area containing ten (10) or more required spaces there shall be parking lot landscaping in accordance with this subsection. These landscaping areas shall be located so as to better define parking spaces, drives and required fire lanes. All required parking lot landscaping shall conform with the following:

- a. Any off-street parking areas containing ten (10) or more parking spaces shall provide five (5) square feet of parking lot landscaping per parking space.
- b. All required parking lot landscaping shall be designed to conform to the following requirements:
 - 1. The parking lot landscaping area groundcover shall be grass, living ground cover, wood chips, mulch, or any combination of the above.
 - 2. One (1) two and one-half (2 1/2) inch caliper deciduous canopy tree shall be required for every one hundred (100) square feet of required parking lot landscaping area.
 - 3. Parking lot landscaping areas shall be curbed with 6" concrete curbing.

(8) Trash Receptacle, Transformer, and Mechanical Equipment Screening

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

a. Dumpsters and Trash Storage Enclosures

All areas used for the storage of trash, and other waste products or materials, shall be completely screened from view. The following standards shall apply to all such trash enclosures:

1. Enclosure shall be constructed of masonry materials similar to the buildings to which they are accessory.
2. Enclosures shall be at least six (6) feet but not more than eight (8) feet high and shall obscure all wastes and/or containers within. An obscuring gate shall be installed which forms a complete visual barrier the same height as that of the other three sides.
3. No enclosures shall be permitted within a required front yard or street-side side yard setback.
4. All dumpsters and the truck maneuvering area immediately in front of the dumpster shall be located on a minimum six (6) inch concrete pad. Bollards shall be placed where necessary to protect walls.

b. Transformer and Mechanical Equipment Screening

All ground mounted transformers, generators, mechanical equipment, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping if approved as a part of site plan review.

(C) Required Minimum Screening and Landscaping

The following Table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties, excluding those properties with common driveways as specified in subsection (A)(7) above:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

<u>Zoning / Use of Subject Parcel</u>	<u>Zoning of Adjacent Parcel</u>									<u>Adjacent</u>
	<u>N-P</u>	<u>R-1, R-2, R-3</u>	<u>R-T, R-C, R-M</u>	<u>HM</u>	<u>H-R</u>	<u>O-1</u>	<u>B-1, B-2, B-3</u>	<u>M-1, M-2</u>	<u>P-1, P-2</u>	<u>Public ROW</u>
	<u>Required Landscaping Options</u>									
<u>N-P / Natural Preservation</u>	--	--	--	--	--	--	--	--	--	--
<u>R-1, R-2, R-3 / Single Family Residential</u>	--	--	--	--	--	--	--	--	--	--
<u>R-T, R-C, R-M / Two Family & Multiple Family Residential</u>	--	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>D</u>
<u>H-M / Mobile Home</u>	<u>See Section 10.344</u>									
<u>H-R / High Rise Mixed Use</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>D, E</u>
<u>O-1 / Office</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>B-1, B-2, B-3 / Commercial</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>M-1, M-2 / Industrial</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>P-1, P-2 / Parking Lots</u>	<u>See Section 10.339, 10.342A, and 10.506.6</u>									<u>D, E</u>
<u>Outdoor Storage</u>	--	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

KEY:

- A) Land Form (Section 10.510(B)1)
B) Buffer Strip (Section 10.510(B)2)
C) Screen Wall Greenbelt (Section 10.510(B)3)
D) Greenbelt (Section 10.510(B)4)
E) Right of Way Screen Wall Option (Section 10.510(B)5)
-- Not Required

(D) Suggested and Prohibited Trees and Shrubs for Landscaping

The City may maintain a list of suggested or prohibited trees and shrubs for landscaping, however, it is the responsibility of the professional site designer to determine appropriate plantings in compliance with City regulations.

(E) Exceptions:

It is the intent of this Ordinance to promote development, redevelopment and/or reuse of sites that may be unable to meet the standards herein. Therefore, any of the forgoing requirements may be waived or modified, through the site plan review process, where cause can be shown that no good purpose would be served, due to site design, parking, parcel configuration, building location and/or other pertinent and relevant factors, by the strict application thereof.

Section 21. Section 10.513 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

Section 10.513. Screen walls.

- ~~(1) All use districts shall provide and maintain an eight foot screen wall on those sides abutting or adjacent to a residential district. The community development director or his or her designee shall have the discretion to modify the eight foot screen wall to a height of six (6) feet or to a height~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

~~which is in continuity with a screen wall then abutting or then existing on the block of the proposed screen wall or which in the discretion of the community development director or his designee is not required due to the nature and location of the use district and adjoining use district(s).~~

~~(2) Required screen walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls shall, upon approval of the Community Development Department, be located on the opposite site of an alley right of way from a nonresidential zone that abuts a residential zone.~~

~~(3) Screen walls shall have no openings for vehicular traffic or other purposes, except as provided in article X and except such openings as may be approved by the chief of police and the building inspection administrator. All screen walls herein required shall be constructed only of masonry materials approved by the city engineer. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the city engineer and shall be not less than four (4) inches wider than the wall to be erected. The city engineer may designate other specifications for screen walls.~~

~~(4) The board of appeals may waive or modify the foregoing requirement where cause can be shown that no good purpose would be served.~~

(1) Screen walls shall be constructed in accordance with Section 10.510(B)(3).

Section 22. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 23. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 24. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 25. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 26. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 a.m. and 4:30 p.m. on regular business days.

Commissioner Hartwell asked for an example of how the exception standard in Section E would be applied.

Mr. Schafer explained that where a property was already developed and an addition or expansion was proposed, areas where the site was already developed would only be subject to the new standards where physically possible. For instance, where a parking lot was fully paved at the current minimums, there would be no space for landscaping without diminishing the parking onsite. In that instance the new standards would not apply to the parking area. However, for an area that was to be developed and was vacant, landscaping standards for a new parking lot under the new standard would be applied.

Chairman Wakeland asked if ornamental grasses that often grow to be quite high should be addressed due to visibility.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 19, 2016

Mr. Schafer noted that during design review the designer and staff would evaluate placement of materials. In any case, no visibility blockages are permitted, so placement of any material would be reviewed to insure no such blockages.

Chairman Wakeland asked if stones should be excluded from being a permitted type of ground cover.

The Planning Commission discussed this and determined that stone should remain an option.

Chairman Wakeland asked if the proposed 4' screen wall at drives should be lowered to 3' to increase visibility at walks.

Mr. Schafer stated that it could, noting that what is sought here is a balance between screening the uses on the one hand and making sure there is adequate visibility on the other.

The Planning Commission concurred with the recommendation and directed staff to change the standard to 3'.

Chairman Wakeland suggested that the required number of plantings for Section B (6) Interior Landscaping be revised to require the trees and shrubs noted as minimum and then increase after the first 400 s.f.

The Planning Commission concurred with this recommendation.

Chairman Wakeland asked whether the 6" concrete standard for Section B (8)4 should be 8" thick.

Mr. Schafer stated that 8" is often the design standard proposed for new pads already.

The Planning Commission concurred with the recommendation.

Chairman Wakeland asked the Planning Commission to consider looking at fencing, particularly where the commercial and industrial standards allow fencing along and adjacent to roads. He stated that it is un-sightly as well as creating visibility concerns for vehicles and pedestrians at drives.

The Planning Commission concurred and directed staff to develop a draft amendment to address this issue.

Commissioner Hartwell asked staff if there is anything that can be done regarding the potholes on approaches and private properties like the K-Mart site.

Mr. Schafer informed the Planning Commission that property owners are responsible for maintaining these areas. In particular, the K-Mart site is currently under code enforcement action to address this issue.

Commissioner Hartwell asked about regulations regarding auto-related businesses parking in streets.

Mr. Schafer responded that if a vehicle is legally licensed, they may be parked legally on a street. However, any unlicensed or inoperable vehicle can never be parked legally in the street.

Commissioner Bliss asked the Planning Commission to consider standards to require adequate lighting on properties to insure safety. The Planning Commission discussed this at length, noting that most issues with lighting are the opposite – complaints regarding too much lighting and glare. The Planning Commission directed staff to look into this for discussion at a future meeting.

There were no additional comments from the Planning Commission.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:30 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Bliss, Hartwell, Higgins, Holder, Myers, Secretary Kapolka and Chairman Wakeland

Absent: Corbett

MEMBERS EXCUSED

Motion by Commissioner Hartwell, Supported by Commissioner Kapolka

To excuse Commissioner Corbett from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Higgins; Supported by Commissioner Myers:

To approve the minutes of the regular April 19, 2016 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

No public hearings scheduled.

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

No public present.

CONTINUED DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland asked Community Development Director Schafer to summarize the draft Zoning Amendment for Planning Commission consideration. Mr. Schafer stated that the draft amendments reflected the changes requested by the Planning Commission at their April meeting, with no additional modifications.

M-2 – Heavy Industrial – Junkyards are currently Permitted Principal uses. To be consistent with other similar uses in the M-2, special approval should be required. In addition, Temporary buildings are addressed either through building permit standards for a trailer or through the ZBA for temporary structures. The following draft ordinance amendment language was presented to the Planning Commission.

Section 1. *Section 10.332 is hereby amended by deleting paragraphs (4) and (5) in their entirety as follows:*

~~(4) — Junkyards and places so called for the dismantling, wrecking, and disposing of junk and/or refuse material of agricultural and automotive vehicles may be granted permits or licenses for one year periods upon authorized inspection and approval of the Building Inspector, whose approval shall be based on the performance standards set forth in Section 10.509 of this Ordinance, provided such use is not closer than three hundred (300) feet from the border of any M-2 District, and provided further that no burning shall be permitted.~~

~~(5) — Temporary buildings and uses for construction purposes for a period of one (1) year or less.~~

Section 2. *Section 10-332A is hereby amended by adding a new Paragraph (6) as follows:*

(6) — Yard Waste Transfer, Composting Facilities, Recycling Facilities and Junkyards are subject to the special approval requirements in Section 10.508(5). For purposes of this Section, Junkyards shall meet the standards for Recycling Processing Facilities as outlined in Section 10.508(5)f.

Parking Standards – The following draft amendments reflect modifications to parking standards, primarily to reduce parking requirements for various land uses and to increase flexibility with shared parking to encourage such

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

arrangements.

Section 3. Section 10-505(1) is hereby amended to read as follows:

- (1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, ~~and under the control of the same ownership as the principal building or use it is intended to serve,~~ measured from the nearest point of the building property lines to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.

Section 4. Section 10-505(4) is hereby amended to read as follows:

- (4) Any area once designated as required off-street parking shall not be changed to any other use unless, ~~and until, equal~~ parking facilities are provided elsewhere in conformance with current standards.

Section 5. Section 10-505(6) is hereby amended to read as follows:

- (6) Two (2) or more buildings or uses may collectively provide ~~the~~ required off-street parking. The required number of parking spaces shall not be less than 90% of the sum of the requirements for the ~~several~~ individual uses computed separately.

Section 6. Section 10-505(7) is hereby amended to read as follows:

- (7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings and uses do not overlap, ~~upon approval of the Zoning Board of Appeals~~ subject to compliance with Sections 10.505(1) and (6).

Section 7. Section 10-505(10)(b) is hereby amended to read as follows:

- (b) PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each ~~eighteen (18)~~ twenty four (24) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

Section 8. Section 10-505(11)(a) is hereby amended to read as follows:

- (a) Banks / Credit Unions
One (1) for each ~~one hundred fifty (150)~~ two hundred (200) square feet of gross building area plus adequate stacking for any drive-thru area.

Section 9. Section 10-505(11)(b) is hereby amended to read as follows:

- (b) Beauty parlor, barbershops, nail salons, tanning facilities
~~Three (3) Two (2) spaces for each of the first two (2) chairs and one and one-half (1 1/2) spaces for each additional chair plus one (1) space for any unattended station (including but not limited to, a tanning and / or booth).~~

Section 10. Section 10-505(11)(h) is hereby amended to read as follows:

- (h) General industrial
One ~~(1) space for every one and one-half (1 1/2) employees in the largest working shift, or one (1) space for every four hundred thirty-five (435)~~ five hundred fifty (550) square feet of gross building

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

~~area, or whichever is greater. When the amount of office area exceeds twenty-five (25) percent of gross floor area, the parking requirement for such office area shall be computed as one (1) space for each two hundred (200) square feet.~~

Section 11. Section 10-505(11)(j) is hereby amended to read as follows:

- (j) Housing for senior citizens
Convalescent homes: One (1) for each ~~two (2)~~ three (3) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit ~~plus one (1) space for each employee on the maximum shift.~~

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, ~~one (1) space for each employee on the maximum shift,~~ and visitor parking at one (1) space for each five (5) rooms or units.

Section 12. Section 10-505(11)(q) is hereby amended to read as follows:

- (q) Offices.
Business and professional:
One (1) space for each ~~two hundred (200)~~ three hundred (300) square feet of gross floor area.
Medical and dental:
One (1) ~~space for each fifty (50)~~ two hundred (200) square feet of gross floor area in waiting room and one (1) for each examining room, dentist chair or similar use area, plus one (1) for each doctor, dentist or employee.

Section 13. Section 10-505(11)(r) is hereby amended to read as follows:

- (r) Planned business district and shopping centers greater than 25,000 square feet.
One (1) for each ~~two hundred fifty (250)~~ three hundred (300) square feet of gross building area. ~~When the amount of area to be occupied as Places of assembly exceeds twenty-five (25) percent of the gross floor area, the~~ Parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use Group A in the adopted building code including, but not limited to, restaurants, private clubs and churches.

Section 14. Section 10-505(11)(v) is hereby amended to read as follows:

- (v) Retail sales in wholesale establishments:
One (1) space for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of retail sales floor area.

Section 15. Section 10-505(11)(w) is hereby amended to read as follows:

- (w) Retail stores except as otherwise specified herein
One (1) for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of gross building area.

Section 16. Section 10-505(11)(x) is hereby amended to read as follows:

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016**

- (x) Restaurants, bars, taverns and night clubs:
Carry-out only facilities: One space for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee ~~plus 1 space for each fifteen (15) square feet of lobby and/or waiting area.~~ Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Section 17. Section 10-505(11)(dd) is hereby amended to read as follows:

- (dd) Veterinarian offices and clinics:
One (1) space for each ~~one hundred (100)~~ two hundred (200) square feet. ~~for the first one thousand five hundred (1,500) square feet of gross floor area, plus one (1) space for each additional two hundred fifty (250) square feet of gross floor area.~~

Section 18. Section 10-506(4) is hereby amended to read as follows:

- (4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.

Parking pattern	Minimum Maneuvering Lane Width	Minimum Parking Space Width	Minimum Parking Space Length*	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	~~20~~ <u>22</u> ft.	9 ft.	20 ft.	~~40~~ <u>42</u> ft.	~~60~~ <u>62</u> ft.
60°	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45°	15 ft.	9 ft.	20 ft.	30 ft.	~~50~~ <u>53</u> ft.
Parallel	12 ft.	9 ft.	20 ft.	~~24~~ <u>31</u> ft.	---
45° Herringbone	12 ft.	9 ft.	20 ft.	---	~~43~~ <u>50</u> ft.

*Two (2) feet of the minimum parking space length may over hang a landscaped area or a sidewalk, where the walk is a minimum 7' wide.

Section 19. Section 10-506(8) is hereby amended to read as follows:

- (8) A bicycle rack shall be provided on all sites that require site plan review. The rack shall not block walks or drives. One required parking space ~~(9' x 20')~~ may be designated for bicycle parking by the owner or developer of any land use. Said space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

Landscaping Standards – The following draft standards reflect the Planning Commission’s request to add standards for required landscaping. They would apply to new developments or redevelopment where site plan review is required. Existing land uses would not be impacted by the standards unless they were expanded or changed to the extent that site plan review was required. In that case the standards would apply.

Section 20. Section 10.510 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

Section 10.510. ~~Plant materials.~~ Landscaping and Screening

~~Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided:~~

- ~~(1) *Plant material spacing.*~~
 - ~~(a) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.~~
 - ~~(b) Where plant materials are planted in two (2) or more rows plantings shall be staggered in rows~~
 - ~~(c) Evergreen trees shall be planted not more than thirty (30) feet on centers.~~
 - ~~(d) Narrow evergreens shall be planted not more than three (3) feet on centers.~~
 - ~~(e) Deciduous trees shall be planted not more than thirty (30) feet on centers.~~
 - ~~(f) Treelike shrubs shall be planted not more than ten (10) feet on centers.~~
 - ~~(g) Large deciduous shrubs shall be planted not more than four (4) feet on centers.~~
- ~~(2) *Suggested plant materials minimum size.*~~
 - ~~(a) Evergreen trees five (5) feet in height:~~
 - ~~(1) Juniper~~
 - ~~(2) Red Cedar~~
 - ~~(3) White Cedar~~
 - ~~(4) Pines~~
 - ~~(b) Narrow evergreens three (3) feet in height:~~
 - ~~(1) Pyramidal Arborvitae~~
 - ~~(2) Columnar Juniper~~
 - ~~(3) Irish Juniper~~
 - ~~(c) Treelike shrubs four (4) feet in height:~~
 - ~~(1) Flowering Crabs~~
 - ~~(2) Russian Olives~~
 - ~~(3) Mountain Ash~~
 - ~~(4) Dogwood~~
 - ~~(5) Redbud~~
 - ~~(6) Rose of Sharon~~
 - ~~(d) Large deciduous shrubs six (6) feet in height:~~
 - ~~(1) Honeysuckle~~
 - ~~(2) Viburnum~~
 - ~~(3) Mock Orange~~
 - ~~(4) Forsythia~~
 - ~~(5) Lilacs~~
 - ~~(6) Ninebark~~
 - ~~(e) Large deciduous trees eight (8) feet in height:~~
 - ~~(1) Oaks~~
 - ~~(2) Hard Maples~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

- (3) — Ash
- (4) — Hackberry
- (5) — Sycamore
- (f) — Trees not permitted:
 - (1) — Box Elder
 - (2) — Soft Maples
 - (3) — Elms
 - (4) — Poplars
 - (5) — Ailanthus (tree of Heaven)
 - (6) — All thorned varieties of trees

Screening and landscaping, where required, shall adhere to the following minimum standards where new development (or major redevelopment where existing buildings and / or parking areas are demolished) requires site plan review.

(A) General Provisions

In all zoning districts the following minimum standards apply:

- (1) All landscaping as shown on the approved site / landscape plan shall be continuously maintained in a healthy condition.
- (2) All required landscape plantings that are diseased or dead must be replaced in conformance with the approved landscape plan.
- (3) All required landscape areas that abut vehicular drives, parking or other uses areas shall be separated from the vehicular use area with a 6" concrete curb.
- (4) Landscaping shall be designed to maintain clear vision at intersection, drives, sidewalks and building entrances at time of planting as well as mature plant growth.
- (5) Where greenbelts, landform buffers or buffer strips are required or proposed, they may be encroached upon or punctuated by approved driveways, sidewalks and structures, in conformance with applicable setback standards. Common driveways between two or more properties are encouraged. Where a common driveway serving two or more parcels is located on or adjacent to a property line no greenbelt, landform buffer or buffer strip is required adjacent to areas occupied by the common drive.
- (6) Use of landscape areas for storm water management is encouraged. Design of storm water systems may include swales and infiltration areas to convey water to drainage structures and detention areas. Curbing requirements may be flexible to achieve storm water management objectives. Detention ponds, swales and infiltration areas may be considered in calculating minimum area requirements for parking lot landscaping, where they include required plantings and meet the applicable location and size requirements.

(B) Landscaping Standards

This subsection is intended to define the various types of landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.

- (1) Landform Buffer

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

A landform buffer is ~~any~~ combination of a raised earthen berm and plantings intended to forms a visual barrier at least three (3) feet above the surrounding grade and a visual buffer of varying additional height. All landform buffers shall also conform to the following:

a. Planting design standards:

1. The landform buffer shall be comprised of soil and covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.
2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every fifteen (15) linear feet of required landform buffer.
3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every fifteen (15) linear feet of landform buffer.
4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

b. The berm shall have a maximum side slope of 3:1 and a minimum height of three (3) feet.

(2) Buffer Strip

A Buffer Strip is a landscaped area of trees, shrubs and groundcover intended to form a visual buffer of varying height. All Buffer Strips shall conform to the following:

a. The Buffer Strip shall be a minimum of fifteen (15) feet wide.

b. Planting design standards:

1. The buffer strip shall be covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.
2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every twenty (20) linear feet of required buffer strip.
3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every twenty (20) linear feet of buffer strip.
4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

(3) Screen Wall Greenbelt

A Screen Wall Greenbelt is a combination screen wall and landscape area intended to form a complete visual barrier at least six (6) feet in height. When a screen wall is required it shall meet the following standards:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

a. All walls shall conform to the following provisions:

1. Screen walls shall be located where required by subsection (C) *Required Minimum Screening and Landscaping* below. Required walls shall be a minimum six (6) feet high or, after approval by the Site Plan Review Committee, to a height which is in continuity with an existing adjacent screen wall. The Site Plan Review Committee may require screening walls up to eight (8) feet where they find it necessary due to the nature and location of the use district, proposed use, or adjoining use(s) or district(s).
2. Required screen walls shall be located on the property line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls may be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone.
3. Screen walls shall have no openings for vehicular traffic or other purposes, except as approved after site plan review. All screen walls herein required shall be constructed only of poured concrete or masonry materials on a concrete foundation.
4. Screen walls shall be reduced to a maximum three (3) feet in height for fifteen (15) feet to maintain visibility at the intersection of driveways or alleys with rights of way and sidewalks.

b. Required screen walls shall include a minimum five (5) foot wide greenbelt adjacent to the required wall for its entire length, planted in accordance with the greenbelt planting standards below.

(4) Greenbelt

A greenbelt is a landscaped planting area of trees, shrubs and groundcover. All greenbelts shall conform to the following planting design standards:

- a. The greenbelt shall be covered with grass, living groundcover, woodchips, mulch, stone, or any combination of the above.
- b. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every thirty (30) linear feet of required greenbelt. No evergreen trees are permitted where a greenbelt is adjacent to a public or private road right of way
- c. Four (4) 24"-30" high or wide evergreen or deciduous shrubs for every thirty (30) linear feet of greenbelt.
- d. Minimum width for required greenbelts shall be five (5) feet unless otherwise specified in this ordinance.

(5) Right of Way Screen Wall Option

Wherever a greenbelt is required in this ordinance which is adjacent to a public street right of way, a masonry screen wall may substituted for the required greenbelt subject to the following:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

- a. Approval of the right of way screen wall option is required as a part of site plan approval.
- b. The wall shall be thirty (30) inches in height and shall be of common or face brick, or a masonry material that is compatible with that of the principal building(s) on site and other existing walls in the area.
- c. The wall shall be designed to maintain adequate separation from vehicular drives and parking areas.
- d. Greenbelts are encouraged adjacent to right of way screen walls and, where installed, should meet the guidelines in subsection (4) *Greenbelts* above.
- e. Concrete curbing, wheel blocks or guard posts may be installed where necessary to prevent vehicular damage to the wall.

(6) Interior Landscaping

For every new development that requires site plan review, except site condominiums as regulated in Section 10.515, interior landscaping areas shall be provided, equal to at least five (5) percent of the total impervious area (buildings and paved areas). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways and service areas. All interior landscaping shall be designed to the following general design standards:

- a. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.
- b. One (1) two and one-half (2 1/2) inch caliper deciduous tree; and then one (1) two and one-half (2 1/2) inch caliper deciduous tree for every additional four-hundred (400) square feet of required interior landscaping area.
- c. Two (2) eighteen (18) inch high or wide shrubs; and then two (2) eighteen (18) inch high or wide shrubs for every additional four hundred (400) square feet of required interior landscaping area.

(7) Parking Lot Landscaping

In addition to the Interior Landscaping above and the other required landscaping herein, within every parking area containing ten (10) or more required spaces there shall be parking lot landscaping in accordance with this subsection. These landscaping areas shall be located so as to better define parking spaces, drives and required fire lanes. All required parking lot landscaping shall conform with the following:

- a. Any off-street parking areas containing ten (10) or more parking spaces shall provide five (5) square feet of parking lot landscaping per parking space.
- b. All required parking lot landscaping shall be designed to conform to the following requirements:
 - 1. The parking lot landscaping area groundcover shall be grass, living ground cover, wood chips, mulch, or any combination of the above.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

2. One (1) two and one-half (2 1/2) inch caliper deciduous canopy tree shall be required for every one hundred (100) square feet of required parking lot landscaping area.

3. Parking lot landscaping areas shall be curbed with 6" concrete curbing.

(8) Trash Receptacle, Transformer, and Mechanical Equipment Screening

a. Dumpsters and Trash Storage Enclosures

All areas used for the storage of trash, and other waste products or materials, shall be completely screened from view. The following standards shall apply to all such trash enclosures:

1. Enclosure shall be constructed of masonry materials similar to the buildings to which they are accessory.

2. Enclosures shall be at least six (6) feet but not more than eight (8) feet high and shall obscure all wastes and/or containers within. An obscuring gate shall be installed which forms a complete visual barrier the same height as that of the other three sides.

3. No enclosures shall be permitted within a required front yard or street-side side yard setback.

4. All dumpsters and the truck maneuvering area immediately in front of the dumpster shall be located on a minimum eight (8) inch concrete pad. Bollards shall be placed where necessary to protect walls.

b. Transformer and Mechanical Equipment Screening

All ground mounted transformers, generators, mechanical equipment, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping if approved as a part of site plan review.

(C) Required Minimum Screening and Landscaping

The following Table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties, excluding those properties with common driveways as specified in subsection (A)(7) above:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016

<u>Zoning / Use of Subject Parcel</u>	<u>Zoning of Adjacent Parcel</u>									<u>Adjacent Public ROW</u>
	<u>N-P</u>	<u>R-1, R-2, R-3</u>	<u>R-T, R-C, R-M</u>	<u>HM</u>	<u>H-R</u>	<u>O-1</u>	<u>B-1, B-2, B-3</u>	<u>M-1, M-2</u>	<u>P-1, P-2</u>	
	<u>Required Landscaping Options</u>									
<u>N-P / Natural Preservation</u>	--	--	--	--	--	--	--	--	--	--
<u>R-1, R-2, R-3 / Single Family Residential</u>	--	--	--	--	--	--	--	--	--	--
<u>R-T, R-C, R-M / Two Family & Multiple Family Residential</u>	--	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>D</u>
<u>H-M / Mobile Home</u>	<u>See Section 10.344</u>									
<u>H-R / High Rise Mixed Use</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>D, E</u>
<u>O-1 / Office</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>B-1, B-2, B-3 / Commercial</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>M-1, M-2 / Industrial</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>P-1, P-2 / Parking Lots</u>	<u>See Section 10.339, 10.342A, and 10.506.6</u>									<u>D, E</u>
<u>Outdoor Storage</u>	--	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

KEY:

- A) Land Form (Section 10.510(B)1)
B) Buffer Strip (Section 10.510(B)2)
C) Screen Wall Greenbelt (Section 10.510(B)3)
D) Greenbelt (Section 10.510(B)4)
E) Right of Way Screen Wall Option (Section 10.510(B)5)
-- Not Required

(D) Suggested and Prohibited Trees and Shrubs for Landscaping

The City may maintain a list of suggested or prohibited trees and shrubs for landscaping, however, it is the responsibility of the professional site designer to determine appropriate plantings in compliance with City regulations.

(E) Exceptions:

It is the intent of this Ordinance to promote development, redevelopment and/or reuse of sites that may be unable to meet the standards herein. Therefore, any of the forgoing requirements may be waived or modified, through the site plan review process, where cause can be shown that no good purpose would be served, due to site design, parking, parcel configuration, building location and/or other pertinent and relevant factors, by the strict application thereof.

Section 21. Section 10.513 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

Section 10.513. Screen walls.

- (1) All use districts shall provide and maintain an eight foot screen wall on those sides abutting or adjacent to a residential district. The community development director or his or her designee shall have the discretion to modify the eight foot screen wall to a height of six (6) feet or to a height

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016**

~~which is in continuity with a screen wall then abutting or then existing on the block of the proposed screen wall or which in the discretion of the community development director or his designee is not required due to the nature and location of the use district and adjoining use district(s).~~

- ~~(2) Required screen walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls shall, upon approval of the Community Development Department, be located on the opposite site of an alley right of way from a nonresidential zone that abuts a residential zone.~~
 - ~~(3) Screen walls shall have no openings for vehicular traffic or other purposes, except as provided in article X and except such openings as may be approved by the chief of police and the building inspection administrator. All screen walls herein required shall be constructed only of masonry materials approved by the city engineer. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the city engineer and shall be not less than four (4) inches wider than the wall to be erected. The city engineer may designate other specifications for screen walls.~~
 - ~~(4) The board of appeals may waive or modify the foregoing requirement where cause can be shown that no good purpose would be served.~~
- (1) Screen walls shall be constructed in accordance with Section 10.510(B)(3).

Section 22. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 23. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 24. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 25. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 26. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 a.m. and 4:30 p.m. on regular business days.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 16, 2016**

Chairman Wakeland inquired about the following:

1. 6” curb around all islands is required, however if we want the designer to use this as a detention area they will need curb openings at a minimum. Is the “flexible curbing requirements” adequate? Mr. Schafer commented that the flexibility was intentional and addressed the need. The Planning Commission requested no changes.
2. Greenbelt width is minimum 5’ - should we make this 10’? Mr. Schafer explained the intent of the standard is a minimum and we are going from no standard to a 5’ minimum. Given the size and narrow width of many of the City’s parcels, the intent of 5’ is reasonable. The Planning Commission requested no changes.
3. Right of Way Screen Wall option: should a narrow 3’ greenbelt with shrubs or ivy be required along with this wall to break up the wall from the ROW. Mr. Schafer responded that the ROW screenwall option is usually only used when space is at a premium and the greenbelt would be a disincentive to use it, however it could absolutely include a greenbelt requirement. Issue is would that be a disincentive or not. The Planning Commission requested no changes.
4. Landscape Islands: Should we require a minimum width on these of 8’ which allows for the conversion of one parking space with 6” curbs to perfectly fit an island with a minimum 100 sf requirement on the total island size. Intent is to give the trees more room to breathe. Mr. Schafer noted that the island width is somewhat standard for minimum width and again – wider could be accommodated. With the size of most redevelopments in the city, 5’ would be reasonable without impacting parking space needs. The Planning Commission requested no changes.

Motion by Commissioner Myers; Seconded by Commissioner Holder:

To hold the required public hearing on these proposed Zoning Ordinance amendments at the November 15, 2016 Planning Commission meeting.

Motion carried unanimously

There were no additional comments from the Planning Commission.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 5:50 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Conn, Corbett, Hartwell, Higgins, Holder, Myers, Kapolka and Chairman Wakeland

Absent: Bliss

MEMBERS EXCUSED

Motion by Commissioner Higgins, Supported by Commissioner Corbett

To excuse Commissioner Bliss from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Myers; Supported by Commissioner Higgins:

To approve the minutes of the regular August 16, 2016 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

Zoning Text Amendment 15-01 (Ordinance 2116):

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.332 and 10.332A– Permitted Uses and Uses Permissible on Special Approval in M-2 District; Section 10.505 and 10.506 – Parking; Section 10.510 – Planting Materials, and Section 10.513 Screen Walls, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

Chairman Wakeland opened the public hearing.

There were no public present and no written public comments were received.

Chairman Wakeland closed the public hearing.

Motion by Commissioner Myers; Supported by Commissioner Higgins:

To recommend that City Council APPROVE the proposed Zoning Ordinance amendment ZOTXT 15 – 01 (Ordinance 2116).

Motion Carried Unanimously

Ordinance No. 2116

Zoning Text Amendment 15-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.332 and 10.332A– Permitted Uses and Uses Permissible on Special Approval in M-2 District; Section 10.505 and 10.506 – Parking; Section 10.510 – Planting Materials, and Section 10.513 Screen Walls, of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.332 is hereby amended by deleting paragraphs (4) and (5) in their entirety as follows:

~~(4) — Junkyards and places so called for the dismantling, wrecking, and disposing of junk and/or refuse material of agricultural and automotive vehicles may be granted permits or licenses for one year~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

~~periods upon authorized inspection and approval of the Building Inspector, whose approval shall be based on the performance standards set forth in Section 10.509 of this Ordinance, provided such use is not closer than three hundred (300) feet from the border of any M-2 District, and provided further that no burning shall be permitted.~~

~~(5) Temporary buildings and uses for construction purposes for a period of one (1) year or less.~~

Section 2. Section 10-332A is hereby amended by adding a new Paragraph (6) as follows:

(6) Yard Waste Transfer, Composting Facilities, Recycling Facilities and Junkyards are subject to the special approval requirements in Section 10.508(5). For purposes of this Section, Junkyards shall meet the standards for Recycling Processing Facilities as outlined in Section 10.508(5)f.

Section 3. Section 10-505(1) is hereby amended to read as follows:

(1) Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within three hundred (300) feet thereof, ~~and under the control of the same ownership as the principal building or use it is intended to serve,~~ measured from the nearest point of the building property lines to the nearest point of the off-street parking lot. Easements shall be required for all required parking facilities located on separate parcels.

Section 4. Section 10-505(4) is hereby amended to read as follows:

(4) Any area once designated as required off-street parking shall not be changed to any other use unless, ~~and until, equal~~ parking facilities are provided elsewhere in conformance with current standards.

Section 5. Section 10-505(6) is hereby amended to read as follows:

(6) Two (2) or more buildings or uses may collectively provide ~~the~~ required off-street parking. The required number of parking spaces shall not be less than 90% of the sum of the requirements for the ~~several~~ individual uses computed separately.

Section 6. Section 10-505(7) is hereby amended to read as follows:

(7) Two or more buildings or uses may share off-street parking spaces where operating hours of buildings and uses do not overlap, ~~upon approval of the Zoning Board of Appeals~~ subject to compliance with Sections 10.505(1) and (6).

Section 7. Section 10-505(10)(b) is hereby amended to read as follows:

(b) PLACES OF ASSEMBLY - In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each ~~eighteen (18)~~ twenty four (24) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

Section 8. Section 10-505(11)(a) is hereby amended to read as follows:

(a) Banks / Credit Unions
One (1) for each ~~one hundred fifty (150)~~ two hundred (200) square feet of gross building area plus adequate stacking for any drive-thru area.

Section 9. Section 10-505(11)(b) is hereby amended to read as follows:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

- (b) Beauty parlor, barbershops, nail salons, tanning facilities
~~Three (3) Two (2) spaces for each of the first two (2) chairs and one and one half (1 ½) spaces for each additional chair plus one (1) space for any unattended station (including but not limited to, a tanning and / or booth).~~

Section 10. Section 10-505(11)(h) is hereby amended to read as follows:

- (h) General industrial
~~One (1) space for every one and one half (1 1/2) employees in the largest working shift, or one (1) space for every four hundred thirty five (435) five hundred fifty (550) square feet of gross building area, or whichever is greater. When the amount of office area exceeds twenty five (25) percent of gross floor area, the parking requirement for such office area shall be computed as one (1) space for each two hundred (200) square feet.~~

Section 11. Section 10-505(11)(j) is hereby amended to read as follows:

- (j) Housing for senior citizens
Convalescent homes: One (1) for each ~~two (2)~~ three (3) beds.

Independent senior residential: Where residents live unassisted in an individual dwelling unit. Two (2) spaces for each unit ~~plus one (1) space for each employee on the maximum shift.~~

Congregate senior residential: Where residents occupy a private or shared room or dwelling unit, and have meal, medical, laundry or other services provided on a daily basis. One (1) space for each room or unit, ~~one (1) space for each employee on the maximum shift,~~ and visitor parking at one (1) space for each five (5) rooms or units.

Section 12. Section 10-505(11)(q) is hereby amended to read as follows:

- (q) Offices.
Business and professional:
One (1) space for each ~~two hundred (200)~~ three hundred (300) square feet of gross floor area.
Medical and dental:
One (1) ~~space for each fifty (50)~~ two hundred (200) square feet of gross floor area in waiting room and one (1) for each examining room, dentist chair or similar use area, plus one (1) for each doctor, dentist or employee.

Section 13. Section 10-505(11)(r) is hereby amended to read as follows:

- (r) Planned business district and shopping centers greater than 25,000 square feet.
One (1) for each ~~two hundred fifty (250)~~ three hundred (300) square feet of gross building area. ~~When the amount of area to be occupied as Places of assembly exceeds twenty five (25) percent of the gross floor area, the~~ Parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned business district or shopping center shall be in accordance with that indicated above. The term "place of assembly" shall include all uses listed in Use Group A in the adopted building code including, but not limited to, restaurants, private clubs and churches.

Section 14. Section 10-505(11)(v) is hereby amended to read as follows:

- (v) Retail sales in wholesale establishments:

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016**

One (1) space for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of retail sales floor area.

Section 15. Section 10-505(11)(w) is hereby amended to read as follows:

- (w) Retail stores except as otherwise specified herein
One (1) for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of gross building area.

Section 16. Section 10-505(11)(x) is hereby amended to read as follows:

- (x) Restaurants, bars, taverns and night clubs:
Carry-out only facilities: One space for each ~~one hundred ninety (190)~~ two hundred fifty (250) square feet of gross area. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Self-service, fast food and drive through facilities: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees. Drive through facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Full service restaurants, bars, taverns and night clubs: One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each employee ~~plus 1 space for each fifteen (15) square feet of lobby and/or waiting area.~~ Drive through or pick-up facilities must also provide sufficient stacking space separate from required parking spaces and drives.

Section 17. Section 10-505(11)(dd) is hereby amended to read as follows:

- (dd) Veterinarian offices and clinics:
One (1) space for each ~~one hundred (100)~~ two hundred (200) square feet. ~~for the first one thousand five hundred (1,500) square feet of gross floor area, plus one (1) space for each additional two hundred fifty (250) square feet of gross floor area.~~

Section 18. Section 10-506(4) is hereby amended to read as follows:

- (4) Each off-street parking space shall be in accordance with the following table, and shall be of usable shape and condition. Access drives shall be a minimum of twelve (12) feet in width and where a turning radius is necessary it will be of an arc of sufficient size to reasonably allow an unobstructed flow of vehicles.

Parking pattern	Minimum Maneuvering Lane Width	Minimum Parking Space Width	Minimum Parking Space Length [*]	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	~~20~~ <u>22</u> ft.	9 ft.	20 ft.	~~40~~ <u>42</u> ft.	~~60~~ <u>62</u> ft.
60°	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45°	15 ft.	9 ft.	20 ft.	30 ft.	~~50~~ <u>53</u> ft.
Parallel	12 ft.	9 ft.	20 ft.	~~24~~ <u>31</u> ft.	---
45° Herringbone	12 ft.	9 ft.	20 ft.	---	~~43~~ <u>50</u> ft.

^{*}Two (2) feet of the minimum parking space length may over hang a landscaped area or a sidewalk, where the walk is a minimum 7' wide.

Section 19. Section 10-506(8) is hereby amended to read as follows:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

- (8) A bicycle rack shall be provided on all sites that require site plan review. The rack shall not block walks or drives. One required parking space (9' x 20') may be designated for bicycle parking by the owner or developer of any land use. Said space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground

Section 20. Section 10.510 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

Section 10.510. ~~Plant materials.~~ Landscaping and Screening

~~Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided:~~

- (1) ~~Plant material spacing:~~
- (a) ~~Plant materials shall not be placed closer than four (4) feet from the fence line or property line.~~
 - (b) ~~Where plant materials are planted in two (2) or more rows plantings shall be staggered in rows~~
 - (c) ~~Evergreen trees shall be planted not more than thirty (30) feet on centers.~~
 - (d) ~~Narrow evergreens shall be planted not more than three (3) feet on centers.~~
 - (e) ~~Deciduous trees shall be planted not more than thirty (30) feet on centers.~~
 - (f) ~~Treelike shrubs shall be planted not more than ten (10) feet on centers.~~
 - (g) ~~Large deciduous shrubs shall be planted not more than four (4) feet on centers.~~
- (2) ~~Suggested plant materials minimum size:~~
- (a) ~~Evergreen trees five (5) feet in height:~~
 - (1) ~~Juniper~~
 - (2) ~~Red Cedar~~
 - (3) ~~White Cedar~~
 - (4) ~~Pines~~
 - (b) ~~Narrow evergreens three (3) feet in height:~~
 - (1) ~~Pyramidal Arborvitae~~
 - (2) ~~Columnar Juniper~~
 - (3) ~~Irish Juniper~~
 - (c) ~~Treelike shrubs four (4) feet in height:~~
 - (1) ~~Flowering Crabs~~
 - (2) ~~Russian Olives~~
 - (3) ~~Mountain Ash~~
 - (4) ~~Dogwood~~
 - (5) ~~Redbud~~
 - (6) ~~Rose of Sharon~~
 - (d) ~~Large deciduous shrubs six (6) feet in height:~~
 - (1) ~~Honeysuckle~~
 - (2) ~~Viburnum~~
 - (3) ~~Mock Orange~~
 - (4) ~~Forsythia~~
 - (5) ~~Lilacs~~
 - (6) ~~Ninebark~~
 - (e) ~~Large deciduous trees eight (8) feet in height:~~
 - (1) ~~Oaks~~
 - (2) ~~Hard Maples~~
 - (3) ~~Ash~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

- ~~(4) — Hackberry~~
- ~~(5) — Sycamore~~
- ~~(f) — Trees not permitted:~~
- ~~(1) — Box Elder~~
- ~~(2) — Soft Maples~~
- ~~(3) — Elms~~
- ~~(4) — Poplars~~
- ~~(5) — Ailanthus (tree of Heaven)~~
- ~~(6) — All thorned varieties of trees~~

Screening and landscaping, where required, shall adhere to the following minimum standards where new development (or major redevelopment where existing buildings and / or parking areas are demolished) requires site plan review.

(A) General Provisions

In all zoning districts the following minimum standards apply:

- (1) All landscaping as shown on the approved site / landscape plan shall be continuously maintained in a healthy condition.
- (2) All required landscape plantings that are diseased or dead must be replaced in conformance with the approved landscape plan.
- (3) All required landscape areas that abut vehicular drives, parking or other uses areas shall be separated from the vehicular use area with a 6" concrete curb.
- (4) Landscaping shall be designed to maintain clear vision at intersection, drives, sidewalks and building entrances at time of planting as well as mature plant growth.
- (5) Where greenbelts, landform buffers or buffer strips are required or proposed, they may be encroached upon or punctuated by approved driveways, sidewalks and structures, in conformance with applicable setback standards. Common driveways between two or more properties are encouraged. Where a common driveway serving two or more parcels is located on or adjacent to a property line no greenbelt, landform buffer or buffer strip is required adjacent to areas occupied by the common drive.
- (6) Use of landscape areas for storm water management is encouraged. Design of storm water systems may include swales and infiltration areas to convey water to drainage structures and detention areas. Curbing requirements may be flexible to achieve storm water management objectives. Detention ponds, swales and infiltration areas may be considered in calculating minimum area requirements for parking lot landscaping, where they include required plantings and meet the applicable location and size requirements.

(B) Landscaping Standards

This subsection is intended to define the various types of landscaping required in specific instances by this ordinance. These standards are applicable wherever they are specifically required in this ordinance.

- (1) Landform Buffer

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

A landform buffer is ~~any~~ combination of a raised earthen berm and plantings intended to forms a visual barrier at least three (3) feet above the surrounding grade and a visual buffer of varying additional height. All landform buffers shall also conform to the following:

a. Planting design standards:

1. The landform buffer shall be comprised of soil and covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.
2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every fifteen (15) linear feet of required landform buffer.
3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every fifteen (15) linear feet of landform buffer.
4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

b. The berm shall have a maximum side slope of 3:1 and a minimum height of three (3) feet.

(2) Buffer Strip

A Buffer Strip is a landscaped area of trees, shrubs and groundcover intended to form a visual buffer of varying height. All Buffer Strips shall conform to the following:

a. The Buffer Strip shall be a minimum of fifteen (15) feet wide.

b. Planting design standards:

1. The buffer strip shall be covered with grass, except for planting areas, which shall consist of planting materials, living groundcover, woodchips, mulch, stone, or any combination of the above.
2. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every twenty (20) linear feet of required buffer strip.
3. Four (4) 24-30" high or wide evergreen or deciduous shrubs for every twenty (20) linear feet of buffer strip.
4. Plantings shall be a mixture of evergreen and deciduous trees, shrubs and groundcover.

(3) Screen Wall Greenbelt

A Screen Wall Greenbelt is a combination screen wall and landscape area intended to form a complete visual barrier at least six (6) feet in height. When a screen wall is required it shall meet the following standards:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

a. All walls shall conform to the following provisions:

1. Screen walls shall be located where required by subsection (C) Required Minimum Screening and Landscaping below. Required walls shall be a minimum six (6) feet high or, after approval by the Site Plan Review Committee, to a height which is in continuity with an existing adjacent screen wall. The Site Plan Review Committee may require screening walls up to eight (8) feet where they find it necessary due to the nature and location of the use district, proposed use, or adjoining use(s) or district(s).
2. Required screen walls shall be located on the property line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls may be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone.
3. Screen walls shall have no openings for vehicular traffic or other purposes, except as approved after site plan review. All screen walls herein required shall be constructed only of poured concrete or masonry materials on a concrete foundation.
4. Screen walls shall be reduced to a maximum three (3) feet in height for fifteen (15) feet to maintain visibility at the intersection of driveways or alleys with rights of way and sidewalks.

b. Required screen walls shall include a minimum five (5) foot wide greenbelt adjacent to the required wall for its entire length, planted in accordance with the greenbelt planting standards below.

(4) Greenbelt

A greenbelt is a landscaped planting area of trees, shrubs and groundcover. All greenbelts shall conform to the following planting design standards:

- a. The greenbelt shall be covered with grass, living groundcover, woodchips, mulch, stone, or any combination of the above.
- b. One (1) two and one-half (2 1/2) inch caliper deciduous tree or one (1) five (5) foot high evergreen tree for every thirty (30) linear feet of required greenbelt. No evergreen trees are permitted where a greenbelt is adjacent to a public or private road right of way
- c. Four (4) 24"-30" high or wide evergreen or deciduous shrubs for every thirty (30) linear feet of greenbelt.
- d. Minimum width for required greenbelts shall be five (5) feet unless otherwise specified in this ordinance.

(5) Right of Way Screen Wall Option

Wherever a greenbelt is required in this ordinance which is adjacent to a public street right of way, a masonry screen wall may substituted for the required greenbelt subject to the following:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

- a. Approval of the right of way screen wall option is required as a part of site plan approval.
- b. The wall shall be thirty (30) inches in height and shall be of common or face brick, or a masonry material that is compatible with that of the principal building(s) on site and other existing walls in the area.
- c. The wall shall be designed to maintain adequate separation from vehicular drives and parking areas.
- d. Greenbelts are encouraged adjacent to right of way screen walls and, where installed, should meet the guidelines in subsection (4) Greenbelts above.
- e. Concrete curbing, wheel blocks or guard posts may be installed where necessary to prevent vehicular damage to the wall.

(6) Interior Landscaping

For every new development that requires site plan review, except site condominiums as regulated in Section 10.515, interior landscaping areas shall be provided, equal to at least five (5) percent of the total impervious area (buildings and paved areas). These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways and service areas. All interior landscaping shall be designed to the following general design standards:

- a. The interior landscaping area shall be covered with grass, ground cover, wood chips, mulch, or any combination of the above.
- b. One (1) two and one-half (2 1/2) inch caliper deciduous tree; and then one (1) two and one-half (2 1/2) inch caliper deciduous tree for every additional four-hundred (400) square feet of required interior landscaping area.
- c. Two (2) eighteen (18) inch high or wide shrubs; and then two (2) eighteen (18) inch high or wide shrubs for every additional four hundred (400) square feet of required interior landscaping area.

(7) Parking Lot Landscaping

In addition to the Interior Landscaping above and the other required landscaping herein, within every parking area containing ten (10) or more required spaces there shall be parking lot landscaping in accordance with this subsection. These landscaping areas shall be located so as to better define parking spaces, drives and required fire lanes. All required parking lot landscaping shall conform with the following:

- a. Any off-street parking areas containing ten (10) or more parking spaces shall provide five (5) square feet of parking lot landscaping per parking space.
- b. All required parking lot landscaping shall be designed to conform to the following requirements:
 - 1. The parking lot landscaping area groundcover shall be grass, living ground cover, wood chips, mulch, or any combination of the above.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

2. One (1) two and one-half (2 1/2) inch caliper deciduous canopy tree shall be required for every one hundred (100) square feet of required parking lot landscaping area.

3. Parking lot landscaping areas shall be curbed with 6" concrete curbing.

(8) Trash Receptacle, Transformer, and Mechanical Equipment Screening

a. Dumpsters and Trash Storage Enclosures

All areas used for the storage of trash, and other waste products or materials, shall be completely screened from view. The following standards shall apply to all such trash enclosures:

1. Enclosure shall be constructed of masonry materials similar to the buildings to which they are accessory.

2. Enclosures shall be at least six (6) feet but not more than eight (8) feet high and shall obscure all wastes and/or containers within. An obscuring gate shall be installed which forms a complete visual barrier the same height as that of the other three sides.

3. No enclosures shall be permitted within a required front yard or street-side side yard setback.

4. All dumpsters and the truck maneuvering area immediately in front of the dumpster shall be located on a minimum eight (8) inch concrete pad. Bollards shall be placed where necessary to protect walls.

b. Transformer and Mechanical Equipment Screening

All ground mounted transformers, generators, mechanical equipment, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping if approved as a part of site plan review.

(C) Required Minimum Screening and Landscaping

The following Table specifies the minimum required screening and landscaping between a subject parcel and adjacent properties, excluding those properties with common driveways as specified in subsection (A)(7) above:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

<u>Zoning / Use of Subject Parcel</u>	<u>Zoning of Adjacent Parcel</u>									<u>Adjacent</u>
	<u>N-P</u>	<u>R-1, R-2, R-3</u>	<u>R-T, R-C, R-M</u>	<u>HM</u>	<u>H-R</u>	<u>O-1</u>	<u>B-1, B-2, B-3</u>	<u>M-1, M-2</u>	<u>P-1, P-2</u>	<u>Public ROW</u>
	<u>Required Landscaping Options</u>									
<u>N-P / Natural Preservation</u>	--	--	--	--	--	--	--	--	--	--
<u>R-1, R-2, R-3 / Single Family Residential</u>	--	--	--	--	--	--	--	--	--	--
<u>R-T, R-C, R-M / Two Family & Multiple Family Residential</u>	--	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>D</u>
<u>H-M / Mobile Home</u>	<u>See Section 10.344</u>									
<u>H-R / High Rise Mixed Use</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>D, E</u>
<u>O-1 / Office</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>B-1, B-2, B-3 / Commercial</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>M-1, M-2 / Industrial</u>	--	<u>C</u>	<u>A, B or C</u>	<u>A, B or C</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>A, B or D</u>	<u>D</u>	<u>D, E</u>
<u>P-1, P-2 / Parking Lots</u>	<u>See Section 10.339, 10.342A, and 10.506.6</u>									<u>D, E</u>
<u>Outdoor Storage</u>	--	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

KEY:

- A) Land Form (Section 10.510(B)1)
B) Buffer Strip (Section 10.510(B)2)
C) Screen Wall Greenbelt (Section 10.510(B)3)
D) Greenbelt (Section 10.510(B)4)
E) Right of Way Screen Wall Option (Section 10.510(B)5)
-- Not Required

(D) Suggested and Prohibited Trees and Shrubs for Landscaping

The City may maintain a list of suggested or prohibited trees and shrubs for landscaping, however, it is the responsibility of the professional site designer to determine appropriate plantings in compliance with City regulations.

(E) Exceptions:

It is the intent of this Ordinance to promote development, redevelopment and/or reuse of sites that may be unable to meet the standards herein. Therefore, any of the forgoing requirements may be waived or modified, through the site plan review process, where cause can be shown that no good purpose would be served, due to site design, parking, parcel configuration, building location and/or other pertinent and relevant factors, by the strict application thereof.

Section 21. Section 10.513 of the Zoning Ordinance is hereby deleted in its entirety and replaced as follows:

Section 10.513. Screen walls.

- ~~(1) All use districts shall provide and maintain an eight-foot screen wall on those sides abutting or adjacent to a residential district. The community development director or his or her designee shall have the discretion to modify the eight-foot screen wall to a height of six (6) feet or to a height~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016

~~which is in continuity with a screen wall then abutting or then existing on the block of the proposed screen wall or which in the discretion of the community development director or his designee is not required due to the nature and location of the use district and adjoining use district(s).~~

~~(2) Required screen walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Required screen walls shall, upon approval of the Community Development Department, be located on the opposite site of an alley right of way from a nonresidential zone that abuts a residential zone.~~

~~(3) Screen walls shall have no openings for vehicular traffic or other purposes, except as provided in article X and except such openings as may be approved by the chief of police and the building inspection administrator. All screen walls herein required shall be constructed only of masonry materials approved by the city engineer. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the city engineer and shall be not less than four (4) inches wider than the wall to be erected. The city engineer may designate other specifications for screen walls.~~

~~(4) The board of appeals may waive or modify the foregoing requirement where cause can be shown that no good purpose would be served.~~

(1) Screen walls shall be constructed in accordance with Section 10.510(B)(3).

Section 22. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 23. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 24. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 25. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 26. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 p.m. and 4:30 p.m. on regular business days.

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

No public present.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 15, 2016**

DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland asked Community Development Director Schafer to summarize possible sign, fence and lighting zoning amendments for Planning Commission consideration.

SIGNS

Mr. Schafer stated that sign amendments are pending clarifications and analysis of the Reed Supreme Court decision. These amendments will be forthcoming.

FENCING

Mr. Schafer asked the Planning Commission for specific direction regarding their previously stated concerns regarding fencing standards. Chairman Wakeland stated that his primary concern is in commercial and industrial areas, where fencing and barb wire is allowed to come right to the ROW line along adjacent streets. The Planning Commission concurred that this was a concern, with the consensus being that there should be a setback for both aesthetics as well as visibility. The Planning Commission directed staff to develop draft standards for consideration at a future meeting.

LIGHTING

At the last meeting, Commissioner Bliss had requested that lighting standards be discussed for possible amendment. Specifically, that there be provisions to require lighting for security reasons. The Planning Commission discussed current lighting standards and the current focus on shielding and elimination of glare. Commissioner Hartwell noted that he wished to see less light pollution and glare – not more. Chairman Wakeland noted that glare and energy use concerns are resulting in motion activated parking lot lighting. The Planning Commission did not concur that there should be required lighting, preferring to leave this determination to the property owner and tenants, directing staff not to draft any amendment in this regard.

MASONRY CONSTRUCTION REQUIREMENT

The current Zoning Ordinance standard requires masonry construction for the first story of commercial and industrial buildings. Mr. Schafer noted that staff receives inquiries into other building materials that do not meet the masonry standard. The Planning Commission discussed the standard and recent buildings built to the standard. The Planning Commission did not have a concern with the current standard and directed staff not to draft any amendment in this regard.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:30 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 17, 2017**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Conn, Corbett, Hartwell, Myers, Kapolka and Chairman Wakeland

Absent: Bliss, Higgins, Holder

MEMBERS EXCUSED

Motion by Commissioner Hartwell, Supported by Commissioner Myers

To excuse Commissioners Bliss, Higgins and Holder from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Myers; Supported by Commissioner Kapolka:

To approve the minutes of the regular November 15, 2016 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

None

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

No public present.

ELECTION OF PLANNING COMMISSION OFFICERS

Motion by Commissioner Hartwell; Supported by Commissioner Myers:

To nominate Andy Wakeland as Planning Commission Chair for 2017 and to close further nominations.

Motion Carried Unanimously

Motion by Commissioner Hartwell; Supported by Commissioner Kapolka:

To nominate Mike Higgins as Planning Commission Vice-Chair for 2017 and to close further nominations.

Motion Carried Unanimously

Motion by Commissioner Hartwell; Supported by Commissioner Myers:

To nominate Mike Kapolka as Planning Commission Secretary for 2017 and to close further nominations.

Motion Carried Unanimously

2016 PLANNING COMMISSION ANNUAL REPORT

Motion by Commissioner Myers; Supported by Commissioner Kapolka:

To accept and certify the 2016 Annual Planning Commission Report as printed and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights City Code.

DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland asked Community Development Director Schafer to summarize possible fence and temporary sign zoning amendments for Planning Commission consideration.

FENCING

At the April 19, 2016 Planning Commission meeting Chairman Wakeland asked the Planning Commission to consider having staff evaluate the fence standards in commercial / industrial districts where fencing is adjacent to roads. At the November 15, 2016 meeting the Planning Commission clarified that the primary concern was a lack of setbacks from adjacent roads for both aesthetics and visibility. The Planning Commission directed staff to provide draft amendments for discussion at a future meeting.

Mr. Schafer reviewed the first draft of amendments to the Zoning Ordinance:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 17, 2017

Section 10.516 Fences (EXCERPT – ZONING ORDINANCE)

(h) Barbed wire prohibited; exception; razor wire strictly prohibited.

(1) No owner or lessee, or his or her respective agent, shall construct or maintain a barbed wire fence partially or wholly around any area along any street, avenue, alley, lane or public highway, public space or place, or nail or cause such barbed wire fence to be nailed or fastened in any form or manner upon fences or fence posts, ~~except~~

(2) ~~Exception: that fences in industrial and commercial districts, which are adjacent to industrial districts, may have barbed wire subject to the following:~~

(a) ~~Fences shall be a minimum of eight (8) feet high may have barbed wire attached to~~

(b) ~~Barbed wire shall be attached to arms or brackets extending inward over such private property, but~~

(c) ~~No such barbed wire shall be placed at any point nearer to the ground than eight (8) feet.~~

(d) ~~No barbed wire is permitted on any fence which abuts any property zoned for a use other than industrial use(s).~~

(3) ~~Razor wire is strictly prohibited within the city.~~

(i) Electrical fences.

Electrical and electrified fences shall be strictly prohibited.

(j) Industrial or business zoned property; maximum height; location; ornamental fences

~~Except as otherwise provided in this article, a conforming fence not to exceed ten (10) feet in height Fences may be erected around an area on property zoned for industrial or business uses subject to the following: which fence may be located on the partition or property lines.~~

(1) Maximum Height:

a. ~~Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not exceed 10' in height in side and rear yards, and shall not exceed 6' in height along any street or alley.~~

b. ~~Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not exceed 6' in height.~~

(2) Location:

a. ~~Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not occupy any required front setback and must be 5' setback from any right of way property line.~~

b. ~~Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not occupy any required front setback and shall not extend closer to a street side or street rear yard than the adjacent residential front or street side yard requirement.~~

c. ~~All fences shall conform to the setback requirements in Section 10.516(p) - Visibility at Intersections.~~

d. ~~Ornamental fences shall be permitted only as shown on the approved site plan.~~

Mr. Schafer noted that these amendments would increase fence setbacks adjacent to adjacent roads in both commercial and industrial districts, as well as prohibit barbed wire fencing in commercial districts (would still be allowed in industrial districts).

Chairman Wakeland asked for clarification of the front yard setback adjacent to residential. Mr. Schafer responded that the amendment would require commercial or industrial fences that are adjacent to residential districts to be set back the same as the adjacent residential setback requirement.

The Planning Commission had no further comments or questions.

Mr. Schafer noted for the Planning Commission that no action is necessary at this meeting. The draft amendments will be reviewed again at a future meeting prior to scheduling the required public hearing.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 17, 2017**

SIGNS

Mr. Schafer noted, as discussed in general at several previous Planning Commission meetings, that staff has been monitoring the impact of the Reed Supreme Court decision related to temporary signs. Staff is recommending consideration of a change in how we regulate and permit temporary signs. We currently regulate temporary signs based on the type of sign – e.g. real estate, garage sale, public / charitable, commercial, non-commercial, etc. This approach runs counter to the essential message of the Reed decision – namely, if you need to “read” the sign to determine how it is regulated, that is a problem (code must be content neutral). Accordingly, staff is recommending regulating “temporary signs” as a whole, regardless of sign content, for commercial and residential properties, establishing an overall square footage of signage permitted for residential and commercial properties, as well as locational criteria.

In addition, a “Substitution Clause” is recommended for commercial signage which would allow placement of a “non-commercial” message on a commercial sign (permanent or temporary). This language would essentially allow placement of “free speech” protected messages on commercial signs. This does not, however, go the other way – Commercial speech is not automatically protected / permitted in residential districts.

Finally, a specific severability clause for the sign section of the Zoning Ordinance is recommended as well. This would be specific to the sign ordinance and is intended to increase the strength of the sign provisions should there be a challenge to any of the sections individually.

Mr. Schafer stated that the current standard currently regulates temporary signs for commercial properties via a permit process, allowing up to four temporary signs per year, per address, at a maximum size of 32 square feet (One additional sign is permitted for one month for a new business). Real estate and construction signs are permitted without permit. For residential properties temporary signs are regulated as non-commercial signs, with a maximum size of 16 s.f. and no limit on the number of signs or duration of placement. In addition, 4 garage sale signs are also permitted, both on-site as well as off site, with one permitted in the ROW. This is in direct conflict with the Supreme Court decision, as it permits a single type of sign to be located in the public ROW based on sign content.

Mr. Schafer noted that the recommended approach is to regulate temporary commercial and residential signs as a total square footage per property, with a specified limit on individual sign size. This approach eliminates the use of sign content as a regulatory device and would allow placement of temporary signs on private property up to a specified overall size limit. It would also eliminate temporary sign permitting, which would streamline the process for businesses while having no impact on our residents. The net impact of this approach would be negative in terms of permit revenue (loss of commercial temporary sign permit revenues), however the Supreme Court was clear that regulation of temporary signs based on content would not pass muster. In addition, this would eliminate placement of garage sale signs in the public ROW, as that would continue to allow disparate treatment of a sign based on its content (garage sale signs are the only signs permitted in ROW).

Mayor Hartwell asked if we can regulate temporary signs differently based on where the property is located. Mr. Schafer responded that yes, regulation can be different based on zoning district, with the understanding that there must be a substantive reason for different regulations.

Commissioner Corbett asked if this would impact window signs. Mr. Schafer responded – no. Window signs are regulated separately.

There were no other comments from the Planning Commission. Mr. Schafer noted that no action is required by the Planning Commission. Staff will incorporate Planning Commission comments and direction into future draft amendments for consideration.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:30 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2017

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Conn, Corbett, Hartwell, Higgins, Holder, Myers, Kapolka and Chairman Wakeland

Absent: Bliss

MEMBERS EXCUSED

Motion by Commissioner Higgins, Supported by Commissioner Conn

To excuse Commissioner Bliss from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Myers; Supported by Commissioner Conn:

To approve the minutes of the regular January 17, 2017 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

None

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

No public present.

DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland asked Community Development Director Schafer to summarize possible fence and temporary sign zoning amendments for Planning Commission consideration.

FENCING

At the April 19, 2016 Planning Commission meeting Chairman Wakeland asked the Planning Commission to consider having staff evaluate the fence standards in commercial / industrial districts where fencing is adjacent to roads. At the November 15, 2016 meeting the Planning Commission clarified that the primary concern was a lack of setbacks from adjacent roads for both aesthetics and visibility. The Planning Commission directed staff to provide draft amendments for discussion and the first draft was reviewed at the April 18, 2017 meeting. The Planning Commission had no changes to the draft.

Chairman Wakeland asked the Planning Commission if they had any further questions regarding the first draft of amendments to the Zoning Ordinance:

Section 10.516 Fences (EXCERPT – ZONING ORDINANCE)

(h) Barbed wire prohibited; exception; razor wire strictly prohibited.

(1) No owner or lessee, or his or her respective agent, shall construct or maintain a barbed wire fence partially or wholly around any area along any street, avenue, alley, lane or public highway, public space or place, or nail or cause such barbed wire fence to be nailed or fastened in any form or manner upon fences or fence posts, except

(2) Exception: that fences in industrial and commercial districts, which are adjacent to industrial districts, may have barbed wire subject to the following:

(a) Fences shall be a minimum of eight (8) feet high may have barbed wire attached to

(b) Barbed wire shall be attached to arms or brackets extending inward over such private property, but

(c) No such barbed wire shall be placed at any point nearer to the ground than eight (8) feet.

(d) No barbed wire is permitted on any fence which abuts any property zoned for a use other than industrial use(s).

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2017

(3) Razor wire is strictly prohibited within the city.

(i) Electrical fences.

Electrical and electrified fences shall be strictly prohibited.

(j) Industrial or business zoned property; maximum height; location; ornamental fences

~~Except as otherwise provided in this article, a conforming fence not to exceed ten (10) feet in height~~ Fences may be erected around an area on property zoned for industrial or business uses subject to the following: which fence may be located on the partition or property lines.

(1) Maximum Height:

- a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not exceed 10' in height in side and rear yards, and shall not exceed 6' in height along any street or alley.
- b. Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not exceed 6' in height.

(2) Location:

- a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not occupy any required front setback and must be 5' setback from any right of way property line.
- b. Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not occupy any required front setback and shall not extend closer to a street side or street rear yard than the adjacent residential front or street side yard requirement.
- c. All fences shall conform to the setback requirements in Section 10.516(p) - Visibility at Intersections.
- d. Ornamental fences shall be permitted only as shown on the approved site plan.

Chairman Wakeland noted no further questions or comments from the Planning Commission.

Mr. Schafer noted for the Planning Commission that no action is necessary at this meeting. The draft amendments will be scheduled for the required public hearing at a future meeting

SIGNS

Mr. Schafer noted, as discussed in general at several previous Planning Commission meetings, staff has been monitoring the impact of the Reed Supreme Court decision related to temporary signs. Attached is a first draft of proposed amendments that will address how we regulate and permit temporary signs. We currently regulate temporary signs based on the type of sign – e.g. Real estate, garage sale, public / charitable, commercial, non-commercial etc. This approach runs counter to what the essential message of the Reed decision was – namely, if you need to “read” the sign to determine how it is regulated, that is a problem (code must be content neutral). Accordingly, the draft amendments regulate “temporary signs” as a whole, regardless of sign content, establishing an overall square footage of signage permitted as well as locational criteria.

In addition, a “Substitution Clause” is included for commercial signage which would allow placement of a “non-commercial” message on a commercial sign (permanent or temporary). This language would essentially allow placement of “free speech” protected messages on commercial signs. This does not, however, go the other way – Commercial speech is not automatically protected / permitted in residential districts.

Finally, a specific severability clause for the sign section of the Zoning Ordinance is included as well. This would be specific to the sign ordinance and is intended to increase the strength of the sign provisions should there be a challenge to any of the sections individually.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2017

We currently regulate temporary signs for commercial properties via a permit process, allowing up to four temporary signs per year, per address at a maximum size of 32 square feet (One additional sign is permitted for one month for a new business). Real estate and construction signs are permitted without permit.

For residential properties we regulate temporary signs as “non-commercial” signs, with a maximum size of 16 s.f. and no limit on the number of signs or duration of placement. In addition, 4 garage sale signs are also permitted, both on-site as well as off site, with one permitted in the ROW. This is in direct conflict with the Supreme Court decision, as it permits a single type of sign to be located in the public ROW based on sign content.

The draft amendments regulate temporary signs in residential districts as a total 16 square feet per address, with a specified limit on individual sign height (4’) and no limit on the number of signs up to the aggregate 16 square foot total allowed. For all other districts, temporary signs are limited to a total 16 square feet per address, with a specified limit on individual sign height (4’) and a limit of one temporary sign up to the 16 square foot total allowed.

This approach eliminates the use of sign content as a regulatory device and would allow placement of temporary signs on private property up to a specified overall size limit. It would also eliminate permitting, which would streamline the process for businesses while having no impact on our residents, but would be negative in terms of lost commercial temporary sign permit revenues. In addition, these amendments would eliminate placement of garage sale signs in the ROW, eliminating the disparate treatment of such signs based on its content (garage sale signs are the only non-traffic regulatory signs permitted in ROW). However, the Supreme Court was clear that regulation of temporary signs based solely on sign content would not pass muster.

Section 10.511. Sign regulations.

(I) GENERAL PROVISIONS:

(A) Findings and Purpose: *The purpose of this section is to regulate ~~on-site~~ signs and outdoor advertising so as to protect the health, safety, general welfare, property values, aesthetics and the character of the various neighborhoods in the City of Madison Heights.*

The principle features are the restriction of ~~advertising to the use of the premises on which the sign is located and the restriction of the~~ location, height, and total sign area of signs permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to all signs ~~advertising business uses~~, it is specifically intended, among other things, to reduce visibility blockages for motorists and pedestrians, avoid excessive visual competition and clutter among sign displays that distract motorists and pedestrians, and to reduce the negative aesthetic impact on the City from excessive signage. The regulations contained in this section are the minimum amount of regulations necessary to achieve its purpose. ~~Billboards are deemed to constitute a principle use of a lot.~~

Nothing in this ordinance shall be construed to prevent the substitution or display of a non-commercial message on any permitted sign.

(B) Definitions: *In addition to the definitions found elsewhere in this section, the following definitions shall apply to sign regulations:*

(10) Sign. *Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place,*

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2017

commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this section shall be construed so as to prohibit ideological or noncommercial advertising messages on any permitted sign on which commercial advertising is permitted.

(g) Temporary Sign: A free-standing sign, ~~display~~, banner or other device, ~~mobile or standing~~, constructed of cloth, canvas, fabric, plastic, wood, paper or other ~~light temporary~~ material, with or without a structural frame, or any other sign intended for a limited period of display. ~~Holiday displays and political signs shall not be considered temporary signs.~~

(C) Signs Not Requiring Permits: No permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance:

~~(1) Real estate signs: One (1) temporary real estate sign advertising a premise for sale, rent or lease shall be permitted in residential districts when located on the land or building intended to be sold, rented or leased. Said signs shall not exceed six (6) square feet in sign area. In all other zoning districts one (1) sign of this type shall be permitted provided it does not exceed thirty two (32) square feet in area and eight (8) feet in height.~~

~~If the lot or parcel has multiple frontages on arterials, or collectors, one (1) additional sign not exceeding six (6) square feet in area in residential districts, or thirty two (32) square feet in area in all other districts, shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on any lot or parcel.~~

~~Signs permitted under this section shall be removed within seven (7) days of the date of renting, leasing and/or sale. Signs that are displayed for more than twelve (12) months shall be considered part of the permitted permanent signage for the parcel and shall require permits as such. In no case shall a sign list the sale, rent or lease of a building that is not located on the property on which the sign is located.~~

~~(2) Construction signs: On construction sites, where a building permit has been issued, one (1) identification sign shall be permitted identifying the business under construction, and one (1) identification sign for all building contractors, professional design firms and lending institutions on sites under construction, each sign not to exceed thirty two (32) square feet in area with not more than two (2) signs permitted on any site. Signs shall have a maximum height of eight (8) feet and shall be confined to the site under construction and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.~~

~~(3) Public, charitable, educational or religious events: Not more than two (2) temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur shall be permitted. Maximum sign area shall not exceed thirty two (32) square feet per side or sixty four (64) square feet total and the sign shall be free standing. Signs~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2017

~~shall be erected no more than one (1) week prior to the event and shall be removed within twenty four (24) hours after the end of the event or function.~~

~~Exception: Signs permitted under this Section may also be displayed over public right of ways on cables maintained by the City for that purpose with approval of the Street Administrator.~~

~~(4) Street signs. Signs erected by the city, county, state or federal government for street direction or traffic control; or private traffic control signs which are approved by the chief of police and the building official. This shall also include erection or maintenance of a sign designating the location of a transit line, a railroad station, or other public carrier when not more than three (3) square feet in area.~~

~~(5) Noncommercial signs. Signs containing noncommercial messages located on private property that do not exceed sixteen (16) square feet in area per side and do not exceed a cumulative total of thirty two (32) square feet per sign.~~

~~(6) Memorial signs or tablets. Memorial signs or tablets, name of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum, which do not exceed four (4) square feet in area.~~

~~(7) Interior building signs. Signs located on the interior of buildings.~~

~~(8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy two consecutive hours. One of these signs shall be permitted in the public right of way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or where the sale was held. The first ticket shall carry a fine not to exceed \$25.00 for each offending sign. The second ticket shall carry a fine not to exceed \$50.00 for each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed \$100.00 for each offending sign.~~

~~(1) Temporary Signs: The following regulations shall be applicable to all exterior temporary signs:~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2017

- (a) Generally. Temporary sign(s) may be located only on private property with the owner's permission.
- (b) Placement in Public Right of Way Prohibited: Signs shall not be placed in the public right of way or between the public sidewalk and the road. Signs located in the public right of way will be removed and discarded.
- (c) Size (area) limitations. The total combined area of all temporary signs shall not exceed sixteen (16) square feet per address.
- (d) Height Limitation. No sign shall be greater in height than four (4) feet above the ground.
- (e) Number of signs. In all R-1, R-2, R-3, R-T, R-C, R-M and H-M Districts, one (1) or more temporary signs for each address may be displayed, up to the maximum permitted sixteen (16) square feet sign area. In all other zoning districts, one (1) temporary sign for each address may be displayed, up to the maximum permitted sixteen (16) square feet sign area.
- (d) Method of Display: Signs shall not be attached to any utility pole, street sign, traffic signal pole, street light, hydrant or tree. Signs shall not block visibility at intersections, sidewalks or driveways.
- (e) Prompt removal of damaged signs. Damaged temporary signs shall be removed promptly.
- (2) Interior building signs. Signs located on the interior of buildings, which are not visible from the exterior of the building.
- (3) On-Site Directional Signs. Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo. Said directional signs shall not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line.
- (D) Signs permitted in all districts: Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within the City of Madison Heights.
 - 1. Off premise signs that bear names, information and emblems of service clubs, places of worship, civic organizations, and quasipublic uses shall be permitted on private property with permission of the Building Official. Each sign shall not be more than three (3) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single frame, if more than one (1) sign is placed at one (1) location.
 - 2. At the discretion of the Building Official, Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo, and which do not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right of way line. A directional sign may bear the logo of a business for which it directs entering and exiting traffic only if it is the determination of the Building Official that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2017

3. ~~One (1) church or school sign/announcement board shall be permitted on any site which contains a church or school regardless of the district in which located, provided said sign/board does not exceed thirty two (32) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the property line.~~

(III) SIGN PLACEMENT AND MAINTENANCE REQUIREMENTS:

(A) General Provisions:

- (9) ~~Public right-of-way. All signs shall be expressly prohibited from within or above all public rights-of-way and dedicated public easements at all times, unless placed and maintained by a city, county or state governmental agency, otherwise specifically provided for in this section.~~

(IV) REGULATIONS FOR PERMITTED SIGNS: The following conditions shall apply to all signs erected or located in any zoning district:

(A) Prohibited Signs:

- (2) **Advertising Vehicles:** Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.

~~Exception: The owner of a Any property where no other parking exists, except in front of the building, may utilize apply to the Building Official for a waiver of this requirement for not more than ten (10) percent, but not less than one (1), of the existing spaces.~~

- (5) ~~Bulbs or strings of lights, except where permitted or required as part of a permitted outdoor sales area or for temporary holiday display, other lighting devices, streamers, hot and cold air balloon(s) or inflatable devices or structures, propeller(s), flags (other than the official flag of any nation, state or city, and not more than two (2) corporate flags, or other structure(s) conveying a message.~~

(C) Zoning District Sign Regulations: Except as otherwise provided herein, signs shall only be permitted according to the following zoning district sign regulation:

(1) Use district

**R-1 Single-Family Residential District;
R-2 Single-Family Residential District;
R-3 Single-Family Residential District;
R-T Two-Family Residential District;
R-M Multiple-Family Residential District;
R-C Condominium Residential District;
H-M Mobile Homes**

- (a) R-1, R-2, R-3, R-T, R-M, R-C and H-M districts

1. ~~Signs advertising developments or subdivisions not exceeding eighteen (18) thirty two (32) square feet in area, and six (6) feet in overall~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 18, 2017

height, may be erected in a common area as shown on the approved site plan or plat.

(D) **Temporary Signs:** ~~The following regulations shall be applicable to all temporary signs placed or situated in any place other than inside a building:~~

(1) ~~Generally. A temporary sign may be permitted for thirty (30) days at a time for each non-residential address located in the City. No address may have a temporary sign for more than four (4) months in a single calendar year.~~

(2) ~~Height and area limitations. No temporary sign may have a single face greater than thirty two (32) square feet in area nor have a greater total surface area of more than sixty four (64) square feet nor be a greater height than eight (8) feet above the ground.~~

(3) ~~Number of signs. No more than one (1) temporary sign for each address shall be displayed on any site.~~

(4) ~~Display: A temporary sign shall be displayed only at the address for which the permit was issued, shall advertise only the business or activity located thereon, and shall be located entirely within the subject property.~~

(5) ~~Prompt removal of sign. Temporary signs shall be removed as soon as torn or damaged, or promptly at the end of the display period provided for above.~~

(6) ~~Grand Opening Signs. One temporary sign, not to exceed thirty two (32) square feet, shall be permitted at the opening of a new business in a commercial, office or industrial district for a period not to exceed thirty (30) consecutive days from the date the occupancy certificate or business license is issued, whichever is later. Such grand opening signage may be used in addition to, or in conjunction with, other permitted temporary signs.~~

(VIII) SEVERABILITY

Should any section, subdivision, clause, or phrase of this section be declared by the courts to be invalid, the validity of the section as a whole, or in part, shall not be affected other than the part invalidated.

Chairman Wakeland inquired as to what other communities are doing in terms of temporary sign regulation. Mr. Schafer responded that there is a range of approaches, with some continuing to regulate as they have in the past, to others regulating similar to the approach outlined in the draft amendments.

Chairman Wakeland asked if this draft amendments impact permanent signage. Mr. Schafer noted that these amendments address temporary signs.

Commissioner Corbett asked how this draft would impact multiple tenant commercial buildings. Mr. Schafer noted that each address would be permitted temporary signage to the standard size, location and height.

Mayor Hartwell asked if the draft regulations regulate off-site temporary signage. Mr. Schafer responded that yes, the draft standards regulate temporary signs wherever they are located.

There were no other comments from the Planning Commission. Mr. Schafer noted that no action is required by the Planning Commission. Staff will incorporate Planning Commission comments and direction into future draft amendments for consideration.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 5:50 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 15, 2017

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Bliss, Conn, Hartwell, Holder, Myers, Kapolka and Chairman Wakeland

Absent: Higgins, Corbett

MEMBERS EXCUSED

Motion by Commissioner Hartwell, Supported by Commissioner Myers

To excuse Commissioner Corbett and Commissioner Higgins from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Myers; Supported by Commissioner Conn:

To approve the minutes of the regular April 18, 2017 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARINGS

None

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

None

DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland asked Economic & Community Engagement Supervisor Linda Williams to summarize the draft text amendments regarding fence and temporary sign zoning amendments for Planning Commission consideration.

Chairman Wakeland asked the Planning Commission if they had any further questions regarding the third draft of amendments to the Zoning Ordinance:

Section 10.511. Sign regulations.

(I) GENERAL PROVISIONS:

- (A) Findings and Purpose:*** *The purpose of this section is to regulate ~~on-site~~ signs and outdoor advertising so as to protect the health, safety, general welfare, property values, aesthetics and the character of the various neighborhoods in the City of Madison Heights.*

The principle features are the restriction of ~~advertising to the use of the premises on which the sign is located and the restriction of the~~ location, height, and total sign area of signs permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to all signs ~~advertising business uses~~, it is specifically intended, among other things, to reduce visibility blockages for motorists and pedestrians, avoid excessive visual competition and clutter among sign displays that distract motorists and pedestrians, and to reduce the negative aesthetic impact on the City from excessive signage. The regulations contained in this section are the minimum amount of regulations necessary to achieve its purpose. ~~Billboards are deemed to constitute a principle use of a lot.~~

Nothing in this ordinance shall be construed to prevent the substitution or display of a non-commercial message on any permitted sign.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 15, 2017

(B) Definitions: In addition to the definitions found elsewhere in this section, the following definitions shall apply to sign regulations:

(10) Sign. Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this section shall be construed so as to prohibit ~~ideological or noncommercial advertising messages~~ on any permitted sign ~~on which commercial advertising is permitted~~.

(g) Temporary Sign: A free-standing sign, ~~display~~, banner or other device, ~~mobile or standing~~, constructed of cloth, canvas, fabric, plastic, wood, paper or other ~~light temporary~~ material, with or without a structural frame, or any other sign intended for a limited period of display. ~~Holiday displays and political signs shall not be considered temporary signs.~~

(C) Signs Not Requiring Permits: No permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance:

~~(1) Real estate signs: One (1) temporary real estate sign advertising a premise for sale, rent or lease shall be permitted in residential districts when located on the land or building intended to be sold, rented or leased. Said signs shall not exceed six (6) square feet in sign area. In all other zoning districts one (1) sign of this type shall be permitted provided it does not exceed thirty two (32) square feet in area and eight (8) feet in height.~~

~~If the lot or parcel has multiple frontages on arterials, or collectors, one (1) additional sign not exceeding six (6) square feet in area in residential districts, or thirty two (32) square feet in area in all other districts, shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on any lot or parcel.~~

~~Signs permitted under this section shall be removed within seven (7) days of the date of renting, leasing and/or sale. Signs that are displayed for more than twelve (12) months shall be considered part of the permitted permanent signage for the parcel and shall require permits as such. In no case shall a sign list the sale, rent or lease of a building that is not located on the property on which the sign is located.~~

~~(2) Construction signs: On construction sites, where a building permit has been issued, one (1) identification sign shall be permitted identifying the business under construction, and one (1) identification sign for all building contractors, professional design firms and lending institutions on sites under construction, each sign not to exceed thirty two (32) square feet in area with not more than two (2) signs permitted on any site. Signs shall have a maximum height of eight (8) feet and shall be confined to the site under construction and shall be removed within fourteen (14) days after the issuance of a~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 15, 2017

~~certificate of occupancy.~~

- ~~(3) Public, charitable, educational or religious events: Not more than two (2) temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur shall be permitted. Maximum sign area shall not exceed thirty two (32) square feet per side or sixty four (64) square feet total and the sign shall be free standing. Signs shall be erected no more than one (1) week prior to the event and shall be removed within twenty four (24) hours after the end of the event or function.~~
~~Exception: Signs permitted under this Section may also be displayed over public right of ways on cables maintained by the City for that purpose with approval of the Street Administrator.~~
- ~~(4) Street signs. Signs erected by the city, county, state or federal government for street direction or traffic control; or private traffic control signs which are approved by the chief of police and the building official. This shall also include erection or maintenance of a sign designating the location of a transit line, a railroad station, or other public carrier when not more than three (3) square feet in area.~~
- ~~(5) Noncommercial signs. Signs containing noncommercial messages located on private property that do not exceed sixteen (16) square feet in area per side and do not exceed a cumulative total of thirty two (32) square feet per sign.~~
- ~~(6) Memorial signs or tablets. Memorial signs or tablets, name of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum, which do not exceed four (4) square feet in area.~~
- ~~(7) Interior building signs. Signs located on the interior of buildings.~~
- ~~(8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy two consecutive hours. One of these signs shall be permitted in the public right of way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 15, 2017

~~where the sale was held. The first ticket shall carry a fine not to exceed \$25.00 for each offending sign. The second ticket shall carry a fine not to exceed \$50.00 for each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed \$100.00 for each offending sign.~~

(1) Temporary Signs: The following regulations shall be applicable to all exterior temporary signs:

(a) Generally. Temporary sign(s) may be located only on private property with the owner's permission.

(b) Placement in Public Right of Way Prohibited: Signs shall not be placed in the public right of way or between the public sidewalk and the road. Signs located in the public right of way will be removed and discarded.

(c) Size (area) limitations. The total combined area of all temporary signs shall not exceed sixteen (16) square feet per address.

(d) Height Limitation. No sign shall be greater in height than four (4) feet above the ground.

(e) Number of signs. In all R-1, R-2, R-3, R-T, R-C, R-M and H-M Districts, one (1) or more temporary signs for each address may be displayed, up to the maximum permitted sixteen (16) square feet sign area. In all other zoning districts, one (1) temporary sign for each address may be displayed, up to the maximum permitted sixteen (16) square feet sign area.

(d) Method of Display: Signs shall not be attached to any utility pole, street sign, traffic signal pole, street light, hydrant or tree. Signs shall not block visibility at intersections, sidewalks or driveways.

(e) Prompt removal of damaged signs. Damaged temporary signs shall be removed promptly.

(2) Interior building signs. Signs located on the interior of buildings, which are not visible from the exterior of the building.

(3) On-Site Directional Signs. Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo. Said directional signs shall not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line.

~~(D) Signs permitted in all districts: Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within the City of Madison Heights.~~

- ~~1. Off premise signs that bear names, information and emblems of service clubs, places of worship, civic organizations, and quasipublic uses shall be permitted on private property with permission of the Building Official. Each sign shall not be more than three (3) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single frame, if more than one (1) sign is placed at one (1) location.~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 15, 2017

2. ~~At the discretion of the Building Official, Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo, and which do not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right of way line. A directional sign may bear the logo of a business for which it directs entering and exiting traffic only if it is the determination of the Building Official that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.~~
3. ~~One (1) church or school sign/announcement board shall be permitted on any site which contains a church or school regardless of the district in which located, provided said sign/board does not exceed thirty two (32) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the property line.~~

(III) SIGN PLACEMENT AND MAINTENANCE REQUIREMENTS:

(A) General Provisions:

- (9) Public right-of-way. All signs shall be expressly prohibited from within or above all public rights-of-way and dedicated public easements at all times, unless placed and maintained by a city, county or state governmental agency, otherwise specifically provided for in this section.

(IV) REGULATIONS FOR PERMITTED SIGNS: The following conditions shall apply to all signs erected or located in any zoning district:

(A) Prohibited Signs:

- (2) Advertising Vehicles: Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.

Exception: ~~The owner of a~~ Any property where no other parking exists, except in front of the building, may utilize ~~apply to the Building Official for a waiver of this requirement for~~ not more than ten (10) percent, but not less than one (1), of the existing spaces.

- (5) Bulbs or strings of lights, except where permitted or required as part of a permitted outdoor sales area or for temporary holiday display, other lighting devices, streamers, hot and cold air balloon(s) or inflatable devices or structures, propeller(s), flags (other than the official flag of any nation, state or city, and not more than two (2) corporate flags, or other structure(s) conveying a message.

(C) Zoning District Sign Regulations: Except as otherwise provided herein, signs shall only be permitted according to the following zoning district sign regulation:

- (1) Use district

**R-1 Single-Family Residential District;
R-2 Single-Family Residential District;
R-3 Single-Family Residential District;
R-T Two-Family Residential District;**

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 15, 2017

**R-M Multiple-Family Residential District;
R-C Condominium Residential District;
H-M Mobile Homes**

(a) R-1, R-2, R-3, R-T, R-M, R-C and H-M districts

1. Signs advertising developments or subdivisions not exceeding ~~eighteen (18)~~ thirty two (32) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat.

(D) **~~Temporary Signs:~~** ~~The following regulations shall be applicable to all temporary signs placed or situated in any place other than inside a building:~~

- ~~(1) Generally. A temporary sign may be permitted for thirty (30) days at a time for each non-residential address located in the City. No address may have a temporary sign for more than four (4) months in a single calendar year.~~
- ~~(2) Height and area limitations. No temporary sign may have a single face greater than thirty two (32) square feet in area nor have a greater total surface area of more than sixty four (64) square feet nor be a greater height than eight (8) feet above the ground.~~
- ~~(3) Number of signs. No more than one (1) temporary sign for each address shall be displayed on any site.~~
- ~~(4) Display: A temporary sign shall be displayed only at the address for which the permit was issued, shall advertise only the business or activity located thereon, and shall be located entirely within the subject property.~~
- ~~(5) Prompt removal of sign. Temporary signs shall be removed as soon as torn or damaged, or promptly at the end of the display period provided for above.~~
- ~~(6) Grand Opening Signs. One temporary sign, not to exceed thirty two (32) square feet, shall be permitted at the opening of a new business in a commercial, office or industrial district for a period not to exceed thirty (30) consecutive days from the date the occupancy certificate or business license is issued, whichever is later. Such grand opening signage may be used in addition to, or in conjunction with, other permitted temporary signs.~~

(VIII) SEVERABILITY

Should any section, subdivision, clause, or phrase of this section be declared by the courts to be invalid, the validity of the section as a whole, or in part, shall not be affected other than the part invalidated.

Commissioners Conn and Holder inquired as to what other communities are doing in terms of temporary sign regulation. Ms. Williams responded that there is a range of approaches. Commissioner Holder asked that staff survey surrounding communities.

Section 10.516 Fences

(h) **Barbed wire prohibited; exception; razor wire strictly prohibited.**

(1) No owner or lessee, or his or her respective agent, shall construct or maintain a barbed wire fence partially or wholly around any area along any street, avenue, alley, lane or public highway, public space or place, or nail or cause such barbed wire fence to be nailed or fastened in any form or manner upon fences or fence posts; except

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 15, 2017

(2.) Exception: ~~that~~ fences in industrial and commercial districts, which are adjacent to industrial districts, may have barbed wire subject to the following:

(a) Fences shall be a minimum of eight (8) feet high ~~may have barbed wire attached to~~

(b) Barbed wire shall be attached to arms or brackets extending inward over such private property, ~~but~~

(c) No ~~such~~ barbed wire shall be placed at any point nearer to the ground than eight (8) feet.

(d) No barbed wire is permitted on any fence which abuts any property zoned for a use other than industrial use(s).

(3) Razor wire is ~~strictly~~ prohibited ~~within the city.~~

(i) Electrical fences.

Electrical and electrified fences shall be strictly prohibited.

(j) Industrial or business zoned property; maximum height; location; ornamental fences

~~Except as otherwise provided in this article, a conforming fence not to exceed ten (10) feet in height~~ Fences may be erected around an area on property zoned for industrial or business uses subject to the following: ~~which fence may be located on the partition or property lines.~~

(1) Maximum Height:

a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not exceed 10' in height in side and rear yards, and shall not exceed 6' in height along any street or alley.

b. Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not exceed 6' in height.

(2) Location:

a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not occupy any required front setback and must be 5' setback from any right of way property line.

b. Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not occupy any required front setback and shall not extend closer to a street side or street rear yard than the adjacent residential front or street side yard requirement.

c. All fences shall conform to the setback requirements in Section 10.516(p) - Visibility at Intersections.

d. Ornamental fences shall be permitted only as shown on the approved site plan.

Ms. Williams recommended the Planning Commission establish November 21, 2017 as the public hearing date for consideration of the proposed amendments.

Motion by Commissioner Hartwell; Supported by Commissioner Kapolka to establish November 21, 2017 as the public hearing date for the proposed amendments.

Motion Carried Unanimously.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 5:50 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2017

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Conn, Hartwell, Kapolka, Sylvester and Chairman Wakeland

Absent: Bliss, Corbett, Holder, Myers

MEMBER EXCUSED

Motion by Commissioner Kapolka, Supported by Commissioner Conn

To excuse Commissioner Myers from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Hartwell; Supported by Commissioner Conn:

To approve the minutes of the regular August 15, 2017 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARING

Zoning Text Amendment 16-01(Ordinance 2123): An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.511 – Signs and Section 10.516 - Fences of the Zoning Ordinance

Zoning Text Amendment 16-01 (Ordinance No. 2123)

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.511 – Signs and Section 10.516 - Fences of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.511(I)A is hereby amended to read as follows:

(A) *Findings and Purpose:* The purpose of this section is to regulate ~~on-site~~ signs and outdoor advertising so as to protect the health, safety, general welfare, property values, aesthetics and the character of the various neighborhoods in the City of Madison Heights.

The principle features are the restriction of ~~advertising to the use of the premises on which the sign is located and the restriction of the location, height, and total sign area of signs~~ permissible per site. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to all signs ~~advertising business uses~~, it is specifically intended, among other things, to reduce visibility blockages for motorists and pedestrians, avoid excessive visual competition and clutter among sign displays that distract motorists and pedestrians, and to reduce the negative aesthetic impact on the City from excessive signage. The regulations contained in this section are the minimum amount of regulations necessary to achieve its purpose. ~~Billboards are deemed to constitute a principle use of a lot.~~

Nothing in this ordinance shall be construed to prevent the substitution or display of a non-commercial message on any permitted sign.

Section 2. Section 10.511(I)B(10) is hereby amended to read as follows:

(10) *Sign.* Any structure or wall or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter,

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2017

word, model, banner, emblem, insignia, device, service mark, trade mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, or any backlit building area, which is located upon any land or in or on any building, in such a manner as to attract attention from outside the premises. The term "sign" shall also include any bulbs, string of lights, other lighting devices, streamers, pennants, hot and cold air balloon(s) or inflatable structures, propeller(s), flags (other than the official flag of any nation, state or city), other structure(s) conveying a message, any similar device(s) of any type or kind whether bearing lettering or not in any combination of the above. Nothing in this section shall be construed so as to prohibit ~~ideological or noncommercial advertising messages~~ on any permitted sign ~~on which commercial advertising is permitted~~.

Section 3. Section 10.511(I)B(10)(g) is hereby amended to read as follows:

(g) *Temporary Sign:* A free-standing sign, ~~display~~, banner or other device, ~~mobile or standing~~, constructed of cloth, canvas, fabric, plastic, wood, paper or other ~~light temporary~~ material, with or without a structural frame, or any other sign intended for a limited period of display. ~~Holiday displays and political signs shall not be considered temporary signs.~~

Section 4. Section 10.511(I)C is hereby amended to read as follows:

(C) *Signs Not Requiring Permits:* No permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance:

~~(1) *Real estate signs:* One (1) temporary real estate sign advertising a premise for sale, rent or lease shall be permitted in residential districts when located on the land or building intended to be sold, rented or leased. Said signs shall not exceed six (6) square feet in sign area. In all other zoning districts one (1) sign of this type shall be permitted provided it does not exceed thirty two (32) square feet in area and eight (8) feet in height.~~

~~If the lot or parcel has multiple frontages on arterials, or collectors, one (1) additional sign not exceeding six (6) square feet in area in residential districts, or thirty two (32) square feet in area in all other districts, shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on any lot or parcel.~~

~~Signs permitted under this section shall be removed within seven (7) days of the date of renting, leasing and/or sale. Signs that are displayed for more than twelve (12) months shall be considered part of the permitted permanent signage for the parcel and shall require permits as such. In no case shall a sign list the sale, rent or lease of a building that is not located on the property on which the sign is located.~~

~~(2) *Construction signs:* On construction sites, where a building permit has been issued, one (1) identification sign shall be permitted identifying the business under construction, and one (1) identification sign for all building contractors, professional design firms and lending institutions on sites under construction, each sign not to exceed thirty two (32) square feet in area with not more than two (2) signs permitted on any site. Signs shall have a maximum height of eight (8) feet and shall be confined to the site under construction and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.~~

~~(3) *Public, charitable, educational or religious events:* Not more than two (2) temporary signs announcing any annual or semi annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur shall be permitted. Maximum sign area shall not exceed thirty two (32) square feet per side or sixty four (64) square feet total and the sign shall be free standing. Signs shall be erected no more than one~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2017

~~(1) week prior to the event and shall be removed within twenty-four (24) hours after the end of the event or function.~~

~~Exception: Signs permitted under this Section may also be displayed over public right-of-ways on cables maintained by the City for that purpose with approval of the Street Administrator.~~

~~(4) Street signs. Signs erected by the city, county, state or federal government for street direction or traffic control; or private traffic control signs which are approved by the chief of police and the building official. This shall also include erection or maintenance of a sign designating the location of a transit line, a railroad station, or other public carrier when not more than three (3) square feet in area.~~

~~(5) Noncommercial signs. Signs containing noncommercial messages located on private property that do not exceed sixteen (16) square feet in area per side and do not exceed a cumulative total of thirty-two (32) square feet per sign.~~

~~(6) Memorial signs or tablets. Memorial signs or tablets, name of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum, which do not exceed four (4) square feet in area.~~

~~(7) Interior building signs. Signs located on the interior of buildings.~~

~~(8) Garage or rummage sale signs: Temporary directional signs for garage or rummage sales, as defined below, not exceeding four in number, three square feet in area and three feet in height. These signs shall be permitted on private property ("Private Property Signs"), with the property owner's permission, along the approach routes to said sale, commencing any day of the week, for a period not to exceed seventy-two consecutive hours. One of these signs shall be permitted in the public right-of-way ("ROW Sign") on the street corner, of the street where the sale is being held, at, near or in the proximity of the street sign, from Saturday at 8:00 a.m. to Sunday at 8:00 p.m. However, no sign shall be placed or attached to any utility pole, telephone pole, traffic light, traffic sign, fire hydrant or tree. Further, each sign shall contain the address and dates of the sale. The Private Property Signs shall be removed not later than four hours after the sale. The ROW Sign shall be removed not later than Sunday evening at 8:00 p.m. For purposes of this ordinance, the phrase "garage or rummage sale" shall mean a sale of used household effects, appliances, clothing, china, glassware, and other such items by a person from his or her residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence, including an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single motor vehicle by means of a "For Sale" sign in the window of such vehicle parked near a residence. Notwithstanding section 10.1401 and 10.1404 below, violation of this section shall result in the issuance of a verbal warning and a request to move the offending sign or signs to a permitted location; provided, however, failure to comply with such a request and/or a second or subsequent violation and/or placing or leaving a sign or signs beyond the permitted days and times indicated above, shall result in the immediate confiscation of the sign or signs, and/or the issuance of a ticket for a civil infraction to the resident or residents holding the sale or where the sale was held. The first ticket shall carry a fine not to exceed \$25.00 for each offending sign. The second ticket shall carry a fine not to exceed \$50.00 for each offending sign. The third ticket and/or subsequent tickets shall carry a fine not to exceed \$100.00 for each offending sign.~~

(1) Temporary Signs: The following regulations shall be applicable to all exterior temporary signs:

(a) Generally. Temporary sign(s) may be located only on private property with the owner's permission.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2017

- (b) Placement in Public Right of Way Prohibited: Signs shall not be placed in the public right of way or between the public sidewalk and the road. Signs located in the public right of way will be removed and discarded.
 - (c) Size (area) limitations. The total combined area of all temporary signs shall not exceed sixteen (16) square feet per address.
 - (d) Height Limitation. No sign shall be greater in height than four (4) feet above the ground.
 - (e) Number of signs. In all R-1, R-2, R-3, R-T, R-C, R-M and H-M Districts, one (1) or more temporary signs for each address may be displayed, up to the maximum permitted sixteen (16) square feet sign area. In all other zoning districts, one (1) temporary sign for each address may be displayed, up to the maximum permitted sixteen (16) square feet sign area.
 - (d) Method of Display: Signs shall not be attached to any utility pole, street sign, traffic signal pole, street light, hydrant or tree. Signs shall not block visibility at intersections, sidewalks or driveways.
 - (e) Prompt removal of damaged signs. Damaged temporary signs shall be removed promptly.
- (2) Interior building signs. Signs located on the interior of buildings, which are not visible from the exterior of the building.
- (3) On-Site Directional Signs. Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo. Said directional signs shall not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right-of-way line.

Section 5. Section 10-511(I)D is hereby deleted in its entirety and reserved for future use:

- ~~(D) — Signs permitted in all districts: Subject to the other conditions of this ordinance, the following signs shall be permitted anywhere within the City of Madison Heights.~~
- ~~1. — Off premise signs that bear names, information and emblems of service clubs, places of worship, civic organizations, and quasipublic uses shall be permitted on private property with permission of the Building Official. Each sign shall not be more than three (3) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single frame, if more than one (1) sign is placed at one (1) location.~~
 - ~~2. — At the discretion of the Building Official, Signs which direct traffic movement onto, or within, a property and which do not contain any advertising copy or logo, and which do not exceed three (3) feet in height or four (4) square feet in area for each sign. A directional sign shall be located on the property to which it is directing traffic and shall be located behind the front right of way line. A directional sign may bear the logo of a business for which it directs entering and exiting traffic only if it is the determination of the Building Official that such logo is reasonably necessary for the effectiveness of the directional sign on which it is located.~~
 - ~~3. — One (1) church or school sign/announcement board shall be permitted on any site which contains a church or school regardless of the district in which located, provided said sign/board does not exceed thirty two (32) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the property line.~~

Section 6. Section 10-511(III)A(9) is hereby amended to read as follows:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2017

- (9) *Public right-of-way.* All signs shall be expressly prohibited from within or above all public rights-of-way and dedicated public easements at all times, unless placed and maintained by a city, county or state governmental agency; otherwise specifically provided for in this section.

Section 7. Section 10.511(IV)(A)(2) is hereby amended to read as follows:

- (2) *Advertising Vehicles:* Except as specifically permitted elsewhere in this ordinance, no vehicle, or any type of trailer, which has attached thereto, or painted or placed thereon, any sign or advertising device displaying the name of any business, product or service shall be parked on private property, in any commercial or industrial district, between the structure(s) located thereon and any property line abutting any adjacent street, nor shall any such vehicles be parked on a public right-of-way, or on public property so as to be visible from a public right-of-way. Vehicles engaged in attended loading or unloading activities shall be exempt from this provision.

Exception: ~~The owner of a~~ Any property where no other parking exists, except in front of the building, may utilize ~~apply to the Building Official for a waiver of this requirement for~~ not more than ten (10) percent, but not less than one (1), of the existing spaces.

Section 8. Section 10.511(IV)(A)(5) is hereby amended to read as follows:

- (5) Bulbs or strings of lights, except where permitted or required as part of a permitted outdoor sales area or for temporary holiday display, other lighting devices, streamers, hot and cold air balloon(s) or inflatable devices or structures, propeller(s), flags (other than the official flag of any nation, state or city, and not more than two (2) corporate flags, or other structure(s) conveying a message.

Section 9. Section 10.511(IV)(C)(1)(a)1 is hereby amended to read as follows:

1. Signs advertising developments or subdivisions not exceeding ~~eighteen (18)~~ thirty two (32) square feet in area, and six (6) feet in overall height, may be erected in a common area as shown on the approved site plan or plat

Section 10 Section 10.511(IV)(D) is hereby deleted in its entirety and reserved for future use:

(D) ***Temporary Signs:*** ~~The following regulations shall be applicable to all temporary signs placed or situated in any place other than inside a building:~~

~~(1) *Generally.* A temporary sign may be permitted for thirty (30) days at a time for each non-residential address located in the City. No address may have a temporary sign for more than four (4) months in a single calendar year.~~

~~(2) *Height and area limitations.* No temporary sign may have a single face greater than thirty two (32) square feet in area nor have a greater total surface area of more than sixty four (64) square feet nor be a greater height than eight (8) feet above the ground.~~

~~(3) *Number of signs.* No more than one (1) temporary sign for each address shall be displayed on any site.~~

~~(4) *Display:* A temporary sign shall be displayed only at the address for which the permit was issued, shall advertise only the business or activity located thereon, and shall be located entirely within the subject property.~~

~~(5) *Prompt removal of sign.* Temporary signs shall be removed as soon as torn or damaged, or promptly at the end of the display period provided for above.~~

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2017

- ~~(6) *Grand Opening Signs* One temporary sign, not to exceed thirty two (32) square feet, shall be permitted at the opening of a new business in a commercial, office or industrial district for a period not to exceed thirty (30) consecutive days from the date the occupancy certificate or business license is issued, whichever is later. Such grand opening signage may be used in addition to, or in conjunction with, other permitted temporary signs.~~

Section 11. Section 10.511 is hereby amended to add a new Paragraph (VIII) to read as follows:

(VIII) SEVERABILITY

Should any section, subdivision, clause, or phrase of this section be declared by the courts to be invalid, the validity of the section as a whole, or in part, shall not be affected other than the part invalidated.

Section 12. Section 10-516(h) is hereby amended to read as follows:

(h) Barbed wire prohibited; exception; razor wire strictly prohibited.

(1) No owner or lessee, or his or her respective agent, shall construct or maintain a barbed wire fence partially or wholly around any area along any street, avenue, alley, lane or public highway, public space or place, or nail or cause such barbed wire fence to be nailed or fastened in any form or manner upon fences or fence posts, except

(2.) ~~Exception: that~~ fences in industrial and commercial districts, which are adjacent to industrial districts, may have barbed wire subject to the following:

(a) Fences shall be a minimum of eight (8) feet high ~~may have barbed wire attached to~~

(b) Barbed wire shall be attached to arms or brackets extending inward over such private property, ~~but~~

(c) No ~~such~~ barbed wire shall be placed at any point nearer to the ground than eight (8) feet.

(d) No barbed wire is permitted on any fence which abuts any property zoned for a use other than industrial use(s).

(3) Razor wire is ~~strictly~~ prohibited ~~within the city.~~

Section 13. Section 10-516(j) is hereby amended to read as follows:

(j) Industrial or business zoned property; maximum height; location; ornamental fences

~~Except as otherwise provided in this article, a conforming fence not to exceed ten (10) feet in height~~ Fences may be erected around an area on property zoned for industrial or business uses subject to the following:
~~which fence may be located on the partition or property lines.~~

(1) Maximum Height:

a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not exceed 10' in height in side and rear yards, and shall not exceed 6' in height along any street or alley.

b. Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not exceed 6' in height.

(2) Location:

a. Fences in industrial and commercial districts, which are adjacent to industrial or commercial districts, shall not occupy any required front setback and must be 5' setback from any right of way property line.

b. Fences in industrial and commercial districts, which are adjacent to any residential districts, shall not occupy any required front setback and shall not extend closer to a street side or street rear yard than the adjacent residential front or street side yard requirement.

c. All fences shall conform to the setback requirements in Section 10.516(p) - Visibility at Intersections.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 21, 2017**

d. Ornamental fences shall be permitted only as shown on the approved site plan.

Section 14. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 15. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 16. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 17. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 18. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 p.m. and 4:30 p.m. on regular business days.

Chairman Wakeland opened the public hearing. There were no people in attendance.

Chairman Wakeland closed the public hearing.

Motion by Commissioner Hartwell; Supported by Commissioner Conn:

To recommend that City Council APPROVE the proposed Zoning Ordinance Amendment ZOTXT 16-01 (Ordinance 2123).

Motion Carried Unanimously

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no people in attendance.

DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland opened a discussion regarding possible amendments to the Zoning Ordinance.

Lighting – Glare and levels of lighting continue to be a periodic issue. Usually, this is associated with installation of new light fixtures where no permits are pulled or where the property owner simply does not know about the impact of glare or the code requirements. The Planning Commission directed staff to draft possible amendments to address glare, intensity and motion sensor activated lighting for future consideration.

Outdoor Seating – Outdoor seating currently triggers special approval by City Council. This continues to be a popular option for new and existing restaurants. The Planning Commission directed staff to develop draft standards that would allow administrative site plan review and approval of outdoor seating for facilities that do not have alcohol or entertainment as well as criteria for separation from residential districts.

Residential “Loft” Overlay Zone for the M-1 District areas in the DDA – Many of the existing M-1 zoned properties on John R south of Lincoln are under-utilized due to insufficient parking and building design. Allowing residential “lofts” would open up another mixed use opportunity for these properties that would also increase population in and around the DDA. The Planning Commission directed staff to develop draft amendment language that would accommodate lofts in the m-1 area of the DDA, either as an overlay or district standard.

Expand Option for Use of High Rise District Standards in O, B-1, B-2, B-3 and M-1 Districts – The HR High Rise District standards may be utilized in the B-3 District currently after special approval with limitations. Allowing use of these standards in the O, B-1, B-2, B-3 and M-1 districts after special approval would expand opportunities for mixed use developments in these districts while insuring City Council and public input through the special approval process. The Planning Commission directed staff to develop draft standards for discussion that would accommodate expanded use of HR standards.

MINUTES

MADISON HEIGHTS PLANNING COMMISSION

REGULAR MEETING – November 21, 2017

Tiny Houses - There have been a few inquiries into whether the City would allow “tiny houses”. These are essentially homes with full utilities that are in the 150 sf – 450 sf size range. The Planning Commission felt that the City’s current R-3 District accommodates fairly small homes (950 sf) and did not direct staff to develop any standards for future consideration.

Home Office / Home Occupation – We currently have provisions that allow home offices by right and home occupations after special approval in the single family residential districts. The Assistant City Attorney has recommended that while we currently would not allow such a use, we should specifically exempt licensed Federal Firearms Dealers from operating home offices or home occupations due to the nature of the activity. The Planning Commission directed staff to research this further and develop appropriate amendments to explicitly prohibit such uses.

Mr. Schafer informed the Planning Commission that staff will develop draft amendments for Planning Commission discussion at a future meeting.

NEW DEVELOPMENT UPDATE

Staff provided the Planning Commission with a summary of new developments in the City.

NOTICE OF CITY OF CLAWSON MASTER PLAN UPDATE

The City received notice that the City of Clawson has updated their Master Plan and has circulated it for review and comment. Staff has reviewed the plan and finds no conflict with our Future Land Use Plan.

Staff recommends that the Planning Commission pass a motion thanking the City of Clawson for providing a copy of the Plan Update for our review, noting that it is generally compatible with our plans and that we have no further comments to address.

Motion by Commissioner Hartwell; Supported by Commissioner Conn:

To thank the City of Clawson for providing a copy of the Master Plan Update for our review, noting that the Plan is comprehensive in scope, generally compatible with our plans, and that we have no further comments to address.

Motion Carried Unanimously

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:20 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 16, 2018**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Conn, Corbett, Hartwell, Holder, Kapolka, Myers and Chairman Wakeland

Absent: Bliss, Sylvester

MEMBER EXCUSED

Motion by Commissioner Myers, Supported by Commissioner Holder

To excuse Commissioner Sylvester from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Hartwell; Supported by Commissioner Conn:

To approve the minutes of the regular November 21, 2017 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARING

No Public Hearings Scheduled.

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no people in attendance.

ELECTION OF PLANNING COMMISSION OFFICERS FOR 2018

Motion by Holder;

Seconded by Myers:

To nominate Commissioner Kapolka for **Secretary** by acclamation and to close nominations.

Motion carried unanimously.

Motion by Holder;

Seconded by Kapolka:

To nominate Commissioner Conn for **Vice-Chair** by acclamation and to close nominations.

Motion carried unanimously.

Motion by Holder;

Seconded by Kapolka:

To nominate Chairman Wakeland for **Chairman** by acclamation and to close nominations.

Motion carried unanimously.

2018 PLANNING COMMISSION ANNUAL REPORT

Motion by Myers;

Seconded by Conn:

To accept and certify the 2017 Planning Commission Annual Report and to send a copy to the City Clerk in conformance with Section 2-118 of the Madison Heights Code.

Motion carried unanimously.

DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland opened a discussion regarding possible amendments to the Zoning Ordinance.

Lighting – Mr. Schafer reviewed the existing code standards. Glare and levels of lighting continue to be a periodic issue. Usually, this is associated with installation of new light fixtures where no permits are pulled or where the property owner simply does not know about the impact of glare or the code requirements. The Planning Commission directed staff to draft possible amendments to address glare, intensity and motion sensor activated lighting for future consideration.

The current code is:

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 16, 2018**

Section 10.512. Exterior lighting.

All lighting for parking areas or for the external illumination of buildings and uses shall be directed away from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

Section 10.514 Site Plan Review (part)

- D. Submission Requirements
- 2. Site Plan Submission / Data Requirements
 - r. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.

Mr. Schafer noted that the issues we have had of late have been primarily glare due to direct view to LED illumination source. These have been addressed by code enforcement directly with the property owners either by shielding or adjusting the angle of the lighting fixture, or both. The majority of the time these issues arise where the property owner failed to pull a permit, did not request inspections, or both.

Mr. Schafer also noted that a common misperception is that the City “requires” lighting. We do not. What we regulate is shielding and direction of lighting to insure that it does not negatively impact adjacent properties or ROW’s if the property owner / tenant choose to install lighting. If permits are not pulled when required, we usually end up dealing with these issues through code enforcement. In addition, we do not have evening code enforcement hours, so we typically do not observe such violations proactively.

Mr. Schafer noted that the Planning Commission did discuss requiring more lighting – at their April 19, 2016 and November 15, 2016 meetings. The consensus of the Planning Commission was that the opposite is usually the case (too much lighting) and that the decision regarding adequacy of lighting should be left to the property owner / tenant, with the City’s role being to insure no negative impacts of lighting that is installed.

Mr. Schafer also noted that the Planning Commission did discuss motion detectors and the possibility of encouraging / requiring them for outdoor lighting at the same meetings. These are fairly common on soffit and wall-mounted lights. The intent is to save energy and eliminate light pollution when the lights are not “needed” – i.e. when nobody is around to “use” the lights. However, there is an alternative viewpoint that lighting provides a consistent level of security and is an indicator of welcoming / inviting to patrons of commercial establishments. Parking lot lighting that is motion activated is not as common.

Commissioner Holder asked if any new regulations would impact existing legal lights that our residents / businesses might have. Mr. Schafer noted that nonconforming lighting that is legal would enjoy the same protections as any other nonconformity under the zoning ordinance. If they were not legal, then they would not be protected as nonconformity.

Mr. Myers asked if shielding is the same for LED and non-LED lighting. Mr. Schafer stated that yes – shielding of the light source is essentially the same. However, LEDs may afford more opportunity to direct the illumination source without need for shields.

Commissioner Corbett asked if LEDs are available in different intensities. Mr. Schafer responded yes – they are.

Mr. Myers noted that the City recently upgraded several hundred street lights to LEDs and we have not received complaints.

The Planning Commission had no further questions, so Chairman Wakeland asked staff and legal counsel to develop draft amendments for consideration at a future meeting.

Outdoor Seating – Mr. Schafer noted that outdoor seating currently triggers special approval by City Council. This continues to be a popular option for new and existing restaurants. The Planning Commission directed staff to develop draft standards that would allow administrative site plan review and approval of outdoor seating for facilities that do not have alcohol or entertainment as well as criteria for separation from residential districts.

Mr. Schafer stated that outdoor seating is currently allowed only after special approval in the B-1, B-2, B-3, M-1, M-2 and HR Districts, with or without alcohol sales and regardless of proximity to adjacent residential properties. The initial approach would be to allow outdoor seating at restaurants that do not have alcohol or entertainment after site plan approval in the B-1, B-2 and B-3 Districts and after site plan approval for existing restaurants that do not have alcohol or entertainment in the M-1, M-2 and HR Districts, since special approval is required for restaurants initially in the M-1, M-2 and HR Districts. Should a restaurant that has

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 16, 2018

outdoor seating without alcohol sales or entertainment subsequently seek alcohol sales or entertainment, then special use approval would be triggered. Of course, if the Planning Commission wished to consider allowing restaurants by right in M-1, M-2 and HR districts, then we could regulate all restaurants equally with regard to outdoor seating.

Mr. Schafer noted that relative to adjacent residential districts, noise and lighting are the two primary concerns with outdoor seating. Setbacks, additional screening / landscaping and limitations on speaker systems and hours of operation are the typical means of minimizing or reducing these impacts. Lighting limitations in this regard would be specific to outdoor seating and would be in addition to any general lighting amendments as discussed above.

Commissioner Hartwell stated he agreed with the approach of maintaining special approval when alcohol or entertainment is proposed. He asked if the additional seating impacted parking calculations. Mr. Schafer stated that it does. The parking is calculated with both the inside and outside seating area included.

Commissioner Corbett asked if outside seating at existing restaurants that have alcohol would still be ok. Mr. Schafer stated that if they had approved outside seating already there would be no impact.

Commissioner Myers concurred with the idea of increased setbacks and screening for adjacent residential areas. He also stated that outside speakers should be prohibited.

Chairman Wakeland stated that he would support ability to regulate hours of operation. He also stated his support for allowing restaurants by right in M-1, M-2 and HR districts if no alcohol or entertainment.

Commissioner Hartwell also spoke in favor of allowing restaurants by right in M-1, M-2 and HR districts if no alcohol or entertainment.

The Planning Commission had no further questions, so Chairman Wakeland asked staff and legal counsel to develop draft amendments for consideration at a future meeting.

Residential “Loft” Overlay Zone for the M-1 District areas in the DDA – Mr. Schafer stated that many of the existing M-1 zoned properties on John R south of Lincoln are under-utilized due to insufficient parking and building design. Allowing residential “lofts” would open up another mixed use opportunity for these properties that would also increase population in and around the DDA. The Planning Commission directed staff to develop draft amendment language that would accommodate lofts in the M-1 area of the DDA, either as an overlay or district standard.

Mr. Schafer stated that we currently allow accessory residential units in the O-1 District after special approval and in the B-1, B-2 and B-3 districts by right. We currently do not allow residential uses in the M-1 District with the exception of an accessory caretaker facility such as at a mini warehouse facility. This proposed amendment would allow residential uses by right in the M-1 District parcels that are in the DDA (John R frontage from 10 Mile to Lincoln). This would be accomplished by an overlay zone, with no changes to the underlying zoning classification (properties would remain M-1).

From a building code standpoint both existing and new buildings could be used to accommodate the use change, with egress and fire separation construction methods being the primary concerns.

As residential uses typically less of an impact on adjacent residential uses, staff would suggest that allowing residential lofts by right after site plan review would be appropriate. While special approval could certainly be the process to approve such uses, residential uses are arguably far less of a potential impact on neighbors than typical M-1 uses. Accordingly, the question is what additional benefit would be derived from the added scrutiny and lengthy process associated with special approval? The administrative site plan review process is in place and can adequately insure compliance with standards.

Commissioner Holder asked if this was different than mixed use and if this would be supported by the DDA Board. Mr. Schafer stated that it could be either mixed use lofts or just lofts. In regards to the DDA the need for expanded development opportunities in the DDA was a key finding of the recent DDA TIF Plan update process.

Commissioner Hartwell stated that increased foot traffic and more places to eat were key issues heard by the DDA. More residents in the DDA would support both of these goals.

The Planning Commission had no further questions, so Chairman Wakeland asked staff and legal counsel to develop draft amendments for consideration at a future meeting.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 16, 2018**

Expand Option for Use of High Rise District Standards in O-1, B-1, B-2, B-3 and M-1 Districts – Mr. Schafer stated that the HR High Rise District standards may be utilized in the B-3 District currently after special approval with limitations. Allowing use of these standards in the O-1, B-1, B-2, B-3 and M-1 districts after special approval would expand opportunities for mixed use developments in these districts while insuring City Council and public input through the special approval process. The Planning Commission directed staff to develop draft standards for discussion that would accommodate expanded use of HR standards. Essentially, this amendment would involve adding a special approval section to allow application of the HR standards in the O-1, B-1 and M-1 Districts and modifying those standards as necessary to address parcel size and proximity to residential uses.

Commissioner Hartwell asked for an explanation of the difference between going to ZBA for height variance and accommodating this through special approval. Mr. Schafer stated that the ZBA looks at variances as relief from a standard that prevents or restricts development of a parcel due to some unique issue or circumstance. Special approval would allow such consideration based on criteria. ZBA's are asked to determine if the property can be used without a variance, and in this instance the answer to that question would typically be "yes", negating the basis for any variance relief. We would be seeking the opposite – increased flexibility in application of standards through special approval.

Commissioner Holder, as the representative of the ZBA on the Planning Commission, stated she agrees that if we proceed with this, the special approval process would be preferred.

Chairman Wakeland asked if this would be city-wide or DDA only. Mr. Schafer stated that the initial discussions with the Planning Commission assumed city-wide.

Commissioner Holder asked if this would involve any eminent domain. Mr. Schafer stated no – this had nothing to do with any eminent domain and there has never been any such discussion.

Chairman Wakeland asked if there would be potential for assessing impact. Mr. Schafer stated that he was not an assessor, but that most likely there would be changes to assessed values of property, depending on how properties were developed or redeveloped.

The Planning Commission had no further questions, so Chairman Wakeland asked staff and legal counsel to develop draft amendments for consideration at a future meeting.

Home Office / Home Occupation – Mr. Schafer stated that we currently have provisions that allow home offices by right and home occupations after special approval in the single family residential districts. The Assistant City Attorney has recommended that while we currently would not allow such a use, we should specifically exempt licensed Federal Firearms Dealers from operating home offices or home occupations due to the nature of the activity. The Planning Commission directed staff to research this further and develop appropriate amendments to explicitly prohibit such uses.

Our current standards are:

Section 10.508. Uses not otherwise included within a specific use district

(4) Home offices & home occupations

Home offices which are clearly incidental to the principal residential use, and carried on by permanent residents of the home, shall be a permitted accessory use in any residential district. Typical home offices include accounting, real estate, insurance, law and other similar offices, excluding all regulated uses as defined in Section 10.502(A). The following conditions for home offices shall be met.

- (1) The office shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure therein located.*
- (2) Special Use approval shall be required for a home office desiring to employ a non-resident employee. Not more than one non-resident employee shall be permitted.*
- (3) All home office activities shall be conducted wholly within the principal residence.*
- (4) No structural alterations or additions, or site improvements, which alter the residential character of the structure or property shall be permitted to accommodate a home office.*
- (5) There shall be no external evidence of such office. No signage shall be permitted.*
- (6) No commodity shall be sold on the premises.*

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 16, 2018

- (7) *No home office shall be permitted which is injurious to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.*
- (8) *No more than two customers or clients shall be permitted to visit the site at any given time. All customer/client visits shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Adequate, conforming off street parking shall be provided for customers or clients.*

Home occupations which are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home, and is clearly incidental and secondary to the principal residential use. Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

- (1) *That such home occupation shall be conducted wholly within the dwelling.*
- (2) *That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.*
- (3) *That there shall be no exterior storage or parking of materials or equipment.*
- (4) *That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.*
- (5) *That no hazard of fire, explosion or radioactivity shall exist at any time.*
- (6) *There shall be no external evidence of such home occupation. No signage shall be permitted.*
- (7) *No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.*
- (8) *As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.*
- (9) *The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.*
- (10) *"Home Occupation" shall not include "Home Offices" as defined above.*

When we receive inquiries regarding allowing gun sales as a home office or home occupation use in the residential zoning districts, under the current standards, such inquiries have not been allowed. However, as they are not explicitly exempted from home office or home occupation standards, the Assistant City Attorney has recommended that we address this through an amendment.

The Planning Commission had no further questions, so Chairman Wakeland asked staff and legal counsel to develop draft amendments for consideration at a future meeting.

Mr. Schafer informed the Planning Commission that staff and legal counsel will develop draft amendments for Planning Commission discussion at a future meeting.

NEW DEVELOPMENT UPDATE

Staff provided the Planning Commission with a summary of new developments in the City.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:45 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

CALL TO ORDER

Vice-Chairman Conn called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Bliss, Conn, Hartwell, Holder, Myers, Sylvester.

Absent: Corbett, Kapolka, Wakeland

MEMBER EXCUSED

Motion by Commissioner Hartwell, Supported by Commissioner Bliss

To excuse Commissioners Corbett, Kapolka and Wakeland from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Myers; Supported by Commissioner Bliss:

To approve the minutes of the regular January 16, 2018 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARING

No Public Hearings Scheduled.

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no people in attendance.

CONTINUED DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Vice-Chairman Conn opened a discussion regarding possible amendments to the Zoning Ordinance.

Lighting – Mr. Schafer reviewed the existing and proposed draft standards:

Section 19. ***Section 10.512 is hereby amended to read as follows:***

Section 10.512. Exterior lighting.

- A. All lighting for parking areas or for the external illumination of buildings and uses shall be of full cut-off design, mounted horizontally, directed downward, away from and shall be shielded from adjacent residential districts properties and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
- B. Shields shall be full cut-off design on all lighting fixtures to prevent lighting from extending onto adjacent properties and rights of way. Lighting shall not exceed 0.5 foot candles as measured at any residentially-zoned property line and 1 foot candle as measured at any other property line.
- C. Internal lights that are directed outside are prohibited.
- D. Internal or external lights that frame windows are permitted, but shall be limited to accent lighting, where the source of illumination is not visible from the exterior of the building.
- E. Maximum maintained lighting level in any parking lot, canopy area or site lighting shall not exceed 5 foot-candles as measured horizontally at grade.
- F. Maximum height of any parking lot light pole fixture or wall-mounted fixture shall be 20' as measured from grade at base of light pole.
- G. Motion detector or photocell activated fixtures are permitted, but shall adhere to all shielding and light intensity standards in this section.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

H. All accent and spot lighting that is directed onto buildings, signs, flags or other focus points shall be shielded from direct view of the source of illumination and shall be directed in such a fashion that the lighting does not extend beyond the confines of the focus of the illumination.

I. Prohibited Lighting: Search lights, lasers, flashing, moving or intermittent lighting is prohibited.

J. Exemptions: Street lighting and emergency lighting installed and maintained by a public road authority, holiday decorations and lighting that was legally installed prior to the adoption of this section are exempt from the standards in this section.

Section 20. Section 10.514D(2)r is hereby amended to read as follows:

D. Submission Requirements

2. Site Plan Submission / Data Requirements

The following information shall be required on all site plans:

r. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties. Details of all lighting fixtures shall be provided. For new parking lots and vehicle canopies a photometric plan shall be provided, demonstrating conformance with Section 10.512.

The Planning Commission had no questions or comments on the proposed draft.

Outdoor Seating – Mr. Schafer reviewed the existing and proposed standards.

Section 2. Section 10.318(5) is hereby amended to read as follows:

Section 10.318 Principal uses permitted

(5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating~~ on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 3. Section 10.319(4) is hereby amended to read as follows:

Section 10.319. Uses permissible on special approval.

(4) Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the following conditions:

- a. No external speakers.
- b. No outdoor entertainment of any type.
- c. Outdoor seating area(s) shall be at grade and on the side or front of any building which abuts any residential district. If located on the side, the side(s) of the seating area that face adjacent residential districts shall be a minimum 8' high solid obscuring wall. Roof top seating may be permitted only where there is no abutting residential property.
- d. Outdoor seating areas shall be setback a minimum 40' from any property line that abuts residential district(s). No outdoor seating shall occupy a required setback area.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

Section 5. Section 10.321(6) is hereby amended to read as follows:

Section 10.321. Principal uses permitted.

- (6) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating~~ on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 7. Section 10.322(2) is hereby amended to read as follows:

Section 10.322. Uses permissible on special approval.

- (2) Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 8. Section 10.325(7) is hereby amended to read as follows:

Section 10.325. Principle uses permitted in B-3 general business districts.

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating~~ on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 10. Section 10.326(10) is hereby amended to read as follows:

Section 10.326. Uses permissible on special approval.

- (10) Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 11 Section 10.328(7) is hereby amended to read as follows:

Section 10.328. Principal uses permitted

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 13. Section 10.329(5) is hereby amended to read as follows:

Section 10.329. Uses permissible on special approval

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district ~~(such as, but not limited to, eating and drinking establishments or a bowling alley)~~. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Open storage of all uses included in the definition of "junkyards," used machinery, and the residue or waste products from any manufacturing process shall be expressly prohibited. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the specific district within which such use is proposed to be located.

Section 15. Section 10.332(5) is hereby amended to read as follows:

Section 10.332. Principal uses permitted.

- (5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 16. Section 10.332A(5) is hereby amended to read as follows:

Section 10.332A. Uses permissible on special approval.

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district ~~(such as, but not limited to, eating and drinking establishments or a bowling alley)~~. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the M-2 Heavy Industrial District

Section 21. Section 10.1802(8) is hereby amended to read as follows:

Section 10.1802. Principal uses permitted

- (8) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 22. Section 10.1805(2) is hereby amended to read as follows:

Section 10. 1805 Uses permissible on special approval.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

- (2) ~~Eating and/or drinking establishments, except drive ins. (See Section 10.319(4)).~~
~~Establishments that primarily serve alcoholic beverages for consumption on the premises. and/or~~
~~have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that
provides entertainment, subject to the requirements of 10.319(4).

Vice-Chairman Conn asked whether outdoor entertainment was contemplated. Mr. Schafer stated no, there is a specific prohibition on speakers in the proposed standards. However, any entertainment would require both special approval and an entertainment agreement, both approved by City Council.

Commissioner Myers asked for clarification on the wall standard proposed for the side of the outdoor seating area. Mr. Schafer stated that its intent was to provide a visual and noise barrier from adjacent residential areas. Specific construction type – concrete, brick, wood etc. would be part of the site plan review / special approval process.

The Planning Commission had no further questions on the draft standards for outdoor seating.

Residential “Loft” Overlay Zone for the M-1 District areas in the DDA – Mr. Schafer reviewed the draft standards:

Section 12. **Section 10.328(8) is hereby amended to add a new subsection (8) to read as follows:**

Section 10.328. Principal uses permitted

- (8) Loft dwelling units are permitted on all M-1 zoned property that is located entirely within the boundaries of the Southend Downtown Development Authority (DDA) in accordance with the following standards:
- a. Loft dwelling units shall have a minimum area of 750 square feet.
 - b. Loft dwelling units shall be permitted only where the building and use is in conformance with the provisions of this ordinance. Where an existing building is nonconforming as to setback(s), loft dwelling units shall be permitted to continue said nonconforming setback(s) vertically for second and third floor additions, provided there are no horizontal or cantilevered extensions of the structure that would increase setback nonconformity.
 - c. Loft dwelling units may be located on the first or second floor. Where loft dwelling units are proposed for the second floor, a third story is allowed to permit two story dwelling units, where the third story shall be part of the dwelling unit located directly underneath.
 - d. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).
 - e. Pedestrian entrance doors to loft dwelling units may be located on the front, side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the site plan application.
 - f. An exterior patio or balcony is permitted, but shall be located on the street side of the structure. No portion of any structure may extend over any public right of way, public alley or public sidewalk.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

Commissioner Bliss stated that he would like to see a provision for walkable retail as required for the first floor of any B-3 zoned areas in the DDA where the high rise option is sought. Perhaps this could be an outright requirement or as a percentage of the first floor, but the idea would be to increase the walkable scale retail in the DDA B-3 zoned properties.

Mr. Schafer stated that this is already addressed to an extent in the existing accessory residential uses standards and proposed High Rise standards which will be discussed next.

The Planning Commission had no further questions on the draft amendments.

Expand Option for Use of High Rise District Standards in O-1, B-1, B-2, B-3 and M-1 Districts – Mr. Schafer reviewed the draft amendments:

Section 1. **Section 10.315(5) is hereby amended to read as follows:**

Section 10.315. **Uses permissible on special approval.**

(5) The construction of high-rise buildings may be permitted upon special approval subject to the following conditions:

- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the O-1 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 4. **Section 10.319(7) is hereby amended to read as follows:**

Section 10.319. **Uses permissible on special approval.**

(7) The construction of high-rise buildings up to three (3) stories and forty (40) feet in height is permitted upon special approval subject to the following conditions:

- a. Where the parcel abuts any single-family residential district, the maximum front yard setback for new structures shall be five (5) feet. All required parking, drives and service areas shall be located between the building and adjacent single family districts. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.
- b. Uses shall be limited to permitted principal or special approval uses in the B-1 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 6. **Section 10.322(1) is hereby amended to read as follows:**

Section 10.322. **Uses permissible on special approval.**

(1) The construction of high-rise buildings of more than two (2) stories and thirty (30) feet in height is permitted upon special approval and the provisions of Sections 10.1800, 10.1801, 10.1802, 10.1803, 10.1804 and 10.1805, may be applied to this District after review and recommendation by the Plan Commission in connection therewith. may be permitted upon special approval subject to the following conditions:

- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the B-2 District.
- c. Residential uses shall not be permitted on the first floor.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 9. Section 10.326(9) is hereby amended to read as follows:

Section 10.326. Uses permissible on special approval.

(9) ~~The construction of high-rise buildings of more than two (2) stories and thirty (30) feet in height is permitted upon special approval and the provisions of Sections 10.1800, 10.1801, 10.1802, 10.1803, 10.1804 and 10.1805, may be applied to this District after review and recommendation by the Plan Commission in connection therewith.~~ may be permitted upon special approval subject to the following conditions:

- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the B-3 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 14. Section 10.329(7) is hereby amended to read as follows:

Section 10.329. Uses permissible on special approval

(7) The construction of high-rise buildings up to six (6) stories and seventy five (75) feet in height is permitted upon special approval subject to the following conditions:

- a. The parcel shall not abut any residential district.
- b. Uses shall be limited to permitted principal or special approval uses in the M-1 District.
- c. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 17. Section 10.401 Note (h) is hereby amended to read as follows:

(h) ~~Planned developments involving five (5) acres or more under one (1) ownership shall be subject to the approval of the zoning board of appeals, after public hearing, regarding modifications with respect to height regulations. See Uses Permissible Upon Special Approval in the O-1, B-1, B-2, B-3 and M-1 Districts for additional building height and story options.~~

Commissioner Hartwell asked if this would accommodate expansion of possible residential uses at existing B-3 zoned properties. Mr. Schafer stated yes – it would do so.

Commissioner Bliss reiterated his desire to see walkable retail as a required component of any high rise option in the B-3 district where it is in the DDA.

The Planning Commission had no further questions on the proposed amendments.

Home Office / Home Occupation – Mr. Schafer reviewed the proposed amendments:

Section 18. Section 10.508(4) is hereby amended to read as follows:

Section 10.508. Uses not otherwise included within a specific use district

(4) Home offices & home occupations

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

Home offices which are clearly incidental to the principal residential use, and carried on by permanent residents of the home, shall be a permitted accessory use in any residential district. Typical home offices include accounting, real estate, insurance, law and other similar offices, excluding any sales and/or service of weapons, guns, ammunition, fireworks or any components thereof and all regulated uses as defined in Section 10.502(A). The following conditions for home offices shall be met.

- (1) The office shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure therein located.*
- (2) Special Use approval shall be required for a home office desiring to employ a non-resident employee. Not more than one non-resident employee shall be permitted.*
- (3) All home office activities shall be conducted wholly within the principal residence.*
- (4) No structural alterations or additions, or site improvements, which alter the residential character of the structure or property shall be permitted to accommodate a home office.*
- (5) There shall be no external evidence of such office. No signage shall be permitted.*
- (6) No commodity shall be sold on the premises.*
- (7) No home office shall be permitted which is injurious to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.*
- (8) No more than two customers or clients shall be permitted to visit the site at any given time. All customer/client visits shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Adequate, conforming off street parking shall be provided for customers or clients.*

Home occupations: Home occupations which are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home, and is clearly incidental and secondary to the principal residential use. Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding any sales and/or service of weapons, guns, ammunition, fireworks or any components thereof and all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

- (1) That such home occupation shall be conducted wholly within the dwelling.*
- (2) That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.*
- (3) That there shall be no exterior storage or parking of materials or equipment.*

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 17, 2018

- (4) *That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.*
- (5) *That no hazard of fire, explosion or radioactivity shall exist at any time.*
- (6) *There shall be no external evidence of such home occupation. No signage shall be permitted.*
- (7) *No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.*
- (8) *As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.*
- (9) *The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.*
- (10) *"Home Occupation" shall not include "Home Offices" as defined above.*

Mr. Schafer noted that the Assistant City Attorney has recommended that while we currently would not allow such a use, we should specifically exempt licensed Federal Firearms Dealers from operating home offices or home occupations due to the nature of the activity.

The Planning Commission had no further questions on this amendment.

Mr. Schafer informed the Planning Commission that staff and legal counsel will incorporate the Planning Commission's comments into revised draft amendments for Planning Commission discussion at a future meeting.

NEW DEVELOPMENT UPDATE

Staff provided the Planning Commission with a summary of new developments in the City.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Vice Chairman Conn adjourned the meeting at 6:20 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Conn, Hartwell, Kapolka, Marsh, Wakeland.

Absent: Bliss, Corbett, Holder, Sylvester

MEMBER EXCUSED

Motion by Commissioner Conn, Supported by Commissioner Hartwell

To excuse Commissioners Bliss, Corbett, Holder and Sylvester from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Hartwell; Supported by Commissioner Conn:

To approve the minutes of the regular April 17, 2018 Planning Commission meeting with one amendment – Under Adjournment the Minutes should reflect that Vice-Chair Conn adjourned the meeting.

Motion Carried Unanimously

PUBLIC HEARING

No Public Hearings Scheduled.

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There was no public comment.

CONTINUED DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENTS

Chairman Wakeland opened a discussion regarding possible amendments to the Zoning Ordinance.

Mr. Schafer asked the Planning Commission if they had any questions or wanted further clarification on any of the proposed draft amendments.

Lighting

Section 19. Section 10.512 is hereby amended to read as follows:

Section 10.512. Exterior lighting.

- A. All lighting for parking areas or for the external illumination of buildings and uses shall be of full cut-off design, mounted horizontally, directed downward, away from and shall be shielded from adjacent residential-districts properties and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
- B. Shields shall be full cut-off design on all lighting fixtures to prevent lighting from extending onto adjacent properties and rights of way. Lighting shall not exceed 0.5 foot candles as measured at any residentially-zoned property line and 1 foot candle as measured at any other property line.
- C. Internal lights that are directed outside are prohibited.
- D. Internal or external lights that frame windows are permitted, but shall be limited to accent lighting, where the source of illumination is not visible from the exterior of the building.
- E. Maximum maintained lighting level in any parking lot, canopy area or site lighting shall not exceed 5 foot-candles as measured horizontally at grade.
- F. Maximum height of any parking lot light pole fixture or wall-mounted fixture shall be 20' as measured from grade at base of light pole.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018

G. Motion detector or photocell activated fixtures are permitted, but shall adhere to all shielding and light intensity standards in this section.

H. All accent and spot lighting that is directed onto buildings, signs, flags or other focus points shall be shielded from direct view of the source of illumination and shall be directed in such a fashion that the lighting does not extend beyond the confines of the focus of the illumination.

I. Prohibited Lighting: Search lights, lasers, flashing, moving or intermittent lighting is prohibited.

J. Exemptions: Street lighting and emergency lighting installed and maintained by a public road authority, holiday decorations and lighting that was legally installed prior to the adoption of this section are exempt from the standards in this section.

Section 20. Section 10.514D(2)r is hereby amended to read as follows:

D. Submission Requirements

2. Site Plan Submission / Data Requirements

The following information shall be required on all site plans:

r. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties. Details of all lighting fixtures shall be provided. For new parking lots and vehicle canopies a photometric plan shall be provided, demonstrating conformance with Section 10.512.

The Planning Commission had no questions or comments on the proposed draft.

Outdoor Seating

Section 2. Section 10.318(5) is hereby amended to read as follows:

Section 10.318 Principal uses permitted

(5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating~~ on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 3. Section 10.319(4) is hereby amended to read as follows:

Section 10.319. Uses permissible on special approval.

(4) Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the following conditions:

- a. No external speakers.
- b. No outdoor entertainment of any type.
- c. Outdoor seating area(s) shall be at grade and on the side or front of any building which abuts any residential district. If located on the side, the side(s) of the seating area that

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018

- face adjacent residential districts shall be a minimum 8' high solid obscuring wall. Roof top seating may be permitted only where there is no abutting residential property.
- d. Outdoor seating areas shall be setback a minimum 40' from any property line that abuts residential district(s). No outdoor seating shall occupy a required setback area.

Section 5. Section 10.321(6) is hereby amended to read as follows:

Section 10.321. Principal uses permitted.

- (6) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating~~ on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 7. Section 10.322(2) is hereby amended to read as follows:

Section 10.322. Uses permissible on special approval.

- (2) Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 8. Section 10.325(7) is hereby amended to read as follows:

Section 10.325. Principle uses permitted in B-3 general business districts.

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating~~ on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 10. Section 10.326(10) is hereby amended to read as follows:

Section 10.326. Uses permissible on special approval.

- (10) Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 11. Section 10.328(7) is hereby amended to read as follows:

Section 10.328. Principal uses permitted

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018

Section 13. Section 10.329(5) is hereby amended to read as follows:

Section 10.329. Uses permissible on special approval

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district ~~(such as, but not limited to, eating and drinking establishments or a bowling alley)~~. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Open storage of all uses included in the definition of "junkyards," used machinery, and the residue or waste products from any manufacturing process shall be expressly prohibited. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the specific district within which such use is proposed to be located.

Section 15. Section 10.332(5) is hereby amended to read as follows:

Section 10.332. Principal uses permitted.

- (5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 16. Section 10.332A(5) is hereby amended to read as follows:

Section 10.332A. Uses permissible on special approval.

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district ~~(such as, but not limited to, eating and drinking establishments or a bowling alley)~~. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the M-2 Heavy Industrial District

Section 21. Section 10.1802(8) is hereby amended to read as follows:

Section 10.1802. Principal uses permitted

- (8) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018

under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 22. **Section 10.1805(2) is hereby amended to read as follows:**

Section 10. 1805 Uses permissible on special approval.

- (2) ~~Eating and/or drinking establishments, except drive ins. (See Section 10.319(4)).~~
Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or~~
~~have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that
provides entertainment, subject to the requirements of 10.319(4).

The Planning Commission had no further questions on the draft standards for outdoor seating.

Residential “Loft” Overlay Zone for the M-1 District areas in the DDA

Section 12. **Section 10.328(8) is hereby amended to add a new subsection (8) to read as follows:**

Section 10.328. Principal uses permitted

- (8) Loft dwelling units are permitted on all M-1 zoned property that is located entirely within the boundaries of the Southend Downtown Development Authority (DDA) in accordance with the following standards:
- a. Loft dwelling units shall have a minimum area of 750 square feet.
- b. Loft dwelling units shall be permitted only where the building and use is in conformance with the provisions of this ordinance. Where an existing building is nonconforming as to setback(s), loft dwelling units shall be permitted to continue said nonconforming setback(s) vertically for second and third floor additions, provided there are no horizontal or cantilevered extensions of the structure that would increase setback nonconformity.
- c. Loft dwelling units may be located on the first or second floor. Where loft dwelling units are proposed for the second floor, a third story is allowed to permit two story dwelling units, where the third story shall be part of the dwelling unit located directly underneath.
- d. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).
- e. Pedestrian entrance doors to loft dwelling units may be located on the front, side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the site plan application.
- f. An exterior patio or balcony is permitted, but shall be located on the street side of the structure. No portion of any structure may extend over any public right of way, public alley or public sidewalk.

The Planning Commission had no further questions on the draft amendments.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018

Expand Option for Use of High Rise District Standards in O-1, B-1, B-2, B-3 and M-1 Districts – Mr. Schafer reviewed the draft amendments:

Section 1. **Section 10.315(5) is hereby amended to read as follows:**

Section 10.315. **Uses permissible on special approval.**

(5) The construction of high-rise buildings may be permitted upon special approval subject to the following conditions:

- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the O-1 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 4. **Section 10.319(7) is hereby amended to read as follows:**

Section 10.319. **Uses permissible on special approval.**

(7) The construction of high-rise buildings up to three (3) stories and forty (40) feet in height is permitted upon special approval subject to the following conditions:

- a. Where the parcel abuts any single-family residential district, the maximum front yard setback for new structures shall be five (5) feet. All required parking, drives and service areas shall be located between the building and adjacent single family districts. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.
- b. Uses shall be limited to permitted principal or special approval uses in the B-1 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 6. **Section 10.322(1) is hereby amended to read as follows:**

Section 10.322. **Uses permissible on special approval.**

(1) The construction of high-rise buildings of more than two (2) stories and thirty (30) feet in height is permitted upon special approval and the provisions of Sections 10.1800, 10.1801, 10.1802, 10.1803, 10.1804 and 10.1805, may be applied to this District after review and recommendation by the Plan Commission in connection therewith. may be permitted upon special approval subject to the following conditions:

- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the B-2 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 9. **Section 10.326(9) is hereby amended to read as follows:**

Section 10.326. **Uses permissible on special approval.**

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018

- (9) ~~The construction of high-rise buildings of more than two (2) stories and thirty (30) feet in height is permitted upon special approval and the provisions of Sections 10.1800, 10.1801, 10.1802, 10.1803, 10.1804 and 10.1805, may be applied to this District after review and recommendation by the Plan Commission in connection therewith. may be permitted upon special approval subject to the following conditions:~~
- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
 - b. Uses shall be limited to permitted principal or special approval uses in the B-3 District.
 - c. Residential uses shall not be permitted on the first floor.
 - d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 14. Section 10.329(7) is hereby amended to read as follows:

Section 10.329. Uses permissible on special approval

- ~~(7) The construction of high-rise buildings up to six (6) stories and seventy five (75) feet in height is permitted upon special approval subject to the following conditions:~~
- a. The parcel shall not abut any residential district.
 - b. Uses shall be limited to permitted principal or special approval uses in the M-1 District.
 - c. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 17. Section 10.401 Note (h) is hereby amended to read as follows:

- ~~(h) Planned developments involving five (5) acres or more under one (1) ownership shall be subject to the approval of the zoning board of appeals, after public hearing, regarding modifications with respect to height regulations. See Uses Permissible Upon Special Approval in the O-1, B-1, B-2, B-3 and M-1 Districts for additional building height and story options.~~

The Planning Commission had no further questions on the proposed amendments.

Home Office / Home Occupation

Section 18. Section 10.508(4) is hereby amended to read as follows:

Section 10.508. Uses not otherwise included within a specific use district

- (4) Home offices & home occupations

Home offices which are clearly incidental to the principal residential use, and carried on by permanent residents of the home, shall be a permitted accessory use in any residential district. Typical home offices include accounting, real estate, insurance, law and other similar offices, excluding any sales and/or service of weapons, guns, ammunition, fireworks or any components thereof and all regulated uses as defined in Section 10.502(A). The following conditions for home offices shall be met.

- (1) The office shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure therein located.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018**

- (2) *Special Use approval shall be required for a home office desiring to employ a non-resident employee. Not more than one non-resident employee shall be permitted.*
- (3) *All home office activities shall be conducted wholly within the principal residence.*
- (4) *No structural alterations or additions, or site improvements, which alter the residential character of the structure or property shall be permitted to accommodate a home office.*
- (5) *There shall be no external evidence of such office. No signage shall be permitted.*
- (6) *No commodity shall be sold on the premises.*
- (7) *No home office shall be permitted which is injurious to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.*
- (8) *No more than two customers or clients shall be permitted to visit the site at any given time. All customer/client visits shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Adequate, conforming off street parking shall be provided for customers or clients.*

Home occupations: Home occupations which are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home, and is clearly incidental and secondary to the principal residential use. Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding any sales and/or service of weapons, guns, ammunition, fireworks or any components thereof and all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

- (1) *That such home occupation shall be conducted wholly within the dwelling.*
- (2) *That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.*
- (3) *That there shall be no exterior storage or parking of materials or equipment.*
- (4) *That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.*
- (5) *That no hazard of fire, explosion or radioactivity shall exist at any time.*
- (6) *There shall be no external evidence of such home occupation. No signage shall be permitted.*

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018**

- (7) *No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.*
- (8) *As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.*
- (9) *The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.*
- (10) *"Home Occupation" shall not include "Home Offices" as defined above.*

The Planning Commission had no further questions on this amendment.

Motion by Commissioner Hartwell; Supported by Commissioner Marsh:

To schedule the required public hearing for Zoning Ordinance text amendments ZOTXT 17-01 for the November 20, 2018 Planning Commission meeting.

Motion Carried Unanimously

Initial Discussion – Master Plan – Statutory 5-Year Review

Chairman Wakeland opened the discussion and asked Mr. Schafer for a summary.

Mr. Schafer noted that the Planning Commission is required by state law to review the Master Plan every 5 years to determine if, in the Planning Commission's opinion, it needs an update or amendment. The Planning Commission conducted its first such review in 2002 and determined no changes or updates were necessary.

Its second review and a subsequent amendment occurred in 2007. In 2007, the Parks & Recreation Advisory Board, through the Recreation Plan update process, and City Council through the Goal Process, asked the Planning Commission to consider amending the Master Plan to provide for conversion of Gravel Park to single-family use and the exchange of Sunset Park for an extension of Rosie's Park, in cooperation with Madison Schools. The Planning Commission proceeded with the Master Plan amendment process and did indeed amend the Master Plan regarding Gravel Park and Sunset / Rosie's Park. During that amendment process, the Planning Commission also conducted its state-mandated 5-year review and determined that there was no need to amend the Master Plan beyond the two areas specifically requested as noted above.

In 2013 the Planning Commission conducted its third such statutory review and determined no changes or updates to the Master Plan were necessary. Accordingly, it is time for the Planning Commission to conduct its next 5-year Master Plan review.

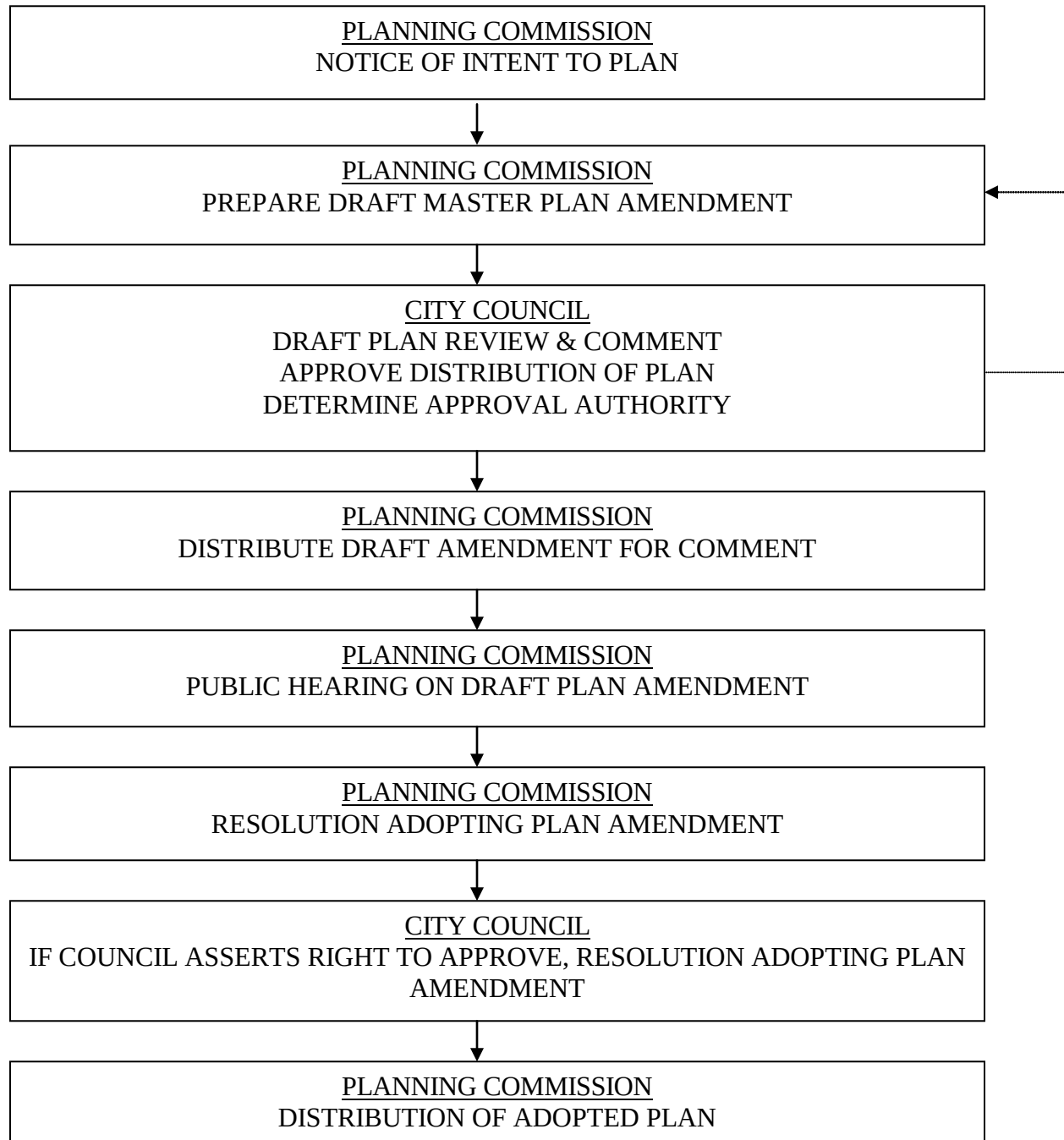
Mr. Schafer stated that this initial discussion will focus on the process briefly and then provide an opportunity for the Planning Commission to provide initial feedback to staff on any areas the Planning Commission believes should be evaluated for possible additional analysis, if any.

Commissioner Hartwell stated that many land use changes have occurred which we should review and discuss before deciding whether the Master Plan needs updating. He cited Madison School District properties, the City Council's new Goal regarding park lands and the 10 Mile / Dequindre developments at the Hazel Park Race Track. He stated that these and other changes should be discussed to see if the Planning Commission thinks they warrant modifying our Master Plan to address.

Commissioner Marsh asked for an overview of the Master Plan amendment process, should the Planning Commission ultimately decide to amend the Master Plan.

Mr. Schafer provided an overview of the process:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018



MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – August 21, 2018

Mr. Schafer noted that should the Planning Commission determine ultimately that the Master Plan needs to be updated, that process would include securing a consultant through a Request for Proposal (RFP) process to conduct the update, including all public engagement, analysis and meetings.

Commissioner Conn asked if there were required percentage allocations of specific types of land uses required under State law.

Mr. Schafer responded no. Such determinations are up to the Planning Commission through the Master Plan update process and the Zoning Ordinance. Cities are required through zoning to accommodate legitimate land uses where appropriate, but such determinations are made on a community by community basis.

Motion by Commissioner Conn; Supported by Commissioner Kapolka:

To have staff provide a statistical and graphic / map analysis of the changes to the City's land use patterns over the last 5 years at the November 20, 2018 Planning Commission meeting.

Motion Carried Unanimously

NEW DEVELOPMENT UPDATE

Staff provided the Planning Commission with a summary of new developments in the City.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:05 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Bliss, Champagne, Conn, Hartwell, Kapolka, Marsh, Wakeland.

Absent: Sylvester

MEMBER EXCUSED

Motion by Commissioner Hartwell, Supported by Commissioner Kapolka

To excuse Commissioner Sylvester from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Hartwell; Supported by Commissioner Conn:

To approve the minutes of the regular August 21, 2018 Planning Commission meeting as printed.

Motion Carried Unanimously

PUBLIC HEARING

Zoning Text Amendment 17-01(Ordinance 2128):

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A – Zoning Ordinance, Sections 315 – O-1 Office Building District; Section 318 – B-1 Local Business District; Section 319 – B-1 Local Business District; Section 321 – B-2 – Planned Business District; Section 322 – B-2 – Planned Business District; Section 325 – B-3 – General Business District; Section 326 – B-3 – General Business District; Section 328 – M-1 – Light Industrial District; Section 329 – M-1 – Light Industrial; Section 332 – M-2 – Heavy Industrial District; Section 332A – M-2 – Heavy Industrial District; Section 401 Schedule of District Regulations - Note (h); Section 508 – Home Offices and Home Occupations; Section 512 – Exterior Lighting; Section 514 – Site Plan Review; Section 1802 – High Rise District; and 1805 – High Rise District of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

Ordinance No. 2128

Zoning Text Amendment 17-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Sections 315, 318, 319, 321, 322, 325, 326, 328, 329, 332, 332A, 401, 508, 512, 514, 1802 and 1805 of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.315(5) is hereby amended to read as follows:

Section 10.315. Uses permissible on special approval.

(5) The construction of high-rise buildings may be permitted upon special approval subject to the following conditions:

- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the O-1 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 2. Section 10.318(5) is hereby amended to read as follows:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

Section 10.318 Principal uses permitted

- (5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating~~ on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 3. Section 10.319(4) is hereby amended to read as follows:

Section 10.319. Uses permissible on special approval.

- (4) Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the following conditions:
- a. No external speakers.
 - b. No outdoor entertainment of any type.
 - c. Outdoor seating area(s) shall be at grade and on the side or front of any building which abuts any residential district. If located on the side, the side(s) of the seating area that face adjacent residential districts shall be a minimum 8' high solid obscuring wall. Roof top seating may be permitted only where there is no abutting residential property.
 - d. Outdoor seating areas shall be setback a minimum 40' from any property line that abuts residential district(s). No outdoor seating shall occupy a required setback area.

Section 4. Section 10.319(7) is hereby amended to read as follows:

Section 10.319. Uses permissible on special approval.

- (7) The construction of high-rise buildings up to three (3) stories and forty (40) feet in height is permitted upon special approval subject to the following conditions:
- a. Where the parcel abuts any single-family residential district, the maximum front yard setback for new structures shall be five (5) feet. All required parking, drives and service areas shall be located between the building and adjacent single family districts. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.
 - b. Uses shall be limited to permitted principal or special approval uses in the B-1 District.
 - c. Residential uses shall not be permitted on the first floor.
 - d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 5. Section 10.321(6) is hereby amended to read as follows:

Section 10.321. Principal uses permitted.

- (6) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating~~ on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 6. Section 10.322(1) is hereby amended to read as follows:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

Section 10.322. Uses permissible on special approval.

- (1) The construction of high-rise buildings ~~of more than two (2) stories and thirty (30) feet in height is permitted upon special approval and the provisions of Sections 10.1800, 10.1801, 10.1802, 10.1803, 10.1804 and 10.1805, may be applied to this District after review and recommendation by the Plan Commission in connection therewith.~~ may be permitted upon special approval subject to the following conditions:
- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
 - b. Uses shall be limited to permitted principal or special approval uses in the B-2 District.
 - c. Residential uses shall not be permitted on the first floor.
 - d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 7. Section 10.322(2) is hereby amended to read as follows:

Section 10.322. Uses permissible on special approval.

- (2) Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 8. Section 10.325(7) is hereby amended to read as follows:

Section 10.325. Principle uses permitted in B-3 general business districts.

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment ~~or outdoor seating on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.~~

Section 9. Section 10.326(9) is hereby amended to read as follows:

Section 10.326. Uses permissible on special approval.

- (9) The construction of high-rise buildings ~~of more than two (2) stories and thirty (30) feet in height is permitted upon special approval and the provisions of Sections 10.1800, 10.1801, 10.1802, 10.1803, 10.1804 and 10.1805, may be applied to this District after review and recommendation by the Plan Commission in connection therewith.~~ may be permitted upon special approval subject to the following conditions:
- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy five (75) feet in height may be allowed.
 - b. Uses shall be limited to permitted principal or special approval uses in the B-3 District.
 - c. Residential uses shall not be permitted on the first floor.
 - d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 10. Section 10.326(10) is hereby amended to read as follows:

Section 10.326. Uses permissible on special approval.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

- (10) Establishments that primarily serve alcoholic beverages for consumption on the premises, ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 11 Section 10.328(7) is hereby amended to read as follows:

Section 10.328. Principal uses permitted

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 12. Section 10.328(8) is hereby amended to add a new subsection (8) to read as follows:

Section 10.328. Principal uses permitted

- (8) Loft dwelling units are permitted on all M-1 zoned property that is located entirely within the boundaries of the Southend Downtown Development Authority (DDA) in accordance with the following standards:
- a. Loft dwelling units shall have a minimum area of 750 square feet.
 - b. Loft dwelling units shall be permitted only where the building and use is in conformance with the provisions of this ordinance. Where an existing building is nonconforming as to setback(s), loft dwelling units shall be permitted to continue said nonconforming setback(s) vertically for second and third floor additions, provided there are no horizontal or cantilevered extensions of the structure that would increase setback nonconformity.
 - c. Loft dwelling units may be located on the first or second floor. Where loft dwelling units are proposed for the second floor, a third story is allowed to permit two story dwelling units, where the third story shall be part of the dwelling unit located directly underneath.
 - d. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).
 - e. Pedestrian entrance doors to loft dwelling units may be located on the front, side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the site plan application.
 - f. An exterior patio or balcony is permitted, but shall be located on the street side of the structure. No portion of any structure may extend over any public right of way, public alley or public sidewalk.

Section 13. Section 10.329(5) is hereby amended to read as follows:

Section 10.329. Uses permissible on special approval

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district ~~(such as, but not limited to, eating and drinking establishments or a bowling alley)~~. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Open storage of all uses included in the definition of "junkyard," used machinery, and the residue or waste products from any manufacturing process shall be expressly prohibited. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the specific district within which such use is proposed to be located.

Section 14. Section 10.329(7) is hereby amended to read as follows:

Section 10.329. Uses permissible on special approval

- (7) The construction of high-rise buildings up to six (6) stories and seventy five (75) feet in height is permitted upon special approval subject to the following conditions:
- a. The parcel shall not abut any residential district.
 - b. Uses shall be limited to permitted principal or special approval uses in the M-1 District.
 - c. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 15. Section 10.332(5) is hereby amended to read as follows:

Section 10.332. Principal uses permitted.

- (5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 16. Section 10.332A(5) is hereby amended to read as follows:

Section 10.332A. Uses permissible on special approval.

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district ~~(such as, but not limited to, eating and drinking establishments or a bowling alley)~~. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the M-2 Heavy Industrial District

Section 17. Section 10.401 Note (h) is hereby amended to read as follows:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

- (h) ~~Planned developments involving five (5) acres or more under one (1) ownership shall be subject to the approval of the zoning board of appeals, after public hearing, regarding modifications with respect to height regulations. See Uses Permissible Upon Special Approval in the O-1, B-1, B-2, B-3 and M-1 Districts for additional building height and story options.~~

Section 18. Section 10.508(4) is hereby amended to read as follows:

Section 10.508. Uses not otherwise included within a specific use district

(4) *Home offices & home occupations*

Home offices which are clearly incidental to the principal residential use, and carried on by permanent residents of the home, shall be a permitted accessory use in any residential district. Typical home offices include accounting, real estate, insurance, law and other similar offices, excluding any sales and/or service of weapons, guns, ammunition, fireworks or any components thereof and all regulated uses as defined in Section 10.502(A). The following conditions for home offices shall be met.

- (1) The office shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure therein located.
- (2) Special Use approval shall be required for a home office desiring to employ a non-resident employee. Not more than one non-resident employee shall be permitted.
- (3) All home office activities shall be conducted wholly within the principal residence.
- (4) No structural alterations or additions, or site improvements, which alter the residential character of the structure or property shall be permitted to accommodate a home office.
- (5) There shall be no external evidence of such office. No signage shall be permitted.
- (6) No commodity shall be sold on the premises.
- (7) No home office shall be permitted which is injurious to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.
- (8) No more than two customers or clients shall be permitted to visit the site at any given time. All customer/client visits shall be between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Adequate, conforming off street parking shall be provided for customers or clients.

Home occupations: Home occupations which are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home, and is clearly incidental and secondary to the principal residential use. Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding any sales and/or service of weapons, guns, ammunition, fireworks or any components thereof and all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

- (1) That such home occupation shall be conducted wholly within the dwelling.
- (2) That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.
- (3) That there shall be no exterior storage or parking of materials or equipment.
- (4) That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.
- (5) That no hazard of fire, explosion or radioactivity shall exist at any time.
- (6) There shall be no external evidence of such home occupation. No signage shall be permitted.
- (7) No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.
- (8) As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.
- (9) The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.
- (10) "Home Occupation" shall not include "Home Offices" as defined above.

Section 19. Section 10.512 is hereby amended to read as follows:

Section 10.512. Exterior lighting.

- A. All lighting for parking areas or for the external illumination of buildings and uses shall be of full cut-off design, mounted horizontally, directed downward, away from and shall be shielded from adjacent residential districts properties and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.
- B. Shields shall be full cut-off design on all lighting fixtures to prevent lighting from extending onto adjacent properties and rights of way. Lighting shall not exceed 0.5 foot candles as measured at any residentially-zoned property line and 1 foot candle as measured at any other property line.
- C. Internal lights that are directed outside are prohibited.
- D. Internal or external lights that frame windows are permitted, but shall be limited to accent lighting, where the source of illumination is not visible from the exterior of the building.
- E. Maximum maintained lighting level in any parking lot, canopy area or site lighting shall not exceed 5 foot-candles as measured horizontally at grade.
- F. Maximum height of any parking lot light pole fixture or wall-mounted fixture shall be 20' as measured from grade at base of light pole.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

G. Motion detector or photocell activated fixtures are permitted, but shall adhere to all shielding and light intensity standards in this section.

H. All accent and spot lighting that is directed onto buildings, signs, flags or other focus points shall be shielded from direct view of the source of illumination and shall be directed in such a fashion that the lighting does not extend beyond the confines of the focus of the illumination.

I. Prohibited Lighting: Search lights, lasers, flashing, moving or intermittent lighting is prohibited.

J. Exemptions: Street lighting and emergency lighting installed and maintained by a public road authority, holiday decorations and lighting that was legally installed prior to the adoption of this section are exempt from the standards in this section.

Section 20. Section 10.514D(2)r is hereby amended to read as follows:

D. Submission Requirements

2. Site Plan Submission / Data Requirements

The following information shall be required on all site plans:

r. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties. Details of all lighting fixtures shall be provided. For new parking lots and vehicle canopies a photometric plan shall be provided, demonstrating conformance with Section 10.512.

Section 21. Section 10.1802(8) is hereby amended to read as follows:

Section 10.1802. Principal uses permitted

(8) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 22. Section 10.1805(2) is hereby amended to read as follows:

Section 10. 1805 Uses permissible on special approval.

(2) ~~Eating and/or drinking establishments, except drive ins. (See Section 10.319(4)).~~
Establishments that primarily serve alcoholic beverages for consumption on the premises. ~~and/or have~~ Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 23. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 24. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018**

Section 25. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 26. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption and upon publication.

Section 27. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 p.m. and 4:30 p.m. on regular business days.

Chairman Wakeland opened the public hearing.

Sam Yaldo – Owner of 711 W. 13 Mile Road – spoke in favor of the proposed amendments and the additional options they will provide to develop his property.

There being no one else wishing to speak, Chairman Wakeland closed the public hearing.

Motion by Commissioner Marsh; Supported by Commissioner Conn:

To recommend that City Council approve the proposed Zoning Ordinance Text Amendment 17-01 (Ordinance 2128).

Motion Carried Unanimously

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There was no public comment.

Continued Discussion – Master Plan – Statutory 5-Year Review

Chairman Wakeland opened the discussion and asked Mr. Schafer for a summary.

Mr. Schafer noted that the Planning Commission is required by state law to review the Master Plan every 5 years to determine if, in the Planning Commission's opinion, it needs an update or amendment. The Planning Commission conducted its first such review in 2002 and determined no changes or updates were necessary.

Its second review and a subsequent amendment occurred in 2007. In 2007, the Parks & Recreation Advisory Board, through the Recreation Plan update process, and City Council through the Goal Process, asked the Planning Commission to consider amending the Master Plan to provide for conversion of Gravel Park to single-family use and the exchange of Sunset Park for an extension of Rosie's Park, in cooperation with Madison Schools. The Planning Commission proceeded with the Master Plan amendment process and did indeed amend the Master Plan regarding Gravel Park and Sunset / Rosie's Park. During that amendment process, the Planning Commission also conducted its state-mandated 5-year review and determined that there was no need to amend the Master Plan beyond the two areas specifically requested as noted above.

In 2013 the Planning Commission conducted its third such statutory review and determined no changes or updates to the Master Plan were necessary. Accordingly, it is time for the Planning Commission to conduct its next 5-year Master Plan review.

Mr. Schafer stated that at their August 21, 2018 meeting the Planning Commission had initial discussions that focused on the process and initial feedback and comment. The Planning Commission directed staff to provide a statistical / graphic / map analysis of the changes to the City's land use patterns over the last 5 years. (Slides attached).

Commissioner Bliss noted the forecasted changes in school age population – down for both Madison and Lamphere Schools – and stated that a focus of the Plan needs to be analyzing this forecasted trend to determine how to respond.

Chairman Wakeland noted that the plan process will need to include the school districts.

Commissioner Hartwell stated that in light of the forecasted school age trends, one focus needs to be on attracting and retaining younger parents and families.

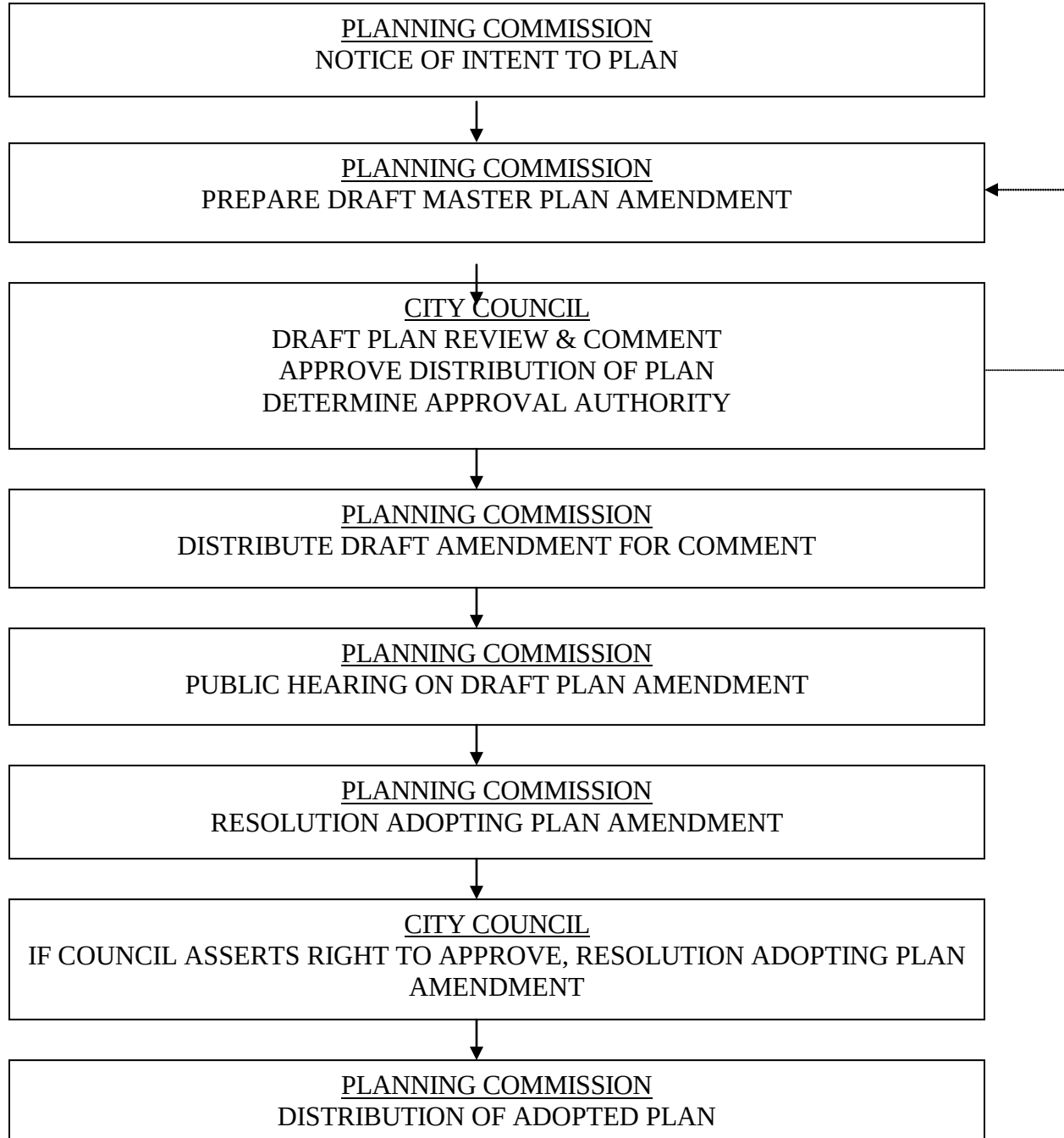
Commissioner Marsh noted the housing stock already in place for older populations and the need to determine its adequacy in light of the forecasted trend for substantial increases in older age groups over the next 25 years.

Commissioner Sylvester stated that the plan update will have a significant impact on the City's development patterns.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

Focus will need to be on significance of these impacts and how they interrelate.

In response to a question regarding the process from Commissioner Hartwell, Mr. Schafer noted that staff has already submitted an Action Plan regarding the possible Master Plan Update as part of the City Council Strategic Plan process. This will be amended to reflect the Planning Commission's recommendation at tonight's meeting. Mr. Schafer provided an overview of the process:



MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 20, 2018

Mr. Schafer noted that should the Planning Commission determine that the Master Plan needs to be updated, that process would include securing a consultant through a Request for Proposal (RFP) process to conduct the update, including all public engagement, analysis and meetings. This RFP and subsequent budget authorization would be approved by City Council ultimately, which is why the Action Plan has been developed to include this process in City Council's Strategic Plan and budget review.

Commissioner Bliss noted that the City has updated the Recreation Plan several times in the recent past and it is time to do the same for the City-wide Master Plan.

Mr. Schafer noted that the Recreation Plan update process will be essentially concurrent with the Master Plan update if the Planning Commission determines such an update is necessary. Accordingly, there could be efficiencies in both time and money if the two were dove-tailed and utilized the services of the same consulting team.

Motion by Commissioner Hartwell; Supported by Commissioner Champagne:

The Planning Commission hereby determines that the Master Plan is in need of a comprehensive update, advises City Council of that need and recommends that the City Council authorize the necessary 2019-20 budget to do so.

Motion Carried Unanimously

NEW DEVELOPMENT UPDATE

Staff provided the Planning Commission with a summary of new developments in the City.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:45 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 15, 2019

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:35 p.m.

ROLL CALL

Present: Bliss, Champagne, Conn, Hartwell, Marsh, Sylvester, Wakeland.

Absent: Kapolka,

MEMBER EXCUSED

Motion by Commissioner Hartwell, Supported by Commissioner Conn

To excuse Commissioner Kapolka from tonight's meeting.

Motion Carried Unanimously

APPROVAL OF MINUTES

Motion by Commissioner Hartwell; Supported by Commissioner Conn:

To approve the minutes of the regular November 20, 2018 Planning Commission meeting as printed.

Motion Carried Unanimously

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There was no public comment.

ELECTION OF PLANNING COMMISSION OFFICERS FOR 2019

Motion by Hartwell;

Seconded by Conn:

To nominate Commissioner Sylvester for **Secretary** by acclamation and to close nominations.

Motion carried unanimously.

Motion by Hartwell;

Seconded by Champagne:

To nominate Commissioner Conn for **Vice-Chair** by acclamation and to close nominations.

Motion carried unanimously.

Motion by Hartwell;

Seconded by Bliss:

To nominate Chairman Wakeland for **Chairman** by acclamation and to close nominations.

Motion carried unanimously.

Discussion – Possible Zoning Text Amendment related to Medical Marihuana Facilities

Chairman Wakeland opened the discussion and asked Assistant City Attorney Nic Grochowski for a summary.

Mr. Grochowski reviewed the Medical Marihuana regulations and explained that City Council is considering allowing Medical Marihuana Facilities in the City. This would require an amendment to the zoning ordinance to allow these types of uses in the O-1 and M-1 and M-2 districts.

Mr. Hartwell explained his thought process behind encouraging Medical Marihuana facilities in the city to spur redevelopment and more importantly to get Marihuana out of the neighborhoods.

Mr. Bliss encouraged the planning commission members to review the ordinance being considered by City Council although the planning commission roll is only to recommend the zoning text amendments to City Council.

Mr. Sylvester asked how the scoring will differentiate between big business and mom and pop enterprises that want to get into the business.

Mr. Hartwell explained that in his opinion big business is preferred and the City Council ordinance does require pre-approval by the State of Michigan before an applicant will be considered. Also, the ordinance being considered includes scoring that gives points to those entities that give back to Madison Heights organizations. This was included to find businesses that are vested in our community and residents.

MINUTES

MADISON HEIGHTS PLANNING COMMISSION

REGULAR MEETING – January 15, 2019

Chairman Wakeland asked about the timing of the public hearing and voiced the thought that the zoning text amendments should take place before Council has second reading on the ordinance amendments for Medical Marihuana facilities. Timing and available dates were discussed.

Ms. Marsh stated that she expects the public to be addressing this issue with Council at the February 11th City Council meeting and that the planning commission should have the public hearing before that date in order to have the zoning text amendments to City Council for their February 11, 2019 meeting. City Attorney Nic Grochowski concurred.

Motion by Marsh;

Seconded by Sylvester:

To schedule a Special Meeting and Public Hearing on Zoning Text Amendments for February 5, 2019 at 5:30 p.m. to hear public comment related to the zoning text amendments.

Motion carried unanimously.

NEW DEVELOPMENT UPDATE

No new developments were presented to the Planning Commission.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:35 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 5, 2019

- (h) Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - (i) Warehouse, storage and transfer and electric and gas service buildings and yards, excluding gas treatment and gas pumping stations. Water supply and ~~sewage~~ disposal plants, water and gas tanks and holders.
 - (j) Retail sales of items that are sold at wholesale on the premises. Such retail sales shall be strictly incidental to the wholesale sales and the area devoted to such sales shall not exceed 15 percent of the gross floor area. The retail sales area shall meet the parking requirements in section 10.505(11)(v).
- (3) Kennels, commercial.
 - (4) Business or trade schools.
 - (5) Accessory buildings and uses customarily incident to the above permitted uses.
 - (6) Bus passenger stations.
 - (7) Medical Marihuana Facilities licensed and approved by the city.

SECTION 2. Repealed.

All ordinances or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. Effective Date.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. Inspection.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.

Chairman Wakeland opened the public hearing at 5:36 p.m.

Erin Lammers, representative from Dunaskiss Consulting & Development, 169 W. Clarkston Rd., Lake Orion, has spoken at City Council meetings, and encouraged the commission to change or eliminate the zoning cap as it will help the new industry grow and benefit those in the industry.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 5, 2019**

Scott Roberts, a cannabis business attorney, stated that by raising or removing the cap would be in the best interest of the community as it would provide more revenue to the City if there were more facilities allowed in the community.

The being no further comment from the public, the public hearing was closed at 5:40 p.m.

Discussion – Possible Zoning Text Amendment related to Medical Marihuana Facilities

Motion by Commissioner Bliss; Supported by Commissioner Kapolka:

To recommend that City Council approve to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinance for the City of Madison Heights, by amending Appendix A proposed Zoning Ordinance Text Amendments 19-01 (Ordinance 2130).

Commissioner Holder asked why Mobile Homes and parks were not mentioned in the restricted areas of the ordinance.

Assistant City Attorney Grochowski indicated that Mobile Home Parks are zoned differently than traditional residential homes and continued that parks are located in residentially zoned areas of the City.

Commissioner Champagne asked for a definition of the safety compliance facilities named in the ordinance.

Assistant City Attorney Grochowski stated that it is a testing facility, which simply means they test small amounts of the medical marihuana produced and being sold.

Chairman Wakeland concurred with comments made by Commissioner Holder regarding including mobile homes as residential areas and restricting parks.

ROLL CALL:

Yeas: Bliss, Champagne, Conn, Kapolka, Marsh, Wakeland

Nays: Holder

Absent: Hartwell

Motion Carried: 6-1

NEW DEVELOPMENT UPDATE

A summary of approximately 20 new developments were presented to the Planning Commission.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:03 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 21, 2019**

**Council Chambers – City Hall
300 W. 13 Mile Rd., Madison Heights, MI 48071**

CALL TO ORDER

Vice-Chairman Conn called the meeting of the Madison Heights Planning Commission to order at 5:33 p.m.

ROLL CALL

Present: Bliss, Champagne, Conn, Holder, Marsh, Hartwell

Absent: Wakeland, Kapolka, Sylvester

MEMBERS EXCUSED

Motion by Commissioner Marsh, Supported by Commissioner Holder

To excuse Commissioner Wakeland from tonight's meeting.

Motion Carried Unanimously

**Commissioner Champagne arrives at 5:36pm*

APPROVAL OF MINUTES

Motion by Commissioner Hartwell, Supported by Commissioner Marsh,

To approve the minutes of the regular February 5, 2019 Planning Commission meeting as printed.

Yeas: Bliss, Champagne, Conn, Holder, Marsh, Hartwell

Nays: None

Absent: Wakeland, Kapolka, Sylvester

Abstain: None

The motion was carried unanimously on a roll-call vote.

PUBLIC HEARING

Zoning Text Amendment 19-02(Ordinance 2141):

An Ordinance to amend Ordinance No. 252, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.505(3) of the Zoning Ordinance of the City of Madison Heights, for the purpose of clarifying and prohibiting residential off-street parking on the front lawn, on the sidewalk, on the right-of-way between the sidewalk and street, and in the backyard of a premises, in order to promote the health, safety and welfare of the residents of the City of Madison Heights.

ORDINANCE NO. 2141

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 252, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.505(3) of the Zoning Ordinance of the City of Madison Heights, for the purpose of clarifying and prohibiting residential off-street parking on the front lawn, on the sidewalk, on the right-of-way between the sidewalk and street, and in the backyard of a premises, in order to

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 21, 2019**

promote the health, safety and welfare of the residents of the City of Madison Heights.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. AMENDMENT.

That Appendix A, Section 10.505(3) of the City of Madison Heights' Zoning Ordinance is hereby amended to read as follows:

ARTICLE I –DEFINITIONS

Section 10.505 – Parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, an off-street vehicle parking area with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

* * *

(3) Residential off-street parking spaces shall occur on a driveway, or in a garage or any combination thereof. A driveway must be at least nine feet wide. Both the driveway and the garage shall be located on the premises they are intended to serve and be subject to the provisions of section 10.504 of this Ordinance. All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt or concrete and drained in accordance with the requirements of, and upon approval of, the City Engineer. Outdoor devices that facilitate the vertical stacking of vehicles shall be prohibited. Further, it is strictly prohibited for anyone to park on the front lawn, in the side yard, in the backyard or on any grassy areas of the premises and any violators shall be subject to the penalties specified in section 10.1400 et seq. of this ordinance.

SECTION. 2. REPEALER.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. SEVERABILITY.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. EFFECTIVE DATE.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. ENACTMENT.

A copy of this ordinance may be inspected or purchased at the city clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 21, 2019

The City Attorney noted that this item should not be a public hearing at this time, but rather this item should be for consideration and to set a public hearing for the next regular Planning Commission meeting

Commissioner Hartwell inquired as to the intent of ordinance or what event, if any, lead to these recommended changes. The City Attorney explained that the ordinance was to prevent people from parking on their lawn. While there was already language that was strong enough to enforce, there was an incident where an individual argued that the language was unclear as to what constituted a yard or lawn. The language proposed uses the definitions of specific yard spaces in accordance with the Zoning Ordinance.

**Commissioner Sylvester arrives at 5:40pm*

Commissioner Hartwell asked for more clarification regarding the definitions of the various yard spaces. He also asked whether or not someone could park in their backyard. His concern was that the way the ordinance was written it would prevent someone from parking in their driveway, which could be located in the front, side, or rear yard space. He felt the intent of the ordinance was not to prevent people from parking on their paved driveway, regardless of which yard space it was in, but rather to prevent them from parking on dirt or grass. The City Attorney will investigate adding language to clarify the intent.

Commission Holder brought up a concern about weather emergencies noting that it may be difficult for people to relocate their vehicles so that a snow plow could get through if they are not permitted to park their vehicles in their yard space. She did not want to put people in the position that they may unintentionally violate this ordinance during an emergency situation. She also noted that handicapped persons may have to park on the street which would cause them to walk further when they may not be able to. She felt their needed to be some relief to accommodate extenuating circumstances.

Vice-Chair Conn noted that people with longer back yards may be able to safely park their vehicle even if there is not cement. The City Attorney stated that there will have to be revisions to the language between now and the public hearing.

Commissioner Bliss felt that this issue was not a matter that required the resources that were being put in to it at this time and felt there were other ordinances that should be a priority. He felt it was possible he could be wrong, but would like a history and some information about why this ordinance became a priority to better understand why the Planning Commission is reviewing it. The City Attorney explained that he felt the ordinance does merit some consideration as he does see it in court coming from Code Enforcement on a fairly regular basis, but he agreed some more background may be needed to help the Commissioners better understand why they were considering the language.

Commissioner Champagne asked if there was already a definition for driveways and thought that if it were clearly defined it may clear up the confusion. The City Attorney reviewed what the current definitions are of a driveway.

Commissioner Marsh stated that this is an issue that comes up with Code Enforcement, but that some more research and revisions may be necessary to get the language right. She stated that she did not want the language to encourage people to pave more of their yard as that was not the intent of the ordinance. She also did not want to encourage more people to park on the street if they have a usable and accessible driveway. She felt more information was needed from the City Attorney before they could consider the language. She also supported the Planning Commission with moving forward with setting a public hearing for August and to have revisions to the language brought back at that time. Otherwise, there would likely be another three month delay before being able to adopt the new language because it would have to wait for another Planning Commission meeting.

Commissioner Bliss reiterated that he would like more background and that the ordinance language needs to be clarified and that he would not vote in support of the language as it is currently written. He also asked if it would be possible to provide a list of current ordinances being written so that they could identify which ones were higher priorities.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 21, 2019**

Motion by Commissioner Hartwell, Supported by Commissioner Bliss, to adopt the proposed Zoning Text Amendment 19-02 (Ordinance 2141) at the first reading and to set the public hearing for the next regularly scheduled Planning Commission meeting.

Yeas: Hartwell
Nays: Bliss, Conn, Marsh, Holder, Champagne, Sylvester
Absent: Wakeland, Kapolka
Abstain: None

The motion was lost on a roll-call vote.

MASTER PLAN: REQUEST FOR PROPOSALS

CED Director Hicks reviewed the memorandum and went through the Request for Proposals (RFP) with the Commissioners and explained the selection process. He suggested a Selection Committee should be formed and could be comprised of key city staff and volunteers from City Council, the Planning Commission, or the Parks & Recreation Advisory Board.

Vice-Chair Conn asked when the Selection Committee would be formed and Hicks said it could be formed now if any Planning Commissioners or City Council members were interested in participating. Vice-Chair Conn and Commissioner Champagne both expressed interest in participating in the selection process. Hicks stated that it may be overwhelming to have too many people participating in the selection process and suggested that either one or the other could participate. Vice-Chair Conn deferred to Commissioner Champagne to be a part of the Selection Committee.

Commissioner Hartwell requested that City Council not be included in the selection process and would like to defer to staff, the Planning Commission itself, and the Parks & Recreation Advisory Board to make a recommendation to City Council. He also stated he had confidence in staff to prepare a report summarizing the interviews to make a selection and that the process was more administrative and not political.

Commissioner Bliss stated that an advantage to having someone from the Planning Commission be a part of the selection process would be the different point of view they may bring. He also felt Council should not be a part of the selection process since they will ultimately have to approve a contract regardless of which consultant is selected. He also stated that he did not feel including the amount of funding available in the RFP was a best practice. Commissioner Bliss also felt cost should be weighted more heavily.

Commissioner Marsh felt it was good to leave the cost in and keep it weighted the way that it was since the City was interested in the quality of the plan. Being able to identify a consultant that would utilize more senior level Planners rather than entry level would be more advantageous even though it may cost a little more. She felt hesitant to increase the emphasis on the cost because it could force the Selection Committee to recommend a consultant with less experience and the City could end up with a lower-quality product. Commissioner Bliss suggested weighting the experience of the consultant's staff more heavily.

Commissioner Holder asked Hicks what the intention was behind including the budget in the RFP. Hicks responded by noting he has worked with many of the consultants over the course of his career and he expects most of them would likely contact him to ask. They would still be responsive, but most of them need an estimated dollar amount in order to structure a plan for the City that is reasonable and accomplishes the main goals and objectives. Commissioner Holder felt it was fine to leave the cost in the RFP.

Motion by Commissioner Hartwell, Supported by Commissioner Champagne, to DIRECT the Community & Economic Development Director to post the RFP and solicit proposals from qualified consultants to assist with drafting a new Master Plan and Parks & Recreation Plan with the recommended edits:

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 21, 2019**

- Remove City Council as a member of the Selection Committee and appoint a member of the Parks & Recreation Advisory Committee in their place.
- Interviews should take place during regular business hours.

Yeas: Hartwell, Bliss, Conn, Marsh, Holder, Champagne, Sylvester

Nays: None

Absent: Wakeland, Kapolka

Abstain: None

The motion carried unanimously on a voice vote.

PUBLIC COMMENT

Vice-Chair Conn opened the public comment period at 6:29pm to receive comments for items not on the agenda. There were no public comments.

ADJOURNMENT OF MEETING

Vice-Chair Conn requested that “New Business” be added to the next Agenda. He explained that the former CED Director would usually verbally provide an update about new businesses that had opened or expanded/remodeled.

Having no further business before the Commission, Vice-Chairman Conn adjourned the meeting at 6:30 p.m.

Respectfully submitted,



Barry Hicks, AICP, Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 17, 2019**

**Council Chambers – City Hall
300 W. 13 Mile Rd., Madison Heights, MI 48071**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:33 p.m.

ROLL CALL

Present: Bliss, Conn, Marsh, Hartwell, Wakeland, Smith

Absent: Champagne, Sylvester, Ogelsby

Staff: Barry Hicks, Community & Economic Development Director
Larry Sherman, City Attorney

MEMBERS EXCUSED

Motion by Commissioner Hartwell, Supported by Commissioner Conn,
To excuse Commissioners Champagne, Sylvester, and Ogelsby from tonight's meeting.

The motion was carried unanimously on a voice vote.

APPROVAL OF MINUTES

Motion by Commissioner Conn, Supported by Commissioner Smith,
To approve the minutes of the regular May 21, 2019 Planning Commission meeting as printed.

Yeas: Bliss, Conn, Marsh, Hartwell, Wakeland, Smith

Nays: None

Absent: Champagne, Sylvester, Ogelsby

Abstain: None

The motion was carried unanimously on a voice vote.

Chairman Wakeland welcomed the newest Commissioner, James Smith.

PUBLIC HEARING

Request No. 1079:

Request by Cypress Partners, LLC to rezone three parcels of land described as:

30021 Dequindre Rd.

T1N, R11E, SEC 12 PART OF NE 1/4 BEG AT E 1/4 COR, TH N 88-39-00 W 401.53 FT, TH N 00-14-00 E 130.50 FT, TH S 88-39-00 E 403.76 FT, TH S 01-13-00 W 130.50 FT TO BEG 1.20 A

30031 Dequindre Rd.

T1N, R11E, SEC 12, PART OF NE 1/4 BEG AT PT DIST N 01-13-00 E 130.50 FT FROM E 1/4 COR, TH N 88-39-00 W 401.76 FT, TH N 00-14-00 E 130.50 FT, TH S 88-39-00 E 403.99 FT, TH S 01-13-00 W 130.50 FT TO BEG 1.20 A

30071 Dequindre Rd.

T1N, R11E, SEC 12, PART OF NE 1/4 BEG AT PT, DIST N 01-13-00 E 261 FT & N 88-46-24 W 60 FT FROM E 1/4 COR, TH N, 88-46-24 W 343.15 FT, TH N 00-13-01 E 260.04 FT, TH S 88-46-25 E 347.68 FT, TH S 01-13-00 W 260 FT TO BEG 2.06 A 9-22-03 FR 028

The request is to rezone the properties from R-2, Residential to O-1 Office.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 17, 2019

Public hearing opened at 5:40pm

Jeff Buck from Cypress Partners provided an overview of the proposed use after the rezoning.

Commissioner Hartwell asked about the height of the building. Mr. Buck answered that the structure would be approximately 35 feet in height. Commissioner Hartwell asked about screening walls or berms. Steve Pariseau, the designer for the project from Shelter Design Studio in Royal Oak, joined Mr. Buck at the podium and stated there would be a screening wall and courtyard area in the rear of the property. Commissioner Hartwell asked where else they have constructed this type of development. Mr. Buck stated that Cypress Partners owned a very similar facility in St. Clair Shores. Commissioner Hartwell asked about what type of land uses there were adjacent to the development in St. Clair Shores. Mr. Buck stated that the adjacent land uses were single and multi-family units.

Cheryl Charpentier-Hankins – She was that applicant didn't answer question about berms or screening. Wondered about if these were luxury apartments or low-income as it was advertised as both.

Annita Bridges, 1750 Moulon Ave. – asked what the screening wall will look like on the south side of the property.

Mr. Buck explained that it would be both low-income and market-rate apartments mixed. Each unit will have their own kitchen or can opt to get meals in the dining room. He further stated that the city requires the wall to be built all around the property.

Commissioner Bliss inquired as to whether or not Cypress Partners has reached out to the neighbors. Mr. Buck said he would reach out to neighbors to allow for the opportunity to ask questions and express concerns.

Commissioner Conn asked about the number of parking spaces required. Mr. Hicks explained that the O-1 Office zoning district requires a 2:1 ratio of parking spaces. He further explained that similar uses, such as Solberg and Madison Tower, are only required a 1:1 parking space ratio per dwelling unit because they are in an H-R zoning district. The number of spaces proposed is about half of what is required, but not out of line with the proposed use. He stated that the applicant will be going before the Zoning Board of Appeals to request a variance from the required parking.

Mrs. Charpentier-Hankins – asked why the property is being rezoned to office because she felt it does not seem to fit the requested zoning. City Attorney Sherman said that the request to rezone the property from R-2 to O-1 is because the future land use map in the City's Master Plan only allows for the property to be rezoned to an office use.

Mrs. Charpentier-Hankins – asked if the development is only for seniors? City Attorney Sherman noted the PILOT through the Michigan State Housing and Development Authority which would require low-income residents at least 55 years of age or older.

Mrs. Charpentier-Hankins – asked if the proposed development would include families. City Attorney Sherman stated that the expectation is that it would be a senior living facility.

Mrs. Charpentier-Hankins – asked what the impact would be of a three-story building behind one-story single-family homes. City Attorney Sherman stated that the applicant still needed to go through City Council to rezone the property and to obtain a Special Use Permit and that those types of issues could be addressed at that time.

Maureen Barringer, 30040 Manor Drive – expressed concerns about the height of the building.

Chairman Wakeland closed the public hearing at 5:53pm

Commissioner Bliss requested the developer have a neighborhood meeting prior to going to City Council.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 17, 2019

Motion by Commissioner Marsh, Supported by Commissioner Conn,
To recommend that City Council **approve** the request to rezone the properties from R-2 to O-1 as it is in full compliance with the Master Plan designation for the property.

Yeas: Bliss, Conn, Marsh, Hartwell, Wakeland, Smith

Nays: None

Absent: Champagne, Sylvester, Ogelsby

Abstain: None

The motion was carried unanimously on a roll-call vote.

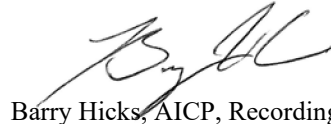
PUBLIC COMMENT

Chairman Wakeland opened the public comment period at 6:00 p.m. to receive comments for items not on the agenda. There were no public comments.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Chairman Wakeland adjourned the meeting at 6:02 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barry Hicks', is written over the typed name.

Barry Hicks, AICP, Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
SPECIAL MEETING – October 17, 2019**

**Active Adult Center
29448 John R Rd., Madison Heights, MI 48071**

CALL TO ORDER

Mayor Hartwell called the joint meeting of the Madison Heights City Council, Planning Commission, Zoning Board of Appeals, the Parks and Recreation Advisory Committee, and Downtown Development Authority to order at 6:00 p.m.

ROLL CALL

Present: Bliss, Champagne, Marsh, Hartwell, Wakeland, Sylvester, Smith

Absent: Ogelsby, Conn

MEMBERS EXCUSED

None

PUBLIC COMMENT

Mayor Hartwell opened the public comment period at 6:02pm to receive comments for items not on the agenda. There were no public comments.

MASTER PLAN LEADERSHIP ADVANCE

The Planning Commissioners participated in a workshop lead by Giffels-Webster, the consultant hired by the City to assist with the Master Plan update.

ADJOURNMENT OF MEETING

Having no further business before the Commission, Mayor Hartwell adjourned the meeting at 8:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barry Hicks', is written over the printed name.

Barry Hicks, AICP, Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 19, 2019**

**Council Chambers – City Hall
300 W. 13 Mile Rd., Madison Heights, MI 48071**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:33 p.m.

ROLL CALL

Present: Champagne, Conn, Marsh, Wakeland, Sylvester

Absent: Bliss, Smith, Ogelsby, Hartwell

Staff: Barry Hicks, Community & Economic Development Director

Jill Bahm, Giffels-Webster, Planning Consultants

Matt Wojciechowski, Giffels-Webster, Planning Consultants

MEMBERS EXCUSED

Motion by Commissioner Marsh, Supported by Commissioner Sylvester,

To excuse Commissioners Harwell, Bliss, Smith, and Ogelsby from tonight's meeting.

The motion was carried unanimously on a voice vote.

APPROVAL OF MINUTES

Motion by Commissioner Sylvester, Supported by Commissioner Conn,

To approve the minutes of the regular September 17, 2019 Planning Commission meeting as printed.

Yeas: Champagne, Conn, Marsh, Wakeland, Sylvester

Nays: None

Absent: Bliss, Smith, Ogelsby, Hartwell

Abstain: None

The motion was carried unanimously on a voice vote.

Motion by Commissioner Marsh, Supported by Commissioner Champagne,

To approve the minutes of the special October 17, 2019 Planning Commission meeting as printed.

Yeas: Champagne, Conn, Marsh, Wakeland, Sylvester

Nays: None

Absent: Bliss, Smith, Ogelsby, Hartwell

Abstain: None

The motion was carried unanimously on a voice vote.

PUBLIC COMMENT

Chairman Wakeland opened the public comment period at 6:00 p.m. to receive comments for items not on the agenda. There were no public comments.

MASTER PLAN UPDATE

Jill Bahm and Matt Wojciechowski gave an overview of the status of the first draft of the Master Plan and recapped the public meetings that had been held to date. The next public input sessions will be for Parks and Rec on December 12 and the DDA on January 14.

PUBLIC COMMENT

Hicks provided a brief update regarding new development in the City over the past quarter.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – November 19, 2019**

ADJOURNMENT OF MEETING

Motion by Commissioner Conn, Supported by Commissioner Champagne,
To close the meeting.

Meeting adjourned at 6:28 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barry Hicks', written over the printed name.

Barry Hicks, AICP, Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 21, 2020**

**Council Chambers – City Hall
300 W. 13 Mile Rd., Madison Heights, MI 48071**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:31 p.m.

ROLL CALL

Present: Conn, Marsh, Wakeland, Bliss, Smith, Ogelsby, Hartwell

Absent: Champagne, Sylvester

Staff: Barry Hicks, Community & Economic Development Director
Jill Bahm, Giffels-Webster, Planning Consultants
Matt Wojciechowski, Giffels-Webster, Planning Consultants

MEMBERS EXCUSED

Motion by Commissioner Smith, Supported by Commissioner Ogelsby,
To excuse Commissioners Champagne and Sylvester from tonight's meeting.

The motion was carried unanimously on a voice vote.

APPROVAL OF MINUTES

Motion by Commissioner Conn, Supported by Commissioner Hartwell,
To approve the minutes of the regular November 19, 2019 Planning Commission meeting as printed.

Yeas: Conn, Marsh, Wakeland, Bliss, Smith, Ogelsby, Hartwell

Nays: None

Absent: Champagne, Sylvester

Abstain: None

The motion was carried unanimously on a voice vote.

PUBLIC COMMENT

Chairman Wakeland opened the public comment period at 5:34 p.m. to receive comments for items not on the agenda.
There were no public comments.

MASTER PLAN UPDATE

Jill Bahm and Matt Wojciechowski of Giffels-Webster provided an update on data that had been collected to date and provided a status update on the Status of the Master Plan. This included an overview of a Market Study, Goals and Objectives, information collected regarding City parks, and the neighborhoods. A Public Open House to share information and collect another round of public input is scheduled for March 31, 2020.

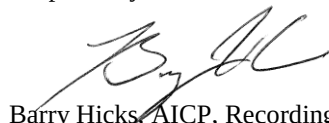
NEW DEVELOPMENT UPDATE

Hicks stated he would provide an email with a quarterly new development update the next business day.

ADJOURNMENT OF MEETING

Meeting adjourned at 7:24 p.m.

Respectfully submitted,



Barry Hicks, AICP, Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 27, 2020**

**Council Chambers – City Hall
300 W. 13 Mile Rd., Madison Heights, MI 48071**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:31 p.m.

ROLL CALL

Present: Conn, Marsh, Wakeland, Bliss, Smith, Hartwell, Champagne

Absent: Ogelsby, Sylvester

Staff: Barry Hicks, Community & Economic Development Director

Nicolas Grochowski, Assistant City Attorney

MEMBERS EXCUSED

Motion by Commissioner Marsh, Supported by Commissioner Conn,
To excuse Commissioners Ogelsby and Sylvester from tonight's meeting.

The motion was carried unanimously on a roll-call vote.

APPROVAL OF MINUTES

Motion by Commissioner Conn, Supported by Commissioner Smith,
To approve the minutes of the regular January 21, 2020 Planning Commission meeting as printed.

Yeas: Conn, Marsh, Wakeland, Bliss, Smith, Hartwell, Champagne

Nays: None

Absent: Ogelsby, Sylvester

Abstain: None

The motion was carried unanimously on a roll-call vote.

ESTABLISH PUBLIC HEARINGS

A. Zoning Text Amendment 20-01 (Ordinance 2157):

Establish Tuesday, June 16, 2020 at 5:30 p.m. as the time and an electronic meeting held from Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Oakland County, Michigan 48071 as the place to conduct a Public Hearing and consider the following:

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Appendix A, Article IV, Section 10.314 and, Article IX, Section 10.328, of the City of Madison Heights Zoning Ordinance, City of Madison Heights, Michigan, to locate licensed and approved Adult-Use Marihuana Establishments in the City of Madison Heights.

Mr. Hicks introduced the agenda item and Mr. Grochowski provided an overview of the suggested amendments.

Commissioner Hartwell commented that he was generally supportive of the ordinance and would hold comments until the June 16th Planning Commission meeting.

Chairman Wakeland asked if this ordinance covered recreational use. Mr. Grochowski said that the term "adult use" is the term used in the State Act and that it is the recreational use of Marihuana.

Motion by Commissioner Hartwell, Supported by Commissioner Conn, to establish Tuesday, June 16, 2020 at 5:30 p.m. as the time and an electronic meeting held from Council Chambers of the Municipal Building at 300 W. 13

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – May 27, 2020

Mile Road, Madison Heights, Oakland County, Michigan 48071 as the place to conduct a Public Hearing regarding Zoning Text Amendment 20-01.

Yeas: Conn, Marsh, Wakeland, Bliss, Smith, Hartwell, Champagne
Nays: None
Absent: Ogelsby, Sylvester
Abstain: None

The motion was carried unanimously on a roll-call vote.

B. Zoning Text Amendment 20-02 (Ordinance 2158):

Establish Tuesday, June 16, 2020 at 5:30 p.m. as the time and an electronic meeting held from Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Oakland County, Michigan 48071 as the place to conduct a Public Hearing and consider the following:

An Ordinance to amend Ordinance No. 252, being an Ordinance codifying and adopting a Zoning Ordinance for the City of Madison Heights by adding a new Article XII to the Zoning Ordinance of the Code of Ordinances, City of Madison Heights, Michigan, to create an overlay zoning district to establish location requirements for the cultivation of medical marihuana by primary caregivers, under the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended, to protect the health, safety and welfare of the public.

Mr. Hicks introduced the agenda item and Mr. Grochowski provided an overview of the suggested amendments.

Motion by Commissioner Marsh, Supported by Commissioner Smith, to establish Tuesday, June 16, 2020 at 5:30 p.m. as the time and an electronic meeting held from Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Oakland County, Michigan 48071 as the place to conduct a Public Hearing regarding Zoning Text Amendment 20-02.

Yeas: Conn, Marsh, Wakeland, Bliss, Smith, Hartwell, Champagne
Nays: None
Absent: Ogelsby, Sylvester
Abstain: None

The motion was carried unanimously on a roll-call vote.

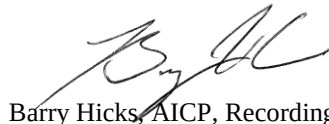
PUBLIC COMMENT

Chairman Wakeland opened the public comment period at 5:48 p.m. to receive comments for items not on the agenda. There were no public comments.

ADJOURNMENT OF MEETING

Mr. Hicks noted that the Special Planning Commission meeting was scheduled for June 16th and would begin at 5:30 p.m. and would be held online due to the COVID-19 pandemic. Meeting adjourned at 5:50 p.m.

Respectfully submitted,



Barry Hicks, AICP, Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – June 16, 2020**

**Council Chambers – City Hall
300 W. 13 Mile Rd., Madison Heights, MI 48071**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

ROLL CALL

Present: Conn, Marsh, Wakeland, Bliss, Smith, Hartwell, Champagne

Absent: Ogelsby, Sylvester

Staff: Barry Hicks, Community & Economic Development Director

Nicolas Grochowski, Assistant City Attorney

MEMBERS EXCUSED

Motion by Commissioner Smith, Supported by Commissioner Bliss,
To excuse Commissioners Ogelsby and Sylvester from tonight's meeting.

The motion was carried unanimously on a roll-call vote.

APPROVAL OF MINUTES

Motion by Commissioner Conn, Supported by Commissioner Champagne,
To approve the minutes of the regular May 27, 2020 Planning Commission meeting as printed.

Yeas: Wakeland, Bliss, Smith, Hartwell, Champagne, Conn, Marsh

Nays: None

Absent: Ogelsby, Sylvester

Abstain: None

The motion was carried unanimously on a roll-call vote.

* Commissioner Ogelsby arrives at 5:35pm

PUBLIC HEARINGS

A. Zoning Text Amendment 20-01 (Ordinance 2157):

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Appendix A, Article IV, Section 10.314 and, Article IX, Section 10.328, of the City of Madison Heights Zoning Ordinance, City of Madison Heights, Michigan, to locate licensed and approved Adult-Use Marihuana Establishments in the City of Madison Heights.

Mr. Hicks introduced the agenda item and Mr. Grochowski provided an overview of the suggested amendments.

Chairman Wakeland asked if Ordinance 2157 and 2158 were being considered together or separate. Mr. Grochowski said that they each should have their own public hearing and be considered separately.

Chairman Wakeland opened the Public Hearing at 5:39pm. Hearing no public comment, Chairman Wakeland asked if there was any correspondence.

Mr. Hicks read an email from resident Deborah Nickels (1800 Briarwood Drive) – she supported the approval of Adult-Use Marihuana.

Hearing no further public comment, **Chairman Wakeland closed the Public Hearing at 5:43pm** and asked for

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – June 16, 2020**

discussion from Commissioners.

Commissioner Conn asked what stage of development the existing facilities were in at the time of the meeting. Mr. Hicks responded that they were both through site plan review and had submitted building and engineering permits, but that they still needed to pay for the permits and proof of bonds.

Commissioner Campaign asked if the only locations for Adult-Use would be the two that were already approved as Medical Marijuana Facilities (29600 Stephenson Hwy and 2 Ajax Drive). Mr. Grochowski noted that there are several ordinances being considered by City Council at this time and that not all of them were Zoning Ordinances being considered by the Planning Commission. He explained there would only be the two locations that are already approved under the MMFLA that could apply for Adult-Use at this time, subject to Council approval, but that Council may consider a third location. Council would have to open a new application and scoring period to open a third location. That process would follow the same process the first two locations went through.

Commissioner Smith asked for clarification as to if both the Medical Marijuana and Adult-Uses would be in the same existing locations. Mr. Grochowski stated that what is being considered tonight are the Zoning Ordinance amendments that would allow Adult-Use as a “Permitted Use” in accordance with the provided Medical and Adult-Use Overlay District map. Council would have to approve any future co-locations of Medical and Adult Uses as well as any new vertically integrated facilities. He did explain that testing labs would be the only exception that would be allowed not only in the overlay district, but also in O-1 Office Zoning Districts. He also stated the State law describes how to bifurcate Medical and Adult-Uses in the same facility. Any City approved facility would also have to follow all applicable State laws.

Commissioner Ogelsby stated he was contacted by community residents with regard to safety and security and was curious to know what, if any, precautions the City was taking to assure safety at these facilities. Chairman Wakeland stated that the ordinances being considered were to address these types of issues by limiting where Caregivers and MMFLA facilities could be located within the City so that they are not too close to residences or schools among other uses. Mr. Grochowski echoed Chairman Wakeland’s comments about zoning restrictions and noted that the new facilities did go through Site Plan review like any other use and concerns were addressed at that time. Mr. Hicks elaborated on the types of facilities that fall under either the MMFLA act and others that are considered “Caregivers” and that the caregivers may be the ones Commissioners Ogelsby was referring. A new ruling from the Michigan Supreme Court now allows for caregivers to be regulated by zoning, whereas the City used to be very limited on what they could and could not regulate with regard to this type of use.

Chairman Wakeland asked Mr. Hicks if there were plans available that shows what the two approved MMFLA facilities looked like. Mr. Hicks stated there were approved plans on file with the CED Department.

Motion by Commissioner Conn, Supported by Commissioner Champagne, to recommend that City Council adopt Zoning Text Amendment 20-01.

Yeas: Marsh, Wakeland, Bliss, Hartwell, Champagne, Conn
Nays: Ogelsby, Smith
Absent: Sylvester
Abstain: None

The motion was carried on a roll-call vote.

B. Zoning Text Amendment 20-02 (Ordinance 2158):

An Ordinance to amend Ordinance No. 252, being an Ordinance codifying and adopting a Zoning Ordinance for the City of Madison Heights by adding a new Article XII to the Zoning Ordinance of the Code of Ordinances, City of Madison Heights, Michigan, to create an overlay zoning district to establish location requirements for the cultivation of medical marijuana by primary caregivers, under the Michigan Medical Marijuana Act (MMA), Initiated Law 1

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – June 16, 2020**

of 2008, MCL 333.26421 et seq., as amended, to protect the health, safety and welfare of the public.

Mr. Hicks introduced the agenda item and Mr. Grochowski provided an overview of the suggested amendments.

Chairman Wakeland opened the Public Hearing at 6:13pm. Hearing no public comment, Chairman Wakeland asked if there was any correspondence.

Hearing no further public comment and having received no correspondence, **Chairman Wakeland closed the Public Hearing at 6:14pm** and asked for discussion from Commissioners.

Commissioner Ogelsby inquired if this was with regard to “Caregivers.” Mr. Grochowski stated Commissioner Oglesby was correct and that this ordinance would limit the location of the caregivers similar to how any other use would be regulated under zoning. He cited a specific case next to a school that recently had caused some concern in the community and noted this type of ordinance would address that type of concern going forward.

Commissioner Champagne framed the restriction in comparison to other regulations in place for any other similar use that might manufacture medicine and asked if these restrictions were any more or less restrictive. Mr. Grochowski stated that these restrictions were similar, but did have the addition that the product could not be cultivated or processed within a certain proximity or other certain uses, such as residential uses.

Commissioner Bliss explained that prior to the ruling from the Michigan Supreme Court, the City could not regulate where caregivers could locate. He explained that by passing this ordinance, both the MMFLA facilities and Caregivers would actually have to abide by the same rules and that the City would not be any more or less restrictive on where caregivers could locate than they are being to the other facilities.

Motion by Commissioner Marsh, Supported by Commissioner Conn, to recommend that City Council adopt Zoning Text Amendment 20-02.

Yeas: Smith, Hartwell, Champagne, Ogelsby, Conn, Marsh, Wakeland, Bliss

Nays: None

Absent: Sylvester

Abstain: None

The motion was carried unanimously on a roll-call vote.

PUBLIC COMMENT

Chairman Wakeland opened the public comment period at 6:37 p.m. to receive comments for items not on the agenda. There were no public comments.

ADJOURNMENT OF MEETING

Mr. Hicks noted that the Special Planning Commission meeting was scheduled for August 18, 2020 and would begin at 5:30 p.m. Meeting adjourned at 6:39 p.m.

Respectfully submitted,



Barry Hicks, AICP, Recording Secretary

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – AUGUST 18, 2020**

**Council Chambers – City Hall
300 W. 13 Mile Rd., Madison Heights, MI 48071**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:31 p.m.

ROLL CALL

Present: Conn, Marsh, Wakeland, Bliss, Smith, Champagne, Sylvester

Absent: Grafstein, Smith, Ogelsby

Staff: Barry Hicks, Community & Economic Development Director
Jill Bahm, Giffels-Webster
Matt Wojciechowski, Giffels-Webster
Joe Tangari, Giffels-Webster
Meghan Cuneo, Giffels-Webster

MEMBERS EXCUSED

Mr. Hicks noted that Commissioner Smith called in and stated he would not be able to participate in the meeting this evening.

Motion by Commissioner Marsh, Supported by Commissioner Conn,
To excuse Commissioners Grafstein, Smith, Ogelsby, from tonight's meeting.

Present: Conn, Marsh, Wakeland, Bliss, Smith, Champagne, Sylvester

Nays: None

Absent: Grafstein, Smith, Ogelsby

Abstain: None

The motion was carried unanimously on a roll-call vote.

APPROVAL OF MINUTES

Motion by Commissioner Conn, Supported by Commissioner Smith,
To approve the minutes of the regular May 27, 2020 Planning Commission meeting as printed.

Present: Conn, Marsh, Wakeland, Bliss, Smith, Champagne, Sylvester

Nays: None

Absent: Grafstein, Smith, Ogelsby

Abstain: None

The motion was carried unanimously on a roll-call vote.

* Commissioner Ogelsby arrives 5:37pm

* Commissioner Grafstein arrives at 5:53pm

MASTER PLAN UPDATE

Mr. Hicks recapped the progress to date on collecting public input and compiling data for the Master Plan Update. Ms. Bahm introduced the Giffels-Webster team and they presented the current findings in the Master Plan and asked for input from the Commission. Mr. Hicks requested some revisions.

Commissioner Bliss inquired about the timeline. Ms. Bham responded that once the Planning Commission approved the draft plan that there would be a 63 day public comment period before the plan could be approved by City Council.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – AUGUST 18, 2020**

CURRENT PROJECT UPDATE

Mr. Hicks provided a brief update of some current projects happening around Madison Heights. This included the new Irish Tavern at 29028 Campbell, the new medical marihuana facility at 29600 Stephenson, the status of construction for the new medical marihuana facility at 2 Ajax Drive, the status of development of the proposed First Watch restaurant at 29345 John R., and the status of the permits for the proposed Ashley Furniture at 32766 John R Road.

PUBLIC COMMENT

Chairman Wakeland opened the public comment period at 7:39 p.m. to receive comments for items not on the agenda. There were no public comments.

ADJOURNMENT OF MEETING

Mr. Hicks noted that the Special Planning Commission meeting was scheduled for September 21st and would begin at 5:30 p.m. and would be held online due to the COVID-19 pandemic. Chairman Wakeland adjourned the meeting at 7:41 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barry Hicks', is written over the printed name.

Barry Hicks, AICP, Recording Secretary

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – September 21, 2020

Meeting held electronically via ZOOM
Meeting ID 826 1683 8164

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:38 p.m.

ROLL CALL

Present: Bliss, Conn, Marsh, Oglesby, Smith, Wakeland,
Absent: Champagne, Grafstein, Sylvester,

Also Present: Giffels Webster – Jill Bahm, Sri Ravali Komaragiri, Joe Tangari, Matt Wojciechowski

MEMBERS EXCUSED

Motion by Commissioner Marsh, Supported by Commissioner Oglesby,
To excuse Commissioner Grafstein from tonight's meeting.

The motion was carried unanimously on a roll-call vote.

APPROVAL OF MINUTES

Motion by Commissioner Conn, Supported by Commissioner Marsh,
To approve the minutes of the regular August 18, 2020 Planning Commission meeting as printed.

Yeas: Bliss, Conn, Marsh, Oglesby, Wakeland
Nays: None
Abstain: Smith

The motion was carried unanimously on a roll-call vote.

** Commissioner Smith did not have microphone access but could hear and see the meeting*

MASTER PLAN – DRAFT REVIEW

Giffels Webster was present to continue to present the Draft Master Plan to the planning commission. Jill Bahm explained they have completed the Downtown Plan section and have held a meeting with the Downtown Development Authority. The purpose of tonight's review is to cover the future land use section including discussion on the future land use map and new categories of City Center and Mixed Use Innovation.

Timeline and next steps include finalizing the draft version of the Master Plan for presentation to the Planning Commission in October. Once the final draft plan is complete, the Planning Commission will ask City Council to release the plan to the required reviewing agencies, including neighboring communities and Oakland County. Following the required 63-day review period, the Planning Commission will hold a public hearing and adopt the plan. City Council will also be asked to adopt the plan.

No action was needed at this meeting.

PUBLIC COMMENT

Chairman Wakeland opened the public comment period at 6:28 p.m. to receive comments for items not on the agenda. There were no public comments.

ADJOURNMENT OF MEETING

Meeting adjourned at 6:33 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2021**

**Meeting held electronically via ZOOM
Meeting ID 83450623204**

CALL TO ORDER

Chairman Wakeland called the meeting of the Madison Heights Planning Commission to order at 5:32 p.m.

ROLL CALL

Present: Bliss, Champagne, Conn, Marsh, Oglesby, Wakeland, Grafstein, Smith arrived 5:47

Absent: Sylvester

Also Present: Giffels Webster – Sri Ravali Komaragiri

ADDITIONS TO THE AGENDA

Motion by Commissioner Marsh seconded by Commissioner Conn to move the Election of Officers: Chair, Vice-Chair and Secretary to number 10 on the agenda.

Yeas: Bliss, Champagne, Conn, Marsh, Oglesby, Wakeland, Grafstein,

Nays: None

Motion by Commissioner Bliss seconded by Commissioner Marsh to present a Certificate of Appreciation to Andy Wakeland as number 11 on the agenda.

Yeas: Bliss, Champagne, Conn, Marsh, Oglesby, Wakeland, Grafstein,

Nays: None

APPROVAL OF PLANNING COMMISSION MEETINGS CALENDAR FOR 2021

Motion by Mayor Grafstein and supported by Commissioner Oglesby to approve the meeting calendar for 2021 for the third Tuesday of each month January through November.

Yeas: Bliss, Champagne, Conn, Marsh, Oglesby, Wakeland, Grafstein,

Nays: None

APPROVAL OF MINUTES

Motion by Commissioner Bliss, Supported by Commissioner Conn, to approve the minutes of the regular November 17, 2020 Planning Commission meeting as printed.

Yeas: Bliss, Champagne, Conn, Marsh, Oglesby, Wakeland, Grafstein,

Nays: None

PUBLIC COMMENT

Chairman Wakeland opened the public comment period at 5:42 p.m. to receive comments for items not on the agenda. There were no public comments.

PLANNING UPDATES

Sri Ravali Komaragiri took comments from the Planning Commission regarding Parking and Site Plan Review to the site plan review committee. She has incorporated comments and will be presenting the Site Plan Review in the February meeting. Plan is to give a high-level overview at the first planning commission meeting, submit a marked up draft and then public hearing. The City has established an Ordinance Steering Committee to suggest, discuss, and review ordinance amendments before they are brought to the Planning Commission.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – January 19, 2021**

ELECTION OF PLANNING COMMISSION OFFICERS FOR 2021

Motion by Commissioner Bliss seconded by Commissioner Conn to elect Josh Champagne for Chairman and Bruce Conn as Vice-Chair.

Yeas: Bliss, Champagne, Conn, Marsh, Oglesby, Smith, Wakeland, Grafstein, Sylvester,
Nays: None

Motion by Marsh seconded by Grafstein to table election secretary until the February 16, 2021 Planning Commission Meeting.

Yeas: Bliss, Champagne, Conn, Marsh, Oglesby, Smith, Wakeland, Grafstein, Sylvester,
Nays: None

RESOLUTION OF APPRECIATION – Andy Wakeland

Commissioner Marsh offered a Resolution of Appreciation as follows:

CERTIFICATE OF APPRECIATION

WHEREAS, the City of Madison Heights Planning Commission wishes to express its sincere appreciation to:

Andy Wakeland

in recognition of his outstanding service to the community as Commissioner and then Chairman of the Madison Heights Planning Commission from April 2012 to January 2021; and

WHEREAS, his leadership in this capacity has furthered those ideals that contribute to a better community through sound planning.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission expresses the City's sincere appreciation and recognition to this distinguished citizen for his public service.

AND BE IT FURTHER RESOLVED that a copy of this Resolution be presented to Andy Wakeland to serve as a lasting expression of the Planning Commission's gratitude for his contributions to the betterment of the City of Madison Heights.

ADJOURNMENT OF MEETING

Meeting adjourned at 5:56 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 16, 2021**

**Meeting held electronically via ZOOM
Meeting ID 84778101045**

CALL TO ORDER

Chairman Champagne called the meeting of the Madison Heights Planning Commission to order at 5:32 p.m.

ROLL CALL

Present: Bliss, Champagne, Marsh, Grafstein, Smith, and Sylvester

Absent: Conn, Oglesby

Also Present: Giffels Webster – Sri Ravali Komaragiri and Jill Bahm, Assistant City Attorney Nic Grochowski

EXCUSE MEMBER CONN

Motion by Grafstein supported by Smith to excuse Commission member Conn.

Yeas: Bliss, Champagne, Marsh, Grafstein, Smith, and Sylvester

Nays: None

ADDITION TO THE AGENDA

Addition to the agenda for the appointment of the Secretary for the Planning Commission Motion by Bliss supported by Marsh.

Yeas: Bliss, Champagne, Marsh, Grafstein, Smith, and Sylvester

Nays: None

PUBLIC HEARING – 2021 MASTER PLAN DRAFT

Giffels Webster reviewed the Master Plan including the process that was followed for updating this plan. Ideally each year the implementation part of this plan would be revisited with a joint meeting of the Planning Commission and City Council to set priorities for the upcoming year.

After closing the Public Hearing at 5:57pm on the 2021 Master Plan; Commissioner Smith made the motion supported by Commissioner Sylvester to adopt the following resolution of adoption

RESOLUTION OF ADOPTION

2021 Master Plan by
City of Madison Heights Planning Commission

WHEREAS, the City of Madison Heights Planning Commission may prepare and adopt a Master Plan for the physical development of the City, as empowered by the Michigan Planning Enabling Act of 2008; and

WHEREAS, the City of Madison contracted with a professional planning consultant to assist the Planning Commission with the technical assessments necessary to make the Master Plan for the City; and

WHEREAS, the Planning Commission and City Council held a joint visioning session with city leadership boards on October 17, 2019 to identify influencing themes for the Master Plan where the following priorities emerged:

- **Housing:** Housing in the city of Madison Heights is affordable and neighborhoods are safe and there is a good housing market. The Master Plan should explore how to maintain and improve housing as well as encourage more mixed-use development.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 16, 2021

- **Recreation:** The city is fortunate to have parkland within easy reach of most residents. The Master Plan should continue to support areas for parks and recreation, while the Recreation Plan should address connectivity between parks, maintenance and park-specific improvements.
- **Commercial Corridors:** The city's commercial corridors have a wide variety of businesses and are regionally regarded for its ethnically diverse restaurants. The Master Plan should explore how to encourage economic development while improving the appearance of these commercial corridors. Enhancing the aesthetics of the city's main roadways will contribute to the walkability of the city.
- **Non-Motorized Transportation:** While the city enjoys a fairly complete sidewalk network, the Master Plan should address improvements that support walkability – not only from an infrastructure standpoint, but also considering aesthetics and destinations to which residents can walk as noted above.

WHEREAS, the Planning Commission held a virtual open house in conjunction with the development of the 2021 Master Plan from April 24 – May 8, 2020, in response to the State of Michigan's health-related restrictions on public gatherings in place through most of 2020 due to the COVID-19 pandemic; in addition, an in-person open house was held to in conjunction with the preparation of the city's 2021-2025 Recreation Plan in December 2019; and

WHEREAS, the Planning Commission held a public hearing on its proposed 2021 Master Plan on February 16, 2021.

NOW THEREFORE BE IT RESOLVED that the Madison Heights Planning Commission hereby adopts this Master Plan for the City, along with the text, maps, charts, graphs, and other descriptive materials contained in the Plan.

Yeas: Bliss, Champagne, Marsh, Grafstein, Smith, and Sylvester
Nays: None

PLANNED UNIT DEVELOPMENT CONCEPT – FUTURE ORDINANCE AMENDMENT

Jill Bahm from Giffels Webster gave a short overview of Planned Use Developments (PUD) based on developments happening in surrounding communities and conversations that are happening in Madison Heights. Michigan Zoning and Enabling Act allows the city to establish a PUD requirements in the zoning ordinance to permit flexibility in regulation of land development, encourage innovative innovation in land use, achieve economy and efficiency in use of land, encourage useful open space, provide better housing, employment, and shopping opportunities. PUD is not intended to avoid the imposition of standards and requirements of a district rather is encourages flexibility to allow advantages to both the developers and the city. PUD also includes a development agreement.

Based on feedback from the Planning Commission a language for the ordinance amendment will be presented to the Planning Commission in March.

SCHEDULE PUBLIC HEARING FOR TEXT AMENDMENT FOR SECTION 10.514 SITE PLAN REVIEW

Sri Komaragiri from Giffels Webster reviewed the text amendment being proposed for site plan review process ordinance.

Motion by Sylvester and seconded by March to set the Public Hearing on draft text amendment for Section 10.514 Site Plan Review Process and set public hearing for an upcoming meeting.

Yeas: Bliss, Champagne, Marsh, Grafstein, Smith, and Sylvester

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – February 16, 2021

Nays: None

APPROVAL OF MINUTES

Motion by Commissioner Bliss, Supported by Commissioner Sylvester, to approve the minutes with the amendment to change the tabling of the Secretary from “when the full commission is available to the meeting of February 16, 2021.

Yeas: Bliss, Champagne, Marsh, Grafstein, Smith, and Sylvester

Nays: None

PUBLIC COMMENT

There were no public comments.

PLANNING UPDATES

Sri Ravali Komaragiri reviewed the majority of site plans reviewed recently are for caregivers. She is working on several much needed ordinance amendments and will be bringing those to the Planning Commission, warning the Planning Commission that this will require the Planning Commission to meet monthly in 2021 instead of quarterly.

ADJOURNMENT OF MEETING

Meeting adjourned at 6:57 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 16, 2021**

**Meeting held electronically via ZOOM
Meeting ID 858 0778 3697**

CALL TO ORDER

Chairman Champagne called the meeting of the Madison Heights Planning Commission to order at 5:31 p.m.

ROLL CALL

Present: **Bliss, Champagne, Marsh, Smith, Conn, Oglesby, Graettinger**, Sylvester, Grafstein (arrived at 5:43),

Absent:

Also Present: Giffels Webster – Sri Ravali Komaragiri, Assistant City Attorney Nic Grochowski

PUBLIC HEARING – ZONING TEXT AMENDMENT (21-01)

Chairman Champagne opened the public hearing at 5:36.

Sri Komaragiri from Giffels Webster reviewed the Zoning Text Amendment for the public and new commission members. This ordinance addresses site plan review in order to streamline the process and add additional standards.

Chairman Champagne closed the public hearing at 5:39.

Motion by Commissioner Marsh, seconded by Commissioner Conn to recommend City Council approve Zoning Text Amendment 21-01 Text Amendments to amend Ordinance No. 252, Section 10.514 Site Plan Review.

Yeas: Bliss, Champagne, Marsh, Smith, Conn, Oglesby, Graettinger, Sylvester,

Nays: None

COSTCO PARKING LOT EXPANSION (SITE PLAN PSPR 20-0046)

Motion by Commissioner Bliss seconded by Commissioner Oglesby to approve the site plan, PSPR 20-0046, Costco Parking Lot Expansion located at 30550 Stephenson Highway per section 10.401 i to include the condition to mark the single row of parking between the entrances as employee only.

Yeas: Bliss, Champagne, Marsh, Smith, Conn, Oglesby, Graettinger, Sylvester, Grafstein

Nays: None

ZONING TEXT AMENDMENT (21-02)

Sri Komaragiri from Giffels Webster led the discussion of a proposed text amendment to amend the Heights Zoning Ordinance No. 252, Sec. **10.401**. Limited in heights, bulk, density, and area by land use in order to address the master plan recommendation for additional height for business and multiple family districts.

Proposed changes to B-1, B-2, B-3 and RM. B-3 all commercial 3 story maximum, if mixed use with residential then they could get one additional story.

B-1 typically abuts residential. The proposal is B-1 not abutting – 2 stories 30 feet permitted no change to setback. B-1 abutting residential 2 stories 30 feet permitted with additional setbacks for every 1 foot in addition to 20 feet in height.

B-2, if not abutting residential, is being proposed as 3 stories 40 feet permitted; no change to setbacks. If abutting residential 3 stories 30 feet permitted with additional setbacks. One foot for every one foot in addition to 20 feet height.

B-3, if not abutting residential 3 stories 40 feet permitted. No change to setback. If abutting residential 3 stories 30 feet permitted with additional setbacks. 1 foot for every foot in addition to 20 feet heights. Permitted Mixed Use – retail on 1st floor; residential on 2nd, 3rd, and 4th floors, Additional story as an incentive for proposing mixed use.

Chairman Champagne asked about a middle ground with the Planning Commission approval or special land use

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – March 16, 2021

approval. Maybe top floor with setback when abutting residential. Commissioner Bliss asked about landscaping requirements for buildings that are higher than three stories to protect residents that abut a B-3. Commissioner Graettinger asked about setbacks in relation to the depth of the lots. Commissioner Oglesby concerned about height restrictions and taller buildings casting shade on properties or being able to see in to lots. Consensus of Commission when it abutts residents there needs to be protections the Commission is good with

Motion by Commissioner Sylvester seconded by Commissioner Smith to set the public hearing for Zoning Text Amendment (21-02) revising height, bulk, density, and area by land use for the April 20th Planning Commission Meeting.

Yeas: Bliss, Champagne, Marsh, Smith, Conn, Oglesby, Graettinger, Sylvester, Grafstein
Nays: None

APPROVAL OF MINUTES

Motion by Commissioner Oglesby, Supported by Commissioner Conn, to approve the minutes to the meeting of February 16, 2021.

Yeas: Bliss, Champagne, Marsh, Smith, Conn, Oglesby, Graettinger, Sylvester, Grafstein
Nays: None

PLANNING UPDATES

Commissioner Bliss – In future can we put the items that require action together.

Sri Ravali Komaragiri several ordinance amendments on the way over the next few months. Have been meeting with several developers interested in starting projects but nothing formally submitted as of yet.

ADJOURNMENT OF MEETING

Meeting adjourned at 6:43 p.m.

**MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 20, 2021**

**Meeting held electronically via ZOOM
Meeting ID 829 3693 1396**

CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:37 p.m.

ROLL CALL

Present: Chairperson Champagne (Madison Heights, Oakland County). Commissioners Bliss (Madison Heights, Oakland County), Marsh (Madison Heights, Oakland County), Smith (Madison Heights, Oakland County), Conn (Madison Heights, Oakland County), Oglesby (Madison Heights, Oakland County), Graettinger (Madison Heights, Oakland County), Sylvester (Madison Heights, Oakland County), and Grafstein (Madison Heights, Oakland County).

Absent: None.

Also Present: Planning Consultant Komaragiri, Assistant City Attorney Nic Grochowski, Business Services Director Mary Daley, City Clerk Cheryl Rottmann

All votes taken at today's meeting are roll call votes.

PUBLIC HEARING – ZONING TEXT AMENDMENT (21-02)

Planning Consultant Komaragiri stated that Planning Commission is scheduled to hold a public hearing for a text amendment to amend the City of Madison Heights Zoning Ordinance at Appendix A, Ordinance No.252, Section 10.401. – Limiting height, bulk, density, and area by land use and Article VIII - B-3 General Business Districts, Section 10.318. Principal uses permitted, in order to address the master plan recommendation for additional height for the following districts, R-M Multiple-Family Residential District, B-1 Local Business District, B-2 Planned Business District and B-3 General Business District and to allow mixed use developments that include multiple-family residential uses in the B-3 General Business District.

Chair Champagne opened the public hearing at 5:43 p.m.

Planning Consultant Komaragiri stated that this amendment was introduced at the last meeting. There was discussion on heights and mixed use, and standards were added to regulate use in R-M, B-1, B-2, and B-3. An increase in height results in increase in setbacks. If the property abuts single family district, the maximum setback is 1 foot, so that the buildings that are not right next to homes are more pedestrian friendly. This allows for improving existing standards including: roof top screening and flexibility with building façade requirements, loading areas and standards to permit mix-use developments. The mixed-use developments concept is to have a good mix of commercial and residential uses. This will allow residential uses on the first floor with limitations. If you are proposing mixed use, you can't have businesses that are non-friendly to residential uses and must meet architectural standards. Planner Komaragiri asked for input on whether the ordinance should allow a drive-thru within a mixed-use development in a B-3 district. As proposed, there would be one drive-thru permitted in a mixed-use development.

The Commission discussed the proposed amendments in detail. Commissioner Marsh noted the drive thru in a mixed-used development is not like a typical drive you would see at a fast food. This would allow for only one and would be minimal to traffic and noise. This would allow some flexibility and not ban it altogether. The business must still obtain City Council approval and the limitation is specific to mixed-use proposals only. Seeing no members of the public wishing to speak, Chair Champagne closed the public hearing at 6:01 p.m.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 20, 2021

Motion by Commissioner Oglesby, seconded by Commissioner Conn, to recommend City Council approve Zoning Text Amendment 21-02, Text Amendments to Amend Ordinance No. 252, Section 10.401, Limiting height, bulk, density, and area by land use and Article VIII - B-3 General Business Districts, Section 10.318.

Yeas: Bliss, Champagne, Marsh, Conn, Oglesby, Graettinger, Sylvester, Grafstein
Nays: None
Not Voting: Smith (muted)
Motion carried.

MATTERS FOR CONSIDERATION – ZONING TEXT AMENDMENT (21-03)

Planning Consultant Komaragiri lead a discussion of a proposed text amendment to amend the City of Madison Heights Zoning Ordinance Sec. 10.504, Accessory Buildings, to add and include standards for regulating the number, location and size of flagpoles on private properties for all districts in order to assure appropriate safety concerns are addressed and observed. This amendment also proposes minor modifications to existing standards for accessory buildings.

Planning Consultant Komaragiri stated that the City does not have anything in the ordinance that currently regulates flag poles. This amendment also addresses accessory buildings and structures other than the storage of private vehicles. The idea is not to create more of an administration process for residents, but to streamline the ordinance.

The Commission discussed the proposed amendment. In response to Commissioner Smith's question, Ms. Komaragiri replies that when flag poles are illuminated, it would require lighting to be focused on the pole and pointed away from residential properties and roadways.

In response to Commissioner Conn's inquiry, Ms. Komaragiri replied that the ordinance is based on the assumption of one flag per pole; however she will provide greater clarification at next meeting.

In response to Commissioner Bliss's inquiry, Attorney Grochowski replied that we are not regulating which flags can be flown, but the manner including how they are displayed, the placement; height and size.

In response to Chair Champagne questions, Ms. Komaragiri answered banners and streamers are already prohibited in sign ordinance, the prohibition in this section is just repeated. She also stated that the city does have requirements regarding the structural aspect of flagpoles.

Motion by Commissioner Conn, seconded by Commissioner Grafstein, to schedule a public hearing at the next regular Planning Commission meeting on May 18, 2021 to consider an Ordinance to amend Ordinance No. 252, being an Ordinance codifying and Code of Ordinances for the City of Madison Heights by amending Appendix A, Ordinance No.252 continued, Sec. 10.504. Accessory Buildings to add standards for regulating the number, location and height of flagpoles on private properties for all districts in order to assure appropriate safety concerns are addressed and observed. This amendment also proposes to define accessory structures and buildings and update related standards.

Yeas: Bliss, Champagne, Marsh, Smith, Conn, Oglesby, Graettinger, Sylvester, Grafstein
Nays: None
Motion carried.

MATTERS FOR CONSIDERATION – ZONING TEXT AMENDMENT (21-04)

Planning Consultant Komaragiri led a discussion of a proposed text amendment to amend the City of Madison Heights Zoning Ordinance at various sections of the Ordinance No.252, to regulate different types of outdoor storage and outdoor vehicular storage associated with business and industrial uses.

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 20, 2021

Planning Consultant Komaragiri stated that the city does have outdoor storage standards, but they don't differentiate between industrial and non-industrial uses. The intent is to identify different types of outdoor storage and create standards for screening for the surrounding uses. The proposed amendment identifies different types of open storage associated with business and industrial uses:

- Outdoor storage industrial M-1 and M-2
- Outdoor Vehicular Storage in Business and Industrial Districts (B-1, B-2 & B-3, M-1 & M-2)
- Outdoor Vehicular Storage Residential Districts (All residential uses)

The Commission discussed the proposed amendment. In response to Commissioner Bliss's inquiry, Ms. Komaragiri stated that a need was identified for delivery vehicles to be closer to the door with the condition that they must be parked farthest from the street. She added that the city is also looking into mobile food trucks and outdoor sales and will be presenting something in the future to the Planning Commission. She stated that she will work on language for clarification as it pertains to delivery vehicles.

Motion by Commissioner Oglesby, seconded by Commissioner Smith, to schedule a public hearing at the next regular Planning Commission meeting on May 18, 2021 to consider a Zoning Text Amendment to amend Ordinance No. 252, being an Ordinance codifying and Code of Ordinances for the City of Madison Heights by amending Appendix A, Ordinance No.252 and Ordinance No.252 continued, at various sections as listed below to regulate different types of outdoor storage and outdoor vehicular storage in applicable zoning districts.

- Ordinance No.252 Sec. 10.307. - Uses permissible on special approval. (R-1, R-2 and R-3)
- Ordinance No.252 Sec. 10.326. - Uses permissible on special approval. (B-3)
- Ordinance No.252 Sec. 10.329. - Uses permissible on special approval. (M-1)
- Ordinance No.252 Sec. 10.332A. - Uses permissible on special approval.
- Ordinance No.252 continued, Sec. 10.504. Accessory Buildings
- Ordinance No.252 continued, Sec. 10.505. - Parking requirements.
- Ordinance No.252 continued, Sec. 10.509. - Performance standards.
- Ordinance No.252 continued, Sec. 10.510. - Landscaping and screening

Yeas: Bliss, Champagne, Marsh, Smith, Conn, Oglesby, Graettinger, Sylvester, Grafstein
Nays: None
Motion carried.

APPROVAL OF MINUTES

Motion by Commissioner Conn, Supported by Commissioner Oglesby, to approve the minutes of the regular Planning Commission meeting of March 23, 2021.

Yeas: Bliss, Champagne, Marsh, Smith, Conn, Oglesby, Graettinger, Sylvester, Grafstein
Nays: None
Motion carried.

PUBLIC COMMENT

There was no public comment.

OTHER MEMBER UPDATES

Commissioner Bliss requested that staff provide an update regarding the city's next budget. City Manager Marsh gave a quick update on the FY 2022 and FY 2023 budget. She stated that the budget will be on the Council agenda on May 10th as well as the contract with Partners in Architecture for the design phase of the Relocation of the Active Adult Center, Library and City Hall Renovation Project. She stated that

MINUTES
MADISON HEIGHTS PLANNING COMMISSION
REGULAR MEETING – April 20, 2021

she is researching using a construction manager for the project. There will be a presentation for the community that evening which will be streamed live on Facebook.

Commissioner Marsh stated that the city is looking into electric vehicle charging stations for the civic center parking lot and other locations within the city and that will eventually be brought back to the Planning Commission.

PLANNER UPDATES

Planning Consultant Komaragiri stated that she is working on additional text amendments to be presented to the Planning Commission and stated that she will try to get packet info to Commission earlier. They are working on a draft PUD ordinance, as well as ordinances pertaining to food trucks, outdoor sales and parking..

ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 7:02 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

May 18, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

Meeting held electronically via ZOOM; Meeting ID 882 0310 6064

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at p.m.

2. ROLL CALL

Present: Chairperson Josh Champagne (Madison Heights, Oakland County).
Mayor Roslyn Grafstein (Madison Heights, Oakland County).
Councilman Mark Bliss (Madison Heights, Oakland County),
City Manager Melissa Marsh (Madison Heights, Oakland County),
Member James Smith (Madison Heights, Oakland County),
Member Bruce Conn (Madison Heights, Oakland County),
Member Cliff Oglesby (Madison Heights, Oakland County),
Member Eric Graettinger (Baldwin City, Douglas County, Kansas),
Member Grant Sylvester (Madison Heights, Oakland County).

Absent: None.

Also Present: Planning Consultant Sri Ravali Komaragiri,
City Attorney Jeffrey Sherman,
Business Services Coordinator Mary Daley,

All votes taken at today's meeting are roll call votes.

3. APPROVAL OF AGENDA

Motion by Commissioner Marsh, Supported by Commissioner Conn, to approve the agenda for tonight's meeting.

Yeas: Bliss, Conn, Graettinger, Grafstein, Marsh, Oglesby, Smith, Sylvester, Champagne

Nays: None

Absent: None

Motion carried.

4. PUBLIC HEARING

a. ZONING TEXT AMENDMENT (21-03)

Public hearing for a proposed text amendment to amend Sec. 10.504 of Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights to add standards for regulating the number, location, and height of flagpoles on private properties for all districts to assure appropriate safety concerns are addressed and observed. This amendment also proposes to add standards to regulate accessory structures including accessory buildings, utility structures, and swimming pools.

Chair Champagne opened the public hearing at 5:36 p.m. Seeing no members of the public were present, the public hearing was closed at 5:36 p.m.

Planning Consultant Komaragiri, Giffels Webster, led the discussion of the proposed text amendment. This amendment was presented at the previous meeting to gather preliminary input and any other considerations. She noted that standards are essential in providing guidance and legal justification for approving bodies and ensure compliant site development that maintains compatibility with surrounding areas.

This amendment aims to provide standards for the following:

1. Accessory buildings
2. Utility structures
3. Swimming pools
4. Flagpoles

Discussion continued regarding the amendment and specifically the language to regulate the number, location, and height of flagpoles on private properties. In response to Commissioner Oglesby, Planner Komaragiri clarifies that under this amendment, a property owner would have to go to the ZBA to obtain a variance to install a third flagpole unless the flagpole would be for the display of the company logo then it would not be considered a flag, but rather a sign and would be regulated under the sign ordinance

Discussion followed pertaining to adjusting the maximum height limits and number of flagpoles permitted in both commercial and residential districts.

Discussion followed on the height and square footage permitted for flag poles and flags for single-family homes and apartment buildings. It was the consensus to amend the proposed text amendment and allow for one (1) flag pole to be permitted with a maximum height of twenty (20) feet or a maximum of thirty (30) feet, subject to Building Official review for the height and location, and maximum square footage of thirty (30) square feet for flags for single-family homes and apartment buildings. It was the consensus to permit three (3) flag poles in other zoning districts.

Discussion followed on the swimming pool and utility structure portion of the amendment. Planner Komaragiri stated that she would like to get input from the Building Official prior to amending any setback requirements for swimming pools and that input could be included in the revision presented to City Council for approval. It was the consensus that the Planning Commission recommends a minimum setback of six (6) feet for swimming pools. The setback could be further reduced to a minimum of three (3) feet, subject to Building Official review and approval. In a discussion of utility structures, it was the consensus that when a utility structure is located in a side yard, three sides should be enclosed and composed of either a masonry wall or materials that are compatible with the existing architecture.

In the discussion of the screening required for Utility Structures, the Planning Commission recommended permitting alternate screening materials in lieu of masonry screening to allow for better airflow for certain structures. Such materials should be compatible with building design and materials, subject to the approval of the Building Official.

The Planning Consultant summarized the edits recommended by the Planning Commission as follows. The draft will be revised accordingly prior to presenting it to the City Council.

1. A minimum setback of six (6) feet for swimming pools. The setback could be further reduced to a minimum of three (3) feet, subject to Building Official review and approval.

2. Allow for one (1) flag pole to be permitted with a maximum height of twenty (20) feet or a maximum of thirty (30) feet, subject to Building Official review for the height and location, and maximum square footage of thirty (30) square feet for flags for single-family homes and apartment buildings.
3. Permit alternate screening materials in lieu of masonry screening to allow for better airflow for certain structures. Such materials should be compatible with building design and materials.

Motion by Commissioner Sylvester, seconded by Commissioner Oglesby, to recommend City Council approve Zoning Text Amendment 21-03, Text Amendments to the Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights Sec. 10.504, Accessory Buildings, to add standards for regulating the number, location, and height of flagpoles on private properties for all districts to assure appropriate safety concerns are addressed and observed and to add standards to regulate accessory structures including accessory buildings, utility structures, and swimming pools, as amended and summarized by the Planning Consultant.

Yeas: Conn, Graettinger, Grafstein, Marsh, Oglesby, Sylvester, Bliss, Champagne

Nays: None

Absent: None

Motion carried.

b. ZONING TEXT AMENDMENT (21-04)

Public hearing for a proposed text amendment to amend the Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights at various sections as listed below to regulate different types of outdoor storage and outdoor vehicular storage associated with business and industrial uses.

- Ordinance No.252, Sec. 10.200 Definitions
- Article I, Sec. 10.306. - Principal uses permitted.
- Article I, Sec. 10.307. - Uses permissible on special approval. (R-1, R-2, and R-3)
- Ordinance No.252 continued Sec. 10.504. Accessory Buildings
- Article VII, Sec. 10.325. - Principle uses permitted in B-3 general business districts.
- Article VII, Sec. 10.326. - Uses permissible on special approval. (B-3)
- Article VIII, Sec. 10.329. - Uses permissible on special approval. (M-1)
- Article IX, Sec. 10.332A. - Uses permissible on special approval (M-2)
- Ordinance No.252 continued, Sec. 10.505. - Parking requirements.
- Ordinance No.252 continued, Sec. 10.509. - Performance standards.
- Ordinance No.252 continued, Sec. 10.510. - Landscaping and screening

Chair Champagne opened the public hearing at 6:51 p.m. Seeing no members of the public were present, the public hearing was closed at 6:51 p.m.

Planner Komaragiri summarized the text amendments being proposed for outdoor vehicular storage in residential districts, outdoor storage in industrial districts, outdoor vehicular storage in business and industrial districts, and general standards. She noted that one item that is new to the ordinance is allowing the use of a neighbor's property, within 300 feet, to park or store their vehicles onsite.

Motion by Commissioner Conn, seconded by Commissioner Sylvester, to recommend City Council approve Zoning Text Amendment 21-04 to amend the Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights to regulate different types of outdoor storage and outdoor vehicular storage associated with business and industrial uses, as presented.

5. MATTERS FOR CONSIDERATION

a. ZONING TEXT AMENDMENT (21-05)

Planning Consultant Komaragiri introduced the proposed text amendment to amend the City of Madison Heights Appendix A-Zoning Ordinance of Code of Ordinances Zoning Ordinance Article VIII, Sec. 10.328., to regulate different types of outdoor storage and outdoor vehicle storage associated with business and industrial uses.

Planner Komaragiri explained we are seeing a trend in industrial buildings being used for other uses such as recreation, fitness, self-storage, pet boarding facilities, and shared workspaces. Discussion continued regarding potential uses and what has been permitted in other surrounding communities.

Planning Commission discussed and provided input on the following topics: 1) They agreed with the recommended list of uses proposed to be added, 2) They recommended requiring special approval for certain uses when they abut residential such as self-storage facilities and storage yards, and 3) They reconsidered permitting restaurants in industrial districts and are in consensus to limiting them to properties that are closer to non-industrial districts.

Based on feedback from the Planning Commission, the Planning Consultant noted that more specific language for the ordinance amendment will be presented to the Planning Commission at the next meeting.

6. APPROVAL OF MINUTES

Motion by Commissioner Oglesby, Supported by Commissioner Conn, to approve the minutes of the regular Planning Commission meeting of April 20, 2021.

Yeas: Grafstein, Marsh, Oglesby, Smith, Sylvester, Bliss, Conn, Graettinger, Champagne

Nays: None

Absent: None

Motion carried.

7. PUBLIC COMMENT-For items not listed on the agenda

Chair Champagne opened the public comment period at 7:27 pm to receive comments for items not on the agenda. There were no public comments.

8. OTHER MEMBER UPDATES

In response to Member Sylvester's inquiry, Members Marsh and Grafstein give an update on the Save-A-Lot property on John R. Road.

9. PLANNER UPDATES

No new updates from the Planner at this time.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 7:30 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

June 15, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

Meeting held electronically via ZOOM; Meeting ID 852 3270 6137

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

2. ROLL CALL

Present: Chairperson Josh Champagne (Madison Heights, Oakland County),
City Manager Melissa Marsh (Madison Heights, Oakland County),
Member James Smith (Madison Heights, Oakland County),
Member Bruce Conn (Madison Heights, Oakland County),
Member Cliff Oglesby (Madison Heights, Oakland County),
Member Eric Graettinger (Madison Heights, Oakland County),
Member Grant Sylvester (Madison Heights, Oakland County) (arrived at 5:39 pm)

Absent: Member Mark Bliss, Member Roslyn Grafstein

Also Present: Planning Consultant Sri Ravali Komaragiri,
City Attorney Jeffrey Sherman,
Business Services Coordinator Mary Daley

All votes taken at today's meeting are roll call votes.

EXCUSE ABSENT MEMBERS

Motion by Marsh supported by Oglesby to excuse Commission members Bliss, Grafstein, and Sylvester

Yeas: Marsh, Smith, Conn, Graettinger, Oglesby, Champagne

Nays: None

Motion carries.

3. APPROVAL OF AGENDA

Motion by Commissioner Marsh, Supported by Commissioner Smith, to approve the agenda for tonight's meeting.

Yeas: Conn, Graettinger, Marsh, Oglesby, Smith, Champagne

Nays: None

Absent: Bliss, Grafstein, Sylvester

Motion carries.

4. PUBLIC HEARING - NONE

5. MATTERS FOR CONSIDERATION

a. ZONING TEXT AMENDMENT (21-05) M-1 and M-2 Uses

Planning Consultant Komaragiri introduced the proposed text amendment to amend the Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights to amend permitted list of uses in

M-1, light industrial district and M-2, heavy industrial in the following sections: Sec. 10.328. - Principal uses permitted, Sec. 10.329. - Uses permissible on special approval, Sec. 10.332. - Principal uses permitted, Sec. 10.332A. - Uses permissible on special approval in order.

The Planning Consultant summarized the edits recommended by the Planning Commission at their prior meeting as written in the packet. The draft will be revised accordingly prior to presenting it to the City Council.

After some discussion, it was the consensus of the Planning Commission to amend the proposed text amendment and recommend keeping veterinary clinics as a permitted use with no additional standards and moving kennels, commercial and pet boarding facilities to Item 2 where they will require special approval when they abut residential.

A text amendment for the DDA district is expected in the future, but in the meantime, to allow mixed uses in M-1, Planner Komaragiri requested the Planning Commission discuss using the standards discussed by the Planning Commission from B-3 to allow mixed use developments in M-1 if they are in the DDA District and to allow some flexibility as far as setbacks.

Discussion from Planning Commission continued about the text amendment and specifically about expanding the language in M-1 to sit-down restaurants within the M-1 District.

In summary, the following changes were recommended to be made prior to a Public Hearing:

1. Vet clinics will remain in M-1
2. Move kennels to special land use when they abut residential districts
3. Update the blast furnace use to be approved by City Council instead of ZBA, subject to use standards listed in the ordinance
4. Revise the use standards for location of restaurants within M-1 district as discussed (no minimum site area or minimum site frontage, permitted use if fronting on major roads, requires Planning Commission approval when proposed in middle of industrial uses.
5. Add standards as presented for mixed use in M-1 within the DDA boundaries along with reduced setbacks when mixed use is proposed.

Motion by Commissioner Marsh, seconded by Commissioner Conn, to accept the changes as presented subject to the changes discussed at today's Planning Commission meeting and schedule a Public Hearing for July 20, 2021.

Yeas: Graettinger, Marsh, Oglesby, Smith, Sylvester, Conn, Champagne

Nays: None

Absent: Bliss, Grafstein

Motion carries.

b. ZONING TEXT AMENDMENT (21-06): Outdoor Seating

Discussion of a proposed text amendment to amend the Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights to revise standards for outdoor restaurants in the following sections: Sec. 10.322. - Uses permissible on special approval, Sec. 10.318. - Principal uses permitted, Sec. 10.319. - Uses permissible on special approval, Sec. 10.321. - Principal uses permitted, Sec. 10.325. - Principle uses permitted in B-3 general business districts, Sec. 10.326. - Uses permissible on special approval, Sec. 10.1802. - Principal uses permitted and Sec. 10.1805. - Uses permissible on special approval

Planning Consultant Komaragiri introduced the proposed text amendment. This zoning text amendment adds use standards, as written in the packet, to guide outdoor restaurants wherever they are permitted. Discussion from the Planning Commission continued about the proposed amendments.

The Planning Commission discussed the time frame for outdoor music for entertainment businesses that do not abut residential districts. It was the consensus of the Planning Commission to amend the proposed text amendment and revise Sec. 10.318 Section 1, letter f. to state outdoor amplified noise may be permitted until close of business, rather than stating “may be permitted up to 10 pm.”

The Planning Commission also discussed the decibel level referred to in Sec. 10.318 Section 1, letter f. which refers to section 17-52 which cites a level of 75 decibels levels for M-1 between 6 am – 10 pm and 70 between 10 pm – 6 am and M-2 not exceeding 80 decibels. Discussion revolved around the noise level restrictions. The consensus of the Planning Commission is to add clarification regarding the noise level limits.

Planner Komaragiri reiterated this does not override the existing Council resolution for temporary outdoor seating which ends in December, this is for those who desire a permanent outdoor seating.

Motion by Commissioner Oglesby, supported by Commissioner Graettinger, to bring revised draft as discussed for consideration from the Planning Commission at the next meeting.

Yeas: Marsh, Oglesby, Smith, Sylvester, Conn, Graettinger, Champagne
Nays: None
Absent: Bliss, Grafstein
Motion carries.

6. APPROVAL OF MINUTES

Motion by Commissioner Conn, Supported by Commissioner Oglesby, to approve the minutes of the regular Planning Commission meeting of May 18, 2021.

Yeas: Oglesby, Smith, Sylvester, Conn, Graettinger, Marsh, Champagne
Nays: None
Absent: Bliss, Grafstein
Motion carries.

7. PUBLIC COMMENT - For items not listed on the agenda

Chair Champagne opened the public comment period at 6:35 pm to receive comments for items not on the agenda. Seeing no public comments, the period was closed at 6:36 pm.

8. OTHER MEMBER UPDATES

City Manager Marsh noted that the City's emergency declaration ends on June 30th so we can only hold a meeting virtually if someone is hospitalized, in the military or there is another emergency declaration. Thus, the Planning Commission will begin to meet in-person beginning at the next meeting on July 20th.

9. PLANNER UPDATES

Planner Komaragiri expressed her gratitude to the Planning Commission for their prompt input and detailed discussion on the amendments.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:40 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

July 20, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

2. ROLL CALL

Present: Chairperson Josh Champagne
Member Mark Bliss
Member Bruce Conn
Member Roslyn Grafstein
Member Cliff Oglesby
Member Eric Graettinger

Absent: City Manager Melissa Marsh
Member James Smith
Member Grant Sylvester

Also Present: Planning Consultant Sri Ravali Komaragiri,
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley
Community Development Director Giles Tucker

3. PUBLIC HEARING:

a. ZONING TEXT AMENDMENT (21-05) M-1 and M-2 Uses

Planning Consultant Komaragiri reintroduced the proposed text amendment to amend the Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights to amend permitted list of uses in M-1, light industrial district and M-2, heavy industrial in the following sections: Sec. 10.328. - Principal uses permitted, Sec. 10.329. - Uses permissible on special approval, Sec. 10.332. - Principal uses permitted, Sec. 10.332A. - Uses permissible on special approval in order.

The Planning Consultant summarized the edits recommended by the Planning Commission at their prior meeting as written in the packet.

1. Veterinary clinics are moved to list of permitted uses. Any outdoor activities related to such use will be subject to requirements of outdoor areas for Kennels and pet boarding facilities.
2. Kennels and pet boarding facilities are permitted, unless when they abut residential district, they require a special land use.
3. Update the blast furnace use to be approved by City Council instead of ZBA, subject to use standards listed in the ordinance
4. Restaurants are permitted when fronting on arterials and collectors as defined in the master plan. See image on next page. Frontage on local roads may be permitted by the

- Planning Commission provided the applicant demonstrates compatibility with surrounding uses and connectivity to similar uses.
5. Mixed Use Developments are permitted on all M-1 zoned property that is located entirely within the boundaries of the Southend Downtown Development Authority (DDA) in accordance with standards listed in section 10.325.(10) mixed use developments in B-3; In addition, it is subject to the following setbacks:
 - i. The maximum front yard setback for new structures shall be five feet.
 - ii. A minimum of 10 feet setback shall be maintained for all other yards, unless when it abuts a single-family residential district, a minimum of 20 feet should be provided.
 - iii. For all buildings within 50 feet from the single-family district, the building façade facing a single-family residential district shall be designed to minimize views from the building into adjacent single-family homes
 - iv. All required parking drives and service areas shall be located between the building and adjacent single-family districts. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.
 6. Artisan uses are defined, and limited commercial is proposed with such uses. Artisan Manufacturing, Limited means the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage and distribution of such products.
 - i. Limited retail sales may be permitted, as an incidental use. The area devoted to such sales shall not exceed 15 percent of the gross floor area. The retail sales area shall meet the parking requirements in section 10.505(11)(v).
 - ii. Typical artisan manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; glass blowing, leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

After some discussion, it was the consensus of the Commission to accept the changes made to the draft as shown in the agenda packet and recommended to the City Council with one revision.

Revise the 'microbreweries and distilleries' use as a permitted use. The addition of a brewpub, taproom, or restaurant that serves alcohol shall require special approval.

Motion by Commissioner Grafstein, seconded by Commissioner Oglesby, to accept the amendments as presented at today's Planning Commission meeting with one revision to the 'microbreweries and distilleries' use and recommend approval to City Council.

Motion carried unanimously.

4. MATTERS FOR CONSIDERATION

a. ZONING TEXT AMENDMENT (21-06): Outdoor Seating

Planning Consultant Komaragiri reintroduced the proposed text amendment to amend the Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights to revise standards for outdoor restaurants in the following sections: Sec. 10.322. - Uses permissible on special approval, Sec. 10.318. - Principal uses permitted, Sec. 10.319. - Uses permissible on special approval, Sec. 10.321. - Principal uses permitted, Sec. 10.325. - Principle uses permitted in B-3 general business districts, Sec. 10.326. - Uses permissible on special approval, Sec. 10.1802. - Principal uses permitted and Sec. 10.1805. - Uses permissible on special approval

This zoning text amendment adds use standards, as written in the packet, to guide outdoor restaurants wherever they are permitted. Discussion from the Planning Commission continued about the proposed amendments.

The Planning Commission discussed the limits on number of parking spots, proximity to residential neighborhoods, and decibel levels of outdoor music. The Planning Commission also discussed setting hours for outdoor seating, number of seats, and enclosures or bollards.

In summary, the following changes were recommended and Planner Komaragiri will bring revised language back to the Planning Commission for further discussion:

1. Language regarding outdoor music decibel level at the property line
2. Regulating hours until 9 pm
3. Limiting number of seats up to 20 or 20%, whichever is less
4. Requirement of enclosures or bollards

Motion by Commissioner Bliss, supported by Commissioner Grafstein, to bring revised draft as discussed for consideration from the Planning Commission at the next meeting.

Motion carried unanimously.

b. ZONING TEXT AMENDMENT (21-07) Zoning Text Amendment (21-07): Seasonal Sales, events, and mobile food trucks.

Planner Komaragiri introduced this proposed text amendment to the Commission and indicated the intent is to formalize the process of regulating outdoor events and activities on a temporary or seasonal basis on public or private properties.

Discussion continued pertaining to the types of seasonal sales, events and mobile food trucks, the type of activities, the approving bodies, and items to consider as detailed in the packet. Other items of consideration to include in the zoning amendment is to include language regulating transient food trucks and permanent food trucks as part of the extension of a restaurant.

Planner Komaragiri agreed to compile all of the suggestions and input given by the Commission and will present draft language at a later date. No motion was necessary.

5. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Grafstein, to approve the minutes of the regular Planning Commission meeting of June 15, 2021.

Motion carries unanimously.

6. PUBLIC COMMENT - For items not listed on the agenda

Chair Champagne opened the public comment period at 7:59 pm to receive comments for items not on the agenda.

Community Economic Development Director Giles Tucker introduced himself and welcomed everyone back to in-person meetings. He expressed that he is impressed by the Planning Commission members and their knowledgeable discussion.

7. OTHER MEMBER UPDATES

There were no member updates.

8. PLANNER UPDATES

Planner Komaragiri reiterated that the meeting scheduled in August will be cancelled at the Planning Commissioners request. The next meeting of the Planning Commission will be held on September 21st in the Council Chambers. The Planning Commission directed the Planner to present the parking draft at September meeting.

9. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 8:03 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

September 21, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

2. ROLL CALL

Present: Chairperson Josh Champagne
Member Mark Bliss (arrived late at 5:33 pm)
Member Bruce Conn
Member Eric Graettinger
City Manager Melissa Marsh
Member James Smith

Absent: Member Grant Sylvester
Member Cliff Oglesby
Mayor Roslyn Grafstein

Also Present: Planning Consultant Sri Ravali Komaragiri,
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley
Community Development Director Giles Tucker
Planner Matt Lonnerstater

EXCUSE MEMBER OGLESBY AND MAYOR GRAFSTEIN

Motion by Marsh, supported by Smith to excuse Commission Member Oglesby and Mayor Grafstein.

Motion carried unanimously.

3. APPROVAL OF AGENDA

Motion by Commissioner Marsh, Supported by Commissioner Conn, to approve the agenda for tonight's meeting.

Motion carried unanimously.

4. PUBLIC HEARING:

Chair Champagne opened the public hearing at 5:34 p.m. to hear comments on zoning text amendment #21-06. There being no comments, Chair Champagne closed the public hearing at 5:35 p.m.

a. ZONING TEXT AMENDMENT (21-06) Outdoor Seating

Planning Consultant Komaragiri reintroduced the proposed text amendment to amend the Appendix A-Zoning Ordinance of Code of Ordinances of the City of Madison Heights to revise standards for outdoor

restaurants in the following sections: Sec. 10.322. - Uses permissible on special approval, Sec. 10.318. - Principal uses permitted, Sec. 10.319. - Uses permissible on special approval, Sec. 10.321. - Principal uses permitted, Sec. 10.325. - Principle uses permitted in B-3 general business districts, Sec. 10.326. - Uses permissible on special approval, Sec.10.1802. - Principal uses permitted and Sec. 10.1805. - Uses permissible on special approval.

Planning Consultant Komaragiri, Giffels Webster, led the discussion of the proposed text amendment. This amendment was presented at the last meeting. Planner Komarigiri has revised some of the language and the commission held a discussion.

Commissioner Marsh asks about letter b in section 10.318, number 5. Discussion ensues about special situations where the sidewalk is the only area where outdoor seating could be placed and one example is Cadillac Straits. Planner Sri explains a sidewalk should not be allowed due to ADA accessibility and possibly blocking off other businesses or it can be reviewed on a case by case basis. Although, it can also be revised to show that it can be allowed if there is an alternate path available for ADA accessibility.

Discussion continued regarding other language in the amendment pertaining to additional standards for outdoor noise and entertainment for properties that abut residential districts. After some discussion, it was the consensus of the Commission to allow external speakers or amplified music as long as the noise level at the property line is zero. To note, live entertainment for businesses that serve alcohol would still require special approval.

The Planning Consultant summarized the edits recommended by the Planning Commission as follows. The draft will be revised accordingly prior to presenting it to the City Council.

1. In section 5b, a restaurant may occupy the setback area on a case-by-case basis only if there is an alternate path made available for ADA accessibility.
2. Section 5c iii and iv, external speakers and outdoor live entertainment shall be permitted and must adhere to the maximum noise level of zero at the property line. Special approval would still be required to permit live entertainment for businesses that serve alcohol.
3. Remove the following bullet point, (5e-ii), "the city council may permit an additional reduction in minimum parking requirements provided the applicant demonstrates the availability of overflow parking or shared parking opportunities."
4. From 5f-ii, remove the following sentence: "Such structures should be shown on the outdoor seating layout plan along with the type and color of the shade."
5. From item 5g, remove the following sentence "No food preparation is permitted in the outside dining area."

Motion by Commissioner Bliss, seconded by Commissioner Graettinger, to accept the amendments as presented at today's Planning Commission meeting and recommend City Council approve this text amendment with the conditions discussed.

Motion carries unanimously.

5. MATTERS FOR CONSIDERATION

a. ZONING TEXT AMENDMENT (21-09): Off-street parking and loading standards

Planning Consultant Komaragiri introduced the proposed text amendment to add standards for potential reduction of minimum parking requirements for all uses and districts and to set procedures for requesting a

reduction through site plan review process.

This zoning text amendment aims to reduce the parking minimums in the ordinance by establishing a procedure for permitting reductions and to align with current best practices.

Planner Komaragiri introduced five best practice approaches based on characteristics of Madison Heights. She suggested the Planning Commission can review each one and pick and choose which they think may work best.

1. Comprehensive reduction of parking minimums. The city should review and update current standards against national trends for similar communities, and parking demand estimates from the ITE parking manual. For those uses not specifically mentioned, the requirements for off-street parking facilities the Planning Commission can evaluate parking based on similar uses or based on an applicant's demand analysis. Minimum parking calculations could be calculated based on usable floor areas rather than gross floor areas for all uses.

2. Shared Parking. The city's current ordinance allows for a 10 percent reduction when shared parking is proposed. This section could be further emphasized to provide guidelines to maintain consistency in review and approval. It may also be prudent to permit greater than a ten percent reduction in some cases.

3. Land bank parking. The city recognizes that certain uses may function with less off-street parking than other uses permitted in their respective zoning districts. The city could consider permitting land banking if an applicant can demonstrate that the number of parking spaces required are in excess of the actual requirements for the functional use of the building. The city could consider a maximum percent for land bank parking spaces, subject to certain conditions.

Any differences between the amount of parking required by ordinance and the amount proposed by the applicant shall be capable of being provided in landscaped areas on the site that could be converted to hard-surface parking should the future need for such arise. Peak parking accumulation on sites approved per the above procedure shall be monitored by the applicant and City over two consecutive years. If overflows considered unacceptable by the City are found to occur during that period, the applicant shall be required to expand the supply of on-site hard surface parking by an amount up to but not exceeding the total ordinance-specified supply.

4. Maximum allowable reduction. The Planning Commission may consider setting a maximum percent for allowable reduction through any of the potential approaches. For example, a reduction of up to 10 percent can be approved administratively based on a general statement of justification from the applicant, while an additional reduction up to 25 percent would require the Planning Commission's approval based on a determination that the applicant has submitted substantial evidence showing that the parking needs of the specific occupant will be less than would be required by the ordinance. The 10% buffer would minimize excessive on-site traffic circulation as drivers seek open parking spaces.

Exemption from parking requirements. The Planning Commission may consider providing parking requirement exemptions or automatic reductions for certain uses and developments under certain scenarios. For example:

- a. The particular use or property is located within a mixed use district or downtown development boundary.
- b. The particular use subject to site plan review is in a nonconforming structure and there is no increase in net floor area created by the use under consideration;
- c. The particular use is a change from a nonconforming use in a conforming structure to a conforming use the parking for which creates no substantial impact on surrounding properties;
- d. Changes to a previously-approved parking area may be reviewed and approved administratively provided the resulting changes meet ordinance requirements. Under current regulations, any area once designated as required off-street parking shall never be changed to any other use

unless equal parking facilities are provided elsewhere.

- e. Changes in tenants or land uses within may be reviewed and approved administratively by planning department staff if the resulting parking changes satisfy all the requirements of the zoning ordinance and do not otherwise warrant additional public hearings or other significant changes in the approved site plan.

Discussion about the parking standards presented by the Planner were discussed and allowing Staff to administrately make decisions that are within the ordinance. If a request goes above and beyond what is in the ordinance, then they would go to the Planning or Council.

The Planner will take the recommendations to the ordinance review committee, revise the language, and then bring it back to the Planning Commission for further discussion.

6. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of July 20, 2021.

Motion carries unanimously.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. OTHER MEMBER UPDATES

Commissioner Conn requested a new list of businesses from Staff. City Manager Marsh said this is something that can be sent in regular intervals and will discuss it with Staff.

9. PLANNER UPDATES

Discussion about a recent amendment Council adopted for Ordinance No. 2169 M-1 and M-2 uses (Zoning Text amendment 21-05). Back in May, the amendment was introduced about the permitted uses in M1 and M2. The discussion included whether the Commission thought restaurants or retail users are still fit in M1 light industrial districts. Following the discussion, the language was refined and specified sit-down restaurants and the language that referred to drive-through and take outs was struck out with the reason that those uses fit more in business districts. The planning commission adopted this amendment in July and then Council adopted this zoning text amendment on August 23, 2021.

It will be brought back to Planning for consideration to revise the language to add back in takeout and drive-through's as discussed at tonight's meeting.

Motion by Commissioner Bliss, supported by Commissioner Graettinger, to set a public hearing for the next Planning Commission meeting on October 19, 2021 to amend Zoning Text Amendment 21-05 (Ordinance No. 2169) M-1 and M-2 uses.

Motion carries unanimously.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 7:31 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

October 19, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:31 p.m.

2. ROLL CALL

Present: Chairperson Josh Champagne
Member Mark Bliss
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member James Smith
Member Grant Sylvester (arrived at 6:12)

Absent: Member Cliff Oglesby

Also Present: City Planner Matt Lonnerstater
Planning Consultant Sri Ravali Komaragiri,
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley
Community Development Director Giles Tucker

3. APPROVAL OF AGENDA

Motion by Commissioner Marsh, Supported by Commissioner Grafstein, to approve the agenda for tonight's meeting.

Motion carried unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of September 21, 2021.

Motion carries unanimously.

5. PUBLIC HEARING:

Chair Champagne opened the public hearing at 5:33 p.m. to hear comments on zoning text amendment #21-10. There being no comments, Chair Champagne closed the public hearing at 5:34 p.m.

a. ZONING TEXT AMENDMENT (21-10) Restaurants with Drive-Through Lanes

Planning Lonnerstater introduced the proposed text amendment to amend Appendix A – Zoning Ordinance - to revise the list of permitted uses in the B-1, B-2, B-3, M-1, M-2, and High Rise zoning districts in the following sections: Sec 10.318 – Principal uses permitted (B-1); Sec. 10.319 – Uses permissible on special approval (B-1); Sec. 10.321 – Principal uses permitted (B-2); Sec. 10.322 – Uses permissible on special approval (B-2); Sec. 10.325 – Principal uses permitted (B-3); Sec. 10.326 – Uses permissible on special approval (B-3); Sec. 10.328 – Principal uses permitted (M-1); Sec. 10.329 – Uses permissible on special approval (M-1); Sec.10.322 – Principal uses permitted (M-2); Sec. 10.322A – Uses permissible on special approval (M-2); and Sec 10.1802 – Principal uses permitted (High Rise). The amendment includes provisions relating to restaurants with drive-through lanes.

Planner Lonnerstater led the discussion of the proposed text amendment and the previous city action on this matter. A recent text amendment to the M-1 district removed drive-through and take out options for restaurants in the light industrial districts, only allowing onsite dining. In the B districts and M-2 districts, do currently allow for drive-through and take out but only as a secondary use to a restaurant primarily serving food on the premises.

In the recent year, many restaurants are relying primarily on drive-throughs for the majority of their business. The proposed amendment removes the requirement that the restaurant be primarily devoted to serving food on the premises in the M-1 district, B-1, B-2, B-3 and M-2 district.

Staff recognizes that clustering of drive-through uses can detract from the Master Plan's vision in the Downtown District. Therefore, Staff recommends that special use approval be required for any drive through restaurant within the boundaries of the DDA to allow for a case-by-case review and for public input.

Pending outdoor dining/seating text amendments are currently at second reading before City Council and because they deal with the same subsection of the ordinance, any recommendation made tonight should be contingent upon the pending changes of the seating ordinance so the layout is consistent.

Chair Champagne led some discussion on the matter.

Motion by Commissioner Graettinger, seconded by Commissioner Grafstein, to accept this language and make a recommendation to City Council based on the draft as presented contingent upon modifying the layout of this text amendment to be consistent with the pending outdoor seating amendments.

Motion carries unanimously.

6. MATTERS FOR CONSIDERATION

a. ZONING TEXT AMENDMENT (21-09): Off-street parking and loading standards

Planning Consultant Komaragiri reintroduced the proposed text amendment that was originally presented to the Commission at the last meeting with more specific language pertaining to off-street parking standards and requirements.

Given the scale of new changes being proposed, discussion is to replace the parking section in its entirety with the new standards. This zoning text amendment aims to reduce the parking minimums in the ordinance by establishing a procedure for permitting reductions and to align with current best practices.

Planning Consultant Komaragiri reviewed the proposed revisions per her staff memo, dated October 15th, 2021.

Chair Champagne invited discussion about the changes proposed to the parking standards presented by the Planning Consultant Komaragiri. In regards to a question about the technical definition of “number of employees” and what that means, Komaragiri clarifies that it refers to maximum employees during the largest shift per industry standards and will add a note to the ordinance language.

Also, in response to the question about a proposed reduction in parking at the Mobile home park Planning Consultant Komaragiri explains that the proposed reduction is based on the recent trends in several surrounding communities. The reason for this is to encourage common guest parking spaces.

Commissioner Marsh clarifies that under residential and multi-family it should state 2 spaces per each one bedroom. Also, under 4 (c), the language should be amended to state that the City Attorney will “review and approve” the agreement not “execute” the agreement.

Motion by Commissioner Bliss, seconded by Commissioner Conn, to schedule a Public Hearing for Zoning Text Amendment 21-09 at the next meeting on November 16, 2021.

Motion carries unanimously.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. MEMBER UPDATES

No member updates.

9. PLANNER UPDATES

Planner Lonnerstater thanks Planning Consultant Sri Komaragiri for all of her hard work and all that she has done for the City of Madison Heights.

10.ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:24 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

November 16, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:33 p.m.

2. ROLL CALL

Present: Chairperson Josh Champagne
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member Cliff Oglesby
Member James Smith
Member Grant Sylvester (arrived at 5:35 pm)

Absent: Councilman Mark Bliss

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley
Community Development Director Giles Tucker

Motion by Commissioner Grafstein, supported by Commissioner Graettinger to excuse Member Bliss.

Motion carried unanimously.

3. APPROVAL OF AGENDA

Motion by Commissioner Oglesby, Supported by Commissioner Smith, to approve the agenda for tonight's meeting.

Motion carried unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of October 19, 2021.

Motion carries unanimously.

5. PUBLIC HEARING:

Chair Champagne opened the public hearing at 5:36 p.m. to hear comments on zoning text amendment #21-09. There being no comments, Chair Champagne closed the public hearing at 5:36 p.m.

a. ZONING TEXT AMENDMENT (21-09): OFF-STREET PARKING AND LOADING

Planning Lonnerstater reintroduced the proposed text amendment to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Appendix A (Zoning Ordinance), to amend the following sections: 10.200 - definitions; 10.505 – parking requirements; 10.506 – off-street parking space layout, standards, construction and maintenance; and 10.507 – off-street loading and unloading. The proposed amendment aims to modernize parking standards and provide administrative flexibility for reducing minimum parking requirements.

As Planner Lonnerstater discussed, the amendment aims to modernize parking space requirements and parking design standards to align with demand. The draft text amendments modify Section 10.200 (Definitions) and replace the following sections in their entirety:

- Section 10.505 – Parking Requirements
- Section 10.506 – Off-Street Parking Space Layout, Standards, Construction and Maintenance.
- Section 10.507 – Off-Street Loading and Unloading

Chair Champagne led some discussion on the revisions.

Motion by Commissioner Sylvester, seconded by Commissioner Oglesby, to make a recommendation to City Council to approve the zoning text amendment with the condition to modify 10.505b3 per the Attorney's recommendation.

Motion carries unanimously.

6. MATTERS FOR CONSIDERATION

No matters for consideration.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. ADOPTION OF 2022 MEETING CALENDAR

Motion by Commissioner Grafstein, seconded by Commissioner Conn to approve the 2022 meeting calendar as presented.

Motion carries unanimously.

9. MEMBER UPDATES

No member updates.

10. PLANNER UPDATES

No updates from the Planner this evening.

11. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 5:59 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

December 21, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:33 p.m.

2. ROLL CALL

Present: Councilman Mark Bliss (arrived at 5:33 pm)
Chairperson Josh Champagne
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member James Smith

Absent: Member Cliff Oglesby, Member Grant Sylvester,

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

Motion by Commissioner Grafstein, supported by Commissioner Marsh to excuse Members Bliss (arrived at 5:33 pm), Oglesby, and Sylvester.

Motion carried unanimously.

3. APPROVAL OF AGENDA

Motion by Commissioner Smith, Supported by Commissioner Graettinger, to approve the agenda for tonight's meeting.

Motion carried unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of November 16, 2021.

Motion carries unanimously.

5. PUBLIC HEARING:

a. Rezoning (PRZN 21-01): 26783 Lenox Ave.

Planner Lonnerstater introduced the rezoning request from applicant Marusich Architecture. They have requested to rezone one parcel of land from R-3, Residential, to P-1, Vehicular Parking District. The property is located at 26783 Lenox Avenue, the west side of Lenox Avenue, south of 11 Mile Rd. south of Boodles Restaurant parking lot (11 Mile and Stephenson)

Per Planner Lonnerstater, the subject property is approximately 0.15 acres in area and is currently improved with a 967 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for a proposed commercial development. The applicant has provided conceptual plans for the proposed development, which include a restaurant and hotel. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

Per the Zoning Ordinance, the P-1 zoning designation is, “designed to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries.” The only permitted uses in the P-1 district are off-street parking areas and residential buildings; existing residential uses are permitted as a conforming use. The P-1 district includes minimum parking lot setback, design, and screening requirements, which will need to be satisfied as part of site plan review. The Planner also notes, this parcel is just outside of the DDA boundaries.

When making a recommendation to Council, Planner Lonnerstater suggests the Planning Commission note the following specific findings in their motion per the recommendation of Staff:

1. The applicant requests a rezoning from R-3, residential, to the P-1, Vehicular Parking district, to accommodate additional off-site parking for a proposed commercial development.
2. The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review. Additional action by City Council and the Zoning Board of Appeals may be required for the proposed uses and site design.
3. The proposed P-1 District is generally compatible with adjacent land uses in that it serves as a buffer between adjacent commercial and residential uses and contains minimum site design, setback and screening requirements. The subject site borders an existing P-1 district to the north.
4. The proposed P-1 District is partially compatible with the future land use designation in that the district continues to permit existing single-family residential uses by-right.
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including any special land use and variance requests and site plans.
6. While in support of the rezoning request, City staff encourages the applicant to explore innovative options to ultimately reduce the need to construct additional parking spaces, including, but not limited to, shared parking arrangements, off-site parking, and administrative parking space reductions.

Based on these findings, staff recommends that the Planning Commission recommend to City Council **approval** of the requested rezoning from R-3 to P-1.

Chair Champagne opened the public hearing at 5:38 p.m. to hear comments on PRZN #21-01.

The applicant, John Marusich of Marusich Architecture, introduced himself and invited any questions from the Planning Commission.

Commissioner Marsh asks for clarification on the intended plan for the adjoining parcel and the expected timeframe. In response, Mr. Marusich explains his client's intent to purchase Boodles and redevelop the property into either an office, a residential development, or a boutique hotel. As for the timeframe, they would envision construction could begin as early as July.

Commissioner Grafstein asks for clarification on the boutique hotel concept. Mr. Marusich explains it is a small scale hotel around 40 rooms. This would be in conjunction with the adjacent property (boodles) which would act as the check in center, if this is the route they decide to take.

Chair Champagne invites discussion from the Planning Commission.

Motion by Marsh, supported by Grafstein, to postpone action on PRZN 21-01 until the petitioner comes back to the Planning Commission with the adjoining parcels and their plans for those parcels or at Staff's discretion to put it back on the agenda.

Planner Lonnerstater clarifies that they will be required to come back to City Council for Special Approval depending on what the proposed use will be and at this time it is still under the development stages. If the developer decides to propose a Hotel, then yes they would have to submit an additional Special Land use application. Commissioner Marsh suggests concern about taking action if the applicant has not identified a plan for the development.

Commissioner Bliss asks when their intent is to decide on the type of development for this project. Mr. Marusich explains that he has met with City staff and has determined that requesting the rezoning for this parking was the proper first step for any development that would happen at this location. Therefore, no matter what development his client intends to proceed with, if they do not get the additional parking, a new development would not progress further.

Commissioner Grafstein expresses concern about taking action without knowing what the development plan for the property would be. Applicant Marusich expresses his desire to move forward only with a project that the Planning Commission would support.

In response to the Chair's question, Assistant City Attorney Burns notes that if the Commission and City Council move forward and approve the applicant's request, once the zoning takes place, no matter who owns the land they have the parking right as a matter of right.

Mr. Marusich requests a moment to confer with his client and expresses that his client has decided to proceed with a boutique hotel. In response, Planner Lonnerstater notes that a hotel involves a special land use request which has different criteria or analyses and we haven't done that analysis yet.

Substitute motion:

Motion by Bliss, supported by Conn to recommend to City Council approval of the requested rezoning from R-3 to P-1, based on the findings and recommendations presented by Staff

Roll Call Vote:

Yeas:

Nays:

Motion Carried.

**Bliss, Conn, Graettinger, Grafstein, Marsh, Smith
Champagne**

b. Rezoning (PRZN 21-02): 26744 Osmun Street.

Planner Lonnerstater introduced the rezoning request from applicant, Woodpile BBQ, requests to rezone one (1) parcel of land at 26744 Osmun St. from R-3, Residential, to B-3, General Business district. The property is located at the southeast corner of E. 11 Mile Road and Osmun Street.

The subject property is approximately 0.20 acres in area and is currently improved with a 910 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for Woodpile BBQ, located immediately to the east of the subject site. The applicant has provided conceptual plans for the proposed parking lot. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

When making a recommendation to Council, Planner Lonnerstater suggests the Planning Commission note the following specific findings in their motion per the recommendation of Staff:

- 1) The applicant requests a rezoning from R-3, residential, to the B-3, General Commercial district, to accommodate additional off-site parking for an existing adjacent restaurant. The B-3 District permits a range of commercial and office uses.
- 2) The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review.
- 3) The proposed B-3 District is generally compatible and consistent with adjacent commercial land uses along E. 11 Mile Rd.
- 4) The proposed B-3 District is consistent with adjacent B-3 zoned properties along E. 11 Mile Rd.
- 5) The proposed B-3 District is compatible and consistent with the Commercial future land use designation for the site as envisioned by the 2021 Master Plan.
- 6) The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including site plan submittal.

Also to be noted, this property is within the DDA.

Chair Champagne opened the public hearing at 6:31 p.m. to hear comments on PRZN #21-02. Jennifer Rude, resident at 26718 Lorenz, speaks to the Commission. She is a resident directly across from Woodpile and strongly approves this request and expresses her desire for the Commission to approve this recommendation. Traffic on Lorenz is a "mess." She feels it will get worse once the pandemic is over.

Public comment was closed at 6:33 pm.

Chair Champagne invites the applicant Tim Idzikowski, owner of Woodpile, to address the Planning Commission. He expresses the desire for the additional parking for future growth. He has attempted a shared parking with the High School but unfortunately, clients will not utilize it for various reasons. Woodpile aggressively pursued this house to provide the additional parking and not cause issues within the neighborhood.

Planning Commission discussion continues. The applicant confirms the property is currently empty.

Motion by Conn, supported by Smith, to approve PR 21-02 and recommend to Council, based on the findings and recommendations presented by Staff.

Roll Call Vote:

Yeas: Bliss, Conn, Graettinger, Grafstein, Marsh, Smith, Champagne

Nays: None.

Motion carries unanimously.

6. MATTERS FOR CONSIDERATION

a. Zoning Text Amendment (21-11) – Temporary Certificates of Occupancy

City staff proposes the attached text amendment to extend the length in which temporary certificates of occupancy can remain effective. The current Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year. Staff believes that this amendment will give property owners and tenants adequate time to properly meet all building and zoning code requirements and site plan conditions without risking TCO expiration.

Motion by Marsh, supported by Conn to set a public hearing date for the January 18th, 2022 regular Planning Meeting.

Roll Call Vote:

Yeas: Bliss, Conn, Graettinger, Grafstein, Marsh, Smith, Champagne

Nays: None.

Motion carries unanimously.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. MEMBER UPDATES

No member updates.

9. PLANNER UPDATES

Planner Lonnerstater wishes everyone a Happy Holiday and Happy New Year.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:47 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

January 18, 2022

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:32 p.m.

2. ROLL CALL

Present: Chair Josh Champagne
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member James Smith
Member Grant Sylvester (arrived late at 5:41 pm)

Absent: Member Cliff Oglesby, Member Bliss

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

Motion by Commissioner Grafstein, supported by Commissioner Graettinger to excuse Members Bliss, Oglesby, and Sylvester (arrived at 5:41 pm).

Motion carried unanimously.

3. APPROVAL OF AGENDA

Motion by Commissioner Marsh, Supported by Commissioner Conn, to approve the agenda for tonight's meeting.

Motion carried unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Smith, to approve the minutes of the regular Planning Commission meeting of December 21, 2021.

Motion carries unanimously.

5. PUBLIC HEARING:

a. Zoning Text Amendment ZTA 21-11: Temporary Certificates of Occupancy

Planner Lonnerstater introduced the Zoning Text Amendment ZTA 21-11 to propose an extension on the length in which temporary certificates of occupancy can remain effective. The current Section 10.703 of the Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year.

Due to current market and labor conditions, Staff has found that many property owners and tenants are unable to complete all required building and site work within the six month TCO allowance; this, in turn, has resulted in prematurely-issued permanent COs and several incomplete projects.

To remedy this situation, Staff recommends increasing the maximum length of a temporary certificate of occupancy from six (6) months to one (1) year. Staff believes that this amendment will give property owners and tenants adequate time to properly meet all building and zoning code requirements and site plan conditions without risking TCO expiration.

Chair Champagne opened the public hearing at 5:37 p.m. to hear comments on ZTA 21-11. Seeing there were no comments, public comment portion was closed at 5:38 p.m.

Motion by Marsh, supported by Conn to recommend approval of text amendment ZTA 21-11 to City Council.

Motion Carried.

6. MATTERS FOR CONSIDERATION

a. Request for Proposals (RFP) for Zoning Ordinance Rewrite

City staff has issued a Request for Proposals (RFP) to hire a qualified planning consulting firm to assist with a comprehensive rewrite of the Madison Heights Zoning Ordinance. Staff is seeking to develop a new, user-friendly Zoning Ordinance that is consistent with the Madison Heights 2021 Master Plan. The new Zoning Ordinance will also help Madison Heights obtain certification through the Michigan Economic Development Corporation's (MEDC) 'Redevelopment Ready Communities' (RRC) program.

Staff believes that a zoning ordinance overhaul is warranted in order to accomplish the following objectives:

- Implement the goals and objectives of the 2021 Master Plan.
- Incorporate user-friendly formatting techniques such as hyperlinking, text, tables and illustrations.
- Include new zoning districts/overlay districts with form-based elements, where necessary, to align with the 2021 Master Plan's *'City Center'* and *'Mixed-Use Innovation'* designations.
- Promote 'people-oriented' site and building design.
- Identify opportunities for process simplification and flexibility.
- Incorporate modern standards for adaptive reuse and infill development.

As part of the zoning ordinance rewriting process, the work program will include an assessment of the current zoning ordinance, public outreach, consistent updates at Planning Commission and City Council, and the submittal of final documents including a new Zoning Ordinance and, potentially, a new Zoning Map.

Chair Champagne inquired if this will be a complete rewrite of the Zoning ordinance. Planner Lonnerstater explains that rather than piecemeal it, it will be a complete rewrite because often amending one part of the ordinance affects other parts of the ordinance. So it makes sense to amend it in its entirety so that all components make sense.

The RFP submittal deadline is January 28th, 2022. Per Planner Lonnerstater, volunteers are being sought to serve on a selection committee to help guide this project and one of the volunteers should be from the Planning Commission. The selection committee will be chosen and at their first meeting, they will select their top choice firms to interview. At their second meeting, they will conduct the interviews with those firms selected.

Motion by Grafstein, seconded by Sylvester, to appoint Eric Graettinger to be a representative on the selection committee and Josh Champagne as the alternate.

Motion carries unanimously.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. ANNUAL REPORT TO CITY COUNCIL

The Planning Commission is required to send to Council an annual report each year. Planner Lonnerstater reviews the 2021 annual report with the Commission and highlights the 2021 Master Plan, all of the Zoning Text amendments that came before the Commission and were recommended for approval to City Council, all approved rezonings, and a site plan that was approved.

Motion by Sylvester, seconded by Graettinger to send the 2021 Planning Commission Annual Report to City Council as written.

Motion carries unanimously.

9. ELECTION OF PLANNING COMMISSION OFFICERS

a. Chair

**Motion by Grafstein, supported by Graettinger to appoint Josh Champagne as Chairperson.
Motion carries unanimously.**

b. Vice Chair

**Motion by Grafstein, supported by Marsh to appoint Bruce Conn as Vice Chair.
Motion carries unanimously.**

c. Secretary

**Motion by Marsh, supported by Grafstein to appoint Grant Sylvester as Secretary.
Motion carries unanimously.**

10. MEMBER UPDATES

No member updates.

11. PLANNER UPDATES

Planner Lonnerstater congratulated the new Planning Commission officers on their appointments and shared his excitement for the upcoming year.

12. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 5:56 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

March 15, 2022

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:35 p.m.

2. ROLL CALL

Present: Chairperson Josh Champagne
Member Mark Bliss
Member Bruce Conn
Member Eric Graettinger
Member Cliff Oglesby

Absent: Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member Grant Sylvester

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Deputy Clerk Phommady A. Boucher

3. EXCUSE ABSENT MEMBERS

Motion by Oglesby, supported by Graettinger to excuse Commission members Grafstein and Marsh.

Nays: None

Absent: Grafstein, Marsh and Sylvester

Motion carries unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of January 18, 2022.

Nays: None

Absent: Grafstein, Marsh and Sylvester

Motion carries unanimously.

5. MATTERS FOR CONSIDERATION

a) ZONING TEXT AMENDMENT – Mobile Food Vendors

Planner Lonnerstater mentioned that the City's prior consultants had led a discussion regarding mobile food trucks and mobile food vending, but no further action was taken. City Administration in the past months has received a few inquiries about mobile truck and mobile food vendors wanting to operate on private property in the city. Planner Lonnerstater stated that the City has no ordinance in place to regulate the mobile truck and food vendors, making it frustrating for these vendors by not giving them a clear answer. The City regulates these vendors on a case by case basis through the special events permit process.

In order to support the small businesses and increase the food options in the city, the Community and Economic Development department created a draft mobile food vending ordinance. Planner Lonnerstater provided a brief overview of the draft ordinance, which applies to food trucks on private property but not to food trucks on city streets or public property hose will continue to be regulated through the special events permit process. , Planner Lonnerstater outlined the proposed mobile food site approval process, including standards pertaining to brick and mortar and residential separation.

The proposed opaving, pedestrian vehicle, vehicular circulation, etc. The n draft ordinance contains requirements for Certificate of Occupancy for specific mobile food vendors with standards pertaining to hours of operation, signage, consistency with the site plan, county health license, business trash bins, and all operational aspects related to the food truck. Vendors would be required to apply for a Certificate of Occupancy for each mobile food site locationhrough. Transitory vehicles such as ice cream trucks and trucks continuously moving throughout a neighborhood than only to stop when needed are exempt. Planner Lonnerstater asked the Planning Commission to discuss the draft ordinance and recommended setting a public hearing at the next meeting. City Administration would like to have something in place before the warmer months before the City receives more food truck requests.

Planner Lonnerstater responded to Commissioner Graettinger, the Certificate of Occupancy applied is for the location they are operating at. The board can consider having them apply for a Certificate of Occupancy on an annual basis and for a business license to include checking on their food establishment license. Planner Lonnerstater explained the intent of zoning ordinances is to regulate private property whereas general code deals with operations within public rights of way and business licenses.

Planner Lonnerstater responded to Commissioner Conn's inquiry, stating that, regardless of who runs the food truck, the business still need to maintain a business license with the City and a food license with the County. Acan en approved through the processPlanner Lonnerstater clarified that food truck vendors can apply for a special land use if they are unable to meet the 150 feet setback for restaurants and/or the 100 feet setback for residential. Staff will submit a resolution to adopt a fee schedule with reduced fees related to the proposed ordinance. The current Site Plan application is \$850 and the Certificate of Occupancy application is \$200. Planner Lonnerstater omitted from the draft ordinance food truck parks where you have multiple food trucks on one property but it could be added and best suited for the DDA. Neighboring cities that regulate food truck parks/courts require a physical bathroom, water hook up and electrical hook up. He replied to Chair Champagne's inquiry, that the new ordinance creates a new zoning district or mixed use district that allows you to adapt to include or exclude future land use categories. Planner Lonnerstater will provide several options for the next public hearing based on tonight's discussion. He asked for clarification on limitations of food trucks operating in the city for certain months throughout the year and/or days allowed at each approved site.

Commissioner Graettinger inquired if the Certificate of Occupancy expires annually and if there's a specific date it is good through. Mr. Graettinger shared that two subdivisions last year used a special events permit to allow food trucks in their area every other week. The food trucks were operated by a company that aggregates for up to 75 different food trucks. Commissioner Graettinger inquired about any provisions to the ordinance for management companies and Certificate of Occupancy for multiple food trucks. Mr. Graettinger responded to Planner Lonnerstater saying the special events permit required the applicant to post no parking signs and allow the food trucks to park in residential driveways. Commissioner Graettinger suggests inviting owner Big Bo's Grill to the public hearing since he operates a restaurant and food truck.

Commissioner Olgesby his experience with the Lions Club concession trailer and expressed the importance of a health inspection each year by Oakland County. Mr. Oglseby expressed his concerns of safety for the customers of the food truck that are parked in a strip mall or shopping center parking lots. Commissioner Olgesby recommended the noise ordinance for food establishments applies to Ice

Cream trucks.

Assistant City Attorney Burns clarified that the food vending permit, under the proposed ordinance, would not apply to residential. Attorney Burns stated that the City will need to be cognizant if things get stricter in the ordinance, staff should differentiate in the revised version and consider approvals for non-conforming exemption. Mr. Burns discussed the Azteca restaurant offering a food truck on their property for customers that did not want to dine in and whether the City considers placing restrictions on carry-out type of businesses. Assistant City Attorney Burns informed that under the proposed resolution and existing ordinance food trucks cannot be parked consecutively for more than 24 hours.

Commissioner Conn inquired if the businesses are individually owned or part of a corporation and how the City would determine if the same person is operating the same truck and location each time or whether there is a shift in people and location.

Councilman Bliss suggested offering an incentive for food trucks to do business in the DDA, but not necessarily exclude everywhere else from leveraging this opportunity. Mr. Bliss suggested limiting by quantity, days of use or fee structure outside of the DDA. Councilman Bliss stated that he is excited to encourage food trucks in the DDA and expressed his concerns outside of the DDA as it relates to competition with established restaurants. Mr. Bliss suggests the DDA offer a food truck park as a permanent use in their area and limit based on days of operation outside of the DDA. Councilman Bliss expressed his concerns with food trucks using retail parking lots and cannibalizing small business restaurants outside of the DDA.

Chair Champagne shared that Detroit Fleat on 9 Mile Road has a permanent building to serve alcohol and has space enough to accommodate 4 to 6 food trucks. He asked if the draft ordinance will be included with the ones McKenna is rewriting or be a seasonal permit and we address the types of scenarios more comprehensively. Chair Champagne expressed his concerns of the logistical burdens for the food truck operators to remove their truck from approved site each day. He inquired about the need to address zoning in our mixed use areas. Chair Champagne talked about regulations for music at food establishments being at zero decibels at the property line and applies to food trucks.

Motion by Commissioner Bliss, supported by Commissioner Oglesby, to schedule a Public Hearing at the next Planning Commission meeting.

Ayes: Conn, Graettinger, Oglesby, Bliss and Champagne

Nays: None

Absent: Grafstein, Marsh and Sylvester

b) ZONING ORDINANCE REWRITE – Professional Services Agreement and Project Steering Committee

Planner Lonnerstater updated the Planning Commission that a contract was signed with McKenna Associates for the City's zoning ordinance rewrite project. In the next few weeks, staff will be meeting with McKenna looking into setting up a Project Steering Committee to include staff and Planning Commission member(s). As part of the work plan the Project Steering Committee will meet 5 to 6 times. Planner Lonnerstater stated that the City is looking for 2 to 3 volunteers from the Planning Commission to participate; more information will be provided to these volunteers in the coming weeks.

6. PUBLIC COMMENTS: For items not listed on the agenda.

Chair Champagne opened the public comment period at 6:25 p.m. to receive comments for items not on the agenda. Seeing no public comments, the period was closed at 6:26 p.m.

7. MEMBER UPDATES

There were no member updates.

8. PLANNER UPDATES

Planner Lonnerstater had no further comments.

9. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair Champagne at 6:28 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

April 19, 2022

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:32 p.m.

2. ROLL CALL

Present: Mayor Pro Tem Mark Bliss (arrived at 5:35 pm)
Chairperson Josh Champagne
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member Cliff Oglesby
Member Grant Sylvester

Absent: None

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

3. APPROVAL OF AGENDA

There were no additions or deletions to the agenda

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of March 15, 2022.

Motion carries unanimously.

5. PUBLIC HEARING:

a. Zoning Text Amendment ZTA 22-01: Mobile Food Vending

Planner Lonnerstater reintroduced the Zoning Text Amendment ZTA 22-01 to create regulations

for the operation of mobile food vehicles (a.k.a. food trucks) on private property within the City. The planning commission reviewed the initial draft of the ordinance at the March 15th meeting. After the productive discussion, Staff updated the proposed mobile food ordinance. The new draft is presented in a flexible format that presents several regulatory options for Planning Commission consideration. Staff included seven different sections which present various choices.

To clarify this draft ordinance amendment is for private property only. This does not pertain to food trucks operating in the public right-of-way or operating City streets or parks.

Planner Lonnerstater started by reviewing the revisions made to the original ZTA 22-01.

In response to the discussion and the questions posed by commissioners at the meeting on March 15th, staff updated the original proposed mobile food vending ordinance. The updated draft includes the following modifications, which are summarized below:

- Clarification that food truck operation on public property or within the right-of-way is subject to the 'special event' approval process as contained within City's business license ordinance.
- New definitions and regulations pertaining to "mobile food courts." As proposed, mobile food courts constitute a principal use of the property and require special use approval through City Council and site plan approval through the Site Plan Review Committee.
- Updates to the 'brick and mortar' separation requirement, now measured 100 feet to the property line of a property containing existing brick and mortar restaurants.
- Clarification that speakers/live entertainment may be permitted subject to decibel-level limits at the property line.

The draft also presents seven choices, also referred to as "choose-your-own-adventure", which our planner narrowed down and presented options (under each choice) for the Planning Commission to consider. Each was discussed at length by the Commissioners, resulting in an option for each "choice".

Choice 1 **Where should mobile food sites (as an accessory use) be permitted within the City?**

Option B - The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2, and shall be located within the boundaries of the DDA.

Choice 2 **Should property owners be required to re-apply for mobile site plan approval on an annual basis?**

Option A - Property owners shall be required to apply for mobile food site approval annually.

Choice 3 **Where should mobile food courts (as a primary use) be permitted within the City?**

Option B - The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2, and shall be located within the boundaries of the DDA.

Choice 4 **Should there be a residential separation requirement for mobile food courts?**

Option B – Outdoor seating areas shall be set back a minimum of 40 feet from any property line that abuts a residential zoning district. Outdoor seating areas facing residential districts shall be screened by a minimum 8-foot-high obscuring wall.

Choice 5 **Should mobile food vendors be limited as to the number of days per year they can operate from an individual mobile food site?**

Option B – No duration limits.

Choice 6 **Should food vendors be required to remove their food trucks from mobile food sites during non-operational hours?**

Option B - The mobile food vehicle may be stored on-site during non-operational hours from a location that is not readily visible from the right-of-way. Non-operational hours should be defined as periods of non-activity of greater than 24 hours.

Choice 7 **Should mobile food vendors be required to obtain a new Certificate of Occupancy for each mobile food site/mobile food court on an annual/bi-annual basis?**

Option A - Certificates of occupancy for each mobile food site/court are valid for a period of one (1) year and may be renewed annually.

The following additional modifications were also suggested and were summarized by Planner Lonnerstater:

1. Elimination of hours of operation limits
2. Sound requirements should mimic patio/outdoor seating ordinance
3. No portable generators permitted
4. Clarification regarding electrical hookup as required by electrical inspector

Motion by Bliss, supported by Conn to recommend that City Council adopt the zoning text amendment ZTA 22-01: Mobile Food Vending to include the 7 choices selected and the additional modifications as summarized by Planner Lonnerstater.

Motion carries unanimously.

6. MATTERS FOR CONSIDERATION

Planner Lonnerstater asks that the Commission members please fill out a survey that will help the City achieve the Redevelopment Ready Community designation from the MEDC. We are working on a Boards and Commissions training strategy and the first step in doing that is to complete this survey.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. MEMBER UPDATES

No member updates.

9. PLANNER UPDATES

Planner Lonnerstater has no further comments.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 7:15 p.m.



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

May 17th, 2022

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:34 p.m.

2. ROLL CALL

Present: Mayor Pro Tem Mark Bliss
Chairperson Josh Champagne
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh

Absent: Member Kalnasy, Member Oglesby, Member Sylvester

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

Motion by Commissioner Marsh, seconded by Commissioner Graettinger to excuse Commissioner Sylvester and Commissioner Kalnasy.

Motion carries unanimously.

3. APPROVAL OF AGENDA

There were no additions or deletions to the agenda

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Marsh, to approve the minutes of the regular Planning Commission meeting of April 19th, 2022.

Motion carries unanimously.

5. PUBLIC HEARING:

a. Rezoning PRZN 22-01: 30151, 30171 and 30183 Dequindre Rd.

Planner Lonnerstater introduced the Rezoning request by Hudson Madison II LLC to rezone three (3) parcels of land at 30151, 30171 and 30183 Dequindre Road from R-3, One-Family Residential, to R-M, Multiple-Family Residential.

The applicant requests a rezoning to R-M in order to construct a senior living, assisted living and memory care facility on site, which is permitted as a special use within the R-M district. The new facility will be associated with the independent senior living facility currently under construction immediately to the south of the site. Planner Lonnerstater wanted to remind the Commission that the request today is only for the rezoning. The client would still have to go in front of Council for special use and Site Plan Review Committee for site plan approval.

Planner Lonnerstater asked the Planning Commission to consider compatibility with adjacent land uses and the future land use map as laid out in the Master Plan. The Planning Commission should also consider all potential uses permitted in R-M district including one/two family dwellings, multiple-family developments, rental management offices, and memory/dependent care as a special use.

Staff finds that the proposed R-M district is generally compatible with the adjacent multi-family Reserve at Red Run project under construction, and is compatible with adjacent single-family uses to west, and furthers the Master Plan's housing goals. Therefore, staff recommends approval of requested rezoning from R-3 to R-M.

There are three landlocked parcels directly behind this request. They have different property owners. There would be no development on these parcels.

Applicant presentation:

The applicant, Jeff Buck of Hudson Madison II, was there to present to the Commission and take questions. Mr. Buck expressed that there is a strong need for higher level care while residents age in place. They currently have three parcels under contract to build an assisted living medical building. The preliminary design is 35,000 square feet and it doesn't require a lot of parking because the majority of the residents in the building will not be driving, so parking will mainly be for visitors and staff.

Chair Champagne opened the public hearing at 5:44 p.m. to hear comments on PRZN 22-01.

A resident, who lives directly behind the properties, addressed the Commission. She expressed her concern for the area behind the Reserve at Red Run and states she feels it has been sorely neglected. She says that her concern is regarding the landlocked parcels and overgrown vegetation and if this requested rezoning is granted, these parcels will have no future.

Randall Carlisle, member of the Knights of Columbus, spoke on behalf of the property at 30191 Dequindre road. He mentioned that the group at that location received a waiver in 1989 to use this property for non-residential. His concern is potential turmoil in the future pertaining to being sold out or relocated.

A resident spoke against this rezoning request. She stated she does not want memory care in her neighborhood and Madison Heights does not have enough single family homes.

Chair Champagne closed the public input portion of this rezoning request at 6:06 pm.

For clarification, Chair Champagne requested Planner Lonnerstater review the list of principal uses allowed by right under the proposed R-M zoning. Planner Lonnerstater responded that the following uses could be permitted by right in the R-M district:

1. One/two family dwellings
2. Multiple-family developments
3. Rental management offices accessory to multiple-dwelling unit developments
4. Memory/dependent care as a special use

Attorney Burns suggests the Commission should take into consideration that the rezoning could be for any of those uses the City Planner mentioned and not specifically for any proposed use on that site.

Discussion continues amongst the Commission members. Commissioner Bliss asks the applicant if they have engaged in any public outreach to neighbors pertaining to this case. Developer explains that they have not but are open to have conversation with neighbors.

Motion by Commissioner Bliss, seconded by Commissioner Conn, to recommend to City Council to approve rezoning request PRZN 22-01 by Hudson Madison II LLC to rezone three parcels of land at 30151, 30171, and 30183 Dequindre from R-3 one family residential, to R-M Multiple-Family residential.

Ayes: Graettinger, Grafstein, Marsh, Bliss, Conn, Champagne

Nays: None

Absent: Kalnasy, Oglesby, Sylvester

Motion carries.

b. Rezoning PRZN 22-02: 29022 Stephenson Highway

Planner Lonnerstater introduced the rezoning request from EWM-Miller Wash, LLC, to rezone three (3) parcels of land at 29022 Stephenson Highway Road from M-1, Light Industrial, to B-3, General Business. The subject properties are located at the northeast corner of Stephenson Highway and E. 12 Mile Road, immediately to the west of the I-75 interchange.

The site consists of 3 parcels of land with total area of approximately 1.14 acres. The petitioner does eventually wish to apply for special use for an auto car wash facility but Planner Lonnerstater reminds the Commission that approval of this rezoning does not constitute site plan approval.

Staff believes that the uses permitted within the proposed B-3 district are consistent the existing land use pattern in the vicinity.

Planner Lonnerstater pointed out that if the rezoning request were to be approved, further notes that a rezoning to B-3 would remove the subject parcels from the Marihuana Overlay District. Medical and adult-use marijuana establishments are not permitted within the B-3 zoning district.

Chair Champagne welcomed the applicant at this time to speak to the Commission. The applicant's attorney, John Gaber spoke on behalf of the applicant. Mr Gaber stated that the proposed use for the site is a state of the art car wash with extensive landscaping. He feels that what is being proposed is consistent with the uses in the 12 Mile corridor and feels that this parcel fits better with the B-3 commercial corridor than an industrial use.

Commissioner Conn asked for clarification on whether the proposed car wash is a do-it-yourself car wash or an automated wash. Mr. Gaber explained that it would be a hybrid. There would be at

least 1-3 employees on site, but the car wash would be automated with a pay station.

Chair Champagne opened the meeting to public input at 6:24 pm. Seeing no comments, public input was closed at 6:25 pm.

Planner Lonnerstater reminded the Commission that rezoning is not bound by the use that is being described by the applicant. He points out that uses permitted by right within the B-3 district include, but are not limited to, general retail, personal service establishments, sit-down and drive-through restaurants, professional offices, new car auto sales and showrooms, and mixed-use developments. Uses permitted through the special approval process include, but are not limited to, gasoline stations, auto washes, bars, and motor vehicle repair facilities.

Motion by Commissioner Conn, seconded by Commissioner Graettinger to recommend that City Council approve the rezoning of three parcels of land at 29022 Stephenson Hwy from M-1, Light Industrial, to B-3, General Business.

Ayes: Grafstein, Marsh, Bliss, Conn, Graettinger, Champagne

Nays: None

Absent: Kalnasy, Oglesby, Sylvester

6. MATTERS FOR CONSIDERATION

Zoning Ordinance Rewrite Project Update – Staff and the site plan review committee met with the consultants to do a kick off meeting for the steering committee. The next step will be from McKenna to complete what they refer to as a diagnostic review. They will review our current ordinance, mark it up and create a list of items that should be revised in new ordinance. From there, they will create a report to be presented to the planning commission.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. MEMBER UPDATES

Commissioner Marsh reminded the Planning Commission that the Council Chambers will begin renovation soon so the next Planning Commission meeting will occur at the Fire Station 1.

9. PLANNER UPDATES

Planner Lonnerstater has no further comments.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:29 p.m.