

AGENDA

FERNDALE PLANNING COMMISSION MEETING  
WEDNESDAY, MAY 20, 2015 7:00 P.M.  
CITY HALL, 300 EAST NINE MILE, FERNDALE MI 48220  
[www.ferndale-mi.com](http://www.ferndale-mi.com) 248-546-2366

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Approval of the Minutes - Regular Meeting, April 15, 2015
5. Public Hearings
  - a. Public Hearing – Magic Bag Sign Variance
  - b. Public Hearing – 1461-1481 E Eight Mile Road rezoning from OS to C3
6. Old Business
7. New Business
8. Call to Audience
9. Administrative Items
10. Commission/Discussion Items
11. Adjournment

Draft Minutes Ferndale Planning Commission

WEDNESDAY, APRIL 15, 2015 7:00 P.M.  
CITY HALL, 300 EAST NINE MILE, FERNDALE MI 48220

A Meeting of the Ferndale Planning Commission was held Wednesday, April 15, 2015 at City Hall, 300 East Nine Mile Road, Ferndale. Chair Roediger called the meeting to order at 7:02 PM.

1. Call to Order

2. Roll Call

Present: Commissioners Azar, Farr, Piana, Temrowski, Vettraino, Williamson, Roediger  
Absent: Commissioner Baker, Commissioner Brazen delayed

Moved by Commissioner Azar, supported by Commissioner Williamson to excuse the absence of Commissioner Baker.

AYES: All

NAYS: None

**MOTION CARRIED**

3. Approval of the Agenda

Moved by Commissioner Azar, supported by Commissioner Temrowski to approve the agenda as edited.

AYES: All

NAYS: None

**MOTION CARRIED**

4. Approval of the Minutes - Regular Meeting, February 21, 2015

Moved by Commissioner Piana, supported by Commissioner Williamson to approve the minutes as amended.

AYES: All

NAYS: None

**MOTION CARRIED**

5. Public Hearings

a. Public Hearing – Special Land Use for a Medical Marihuana facility at 930 E Lewiston

CED Director Delacourt provided a quick overview stating this group has previously appeared before the Planning Commission and have made significant changes to their plan. City Planner Michelle Foster stated C-Gardens LLC presented in December but made the decision to table and revise their plans. Tonight they're requesting Special Land Use and Site Plan approval. They have met with staff, discussed concerns, operations and since amended and are presenting an updated business plan with red line version.



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A Power Point presentation followed explaining they plan on 5 caregivers which limits the center to a maximum of 25 appointments per day. No consumption allowed on site. Caregivers will sublease a room, every caregiver will cultivate no more than 12 plants per patient. Strictly monitored. Cultivated organically. Excess water runoff, boiled/steam. No access to plants except by caregiver. Monitoring allowed by city. Locked and secured – key pad entry, no other storage at any time except grow area. Cultivation area has key pad entry at fence. Every egress/ingress will have an individual key code. All employees have a separate key code that will be monitored.

Harvest occurs in flowering room, then moved to locked storage. Cultivation work area is for soils, no access to patients. Patient to patient transactions are illegal. Caregiver can only assist their own patients. The time for a transfer has never been more than an hour in their experience. When a transfer appointment is scheduled it will be the caregivers and patient, concierge, and security person that is insured and bonded. Accessible to police department and monitored 24/7. No waste, everything is shredded and placed in sealed containers and then escorted outside on pickup days.

Updates to shrubs, exterior lighting added, bike racks, new parking lot striping, new landscaping, and fencing. Security cameras with battery backup, 16 channel DVR that records for 30 days, backs up for 120 days. All cameras are equipped with infrared for night vision, tamper proof dome, and 32 key pad door locks. Patients must have a state issued Medical Marijuana card.

Special Land Use is contingent upon current laws.

Public Hearing opened at: 7:37 pm.

Marlin Burke – question about waste. Is it a specific truck or do regular trucks pick up?

Ron Martella – 2241 Hilton owner – this group seems very well organized. Previous experience with a tenant who did this and it was a disaster. Medical waste is from humans, this is plant waste and totally different. Complimented them on their presentation and plans.

Chief Collins – Planning Commission has approved two facilities and this one is more extensive. The more that are approved, the more time the Police Department must spend to make sure they're running legally which will require more manpower.

Public Hearing closed at: 7:42

To address questions, using normal waste hauler, but there's no value to the waste. But they could contract with specific hauler. Waste is shredded to dust and they will never have multiple bags. They will install shredding machinery with proper ventilation. Chair Roediger stated we have allowed for this use, how is this licensed annually? City Attorney Christ stated it can be looked at annually with costs/reviews by Council. Commission Piana asked if Council has the ability to revoke a license to which Attorney Christ opined one is not exclusive of the other. Pressing concerns can be handled.

C-Gardens Attorney Pollicella stated they are hoping to make the Police Department's job easier, not more difficult. Chair Roediger questioned how many other facilities are operated by C- Gardens – two locations – one in Detroit and one in Montrose.

Attorney Pollicella stated everything is case law and they are abiding by current laws. As a business,



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they hold themselves to high standards. When legislature is set, they want to be operating at a level above others, prove to Ferndale and the state, and educate the legislature.

### Special Land Use Motion

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**MOTION** by Commissioner Farr, seconded by Commissioner Temrowski, in the matter of 930 East Lewiston Avenue the Planning Commission **recommends** to City Council **Approval with Conditions** of the **Special Land Use**, based on plans and application dated received by the Planning Department on September 13, 2014 and supplemented February 26, 2015, March 11, 2015 and April 6, 2015 with the following findings and subject to the following conditions.

#### ***Findings***

1. The proposed development does not detract from, erode or reduce the desirability or economic viability of any residential or business uses within 2,500 feet of the proposed use. The plans as proposed will improve the facility.
2. The site is designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and will not change the essential character of the area. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties.
3. The Chief of Police is concerned that the site may impose additional service demands and needs to be addressed by staff. The existing facilities and services beyond police enforcement appear to adequately serve the site for the proposed use and does not impose additional service demands upon the city that will not be adequately addressed by the applicant.
4. The proposed improvement to the site does enhance the public health, safety, welfare, and economic benefit and the municipal purposes and policies of the City.
5. The plans are consistent with the intent and purposes of this chapter and the objectives of the master plan and comply with all applicable state and federal laws.

#### ***Conditions***

1. That the conditions and requirements of Medical Marihuana Facilities, at the time of approval, be followed.
2. The facility operations are in compliance with the law as determined by the City attorney.
3. The concerns of the Chief of Police are addressed by staff in the licensing process.
4. Any change in business plan associated with the Special Land Use approval, including a change in response to a change legislation or City Code regarding Medical Marihuana, that allows for changes in business structure affecting traffic generation; the occupancy, capacity or



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membership of the use; the expansion of the use or building; or any change affecting any previous approved special use condition, shall require a new special land use permit.

### Site Plan Motion

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**MOTION** by Commissioner Farr, seconded by Commissioner Temrowski, in the matter of 930 East Lewiston, the Planning Commission **Approve** the **Site Plan**, based on plans dated received by the Planning Department on February 26, 2015 and supplemented March 11, 2015, with the following findings and subject to the following conditions.

#### *Findings*

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
5. The existing landscape and trees on the property will be preserved and improved upon as part of the proposed site design.

#### *Conditions*

1. City Council approval of the Special Land Use.
  2. Grading plans are provided for the parking lot to be improved showing existing and finished contours at a maximum interval of two feet to be approved administratively prior to final site plan approval.
  3. Removal of bumper blocks from the parking lot.
  4. Parking spaces and circulation are redesigned to conform to ordinance standards to be approved administratively prior to final site plan approval.
- b. Public Hearing – Amendment to Zoning Ordinance to add Transit Overlay Ordinance (TOD)

Planner Michelle Foster introduced the proposed text amendment to add an Overlay Ordinance which is based on, and following the goals and visions of, the DDA, Ferndale Moves, and the Transit Overlay



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Study. Looked at it initially at the June 12 meeting, city/staff met in August with Mark Nickita, presented a draft in October. The Planning Commission requested changes and also expanded the district from the Central Business District and added all of Woodward. A January stakeholder meeting was held and a Public Hearing noticed for a draft ordinance that incorporated the recommendations. The TOD encompasses Woodward, north to south, but any existing building or use will be permitted to continue. If they do not confirm, they can remain unless they expand 25% of the existing gross square area or 3,000 square feet, whichever is less, and requires a two story development with a minimum height of 25' for all new buildings. Overlay has no effect on use requirements.

Public Hearing opened at: 8:12 pm

John Fitzpatrick – Jewell Street - stated that before he can address the amendment he needs to know what the ordinance says – Chair Roediger explained and stated the intent is to create additional height/density along the Woodward corridor and essentially on Nine Mile from Planavon to Paxton.

Marlin Burke – Woodward Avenue property owner - questioned if he adds square footage now to make it two stories, what happens if they can't sustain a second floor? How do you know this will work for this city? Commissioner Piana offered to meet with him individually to discuss further.

Director Delacourt explained the master plan process and encouraged public input stating Council is the legislative board and makes decision with input from the Planning Commission.

Public Hearing closed at: 8:20 PM

Marlin Burke – are you changing zoning on Woodward? Chair Roediger stated this only applies to new construction and a 25% plus addition in the CBD and on Woodward.

If it goes forward to Council it will be the fourth Monday in May.

Moved by Commissioner Farr, supported by Commissioner Azar to approve the text amendment to the Zoning Ordinance to add Overlay Ordinance.

AYES: All

NAYS: None

### **MOTION CARRIED**

Moved by Commissioner Farr, supported by Commissioner Azar, that the Planning Commission recommends City Council adopt the ordinance and associated zoning text amendments to establish the Transit-Oriented Development (TOD) Overlay District, with the following findings.

### **Findings**

1. The TOD District is consistent with the goals, policies and future land use map of the City of Ferndale Master Plan, Downtown Development Plan, Ferndale Moves! Multi-Modal Plan, and the Woodward Avenue Transit-Oriented Development Corridor Study.



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2. The City of Ferndale recognizes that development near transit results in an efficient use of land which will help promote economic potential, pedestrian activity, transit access, while also improving urban form and design, while achieving the Master Plan vision.
3. The Planning Commission, after due notice as provided by law, conducted a public hearing on April 15, 2015 to solicit input regarding the proposed amendment and after receipt of public comment and diligent consideration, the Planning Commission has determined that it is in the best interest of the City of Ferndale to adopt the amendment and that it will not compromise the health, safety and welfare of the city.

AYES: All

NAYS: None

### **MOTION CARRIED**

- c. Public Hearing – Amendment to Zoning Ordinance to add a Use Variance

Director Delacourt opened by stating that with a dimensional variance, applicants and property owners can see relief. A use variance can consider the allowance in a zoning where it's not normally allowed. It would be very strictly and rarely used but would be helpful. The Planning Commission is a recommending board and still holds all control over Special Land Use and Site Plan approval. The Board of Zoning Appeal (BZA) could impose conditions. Attorney Christ stated the BZA must apply certain required standards and only if they're met is the variance warranted. It's a quasi-legal board. Sometimes there's the need to get a variance or site plan before coming to the board.

Director Delacourt stated that the BZA is trained to apply a variance. It's very rare to use and there are strict guidelines and the BZA is the most qualified to make any changes in applicable circumstances. Commissioner Williamson stated since he's been on the BZA, he has only seen dimensional variances. His initial impression is that any grant of a use variance by BZA would be extremely rare, and while he doesn't expect a change, that even if the BZA were to grant a variance, they are not the final say because it still needs to come to the Planning Commission before the project can go forward and would support the amendment.

Chair Roediger suggested the Planning Commission could make site plan recommendations that could address the use variance. Director Delacourt stated the Planning Commission should always see the site plan before it's presented to the BZA and they should not place any conditions on dimensional variances to alter the intent of the underlying zoning or dimensional requirements and should not change the relationship to neighboring properties.

Commissioner Piana questioned how many Use Variances Director Delacourt had seen in his experience to which he replied that in 15 years he never seen one approved but has recommended two. There has only been one instance in Ferndale where this would be applicable and while there appears to be support for the use, it would still require nine dimensional variances.

Attorney Christ stated there is a higher level of standards and approval required for this



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variance. Historically, the ordinance did have a use variance until revisions were made in 2010.

Public Hearing opened at 8:37 pm

Public Hearing closed at 8:37 pm

Moved by Commissioner Williamson, seconded by Commissioner Farr, that the Planning Commission recommends to City Council the approval of Ordinance No. 1087, Section 24-427 to allow the Board of Zoning Appeals to consider Use (Non-dimensional) Variances requests.

AYES: All

NAYS: None

### **MOTION CARRIED**

6. Old Business

7. New Business

a. Conceptual Plan Discussion (former Save-a-Lot site)

The new property owner, Roger Basmajian of BASCO of Michigan and Gaal Karp met with DDA and city staff and incorporated more retail in their request. This is a 3-story complex with approximately 90 residential units and 90 parking spaces. They also own Arbor Lofts in Southfield and find many people are looking for 1,000 square feet or less. Based on demand, 600 sf is the average size of these units and the average price is \$1200/month but will be doing market studies based on 90 units with room for retail in front. The retail properties are fairly shallow spaces. Parking wouldn't be available in the evening but as most tenants will be gone during the day, it's possible to incorporate retail parking space. The updated version incorporates additional retail, shared parking, permit parking, and street parking. All surface parking will be screened and hidden from Nine Mile. The property is zoned CBD limiting the building height to 50' but plans are to stay just under that and don't plan to ask for a variance to h

Chair Roediger suggested they expand the rooftop patio area and utilize the roof to its maximum. With 90 units, an outdoor area would be in high demand and there is ample roof space to accommodate. Mr. Basmajian stated they would be happy to do that and pointed out that their Arbor Lofts in Southfield even added computer space.

Chair Roediger stated this is the way the Planning Commission wants to go by increasing density and feels they would be very supportive; multiple stories are good as is mixed use. Mr. Basmajian stated the plan is based on the lot size which is why they did 90 units.

Commissioner Vettraino asked if Schiffer Park is part of the property. Mr. Basmajian would like to incorporate the park and expand and enhance it. Commissioner Vettraino would like it to remain a greenspace that isn't incorporated into a restaurant. The DDA stated we don't have a lot of public greenspace, want to make it more of an interactive park, public, flexible space, similar to the alley behind Dino and Crave, where there is seating and open area. They've also





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been looking at the alley behind Sav-a-Lot because it doesn't lead anywhere. The Fire Department is amenable to vacating the alley and making it a greenspace walkable area and make this a connection back into the building. In terms of height, Chair Roediger pointed out this is the perfect location to put height as it backs up to Withington West and encouraged them to max out the height. Two drive approaches creates conflict and hope to minimize the driveway and maximize the common spaces. Commissioner Farr asked what type of retail is planned for an area with less than 4,000 square feet. Mr. Basmajian stated they've discussed small retail, a small gym, but don't intend to open a restaurant or bar. Director Delacourt pointed out that it's important to review all retail uses, because once it's approved, it's allowed.

Commissioner Piana questioned the U shape of building. The purpose was to work with traffic flow because the architect didn't think they would want a rectangle. Director Delacourt stated it's designed for the driveway so they can get back out. Commissioner Piana stated the shape is not as attractive and encourages working with the City to see what else can be done to focus activity on Nine Mile. Chair Roediger would echo Commissioner Piana's point and make use of the alley (if vacated) to facilitate traffic, making Nine Mile more active. Commissioner Piana encouraged them to seek vacating the alley and to also achieve higher density with a higher building. Mr. Basmajian hopes Council will follow the Planning Commissions lead. Director Delacourt stated that there are two possibilities to achieve more commercial along the street frontage: lessen the number of residential units and assign to commercial space; or keep the density and the ordinance allows Planning Commission to waive parking requirements associated with Commercial and assign to residential. Commissioner Farr favored keeping the size of the units, increasing density and waiving parking requirements as the long term goal is density, which creates more walkability, and less parking need. Because the retail was suggested to serve the tenants, there may not be need for so much parking. Director Delacourt also suggested limiting the type of retail and using the parking waiver, attaching conditions.

Chair Roediger stated it's an exciting plan that is in step with what they're looking for in the downtown area.

### 8. Call to Audience

Marlin Burke – noticed that some sidewalks are crumbling – Director Delacourt suggested he contact DPW.

### 9. Election of Officers

#### a. Chair –

Moved by Commissioner Piana, supported by Commissioner Temrowski to nominate Sara Roediger.

AYES: All

NAYS: None

**MOTION CARRIED**



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b. Co Chair –

Moved by Commissioner Temrowski, supported by Commissioner Farr to nominate Kate Baker.

AYES: All

NAYS: None

**MOTION CARRIED**

10. Administrative Items –

Master Plan scope of service is resolved, had changed dramatically, all issues resolved, staff will bring to Planning Commission in May. Larger than originally planned. Base master plan is pretty aggressive; met with FESC, has been added to the Master Plan; included two target market analysis for density and absorption study with Hamilton Anderson and Gibbs Planning – innovation district – historically industrial area to be more mixed use, less standard industrial. Ala-carte items and expensive but plan to split between city departments. Still one process, significant and creative processes. Hope to be up and running by June with a one year time frame.

CN improvements with grant submitted by Intern Juston Lyons.

11. Commission/Discussion Items

12. Adjournment

There being no further business, Chair Roediger adjourned the meeting at 9:17 PM.

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Sara Roediger, Chair

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Barbara Miller, Administrative Assistant

## Community and Economic Development

Staff Report to the Planning Commission

May 12, 2015

22920 Woodward Marquee Sign	
<b>REQUEST</b>	Sign Variance Approval
<b>APPLICANT</b>	Phillips Sign & Lighting, Inc. 40920 Executive Drive Harrison Township, MI 48045
<b>AGENT</b>	Ed Phillips
<b>LOCATION</b>	22920 (22918) Woodward, east side between Vester and E Breckenridge
<b>FILE NO.</b>	
<b>PARCEL NO.</b>	24-25-27-381-007
<b>ZONING</b>	CBD
<b>STAFF</b>	Derek Delacourt, CED Director Michelle Foster, LSL Planning

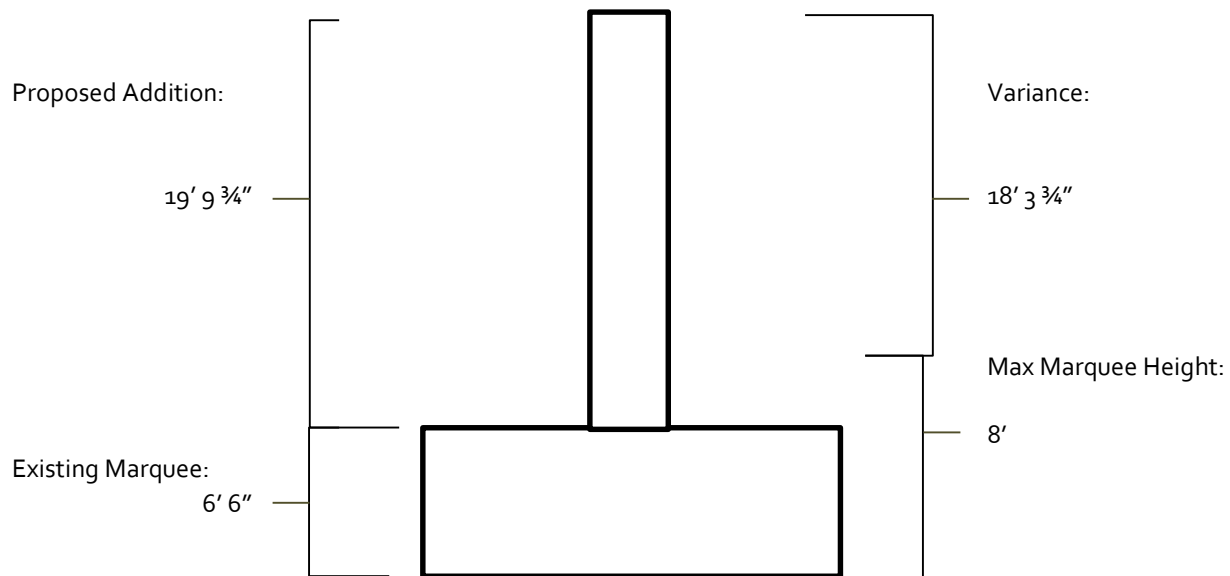
### Summary

The applicant is requesting a sign variance to allow an expansion of an existing marquee sign. Section 6-267 of the City's Sign Ordinance Article VIII identifies the standard dimensions for Marquee signs. The applicant is requesting a variance of 18 feet 3 ¾ inches to the height requirement and a variance to extend above the top of the marquee. The existing marquee is 6 feet 6 inches, the additional proposed height is 19 feet 9 ¾ inches. The Ordinance allows a total maximum height of 8 feet for a marquee sign. The total height of the sign as proposed, if the variance is granted is 26 feet 3 ¾ inches, resulting in the 18 foot 3 ¾ inch variance request. Please see the attached application and sign details for the complete request.

The Sign Ordinance dictates that appeals related to the requirements or interpretation of the Ordinance be directed to the City's Planning Commission. Section 6-268 of the Ordinance defines that process. The City's Building Inspector, in discussion with other Community and Economic Development department Staff, determined that the proposed sign does not meet the sign standards for a marquee sign. The applicant filed the appropriate variance request within the required timeframe. Section 6-260, (Definitions), of the Sign Ordinance identifies a marquee sign as:

- **Marquee sign** means a sign attached to or hung from a structure, or supported by a building, that projects over an entrance and/or public right-of-way, but does not include canopy or awning signs.

Please review the attached information, submitted by the applicant, identifying the reasons for the variance requested.



## General Requirements for Appeal ([Section 6-268](#))

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- A. Any person aggrieved by any decision or order of the Building Inspector in connection with any dimensional or location provision of these regulations may appeal to the City of Ferndale Plan Commission within thirty (30) days of the decision or order. Decisions of the Plan Commission may be appealed to Ferndale City Council.
- B. The Plan Commission, by vote, may affirm, annul or modify the order or action of the Building Inspector. Any decision to grant a variance or annul the decision of the Building Inspector shall require a majority vote of its full membership, not just a majority of those present.
- C. After reviewing a sign application to appeal an administrative decision or request a variance from these sign regulations, the Plan Commission shall either:
  - 1. Approve the sign application as presented upon a finding, point by point, that all the criteria in are met.
  - 2. Approve the sign application appeal or variance subject to certain changes to sign dimensions or proposed location.
  - 3. Reject the sign application appeal or variance, in which case the applicant shall be provided with a written explanation of the reasons for such rejection.
- D. Criteria for Variance from the Sign Regulations. The Plan Commission may hear requests for variances from these regulations. A variance may be granted by the Plan Commission only in cases involving practical difficulties or unique conditions regarding the sign and/or its location. The burden of proof lies with the applicant. Requests for variances shall be reviewed for compliance with the following:

1. **Variances may be granted for any one (1) of the following conditions:**
  - a. **The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limits visibility of a sign on the premises; or**
  - b. **A variance is warranted due to the relatively large size of the site, frontage or building; or**
  - c. **A variance would significantly improve the conformity of an existing sign.**
  - A variance would significantly improve the conformity of the existing marquee sign. As the applicant has demonstrated, classic and historical marquees typically have a vertical component in addition to the base.
2. **To grant a variance for one of the conditions specified above, all of the following standards must also be met:**
  - a. **The inability to conform with the regulations is due to a practical difficulty or unique condition that includes more than mere inconvenience or mere inability to attain a supposed higher financial return; and**
  - This is a unique condition in that it is the only existing marquee in Ferndale and the only traditional downtown theatre. Though there are other venues downtown that have stages for performances, they are either smaller venues or have historically been used for as venues that would not traditionally utilize a marquee (e.g. nightclubs). The site is identified in the City's adopted Master Land Use Plan as an historical building that should be appropriately maintained and renovated.
  - b. **That the alleged practical difficulties or unique condition, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city; and**
  - This location has a historical quality and is the only traditional downtown theatre in Ferndale. Built as a theatre in 1918, the American Movement architecture has remained intact with its round top roofline, punctuated with finials and geometric inlays, influenced by art deco design. The Magic Bag, since the 1990's, has sought to remain unique and historical, however they now wish to restore the classic marquee look with appropriate proportions and height. As referenced above, the City Master Plan identifies this site as an historical building that should be appropriately maintained and renovated.
  - c. **That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the regulations, the individual practical difficulties that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent of these regulations; and**

- The applicant states that the issuance of the variance will allow them to move forward with proposed renovations, to update the marquee in a traditional manner, and benefit the public with an improved storefront.
- d.     **The variance granted is the minimum necessary to allow the applicant to have a reasonable outlet for free speech and meet the intent of these sign regulations; and**
- The proposed design of the sign is in keeping with traditional and historic marquees, however it is not as tall as the historic Radio City signs or in keeping with the 1:1 ratio of marquee design. The height is in proportion with the width of the front face of the marquee in order to maintain a 1:1 height to width ratio for proportionate design.
- e.     **The variance will not adversely affect the health, safety and welfare of the public.**
- The applicant has stated that the variance will not adversely affect the health, safety and welfare of the public. Staff concurs and believes that the variance would result in a sign that meets the intent of the sign ordinance.

## Recommendation

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Based on the submitted materials, it is Staff's opinion that the applicant has met the requirements necessary to be granted a variance allowing a marquee sign that extends nearly 20 feet above the existing marquee at the subject site and recommends the following motion approving the request.

## Sign Variance Motion

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**Motion** by \_\_\_\_, **supported** by \_\_\_\_\_, to **APPROVE** the variance as requested to allow a marquee sign that extends above the top of a marquee and a height variance of 18 feet 3 ¾ inches at 22920 Woodward Avenue, also known as 22918 Woodward Avenue, Sidwell numbers 25-24-27-381-007, with the following findings, after a Public Hearing was held as set and published for this date and place:

### Findings:

1. A variance would significantly improve the conformity of the existing marquee sign.
2. The inability to conform to the regulations is due to a unique condition that includes more than mere inconvenience or mere inability to attain a supposed higher financial return. The site is a unique historic site with an existing marquee that has traditionally included a tall vertical component.
3. The unique condition is exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do exist generally throughout the city.

4. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the regulations, the individual practical difficulties that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and would be contrary to the public purpose and general intent of these regulations.
5. The variance granted is the minimum necessary to allow the applicant to have a reasonable outlet for free speech and meet the intent of these sign regulations.
6. Allowing the variance will not adversely affect the health, safety and welfare of the public.

## Sign Appeals Application

### 1. Identification

**Applicant Name**

PHILLIPS SIGN & LIGHTING INC.

Signature



**Address**

40920 EXECUTIVE DRIVE

**City/State/Zip Code**

HARRISON TOWNSHIP MI 48045

Phone (586 ) 468 7110

Fax ( )

Interest in the Property (e.g. fee simple, land option, etc.)

SIGNMAKER / SIGN INSTALLER

**Property Owner** (if other than applicant)

MAGIC BAG

**Address**

22920 WOODWARD

**City/State/Zip Code**

FERNDALE MI

Phone ( )

Fax ( )

**Brief description of request:**

THE TWO VARIANCES WE ARE REQUESTING ARE BOTH RELATED TO HEIGHT. WE ARE ALLOWED 8' REQUIRING A

AN 11' 9 3/4" VARIANCE AND TO EXTEND ABOVE THE TOP OF THE MARQUEE AS SHOWN.

2. **Criteria for Variance from the Sign Regulations.** The Planning Commission may hear requests for variances from these regulations. A variance may be granted by the Commission only in cases involving practical difficulties or unique conditions regarding the sign and/or its location. The burden of proof lies with the applicant. Requests for variances shall be reviewed for compliance with the following:

Variances may be granted for any one (1) of the following conditions:



1. The applicant has demonstrated a variance is needed due to a practical difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limits visibility of a sign on the premises. Describe the practical difficulty involved with the application.

A variance is needed for the reason demonstrated in so many towns - the revival of the "good old days" of vaudeville and theatre - enhanced with beautiful, fun, decorative marquees. Our building is unique, distinctive and timeless. We are going back in time to recreate a mood, a feeling, a destination.

2. A variance is warranted due to the relatively large size of the site, frontage or building. Indicate how the size of the site, frontage or building warrant consideration of a variance.

The frontage of our building is potentially magnificent. We believe we truly have a diamond in the rough (refer to handout) Once complete we will have one of the most fun, unique and beautiful buildings in Southeast Michigan. A true destination site in the City of Ferndale.

3. A variance would significantly improve the conformity of an existing sign. Describe how.

Our building has a lot of historical value. We will be a point of interest in Ferndale. Please refer to handout. "We're going back in time".

### 3. Criteria for APPEALS.

To grant a variance for one of the conditions specified above, all of the following standards must also be met. Explain how each is met.

- a. The inability to conform with the regulations is due to a practical difficulty or unique condition that includes more than mere inconvenience or mere inability to attain a supposed higher financial return.

The variance is NOT about financial gain. It IS about building an image. A look back in time offering spectacular theatre marquees.

- b. That the alleged practical difficulties or unique condition, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

We are unique. Theatres throughout history have always provided fun extravagance. Ours is the only existing marquee in the city. The proportions are to scale and correct. For site examples, please refer to handout.

- c. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the regulations, the individual practical difficulties that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent of these regulations.

Granting our variance will allow us to start the renovation of our storefront, continue the interior renovations and install our new beautiful marquee. We see this as a win for all!



- 
- d. The variance granted is the minimum necessary to allow the applicant to have a reasonable outlet for free speech and meet the intent of these sign regulations.

As stated in #3b, we are unique and want to bring back  
the historic look of the past in a beautiful, tasteful, fun way.  
We believe our display is attractive and actually compliments  
the existing architecture of the building.

---




- e. The variance will not adversely affect the health, safety and welfare of the public.

This variance would not the affect health, safety or welfare  
of the public. It will enhance the area, while also providing  
an image for the area.

---

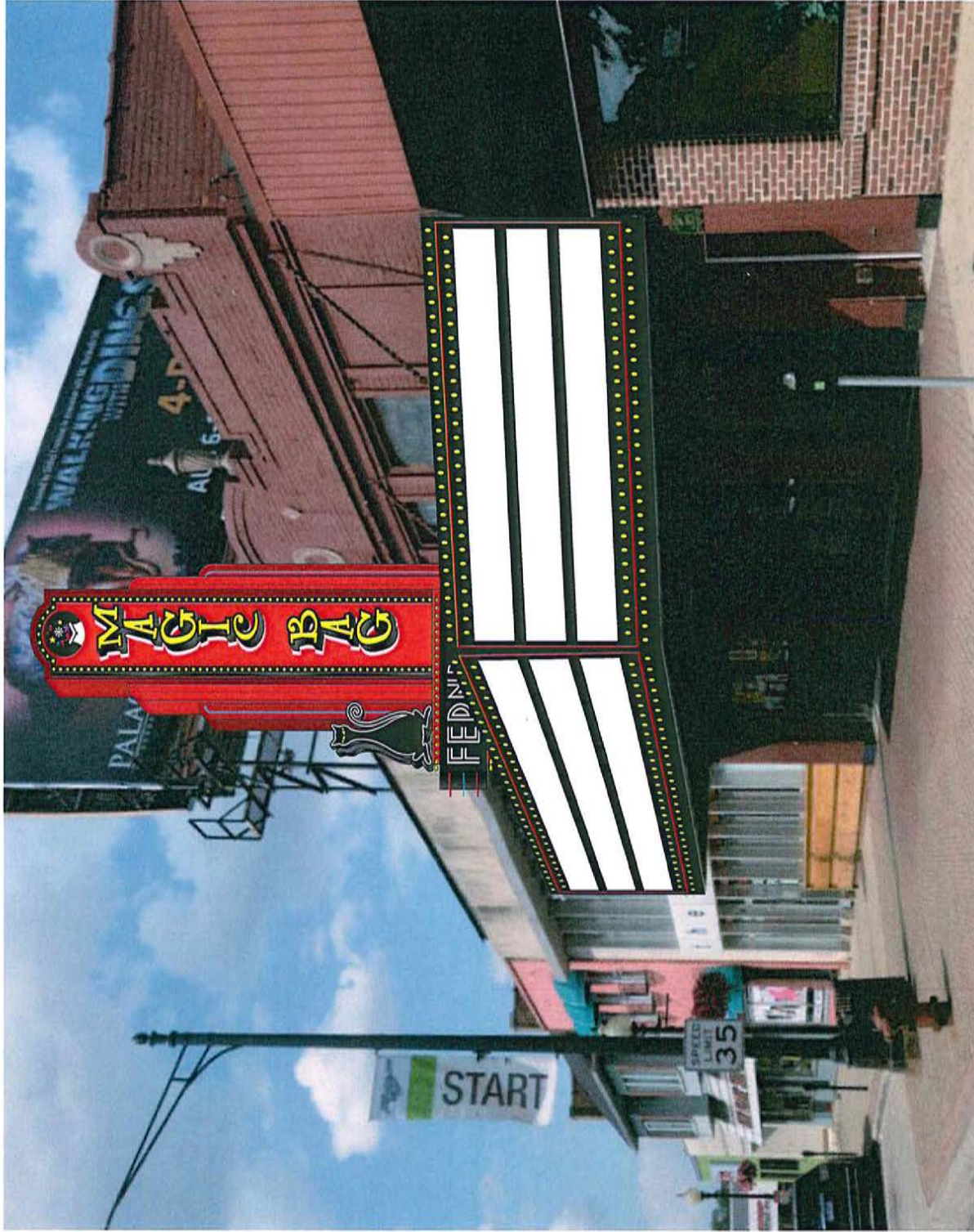
---

4. **Completing the Application.** The following checklist includes all documents required for Planning Commission to consider the appeal. You will be contacted by the CED Department with your hearing date.

-  Completed application form.
-  Application fee.
-  10 copies of computer-generated photographs indicating the sign on the building/property with dimensions, material specifications, colors and other pertinent information about the proposed variance to assist the Commission in making its decision.



Item #1: Simulated Perspective View



Client Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Ph: 586.468.7110 Fx: 586.468.7441

**Phillips SIGN & LIGHTING inc.**

40920 Executive Drive  
Harrison Twp., MI  
48045-1363

JOB NO: \_\_\_\_\_

*Designs, details and plans represented herein  
are the sole property of Phillips Sign & Lighting, Inc.  
All or any part of these designs(except registered trademarks)  
are protected. Attempts to duplicate designs without written consent  
may result in Legal Repercussions.*

PROJECT: **MAGIC BAG**

FILE: **Magic Bag Marquee-3-10-15**

SITE ADDRESS: **22920 Woodward, Ferndale, MI**

ARTIST: **KP** DATE: **3-10-15** REV: \_\_\_\_\_

**pe&l**

www.phillipssign.com



Item #1: Simulated Front View



Client Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Ph: 586.468.7110 Fx: 586.468.7441

**phillips SIGN & LIGHTING inc.**

40920 Executive Drive  
Harrison Twp., MI  
48045-1363

JOB NO: \_\_\_\_\_

PROJECT: **MAGIC BAG**

FILE: **Magic Bag Marquee-3-10-15**

SITE ADDRESS: **22920 Woodward, Ferndale, MI**

ARTIST: **KP** DATE: **3-10-15** REV: \_\_\_\_\_

*Designs, details and plans represented herein are the sole property of Phillips Sign & Lighting, Inc. All or any part of these designs (except registered trademarks) are protected. Attempts to duplicate designs without written consent may result in Legal Repercussions.*

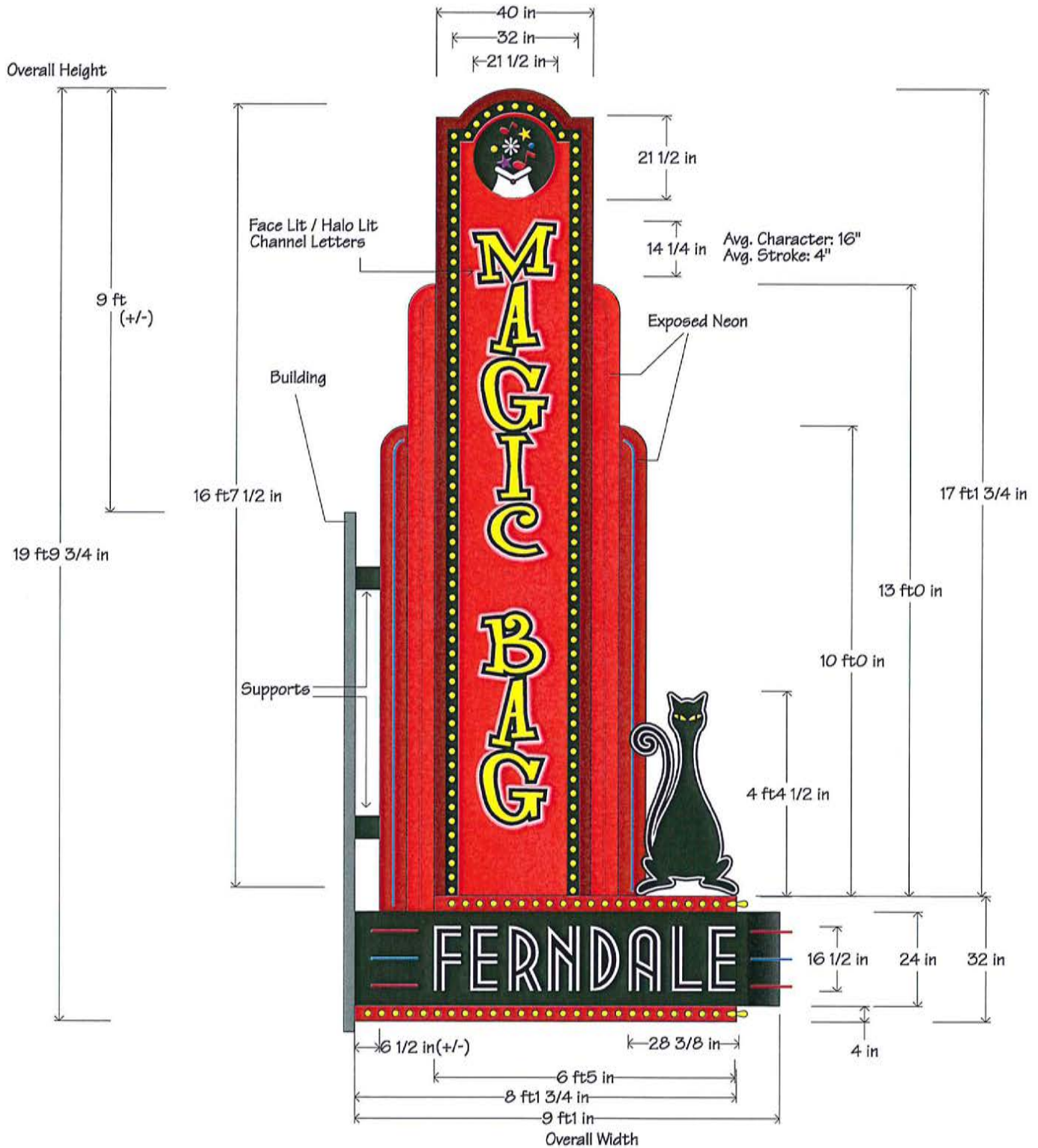
**peel**

www.phillipssign.com



# Item #1: Marquee Sign

## Side View



TOTAL SIGN AREA: 180 Sq. Ft.

Client Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Ph: 586.468.7110 Fx: 586.468.7441

**phillips SIGN & LIGHTING inc.**

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48045-1363

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PROJECT: MAGIC BAG

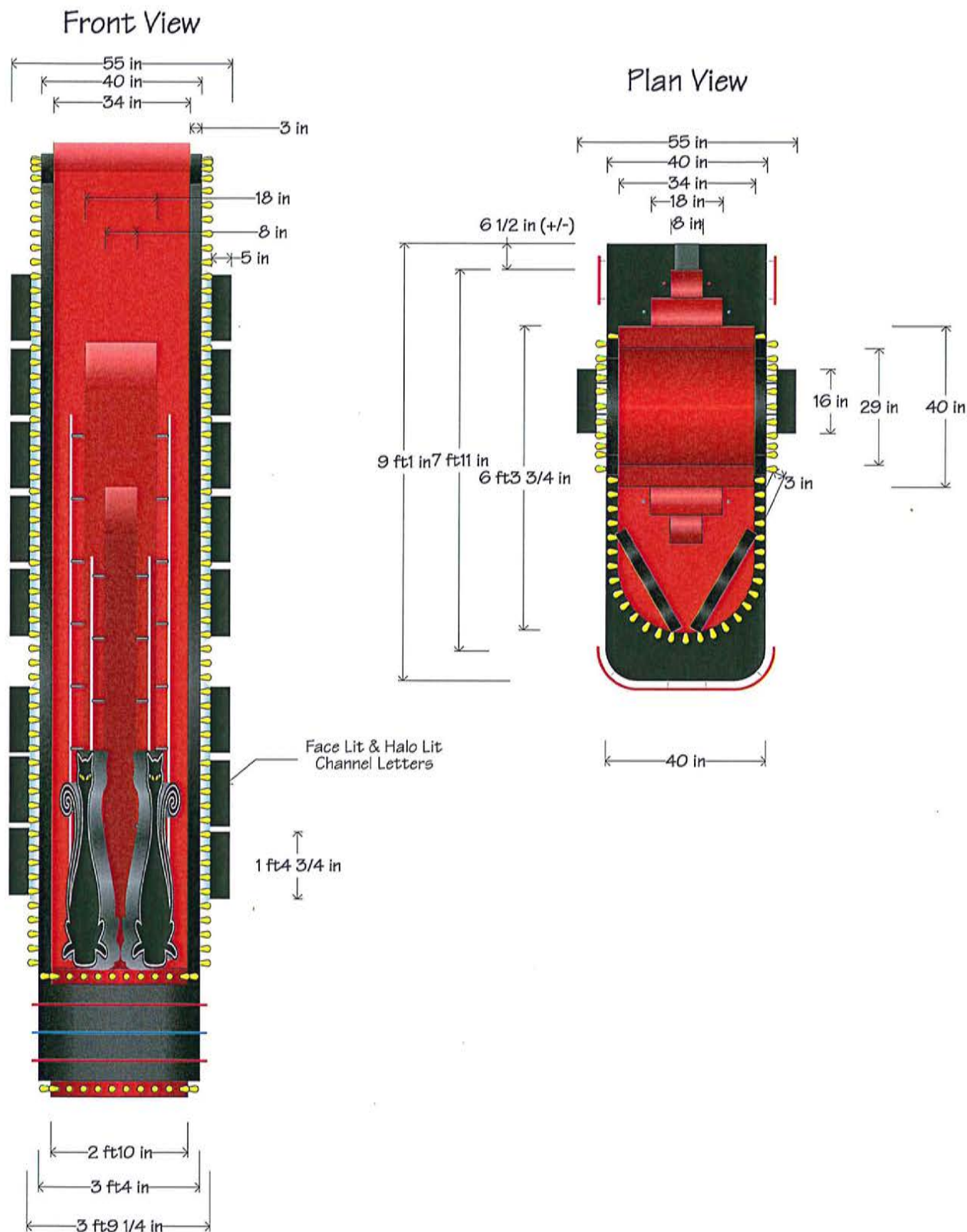
FILE: Magic Bag Marquee-3-10-15

SITE ADDRESS: 22920 Woodward, Ferndale, MI

ARTIST: KP DATE: 3-10-15 REV: \_\_\_\_\_

**PS&L**  
www.phillipsign.com

# Item #1: Marquee Sign



TOTAL SIGN AREA: 180 Sq. Ft.

Client Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Ph: 586.468.7110 Fx: 586.468.7441

**phillips SIGN & LIGHTING inc.**

40920 Executive Drive  
Harrison Twp., MI  
48045-1363

JOB NO: \_\_\_\_\_

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PROJECT: **MAGIC BAG**

FILE: **Magic Bag Marquee-3-10-15**

SITE ADDRESS: **22920 Woodward, Ferndale, MI**

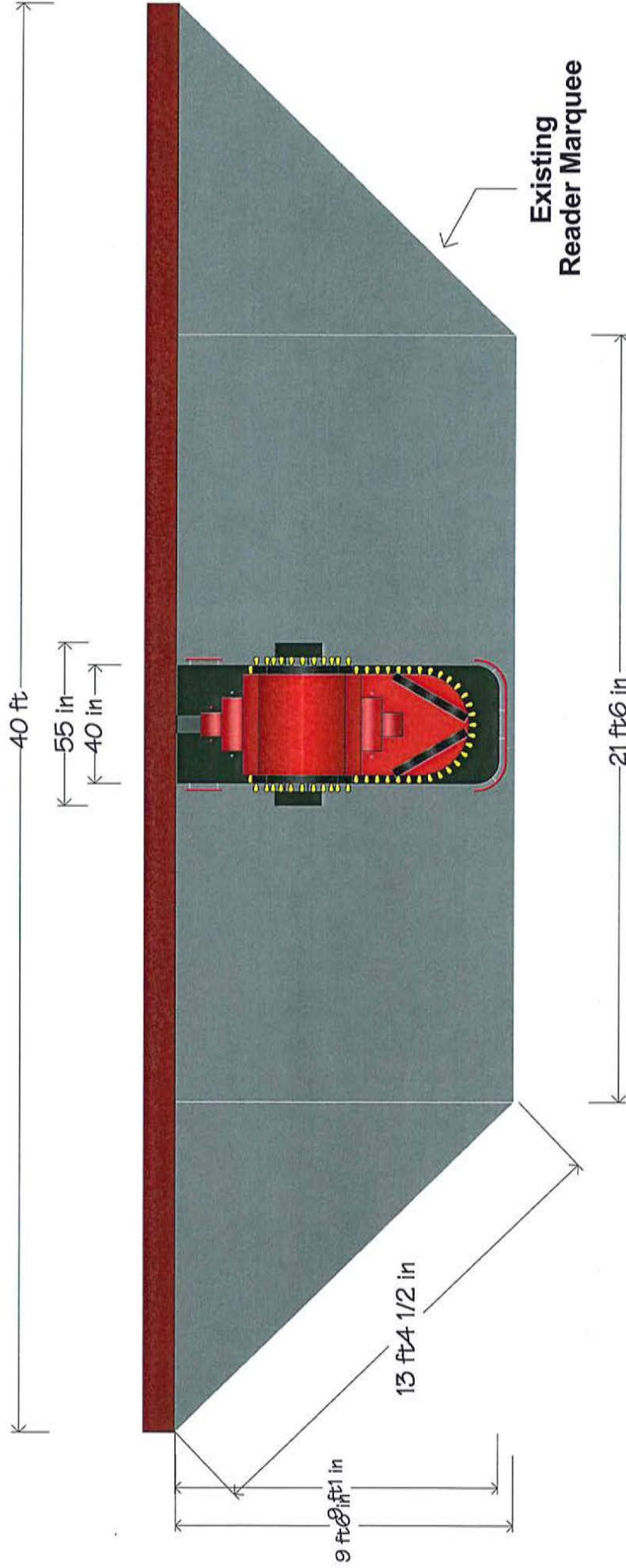
ARTIST: **KP** DATE: **3-10-15** REV: \_\_\_\_\_

**PS&L**

www.phillipsign.com



# PLAN VIEW



Client Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Ph: 586.468.7110

Fx: 586.468.7441

**phillips SIGN & LIGHTING inc.**

40920 Executive Drive  
Harrison Twp., MI  
48045-1363

JOB NO: \_\_\_\_\_

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PROJECT: **MAGIC BAG**

FILE: **Magic Bag Marquee-3-10-15**

SITE ADDRESS: **22920 Woodward, Ferndale, MI**

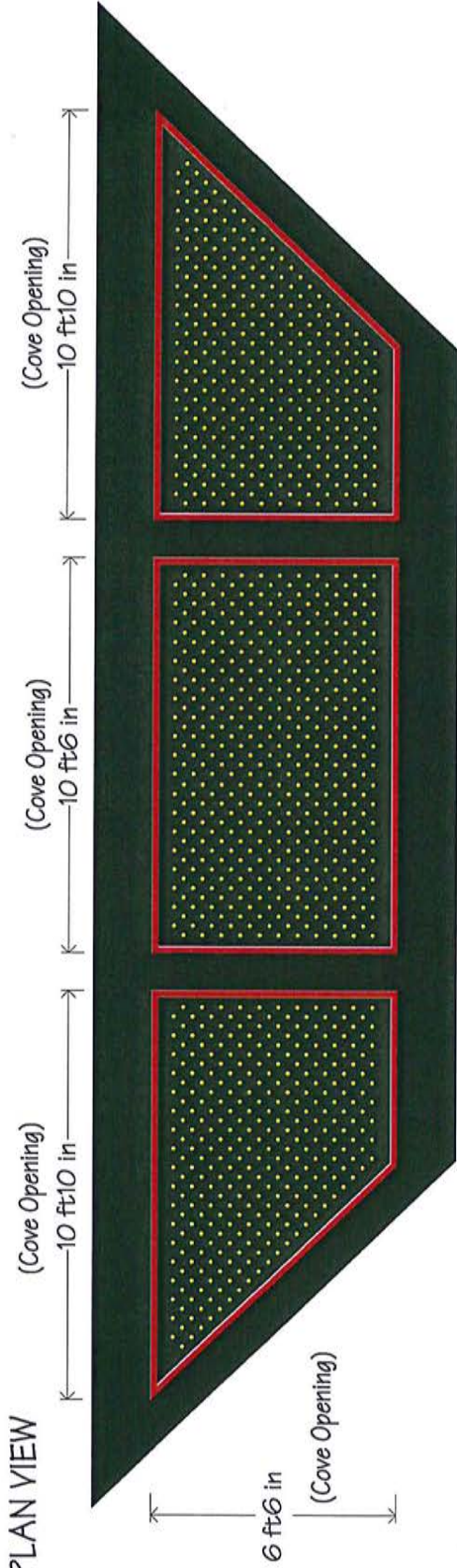
ARTIST: **KP** DATE: **3-10-15** REV: \_\_\_\_\_

**PS&L**

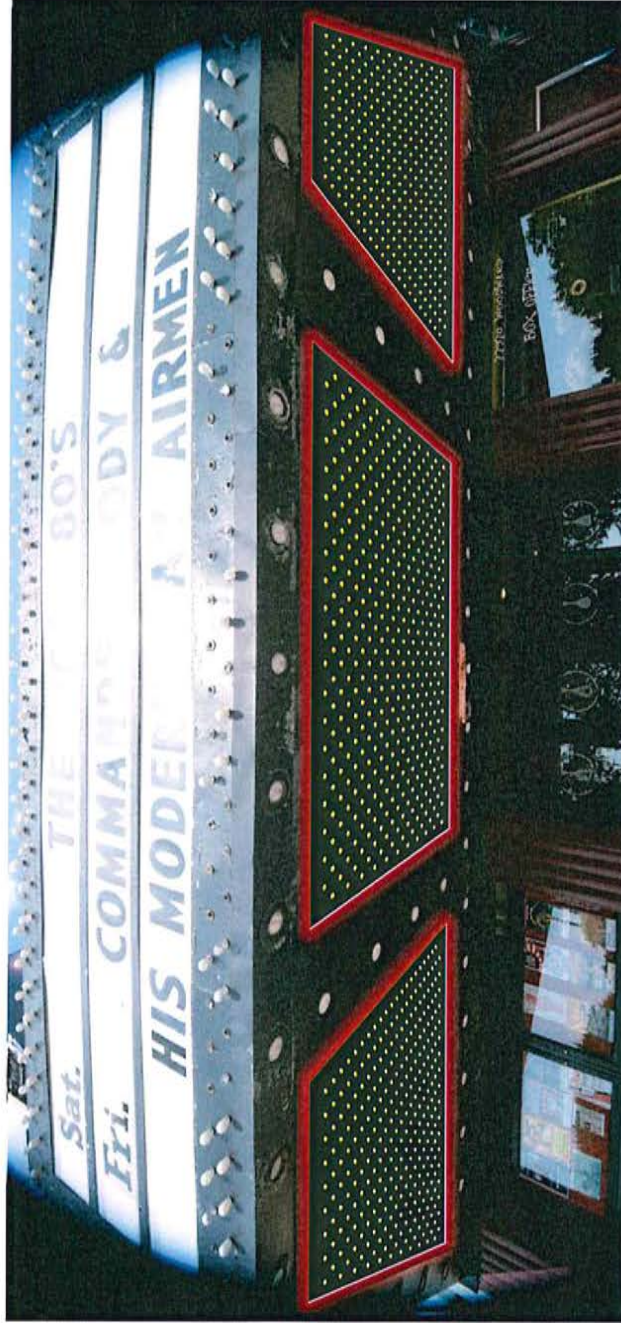
www.phillipssign.com



Item #2:



Simulated Perspective View



Client Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Ph: 586.468.7110

Fx: 586.468.7441

**phillips SIGN & LIGHTING inc.**

40920 Executive Drive  
Harrison Twp., MI  
48045-1363

JOB NO: \_\_\_\_\_

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PROJECT: MAGIC BAG

FILE: Magic Bag Marquee-3-10-15

SITE ADDRESS: 22920 Woodward, Ferndale, MI

ARTIST: KP DATE: 3-10-15 REV: \_\_\_\_\_

**PS&L**  
www.phillipssign.com

**CITY OF FERNDALE**

**NOTICE OF PUBLIC HEARING**

The Ferndale Planning Commission will hold a Public Hearing in the Ferndale Council Chambers, 300 East Nine Mile Road, Wednesday, May 20, 2015 at 7:00 PM, to consider a Variance Request (Ord. 1050, Sec.6-268) of a 18' 3 ¼" height variance and a variance to extend above the top of the marquee (Ord. 1050, Sec.6-267) as submitted by Phillips Sign & Lighting Inc. to be located at:

T1N, R11E, SEC 27 WOODWARD HTS SUB LOTS 121 & 122, commonly known as 22920 (22918) Woodward Avenue.

The City will consider alternatives to the above at that time. Any resident or property owner may participate in the hearing, or submit written comments to the Community and Economic Development Department prior to Tuesday, May 19, 2015. For more information, please contact the Community and Economic Development Department at 248-546-2366.

Derek Delacourt, Director  
Community & Economic Development

Published: Daily Tribune – 5/3/15

## Community and Economic Development

Staff Report to the Planning Commission

May 13, 2015

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<b>1461 E 8 Mile Rd</b>	
<b>REQUEST</b>	Rezoning
<b>APPLICANT</b>	Mark Aubrey 771 E. 8 Mile Rd Ferndale, MI 48220
<b>OWNER</b>	Bob Richardson
<b>LOCATION</b>	1461 E 8 Mile Rd
<b>FILE NO.</b>	
<b>PARCEL NO.</b>	24-25-35-459-006
<b>ZONING</b>	O-S, Office Service
<b>STAFF</b>	Derek Delacourt, CED Director Justin Lyons, Planner

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### Summary

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The applicant is requesting to rezone 1461 East 8 Mile Road (AKA 1481 E 8 Mile Road), from OS Office/Service to C-3 Extended Business. The site is currently built out with an existing vacant building and is mostly impervious surface. The site has limited parking with a commercial access drive to the south connecting to Eight Mile Road and access to the north to E Bennett Avenue. The applicant has not provided a traffic impact study as it is not likely that any use in the proposed district will generate over 50 trips per hour (the threshold for requesting a TIS).

### Adjacent Land Uses and Zoning

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The parcel abuts OS zoned parcels to the east and west; R-1 (Single-Family Residential) to the north; and 8 Mile thoroughfare and Detroit to the south. The site is Master Planned for commercial/office development.

### Rezoning Review Considerations ([Article XIV Section 24-324](#))

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The planning commission shall and the city council may consider the following criteria in making its findings, recommendations and decision:

1. **Consistency with the goals, policies and future land use map of the City of Ferndale Master Plan, including any subarea or corridor studies. If conditions have changed since the current master plan was adopted, the consistency with recent development trends in the area.**

The site is designated as "Commercial/Office" as part of the most recent Future Land Use Map and Master Plan. The future land use plan encourages a "wide range of general retail, service

and office uses.” The plan also notes the sites should not “degrade the integrity of the surrounding residential neighborhoods” and “minimize noise, light and traffic impacts on abutting residential areas.”

**2. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.**

Physical feature compatibility would not differ significantly between the current zoning designation and the proposed use. Significant alterations would be reviewed by staff as part of the normal site plan review and sign permit processes.

**3. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.**

The site’s proposed rezoning to C-3 would increase the number of permitted and special uses, including retail establishments large and small, arcades, funeral parlors, massage establishments, radio/TV studios, and pawnbrokers. Rezoning to C-3 would increase the number of potential future uses with a heavier focus on retail and entertainment versus the office, health care, and institutional focus of OS. The size of the site and parking requirements will likely limit uses, but traffic impacts are not likely to be significantly different between C-3 and OS uses.

**4. The capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city.**

A zoning change to C-3 would not likely result in a significant change in the demand for City services or infrastructure.

**5. The apparent demand for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate the demand.**

The applicant suggests that there is a significant demand for uses of the C-3 district, but limited C-3 zoned property to fulfill demand. The applicant does not provide detail to show apparent demand of C-3 uses in relation to the amount of land currently zoned for it.

**6. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.**

## **Recommendation**

---

The applicant followed the appropriate process and made compelling arguments to consider a rezoning change. However, Staff believes the parcel and adjacent parcels should be reevaluated as part of the upcoming 2015 Master Plan process. If the future land use plan process determines the entire district should be classified as C-3 Extended Business with clearer goals for the district, we would support that decision.

## Recommended Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, that the Planning Commission recommends City Council (Approve/Deny) the Rezoning request for 1461 East 8 Mile Road, also known as 1481 East 8 Mile Road, Sidwell number 24-25-35-459-006, from OS: Office/Service to C-3: Extended Business, with the following findings after a Public Hearing was held as set and published for this date and place:

### *Findings*

1. The Future Land Use Map and Master Plan classifies the subject site as Commercial/Office. The proposed zoning is consistent with the goals, policies and future land use of the City's Master Plan. Though the proposed zoning is consistent with those goals, OS and C-3 are similar and it has not been determined that C-3 is more appropriate than OS at this location.
2. The site features and potential uses allowed in the proposed zoning district appear to be compatible with the surrounding uses and zoning as they are similar to those of the current zoning.
3. City infrastructure appears to be sufficient to support the potential uses permitted in the requested zoning district.
4. The subject site and most of the surrounding buildings are vacant and in need of reinvestment. The entire district would benefit from further analysis through a thorough land use planning process.
5. The cited demand for C-3 district uses would need to be substantiated with a market analysis to determine actual demand compared to available inventory.





# Rezoning, Zoning Ordinance & Master Plan Amendment Application

## 1. Identification

**Applicant Name** Mark Aubrey

Address 771 E. 8 Mile Rd

City/State/Zip Code Ferndale, Michigan, 48220

Phone (586) 855-6275

Fax (586) 772-6725

Interest in the Property (e.g. fee simple, land option, etc.) Purchase Agreement

**Property Owner** (if other than applicant) Bob Richardson

Address 1481 E. 8 Mile Rd

City/State/Zip Code Ferndale, Michigan, 48220

Phone (313) 720-9505

Fax ( )

## 2. Property Information

Street Address 1481 E. 8 Mile Rd

Sidwell Number

Legal Description

T1N, R11E, SEC 35 FORD HTS ADD SUB N 117 FT OF LOTS 63 TO 67 INCL & E 1/2 OF N 117 FT OF LOT 68

Zoning District OS, Office Service District

Area .684

Width 130'

Depth 155'

Current Use(s) Vacant

Zoning District of Adjacent Properties to the:

North R-1

South B-4

East OS

West OS

**3. Information Required.** The applicant must submit the following information with the application in accordance with Article 14 of the Zoning Ordinance:

**a. Rezoning (Amendment to the Official Zoning Map)**

- ☐ A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
- ☐ The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
- ☐ The existing and proposed zoning district designation of the subject property.
- ☐ A site analysis site plan illustrating existing conditions on the site and adjacent properties; such as soil conditions, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity of the property.
- ☐ A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers, access spacing, any requested service drives and other site design factors.
- ☐ A written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts.
- ☐ A traffic impact analysis should be provided if any use permitted in the requested zoning district could generate 100 or more peak hour directional trips, or 1,000 or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Plan Commission with input from City staff and consultants.
- ☐ A written description of how the requested rezoning meets Section 14.04 of the Zoning Ordinance. This can be achieved by completing **Section 4. Rezoning Criteria** of this application form, or can be completed separately and attached to this form along with the materials listed above.

**b. Zoning Ordinance or Master Plan Amendment**

In the case of an amendment to the Zoning Ordinance or Master Plan, other than an amendment to the official zoning map, a general description of the purpose and intent of the proposed amendment shall accompany this application.

4. **Rezoning Criteria.** The applicant must provide written responses to demonstrate how the proposed zoning designation will meet the following criteria in the areas provided or on a separate sheet (*Section 14.04 Rezoning Criteria*):

- a. Consistency with the goals, policies and Future Land Use Plan Map of the City of Ferndale Land Use Plan, including any subarea or corridor studies. If conditions have changed since the City of Ferndale Future Land Use Plan was adopted, the consistency with recent development trends in the area.

**See attached letter from CIB Planning**

- b. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

**See attached letter from CIB Planning**

- c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning:

**See attached letter from CIB Planning**

- d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values:

**See attached letter from CIB Planning**



- e. The capacity of City infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety, and welfare” of the City:

**See attached letter from CIB Planning**

- f. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand:

**See attached letter from CIB Planning**

- g. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district:

**See attached letter from CIB Planning**

- 5. **Completing the ZO/MP Amendment Application.** The following checklist includes all documents required for the Community Development Director to declare the application complete and begin the ZO/MP Amendment process. All items are due three (3) weeks prior to the Plan Commission meeting:

- ☐ Payment in full of the required fee.
- ☐ Four (4) copies of the completed application form in addition to a CD containing all application materials.
- ☐ A copy of the complete legal description of the property (in the case of a rezoning).
- ☐ Proof of property ownership (in the case of a rezoning).





## CIB PLANNING

April 15, 2015

Planning Commission  
City of Ferndale  
300 East Nine Mile Road  
Ferndale, MI 48220

**Subject:** REZONING REQUEST  
**Location:** 1461 E. Eight Mile Road  
**Size of Site:** Approximately .684 acres  
**Request:** To rezone the property from OS, Office Service to C-3, Extended Business District

Dear Planning Commissioners:

This letter is being submitted in conjunction with the rezoning application from Mr. Mark Aubrey for the property located at 1461 East Eight Mile Road. The property is currently zoned OS, Office Service District and a rezoning is being requested to C-3, Extended Business District. As evidenced by the number of vacancies in that block, including the subject building, the uses permitted in the current OS zoning designation are quite limited and not really appropriate for the character of the buildings and sites. The requested C-3, Extended Business District allows a much broader range of uses that would adapt to the existing buildings and limited amount of land available for parking and loading/unloading. Re-use of the existing buildings in that block will also lead to much needed investment, as they are showing signs of deterioration.

### LOCATION AND DESCRIPTION

The subject site is located on the north side of Eight Mile Road, just east of the railroad tracks and west of West End Street. The front of the building faces Eight Mile Road but is accessed by a service drive leading west to Wanda Street. The property is rectangular in shape and has rear loading/unloading access via three overhead doors at the rear of the building, facing East Bennett Ave., and another overhead door facing a drive on the west side of the building. At the present time, parking is located at the front of the building, off the service drive. Additional parking can also be provided next to the drive on the west side of the building. An approximate twelve parking spaces are available in front of the building, with the same number of additional spaces possible along the driveway on the west side of the building.

Both the building and site are in need of maintenance including façade improvements, pavement repair in front of the building, weed removal, landscaping, and fence repair/maintenance. While these are not major items, they will dramatically upgrade the appearance of the building and block. This may also lead to additional interest in the other neighboring vacant buildings and bring new investment.

17195 Silver Parkway, #309  
Fenton, MI 48430

Phone: 810-335-3800  
Email: [avantini@cibplanning.com](mailto:avantini@cibplanning.com)

## EXISTING LAND USE, ZONING AND FUTURE LAND USE

	Existing Land Use	Zoning	Master Plan
<b>Subject Property</b>	Vacant	OS, Office/Service	Commercial/Office
North	Undeveloped Single-Family Residential	R-1, Single-Family Residential	Low Density Residential
South	Institutional	B-4, General Business District	---
East	Vacant	OS, Office/Service	Commercial/Office
West	Commercial	OS, Office/Service	Commercial/Office

## REZONING CRITERIA

**A. Consistency with the goals, policies and future land use map in the City of Ferndale Master Plan, including any subarea or corridor studies. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area**

One of the goals of the Ferndale Master Plan is to “Provide an appropriate mix of businesses, including industrial, commercial, and office uses that provide employment opportunities and a sound tax base for the City.” The subject site is currently vacant and has been so for some time. The proposed rezoning would allow for re-use of the building in a manner that will not only enhance the appearance of the site, but also provide employment opportunities and improve the taxable value of the property.

Another goal of the Master plan is to “Work with property owners and businesses to improve signage, landscaping and the general appearance of their businesses throughout the City.” The subject building has been vacant for some time and the overall property is sorely in need of improvement. Without a viable use occupying the building, it is not likely that there will be new investment in the property. In addition, this is one of the entryways into Ferndale along Eight Mile Road and does not present the image being sought in the Master Plan.

The future land use map of the Master Plan designates the subject site as Commercial/Office. The intent of this district is to provide for “a wide range of general retail, service and office uses” and “services the day-to-day needs of residents and provides employment opportunities within Ferndale.” The Master Plan further states that the Commercial/Office category “roughly responds with the C-1, C-2, C-3 and OS zoning districts located along Eight Mile and Nine Mile Roads and Woodward Avenue.”

Based upon the above analysis, the proposed is consistent with the goals, policies and future land use map in the City of Ferndale Master Plan.

**B. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.**

A review of the permitted and special land uses in the requested C-3, Extended Business District (below), indicates that the property is capable of accommodating the potential uses, conditioned upon the characteristics of the site. Many of the C-3 uses could potentially locate in

this building while others, such as a banquet hall or theater, would require a much larger site with more parking. The size of the subject site is approximately .6 acres and about 70%, or 13,800 square feet, of the site is covered by building. Approximately 2,500 square feet of this space will be used for sales and office use, with the rest being occupied by storage area. It is anticipated that the proposed use would require approximately 8 spaces for the retail use (2,500 s.f. x 80%=2,000 s.f @ 1 space per 250 s.f.) and approximately 5 spaces for the warehouse use (11,300 s.f. x 80% = 9,040 s.f. @ .5 spaces per 1,000 s.f.) for a total of 13 required spaces. With spaces in front and on the side of the building, approximately 20 spaces are provided.

<b>C-3, Extended Commercial and OS, Office/Service Districts Permitted (P) and Special Land Uses (S)</b>			
	<b>C-3</b>	<b>O/S</b>	<b>Additional Requirements</b>
<b>Residential</b>			
Upper level residential units	P	P	<i>Section 8.19</i>
<b>Health Care Facilities</b>			
Hospitals and other medical facilities permitting overnight patients	---	S	
Medical, dental and physical therapy offices, clinics, medical and dental laboratories and similar uses (overnight patients not permitted)	P	P	
State licensed day care centers	---	S	
<b>Entertainment &amp; Recreational</b>			
Adult businesses	S	---	<i>Section 8.01</i>
Amusement arcades	S	---	
Banquet halls	S	---	
Health, fitness and exercise clubs	P	P	
Participatory recreation and amusement services (bowling alleys, swim clubs, court sports, roller and ice skating rinks, billiard halls and miniature golf, excluding go-cart tracks)	S	---	
Private clubs	P	P	
Public parks and playgrounds	---	---	
Theaters	P	---	
<b>Service, Retail &amp; Office</b>			
Art, music, dance, craft, ceramic, glass, cooking and similar schools and studios	P	P	
Business service establishments (including printing and photocopying services, mail and packaging services, data processing and office support services and similar uses)	P	P	
Computer service centers and similar uses (including maintenance of electronic equipment)	P	P	
Drive-in and drive through facilities	----	---	<i>Section 8.06</i>
Funeral homes	S	---	
Lodging facilities	S	---	<i>Section 8.09</i>

<b>C-3, Extended Commercial and OS, Office/Service Districts Permitted (P) and Special Land Uses (S)</b>			
	<b>C-3</b>	<b>O/S</b>	<b>Additional Requirements</b>
Massage establishments (that do not fit the definition of an adult business)	P	---	
Office buildings	P	P	
Open air businesses	S	---	<i>Section 8.12</i>
Pawnbrokers	P	---	
Production facilities that have a minimum of 20% floor area dedicated to retail sales (production of consumer goods such as food, beverages, art, clothing, textiles, etc.)	P	P	
Radio and television studios	P	---	
Research and development centers	P	P	
Retail establishments, large	P	---	
Retail establishments, small	P	---	
Service and repair establishments (photographic studios; barber and beauty shops; tanning studios; body decorating salons; watch, clothing and shoe repair shops; dressmaking, interior decorating, lock smith, small household appliances, musical instruments, bicycles, furniture, eyeglasses, office or business machines and similar establishments)	P	P	
Shops of building trades, caterers, blue printers and similar services	P	P	
Sidewalk cafés	P	P	
Standard restaurants	P	P	
Standard restaurants with outdoor seating	S	S	<i>Section 8.15</i>
Vehicle dealerships	S	---	<i>Section 8.20</i>
Vehicle filling and service stations	S	---	<i>Section 8.21</i>
Vehicle repair, minor	S	---	<i>Section 8.21</i>
Vehicle washes	S	---	<i>Section 8.21</i>
Veterinary offices and hospitals, groomers (including accessory boarding, but outdoor exercise runs or pens are prohibited)	P	S	
Video rental and sales establishments (no more than 20% of floor space is occupied by adult-related items)	P	---	
Wholesale sales	S	---	
<b>Public, Institutional &amp; Utilities</b>			
Business and technical schools	P	P	
Essential services	S	S	
Libraries	---	P	
Museums	---	P	
Parking structures	S	S	<i>Section 8.13</i>

<b>C-3, Extended Commercial and OS, Office/Service Districts Permitted (P) and Special Land Uses (S)</b>			
	<b>C-3</b>	<b>O/S</b>	<b>Additional Requirements</b>
Public buildings (governmental offices, police and fire stations and community centers, but not including service or storage yards)	P	P	
Trade and vocational schools	---	S	
<b>Prohibited Uses</b>			
<b>CBD</b> All goods produced on the premises shall be sold at retail on the premises			
<b>OS</b> Outdoor storage of goods or materials including, but not limited to, equipment, machinery, trash or recyclable materials, debris, construction materials, tractors or trailers			

- C. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.**

Once again, the potential uses from the above list would be limited by the size of the parcel, adjacency of abutting buildings, available parking, and access, which is provided via a street that resembles an access drive more than a public road. The area immediately abutting the subject site, on the north side of Eight Mile Road, includes: a medical supply building and two vacant commercial/warehouse buildings to the west; and a vacant building and machine products building to the east. Including the subject site, over half of the buildings in this block are vacant and the uses in the OS District that are appropriate for this location are quite limited. For example, this is not a desirable location for medical offices, restaurants, fitness centers (lack of parking), business and technical schools, libraries, museums, etc.

- D. Capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city.**

City infrastructure/services are available to accommodate the proposed use, which will likely have far less impact than previous uses at the site.

- E. Apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.**

There is a limited amount of C-3 zoned land in Ferndale, located at the very north and south ends of Woodward. The buildings and lots are occupied primarily by automotive-related uses and with no available space or land, there is not an opportunity for new C-3 uses to locate there. Many of the uses permitted only in the C-3 District are effectively zoned out of the City.

- F. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or than amending the list of permitted or special land uses within a district.**

The distribution of uses amongst the respective commercial zoning districts makes sense; there is just an undersupply of C-3 zoned land. Given the high traffic volumes and mixture of heavy commercial and industrial uses along Eight Mile Road, it makes more sense to zone additional property C-3 than it would be zone the site C-2, C-1 or even OS.

## **CONCLUSION**

Based on the above analysis, the requested rezoning from OS, Office/Service District to C-3, Extended Business District for the following reasons:

1. The proposed rezoning request is consistent with the Master Plan designation of Commercial/Office;
2. The subject site is capable of accommodating many of the uses in the C-3 District, more so than the current OS District. This includes the ability to provide parking required under the zoning ordinance, which many OS uses cannot;
3. The potential uses in the C-3 District would be compatible with the surrounding uses, especially since parking is located away from East Bennett Ave. at the front and side of the building. In addition, much of the loading and unloading can take place on the side of the building;
4. Public infrastructure and services are available to the site, including access to Eight Mile Road, which is a major thoroughfare;
5. There is an apparent demand for additional land that is zoned C-3, since there is a limited amount of existing property in that district and it is generally not available for lease or purchase;
6. A rezoning to C-3, Extended Commercial District is more appropriate than any of the other zoning districts and as well as changing the permitted uses in the OS District.

We look forward to discussing this with you at the next Planning Commission meeting.

If you have any further questions, please contact us at 810-335-3800.

Sincerely,

**CIB PLANNING**



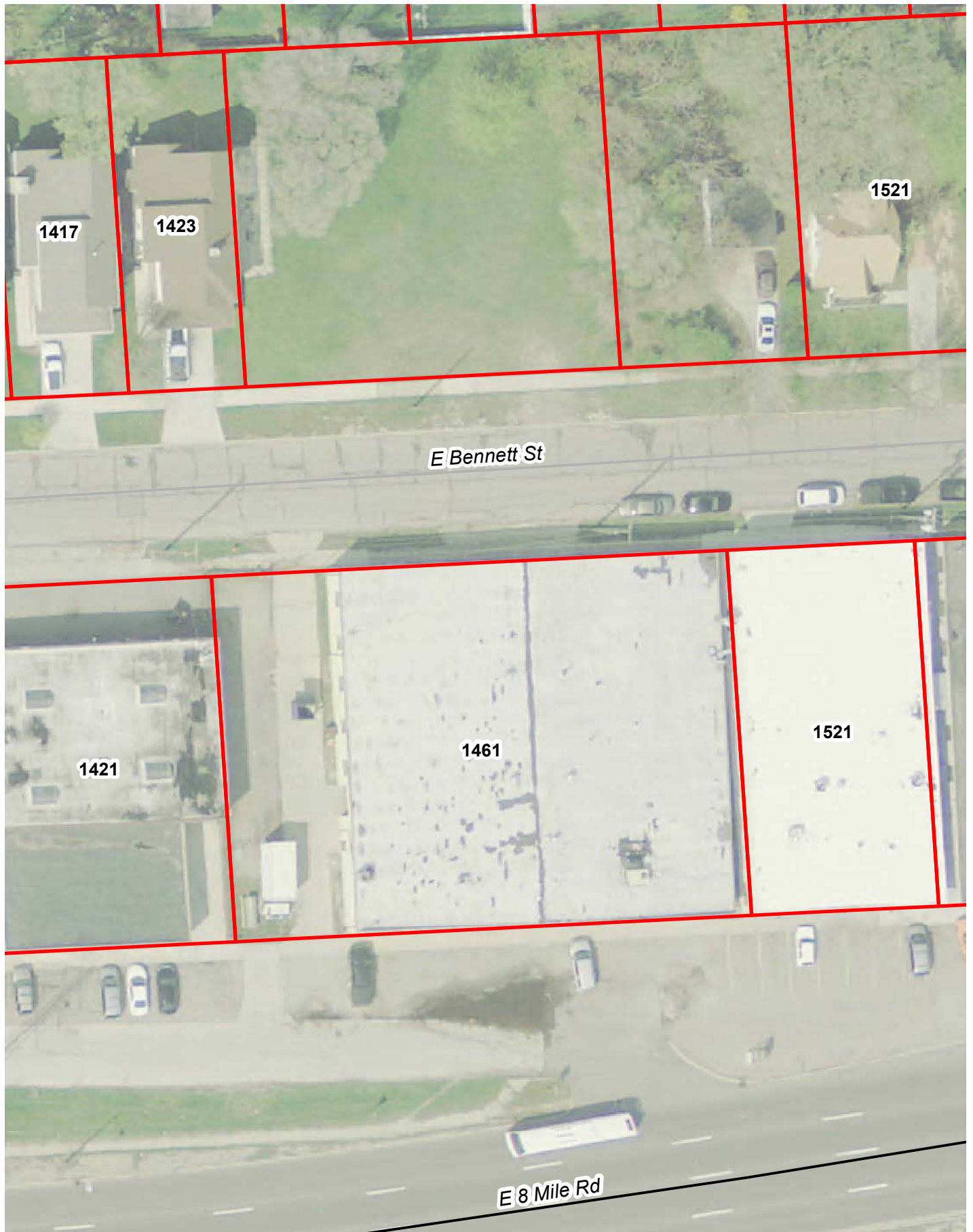
Carmine P. Avantini, AICP  
President



# 1461 E. 8 Mile Rd



# 1461 8 Mile Rezoning



0 510 20 30 40  
Feet



Community & Economic Development  
300 East Nine Mile Road  
Ferndale MI 48220  
248.546.2366  
[www.ferndalemi.gov](http://www.ferndalemi.gov)

**CITY OF FERNDALE NOTICE  
OF PUBLIC HEARING**

The Ferndale Plan Commission will hold a Public Hearing in the Ferndale Council Chambers, 300 East Nine Mile Road, on Wednesday, May 20, 2015 at 7:00 PM, to consider the rezoning from OS Office Service District to C-3 Extended Business District as submitted by Mark Aubrey for use as pawnbroker to be located at:

T1N, R11E, SEC 35 FORD HTS ADD SUB N 117 FT OF LOTS 63 TO 67 INCL & E 1/2 OF N 117 FT OF LOT 68, commonly known as 1461-1481 E Eight Mile Road.

The City will consider alternatives to the above at that time. Any resident or property owner may participate in the hearing, or submit written comments to the Community and Economic Development Department prior to Tuesday, May 19, 2015. For more information, please contact the Community and Economic Development Department at 248-546-2366.

Derek Delacourt, Director  
Community & Economic Development Published:

Daily Tribune – 5/3/15