

Southgate City Council Agenda

Council Chambers

Wednesday September 20, 2017

6:30pm **Work Study Session**

1. Officials Reports
2. Memo from Administrator; Re: Amending Ordinance 1292.03 (k) Page 21
3. Memo from Administrator; Re: Request to Rezone 16100 Fort Street Page 9
4. Discussions regarding agenda items.

7:00 pm **Regular Meeting**

Pledge of Allegiance

Roll Call: Colovos, Farrah, George, Graziani, Rauch, Rollet, Zamecki.

Minutes:

1. Work Study Session Minutes dated September 6, 2017.
2. Regular City Council Meeting Minutes dated September 6, 2017.
3. Public Hearing Meeting Minutes date September 6, 2017.

Scheduled Persons in the Audience:

Consideration of Bids:

Scheduled Hearings:

Communications "A" –

1. Memo from Administrator; Re: Class C Liquor License Transfer Page 2
2. Memo from Administrator; Re: Request to Rezone 16100 Fort Street Page 9

Communications "B" – (Receive and File)

Ordinances:

1. First Reading – Section 1292.03 (k) Layout, Construction and Maintenance of Parking Areas Page 21
2. Second Reading – Section 862.06 Use of Streets Page 25

Old Business:

New Business:

Unscheduled Persons in the Audience:

Claims & Accounts: Warrant # 1337

\$1,924,020.24

Janice M. Ferencz

Adjournment:

Janice M. Ferencz, City Clerk

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate
NORMA J. WURMLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

KAREN E. GEORGE

MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator

Date: September 14, 2017

Re: Class C Liquor License

Motor City Peaks, LLC, has applied to the Michigan Liquor Control Commission for permission to transfer the Class C Liquor License from Malarkey's Two, LLC to Motor City Peaks, LLC, 14980 Dix Toledo Rd., Southgate.

Attached please find the required documents for your consideration.

The Administration respectfully requests your approval of this matter.

Cc: Mayor Joseph G. Kuspa
David Angileri
Brandon Fournier

DIRECTOR
OF PUBLIC SAFETY
JEFFREY M. SMITH

CHIEF
BRETT D. SELBY

ADMINISTRATION
(734) 258-3052

FAX: (734) 284-0540



City of Southgate

Police Department

14710 REAUME PARKWAY
CIVIC CENTER
SOUTHGATE, MICHIGAN 48195
(734) 258-3060

INVESTIGATIVE
BUREAU
(734) 258-3054

ORDINANCE
OFFICER
(734) 258-3036

FAX: (734) 246-1381

September 14, 2017

Southgate City Council
14400 Dix-Toledo
Southgate, MI 48195

Request ID# 912935

RE: Transfer Ownership Escrowed 2017 Resort Class C Licensed Business with Sunday Sales Permit (PM), Sunday Sales Permit (AM), Dance-entertainment Permit, Specific Purpose Permit (Food), Outdoor Service (2 Areas) and (3)Bars, Issued under MCL 436.1531(4), Non-Transferable, from Malarkey's Two, L.L.C.; New SDM License held in conjunction and Catering Permit; Cancel Existing (2) Additional Bar Permits leaving (1) Bar.

Dear Ladies and Gentlemen:

Please be advised that an investigation has been conducted, and we have no objection to granting this request.

This proposed location meets all appropriate state and local building, plumbing, zoning, fire, sanitation, and health laws and ordinances.

Respectfully,

A handwritten signature in black ink that reads "Jeffrey M. Smith".

Director of Public Safety





RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

August 17, 2017

Motor City Peaks, LLC
c/o Scott Edwards
sedwards@cebhlaw.com

RID #912935

Reference/Transaction: Transfer Ownership Escrowed 2017 Resort Class C Licensed business with Sunday Sales Permit (PM) , Sunday Sales Permit (AM), Dance-Entertainment Permit, Specific Purpose Permit (Food), Outdoor Service (2 Areas) and (3) Bars, Issued under MCL 436.1531(4), Non-Transferable, from Malarkey's Two, L.L.C.; New SDM License held in conjunction and Catering Permit; Cancel Existing (2) Additional Bar Permits leaving (1) Bar

Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.

Applicant/Licensee: Motor City Peaks, LLC

Business address and phone number: 14980 Dix Toledo Rd, Southgate MI 48195

Home address and phone number of partner(s)/subordinates:

Victor Ansara Jr.-23925 Industrial Park Dr. Farmington Hills MI 48335

Anthony Ansara-23925 Industrial Park Dr. Farmington Hills MI 48335

Michael Ansara-23925 Industrial Park Dr. Farmington Hills MI 48335

Nicolas Ansara-23925 Industrial Park Dr. Farmington Hills MI 48335

Victor Ansara-Trustee of the Victor L. Ansara Living Trust UAD May 3, 1989

As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigation will be conducted from the following designated District Office:

Southfield District Office (313) 456-1170

You may contact your designated District Office regarding any appointments or questions on documentation requested by the Investigator. **Failure to provide requested information or to keep scheduled appointments will cause the application to be returned to the Lansing office for cancellation.**

A copy of this notice is also being provided to Local Governmental Unit should they wish to submit an opinion on the application or advise of any local non-compliance issues.

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

City of Southgate

14400 Dix-Toledo Highway
Southgate, Michigan 48195
(734) 258-3010

Date: August 29, 2017

TO: Southgate Police Department

FROM: The Office of the City Treasurer

RE: Liquor Control Commission Application
Request ID# 912935

Reference/Transaction: Transfer Ownership Escrowed 2017 Resort Class C Licensed business with Sunday Sales Permit (PM), Sunday Sales Permit (AM), Dance-Entertainment Permit, Specific Purpose Permit (Food), Outdoor Service (2 Areas) and (3) Bars, Issued under MCL 436.1531(4), Non-Transferable, from Malarkey's Two, L.L.C.; New SDM License held in conjunction and Catering Permit; Cancel Existing (2) Additional Bar Permits leaving (1) Bar

The above establishment does not currently have any delinquent taxes:

Real Property Parcel # 53-016-99-0050-003 - ²⁰¹⁷ OWES CURRENT TAXES

Personal Property Parcel # 53-999-00-2960-006 Malarkey's
53-999-00-2016-007 Rosie O'Grady's

Susan Bluffin, Deputy
City Treasurer

Return this completed form to the Southgate Police Department/Detective Bureau.
Your application will **NOT** be processed unless this signed form is returned.

MARK DIV

City of Southgate

14400 Dix-Toledo
Southgate, MI 48195
(734) 258-3010

Date: 8-29-17

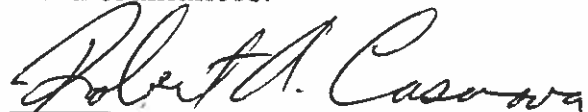
TO: Southgate Police Department

FROM: Southgate Building Department

RE: LIQUOR CONTROL COMMISSION APPLICATION
Request ID# 912935

Reference/Transaction: Transfer Ownership Escrowed 2017 Resort Class C Licensed business with Sunday Sales Permit (PM), Sunday Sales Permit (AM), Dance-Entertainment Permit, Specific Purpose Permit (Food), Outdoor Service (2 Areas) and (3) Bars, Issued under MCL 436.1531(4), Non-Transferable, from Malarkey's Two, L.L.C.; New SDM License held in conjunction and Catering Permit; Cancel Existing (2) Additional Bar Permits leaving (1) Bar

The above establishment currently complies with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances.


Building Department Director

Return this completed form to the Southgate Police Department, Detective Bureau. Your application will **NOT** be processed unless all codes are complied with and this signed form is returned.

City of Southgate

14400 Dix-Toledo
Southgate, MI 48195
(734) 258-3010

Date: 8-31-17

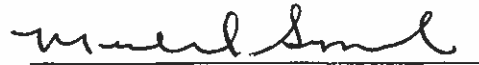
TO: Southgate Police Department

FROM: Southgate Fire Department

RE: LIQUOR CONTROL COMMISSION APPLICATION
Request ID# 912935

Reference/Transaction: Transfer Ownership Escrowed 2017 Resort Class C Licensed business with Sunday Sales Permit (PM), Sunday Sales Permit (AM), Dance-Entertainment Permit, Specific Purpose Permit (Food), Outdoor Service (2 Areas) and (3) Bars, Issued under MCL 436.1531(4), Non-Transferable, from Malarkey's Two, L.L.C.; New SDM License held in conjunction and Catering Permit; Cancel Existing (2) Additional Bar Permits leaving (1) Bar

The above establishment currently complies with all codes, ordinances, and standards enforced by the Southgate Fire Department.



Fire Marshall

Return this completed form to the Southgate Police Department, Detective Bureau. Your application will **NOT** be processed unless all codes are complied with and this signed form is returned.

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate
NORMA J. WURLINGER
MUNICIPAL BUILDING

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DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator *JJZ*

Re: A Request to Rezone 16100 Fort St from General Business (C-2) to Light Industrial-Research (M-1) With Conditions

Date: September 13, 2017

At their September 11, 2017 meeting, the Planning Commission held a public hearing to consider the above referenced request. Rich Oliver, the owner of Michigan Vehicle Solutions, 16600 Fort Street, Southgate and Jason Azagalian, the owner of Pro Excavation & Demolition, 4036 Biddle Ave., Wyandotte, are the applicants. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend to the City Council that 16100 Fort Street, a former new car dealership, be rezoned from General Business (C-2) to Light Industrial-Research (M-1) with conditions.

Mr. Oliver spoke on behalf of the applicants during the public hearing. Three residents also addressed the Planning Commission. Two expressed their support for the rezoning and one asked a few questions, which the Planning Commission, Mr. Oliver, John Enos and Robert Casanova answered.

The Administration concurs with the recommendation of the Planning Commission and respectfully requests that you approve a resolution to rezone 16100 Fort Street from General Business (C-2) to Light Industrial-Research (M-1) with conditions.

If you have any questions, please contact Robert Casanova, John Enos or me.

Cc: Mayor Joseph G. Kuspa
Robert Casanova
John Enos
Brandon Fournier



Carlisle | Wortman

ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

CONDITIONAL REZONING ANALYSIS

City of Southgate

Applicant:	Storage Solutions of Southgate LLC
Property Address:	16100 Fort Street
Current Zoning:	C-2, General Business District
Action Requested:	Conditional rezoning of the subject property to M-1, Light Industrial Research
Required Information:	The required information for a conditional rezoning request has been provided.

DESCRIPTION

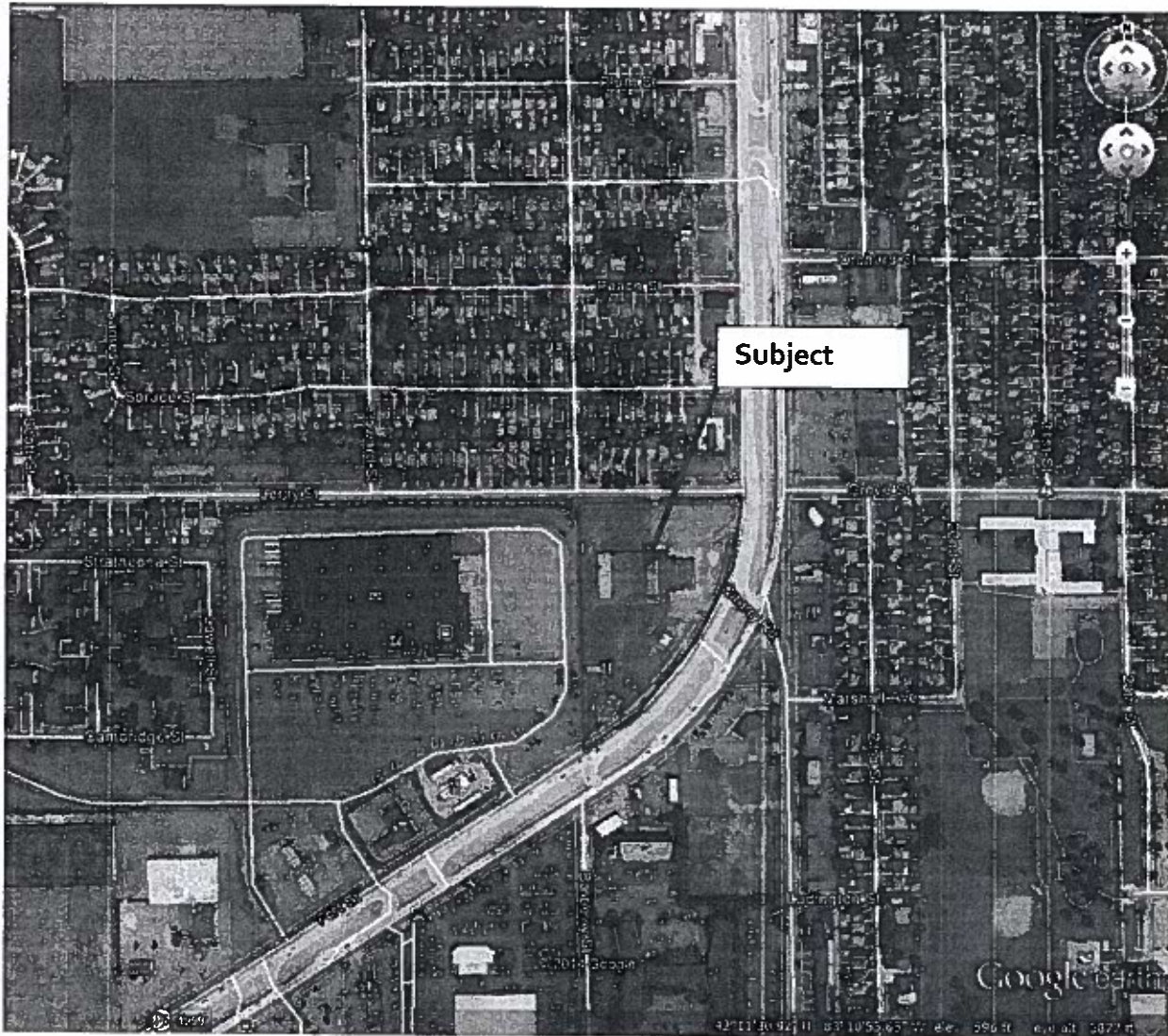
The applicant is requesting a conditional rezoning of the former Pontiac dealership located at 16100 Fort Street to M-1, Light Industrial Research in order to convert the existing facility into a climate controlled self-storage facility within the existing building along with mini-storage units. Storage facilities are not allowed under the current C-2, General Business zoning designation.

The application materials indicate the existing 40,000 square foot building will be used for climate controlled storage. The smaller building located near Fort shall be used for offices and other ancillary uses. In addition over the course of five (5) years five (5) additional mini-storage buildings will be constructed. All outside storage buildings cannot be built all at once, and the applicant suggests that the buildings will be constructed based upon customer demand. NO outside storage is proposed in on the property and we do not believe this is a suitable location for any outdoor storage due to the possible heights of RV's and boats. In regards to screening the use from the adjacent homes on Leroy a decorative masonry wall will be constructed. In addition the entire property will be landscaped and fenced.

The City is familiar with the applicant Richard Oliver who developed and maintains the Michigan Vehicle Solutions property and during that process the we found Mr. Oliver and his team to be professional and responsive to the concerns of the City.

If the City approves the rezoning the applicant will be required to submit a detailed site plan for review and approval by the Planning Commission. At that time we will review specific design requirements such as screening, landscaping, lighting, security, fencing, etc.

Figure 1. Aerial Photograph of Subject Site



CONDITIONAL ZONING PROCEDURE

Section 1298.037 outlines the standards and procedures for conditional rezoning requests. Generally, the procedure for processing conditional rezoning requests is similar to a normal rezoning request. However, under this type of zoning, conditions may be imposed on the rezoning request ***if voluntarily offered by the applicant.*** A public hearing is required to be held by the Planning Commission before making a recommendation on the proposed rezoning. Following a recommendation by the Planning Commission the City Council will make a final determination on the conditional rezoning.

Following a public hearing, the Planning Commission will deliberate on the merits of the conditional rezoning and then make a recommendation to the City Council regarding the proposed conditional rezoning.

VOLUNTARILY IMPOSED CONDITIONS

The applicant has submitted a listing of conditions associated with the proposed rezoning to the M-1, Light Industrial and Research zoning classification. These are included in the Council packet. If City Council concurs with the Planning Commission and recommend approval of this project, the conditions listed should be referenced in any motion by the City Council.

NEIGHBORING ZONING, LAND USE AND MASTER PLAN

Adjacent zoning, land uses and master plan designations are summarized in the chart on the following page:

Adjacent Properties			
	Existing Use	Zoning	Master Plan
Subject Site	Vacant	C-2, General Business	General Commercial
North	Residential / Commercial along frontage of Fort Street	R-1B, One Family Residential / P-1, Vehicular Parking / C-1, Community Business	Single Family Detached / Mixed Office + Commercial
East	City of Wyandotte across Fort Street		
West	Meijer	C-2, General Business	General Commercial
South	Commercial	C-3, Thoroughfare Service	General Commercial

The Master Plan designates this area and the surrounding area south of Leroy along both sides of Fort Street as General Commercial. The General Commercial land use category includes land area occupied by retail users offering commodities which are normally purchased at infrequent intervals, and for which the consumer may “shop around”. Such uses include but are not limited to: gas stations, large single-use retailers, restaurants, and larger retail strip developments that contain two (2) or more retail/commercial anchors including department stores and large-scale supermarkets.

While the proposed storage facility use is not consistent with the future land use classification, the voluntary conditions provided by the applicant will help to mitigate on-site impacts, and limits the use on the site which will not allow other M-1 uses such as assembly, light manufacturing, research and product testing, etc. Therefore, while the M-1 zoning district is not specifically compatible with the Master Plan, we believe the voluntarily imposed restrictions will allow special consideration and will provide for a greater degree of compatibility with the City’s Master Plan.

In addition, one of the goals (Goal 4) of the City of Southgate Master Plan is to *maintain the existing commercial base and encourage commercial development that satisfies local market needs and provides a positive contribution to the local tax base*. The proposed rezoning would allow for a vacant auto dealership to be redeveloped into a productive use adding to the community’s tax base, and improving the overall aesthetics of the area.

Summary of Findings: *The proposed rezoning from C-2 to M-1 is not in technical conformance with the City of Southgate Master Plan future land use map. However, the imposed conditional restrictions offered by the applicant will help mitigate impacts to the residential area to the north. The proposed conditions are also consistent with the Goal 4 outlined in the City of Southgate Master Plan.*

ANALYSIS OF EXISTING ZONING

The intent of the C-2, General Business district is to *provide sites for more intense, thoroughfare-oriented business types which would often be incompatible with the more restricted retail commercial uses in the C-1, Community Business District.* The C-2, General Business district does not allow storage facilities as a permitted or special land use; therefore, the applicant has applied for the conditional rezoning of the subject property to M-1.

As stated previously, the conditions offered by the applicant will mitigate impacts to the residential area to the north, as well as allow for a vacant auto dealership to be redeveloped into a productive use adding to the community's tax base and improving the overall aesthetics of the area.

Summary of Findings: *The existing C-2 zoning does not accommodate storage facilities. However, as a conditional rezoning uses such as the proposed storage facility can be considered.*

INTENT OF PROPOSED ZONING / PERMITTED USES

The intent of the M-1, Light Industrial-Research District is to *accommodate certain light industrial, technical research and product development facilities. All such uses permitted in the District are intended to be compatible with one another. Since limited industrial zoned land is available for industrial use in the City of Southgate, it is the City's intent to carefully conserve the land for light industrial and research oriented uses only.*

The applicant has offered a condition stating the only use of the property allowed under the M-1 zoning classification would be the storage facility use as provided. In addition, the site will be accessed from Fort Street. The entire perimeter of the property will be fenced or screened with brick walls, wrought iron-type fencing, and landscaping to buffer the proposed storage facility used from the residences across Leroy Road, and to enhance the aesthetics of Fort Street.

Average daily traffic counts along this portion of Fort Street (2012 MDOT) are between 33,000 and 42,600 vehicle trips per day. In addition, this portion of Fort Street is zoned to accommodate both General Business (C-2) and Thoroughfare Service (C-3) uses.

Summary of Findings: *The intent of the M-1, Light Industrial-Research district is to provide for light manufacturing and research uses within the limited areas zoned for such uses. The proposed use does not include light manufacturing and research processes. Further, the conditions voluntarily imposed will restrict the use of the property to the storage facility use.*

NATURAL RESOURCES

The subject parcel has been previously developed as an auto dealership. No natural resources exist on site.

Summary of Findings: None.

TRAFFIC IMPACT AND SITE ACCESS

Use of the site as a storage facility will be a reduction in the traffic volumes that entered and exited the property as an auto dealership use. Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual 6th Edition, an auto dealership could generate up to 48 vehicle trips per day per 1,000 square feet. By comparison, a warehouse facility would generate approximately 5 trips per 1,000 square feet per day.

The Planning Commission will need to determine whether the proposed zoning would severely impact or create an unreasonable burden on traffic conditions.

Fort Street (M-85) is a high traffic volume thoroughfare, and the site will be accessed from the existing curb cut and subject to MDOT jurisdiction.

Summary of Findings: The proposed storage facility will likely not increase traffic volume compared to the present retail uses allowed under the C-2 zoning category.

ESSENTIAL FACILITIES AND SERVICES

The sufficiency of the existing public services available to the parcel will be evaluated by the City Engineer.

Summary of Findings: The adequacy of existing public facilities will be evaluated by the City Engineer.

SUMMARY OF FINDINGS

We recommend approval of the conditional rezoning. The findings regarding the proposed rezoning are summarized as follows:

1. The land uses surrounding the site are primarily commercial, including Meijer to the south and Ram's Horn to the west, as well as commercial businesses across Fort Street to the south.
2. The proposed rezoning is not in technical conformance with the City of Southgate Master Plan future land use map. However, the imposed conditional restrictions offered by the applicant will help mitigate impacts to the residential area to the north. The proposed conditions are also consistent with Goal 4 outlined in the City of Southgate Master Plan.
3. The voluntary conditions imposed by the applicant will effectively lessen the impact of the storage facility, and makes the proposed use similar to those within the C-2 district.
4. The proposed storage facility use may reduce the amount of traffic at the site.

5. The proposed change is not contrary to existing land use patterns.
6. The proposed change should not be precedent-setting in that the proposed conditions are unique to this parcel and should not stimulate similar zoning requests along Fort Street.

INFORMATION

The Applicant is an occupant of 16600 Fort Street, Southgate which is owned by Michigan Vehicle Solutions, Inc. Michigan Vehicle Solutions and the Applicant are owned by the same individuals. Richard Oliver of Storage Solutions of Southgate proposes to develop a storage business on the Property subject to conditions submitted with the rezoning application. His intent to develop the subject property would be of the same professional level as that undertaken to improve the Michigan Vehicle Solutions property. Currently, Michigan Vehicle Solutions, Inc. is a successful company specializing in customization of vehicle ~~conversions~~^{CONVERSIONS}, advanced vehicle research, precision machine operations, and R & D services. Its customers include governmental contracts in both the military and home land security areas.

The Applicant recognizes that the current C-2 zoning classification does not permit the use described above. Given the desire by the Applicant to proceed, the Applicant proposes conditional rezoning consideration by the Planning Commission and City Council in lieu of a complete rezoning. This proposal will allow the City of Southgate to control the future uses that would be undertaken on the Property.

The future land use plan of Southgate has designated the subject Property for General Commercial. The classification is based on the character in the area and the surrounding properties. There is a small portion of residential properties near the Property. In this regard, the Applicant is cognizant of the residential interests and the desire to avoid a noisy and robust business area with extreme traffic levels. The proposed use does not anticipate such a condition. As such, the proposed rezoning would be consistent and non-disruptive to the surrounding land use.

Certain goals and objectives in the Master Plan encourage non-traditional economic development initiatives in order to encourage commercial development that provides a positive contribution to the local tax base. The Property has been deteriorating over the past ten years with little interest by traditional users. Richard Oliver proposes to turn that around and at a minimum, substantially improve the condition of the building and Property. As such, his proposal is consistent with the stated objective of developing non-traditional economic development for this area without a major intrusion in the residential area that is near the Property.

The proposed use does coordinate with the General Commercial designation, as well as the general and specific economic development policies of the Master Plan. The improvement of the vacant site should spur additional commercial development along Fort Street which is clearly a positive impact for the surrounding properties.

The Applicant requests a hearing before the Planning commission to propose that the property at 16100 Fort St. be conditionally rezoned from the current C-2 to M-1 subject to the conditions proposed by the Applicant.

MAILS... ZONE... C-2

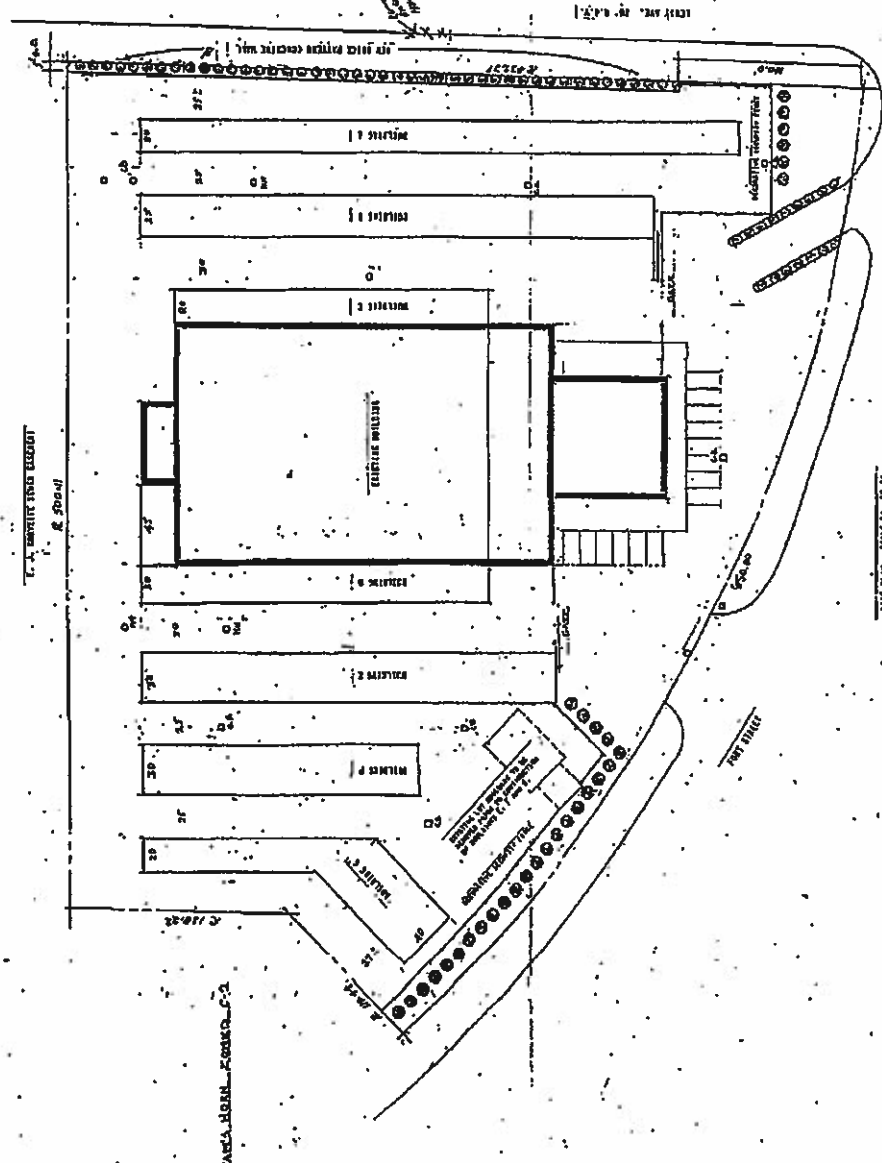
MAILS... ZONE... C-2

GENERAL DESCRIPTION

THIS IS A PLAN FOR THE MAIL ROOMS TO BE LOCATED AT THE EAST END OF THE BUILDING. THE PLAN SHOWS THE MAIL ROOMS, THE MAIL SORTING AREA, THE MAIL DELIVERY AREA, AND THE MAIL RECEIVING AREA. THE MAIL ROOMS ARE TO BE LOCATED AT THE EAST END OF THE BUILDING, AND THE MAIL SORTING AREA IS TO BE LOCATED AT THE WEST END OF THE BUILDING. THE MAIL DELIVERY AREA IS TO BE LOCATED AT THE SOUTH END OF THE BUILDING, AND THE MAIL RECEIVING AREA IS TO BE LOCATED AT THE NORTH END OF THE BUILDING.

MAIL ROOM DATA

NO. OF MAIL ROOMS: 10
 NO. OF MAIL SORTING AREAS: 10
 NO. OF MAIL DELIVERY AREAS: 10
 NO. OF MAIL RECEIVING AREAS: 10



NO. OF MAIL ROOMS	10
NO. OF MAIL SORTING AREAS	10
NO. OF MAIL DELIVERY AREAS	10
NO. OF MAIL RECEIVING AREAS	10
SPRINGGATE STORAGE SOLUTIONS	
1911	



Charlie A. ...

MAILS... ZONE... C-2

CONDITIONAL REZONING

STORAGE SOLUTIONS OF SOUTHGATE, LLC

Please be advised that Storage Solutions of Southgate, LLC ("Applicant"), currently of 16600 Fort Street, Southgate, Michigan 48195, is requesting approval by the Southgate Planning Commission and Southgate City Council, to conditionally rezone the property located at 16100 Fort Street, Southgate, Michigan 48195 ("Property"). The Applicant specifically requests that the Property be rezoned from C-2 (Light Commercial) to M-1 (Light Industrial) subject to certain conditions.

The Applicant is an occupant of 16600 Fort Street, Southgate which is owned by Michigan Vehicle Solutions, Inc. Michigan Vehicle Solutions and the Applicant are owned by the same individuals. Richard Oliver of Storage Solutions of Southgate proposes to develop a storage business on the Property subject to conditions set forth herein. The Applicant contends that the Property is suitable for this development and is consistent with the surrounding business community.

As should be recalled by the Planning Commission and the City Council, Richard Oliver through Michigan Vehicle Solutions, LLC. improved 16600 Fort Street, Southgate with blight remediation and substantial improvements to the building and property. Currently, Michigan Vehicle Solutions LLC is a successful company specializing in customization of vehicle conversions, advanced vehicle research, precision machine operations and R & D services. Its customers include military contracts.

The Applicant recognizes that the current C-2 zoning classification does not permit the use described above. Given the desire by the Applicant to proceed, we understand that conditional rezoning is a better fit for the City and surrounding area long-term. Therefore, the Applicant proposes to abide by the conditions set forth below if the rezoning request is approved. The Applicant will attend the Workshop and Planning Commission meetings to provide additional information and answer questions.

The Property is described as follows:

Lots 307 to 349, inclusive, Lots 351 to 367, inclusive, including all of the vacated 20 foot alley lying South of and adjacent to Lots 307 to 323, inclusive, including all of the vacated alley lying West of and adjacent to Lots 324 to 337, inclusive, and Lots 353 to 367, inclusive, all of the vacated 18 foot alley, lying East of and adjacent to Lots 345 to 349, inclusive, the Northwesterly half of vacated 20 foot alley adjoining Lot 349 on the Southeast and also including that part of vacated Turner Avenue (60 feet wide) lying, between the West line of Fort Super Highway and the East line of Barberry Avenue, Also that portion of vacated Barberry Avenue lying West of and adjoining Lots 307, 344 and 345-349, 20 foot vacated alley and 60 foot vacated Turner Avenue, FORT PENNSYLVANIA SUBDIVISION NO. 1, a re-subdivision of Lots 1 to 28, inclusive, 103 to 144, inclusive, 279 to 306, inclusive, and vacated streets and alleys of Fort Pennsylvania Subdivision of East 1/2 of East 1/2 of Southwest 1/4 of Section 31, Town 3 South, Range 11 East, Ecorse Township (now City of Southgate) Wayne County, Michigan, according to the plat thereof as recorded in Liber

Conditions proposed for the Conditional Rezoning request and approved unanimously by the Planning Commission at the September 11, 2017 meeting.

1. Applicant's proposed use of the property and existing building will be limited to inside storage, inside climate control storage, mini-storage, and all ancillary and related business operations. The existing building will not be expanded without prior approval and the mini-storage units will be constructed in the vacant areas of the Property as identified in Exhibit A and shall be subject to the City's requirement for access and parking. The internal improvements to the existing building and construction of the mini-storage units may be constructed in phases and will be completed within five (5) years of the Applicant obtaining a certificate of occupancy or the initial partial certificate of occupancy from the City of Southgate for the existing building. The applicant may develop the existing building in phases allowing for a partial certificate of occupancy to be issued upon completion of a portion of the existing building.

2. All uses and operations will be conducted within the enclosed existing building or within the mini-storage units constructed. There shall be no outside storage utilized on the Property. There shall be no noise, odors, or light emanating from the existing building or mini storage units which adversely affect adjacent property owner or users. All lighting, noise and odor issues along with any signage uses shall be as permitted by ordinance as determined by the City of Southgate Building Official.

3. The Property will be landscaped and fenced. Security cameras and a building alarm system will be installed in a manner that is deemed appropriate by the Applicant.

4. The smaller building located near Fort Street shall be used for offices, storage or ancillary operations. The building will be maintained as required by the City of Southgate Building Codes.

5. A decorative eight foot (8') masonry brick faced wall will be constructed along the northerly boundary of the Property connecting with the existing Meijer's Property wall to the west and ending in front of the last residential property located on the northerly portion of Leroy, Southgate. The masonry wall shall be substantially completed prior to the issuance of a certificate of occupancy or partial certificate of occupancy for the existing building.

6. The area between the Leroy Street and the wall will be landscaped with evergreens, shrubbery and grass as approved by the Building Department to break up the wall. The wall shall be substantially constructed and approved prior to the lease/use or partial lease/use of the existing building being opened and the units leased/used for storage. The commencement or completion of any landscaping requirements are subject to seasonal conditions and Applicant will comply with all reasonable requests of the Building Department to ensure full compliance of any such requirements.

7. The Property will be cleared, cleaned and the existing building will be repaired and improved to remove all current blighted conditions. The roof will be repaired and mechanical

systems will be refurbished and brought up to code as necessary. The existing building will be accessible for the business intended.

8. All other applicable City Ordinances not otherwise modified by this filing shall apply.

9. If at any time the proposed use of the Property as defined herein is discontinued by the Applicant for a period in excess of one continuous year, the Property shall revert to the current C-2 zoning classification.

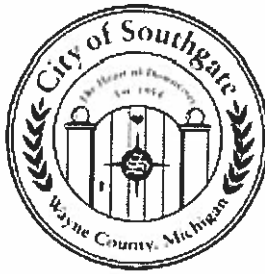
10. Customers will be required to sign a contract indicating that no hazardous materials will be stored within the units. This does not include gasoline or other fluids that are utilized inside vehicles or other products used in the ordinary course of business so long as the same do not violate any State or local laws or regulations.

The Applicant contends that the conditions addressed above bear a reasonable and rational relationship to the Property to be conditionally rezoned in that the same is compatible with existing land uses in the vicinity.

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate
NORMA J. WURMLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

KAREN E. GEORGE

MARK FARRAH

BILL COLOVOS


DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator 

Re: Amending Ordinance 1292.03 (k) Layout, Construction and Maintenance of Parking Areas

Date: September 13, 2017

The Planning Commission held a public hearing at their September 11, 2017 meeting regarding the above referenced subject. At the conclusion of the public hearing, they voted unanimously to recommend that you amend Ordinance 1292.03 (k) in order to add the attached language that would permit residential parking pads on single family zoned corner lots with conditions.

This issue was brought to the City's attention at your March 15, 2017 meeting by some residents that live on corner lots that have a driveway which cannot accommodate a vehicle without encroaching the public sidewalk.

The Administration concurs with the recommendation of the Planning Commission and due to the fact that we are running out of good weather for paving, we respectfully request that you approve a first reading of the amendment to Ordinance 1292.03 (k).

If you have any questions about this subject, please contact Robert Casanova, John Enos or me.

Cc: Mayor Joseph G. Kuspa
Brandon Fournier
Robert Casanova
John Enos



Carlisle | Wortman

ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Southgate City Council
FROM: John L. Enos, AICP, City Planner
DATE: September 12, 2017
RE: Residential Parking Pad

The City has had a continuing problem with single family homes on corner lots where the driveway leading to the garage is too short to allow a vehicle to park in the drive without impeding the sidewalk, which is a civil infraction. In order to allow residents the ability to have at least one off street parking space on their property we are recommending approval of the following language allowing for a parking area to be constructed between the sidewalk and curb. We have revised the language based on comments received at our September 12, 2017 PC meeting that were unanimously approved.

1292.03 LAYOUT, CONSTRUCTION, AND MAINTENANCE OF PARKING AREAS

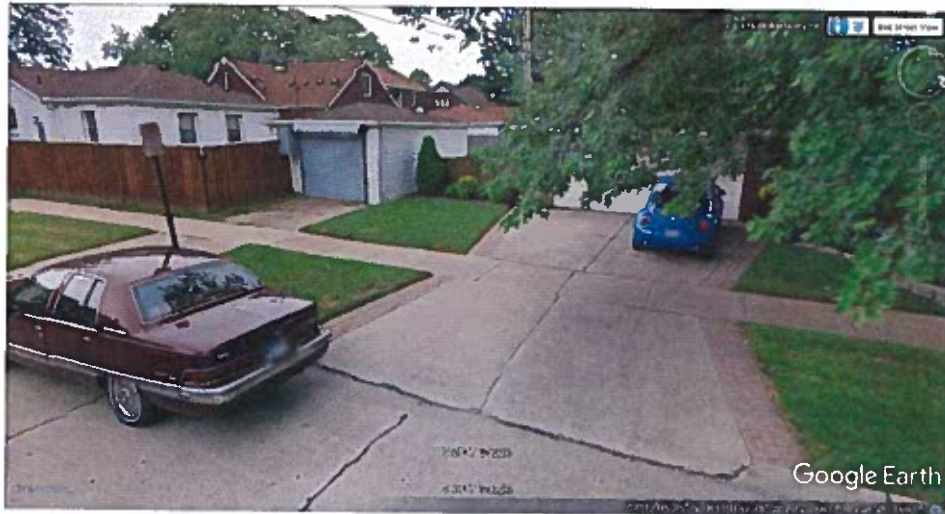
(k) (8) Single-family residences on a corner lot with the garage entrance less than twenty (20) feet from the existing sidewalk may install an additional parallel paved parking area on the garage entrance side of the corner lot, within their existing road right of way, between the sidewalk and curb. Only one parallel to the road space shall be permitted and shall meet the following requirements.

- A. The paved (4" inches of concrete) parallel parking space shall be no wider than ten (10') feet and no less than eight (8'), and no longer than twenty (20') feet. Unless otherwise approved by the Building Department.*
- B. The area between the sidewalk and curb to allow this parking area shall be a minimum of nine (9') feet. Any area not paved shall only be between the sidewalk and the new parking area, not the curb and the new parking area. Unless otherwise approved by the Building Department.*
- C. The existing sidewalk shall not be included as part of the paved area and the existing sidewalk will in no way be blocked by the parking area.*
- D. If a tree, landscaping or other is required to be removed from the ROW the homeowner shall be solely responsible. City policy on tree removal and replacement shall be required.*
- E. The existing sidewalk shall not be obstructed in any way, this includes overhanging mirrors, bumpers, trailer hitches, etc.*

- F. *The parking pad shall not be within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a street.*
- G. *A site plan shall be submitted, approved and a zoning permit issued by the Building Department to the homeowner or a contractor, to ensure proper placement of the parking area as regulated by this Zoning Code.*

Below find a few examples of this current problem and how allowing a parallel parking space will improve the situation.





JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

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Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator

Re: Section 862.06 – Use of Streets

Date: September 11, 2017

Currently Section 862.06 of the City's Codes and Ordinances prohibits soliciting in the public streets or rights-of-way. The new State law (PA 112 of 2017) amends the Michigan Vehicle Code to permit soliciting in the public streets or rights-of-way with conditions. I have attached a copy of Section 676b of the Michigan Vehicle Code for your review.

The Administration has prepared for your consideration an amendment to Section 862.06 (Use of Streets). I have also attached a copy of Section 862.06 as it currently reads.

Given the effective date of PA 112 of 2017, which is July 27, 2017 and that communities must be in compliance with the State Statute by September 27, 2017, the Administration respectfully requests that you consider approving a second reading at your September 20, 2017 meeting.

If you have any questions, please contact me.

Cc: Mayor Joseph G. Kuspa
David Angileri
Jeff Smith

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.676b Interference with normal flow of vehicular or pedestrian traffic prohibited; public utility facilities; solicitation of contributions on behalf of charitable or civic organization; violation as civil infraction; local regulations; "charitable or civic organization" defined.

Sec. 676b. (1) Subject to subsection (2), a person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. This section does not apply to persons maintaining, rearranging, or constructing public utility facilities in or adjacent to a street or highway.

(2) Subsection (1) and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway other than a limited access highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied:

(a) The charitable or civic organization complies with applicable local government regulations. A local government may enact or enforce regulations restricting, but not prohibiting, the activity described in this subsection.

(b) The charitable or civic organization maintains at least \$500,000.00 in liability insurance.

(c) The person is 18 years of age or older.

(d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.

(e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

(3) A local government or road authority that has jurisdiction over a roadway upon which solicitation occurs as described in subsection (2) is not liable for any claim for damages arising out of the use of the roadway as described in subsection (2).

(4) A person who violates this section is responsible for a civil infraction.

(5) A local government that, on the effective date of the amendatory act that added this subsection, has enacted or is enforcing regulations that are prohibited under subsection (2)(a) shall bring those regulations into compliance with subsection (2)(a) no later than 60 days after the effective date of the amendatory act that added this subsection.

(6) As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under section 501(c)(3) or 501(c)(4) of the internal revenue code, 26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code.

History: Add. 1968, Act 151, Eff. Nov. 15, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2017, Act 112, Imd. Eff. July 27, 2017.

862.05 NO SOLICITATION REGISTRATION.

The City Clerk shall create and maintain a list of addresses, the occupants of which have requested not to be disturbed by solicitors. Property owners wishing to register their preference may do so with the Office of the City Clerk, which listing will be distributed to solicitors registered with the City pursuant to this chapter. Such list shall be provided at no charge to each registrant who, whether or not they have accepted custody of such list, shall thereafter be presumed to know of the occupants' rejection.

(Ord. 734. Passed 11-7-01.)

862.06 USE OF STREETS.

No person licensed under these provisions shall have any exclusive right to any location in the public streets or right-of-way, nor shall he or she be permitted to operate in any congested area where his or her operations impede or inconvenience the public. For purposes of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Ord. 734. Passed 11-7-01.)

862.07 DURATION.

Any permit granted hereunder shall be valid for a period of not more than 30 days, but may be renewed for an additional period upon submission of a renewal request and receipt of updated information.

(Ord. 734. Passed 11-7-01.)

862.08 NO DISTURBANCE OR STALKING

(a) No person shall solicit or approach to solicit an occupant of private property which displays signage at its entrance captioned "no peddlers" or "no solicitors."

(b) Any individual who engages in a willful course of conduct involving repeated or continued solicitation of another individual that would cause a reasonable person to feel frightened, intimidated, threatened or harassed, which would include repeated or continuing contact that is initiated or continued without the individual's consent, or in disregard of that individual's expressed desire that the contact be avoided or discontinued, shall be guilty of a misdemeanor. Evidence that the solicitor or solicitors continued to engage in a course of conduct involving repeated contact with the victim after having been requested by the victim to discontinue the conduct, shall give rise to a rebuttal presumption that the continuation of the course of conduct caused the victim to feel frightened, intimidated, threatened or harassed. Engaging in solicitation of an individual who has posted signage at the entrance of his or her property reading "no peddlers" or "no solicitors" shall give rise to a rebuttal presumption that the solicitor intended to violate this subsection.

(Ord. 734. Passed 11-7-01.)

SECTION 862 SOLICITORS

Section 862.06 USE OF STREETS

This section is deleted in its entirety and replaced by the following:

A "charitable or civic organization" may apply for a permit to solicit contributions in the public street provided certain restrictions are met. All solicitors shall be at least 18 years of age.

For the purpose of this section, a "charitable or civic organization" is defined as a nonprofit organization that is qualified under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 USC 501, or veterans' organization that has tax exempt status under the Code.

Applications for a permit are available at the City Clerk's Office during regular business hours.

The qualified organization shall return a complete application to the City Clerk's Office at least two weeks prior to the desired solicitation date(s). The City reserves the right to prohibit multiple organizations from soliciting on the same date. Any conflicts will be resolved on a first-come-first-served basis based on the date that the application was submitted with all additional requirements.

In addition to the completed application, all organizations must provide:

1. Copy of charitable or non-profit status (as described above);
2. Copy of a minimum of \$1,000,000.00 liability insurance policy naming the City of Southgate as an "additional insured party";
3. List of the names of all solicitors;
4. Certification that all solicitors are at least 18 years of age; and
5. An application fee of \$25.00.

Additional restrictions and requirements:

1. All persons soliciting contributions shall wear high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association;
2. An organization can only obtain one (1) permit per calendar year and is limited to up to one consecutive two (2) day period;
3. Time of solicitation is limited to between the hours of 9:00 am and 4:00pm; and
4. The only intersection that can be used for soliciting contributions shall be Dix-Toledo and Eureka roads.

The City Clerk's Office shall notify the Mayor's Office, Police, Fire and Public Services Departments of applicants that have met the criteria set forth in Section 862.06.