



# MEMORANDUM

Date: May 20<sup>th</sup>, 2024  
To: City of Madison Heights City Council  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Special Approval Request PSP 24-04 – 950 E. Whitcomb – Modification to Previously-Approved Special Approval [MRA Vehicle and Trailer Storage]

## TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 4

### Introduction

The applicant, Mobility Resource Associates, Inc. d/b/a MRA, requests a modification to a previously approved Special Approval application for MRA, located at 950 E. Whitcomb Ave. (PIN # 44-25-01-326-027). The property is zoned M-1, Light Industrial. MRA is an event marketing and logistics company that specializes in the production, sale and lease of custom vehicles and semi-trailers which are outfitted with exhibits and training facilities. The applicant received Special Approval in 2011 to operate the use, classified as a Vehicle Maintenance Service Facility, with the condition that all display trailers be stored within the building or in one of the four designated outdoor parking spaces south of the building. The applicant requests a modification to this Special Approval to increase the size of the designated outdoor storage area for vehicles and trailers.

Note: The applicant applied for this Special Approval modification request prior to formal adoption of the new Zoning Ordinance/Zoning Map. Therefore, City Council should use the processes and standards of the prior Zoning Ordinance to act upon this request.

### Background and Historical Information (Minutes Attached)

- **March 24<sup>th</sup>, 2011:** City Council granted Special Approval allowing the applicant to operate a Motor Vehicle Maintenance Service Facility in an M-1, Light Industrial district. The Special Approval allowed the applicant to repair and service vehicles and trailers in conjunction with the business' primary use, which is the production of custom vehicles and semi-trailers for exhibits and training facilities.

City Council granted approval with the following conditions:

1. *All repairs shall be conducted entirely within the building; and*
2. *All vehicles waiting for repair shall be stored within the building; and*
3. *All display trailers shall be stored within the building or in one of the four designated outdoor parking spaces south of the building.*

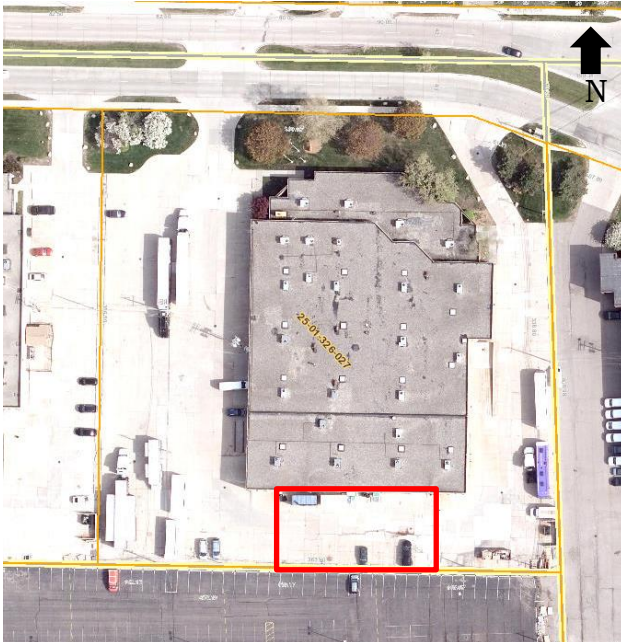
- **Today:** Based on the growth and success of the company, the outdoor storage of display trailers and vehicles has expanded beyond the borders of the approved, designated storage area at the south of the building. The applicant requests a modification to Condition #3 to increase the display trailer storage area on site.

### Project Details

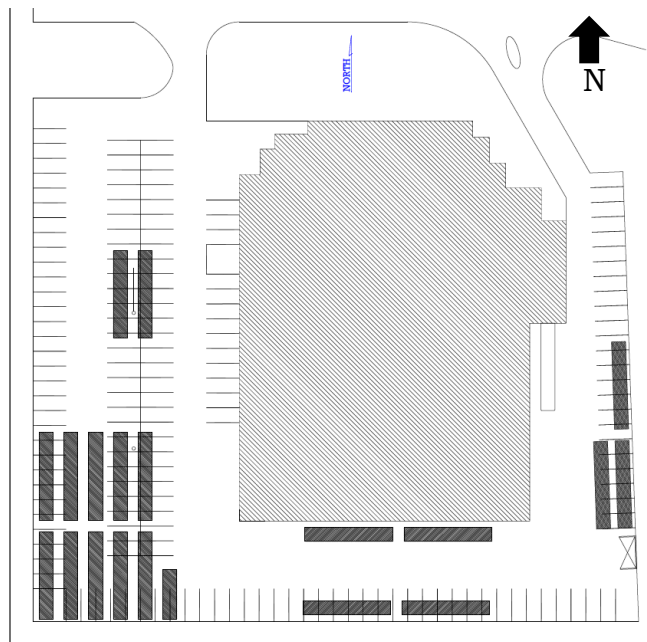
The red box in the aerial image below depicts the four (4) spaces approved for outdoor vehicle storage as part of the original Special Approval application. As shown in aerial imagery, trailers and display vehicles have been actively stored outside of the approved space. The sketch plan on the right depicts the applicants' proposal to expand the outdoor vehicle storage area. Vehicles, trucks, and trailers are proposed to be stored to the south and southwest of the building, with several staging spaces directly to the east and west of the building parking lot.

### Mobile Resources Associates – Outdoor Trailer/Vehicle Storage

Existing Storage Conditions



Proposed Storage Conditions



### Special Approval Criteria

Per Section 10.201(5)(h), *“the conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner.”* As City Council granted original Special Approval for the use with a condition regarding the location of outdoor storage, City Council approval is required to modify or remove such condition.

Requests for Special Approval are subject to criteria and review standards contained in Section **10.201(4)**. The primary review standards are outlined below.

[...]

*(C) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:*

- 1. Location of use(s) on site;*
- 2. Height of all improvements and structures;*
- 3. Adjacent conforming land uses;*
- 4. Need for proposed use in specified areas of the city;*
- 5. Conformance with future land use plans for the area as adopted by the planning commission;*
- 6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.*

[...]

*(G) The use shall not have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.*

[...]

*(I) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.*

These approval criteria should be incorporated into any motion acting upon the Special Approval request. Additional criteria for reviewing Special Approval uses are contained at the end of this report.

### Staff Analysis

Section 10.505(B)(2) of the Zoning Ordinance regulates the parking or storage of commercial vehicles, including trucks, recreational vehicles, and large trailers. The section states that trucks and detached semi-trailers shall only be stored in a storage area designated on an approved site plan in industrial districts. Given the unique nature of the business which requires the maintenance and storage of large vehicles and trailers, staff acknowledges the need to expand beyond the previously-approved storage space. Additionally, given the surrounding industrial character of the area, the negative external impacts of an increased outdoor vehicle storage area should be minimal. In order to reduce the visual impacts of the vehicle storage from Whitcomb Ave, staff recommends that additional landscaping be planted adjacent to the Whitcomb right-of-way. The previous condition relating to vehicle repair location should remain intact.

### Conditions

Per Section 10.201(4)(k), City Council may impose conditions in granting Special Approval that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. If City Council moves to approve the Special Approval application, staff recommends the following conditions to meet the intent and purpose of the M-1 zoning district and the spirit of the Zoning Ordinance:

1. *The outdoor storage of trucks, trailers, semi-trailers, and all other display vehicle exhibits shall be limited to the areas depicted on the submitted plot plan. Minor modifications that do not significantly alter the spirit or intent of the plot plan may be approved administratively by staff; and*
2. *Additional landscaping shall be planted adjacent to the Whitcomb Avenue right-of way, in coordination with staff, to further screen vehicle storage on-site; and*
3. *All repairs shall be conducted entirely within the building; and*
4. *Disabled vehicles and vehicles in disrepair shall be stored within the building.*

### Template Motion, Findings and Conditions

Staff offers the following motions and findings as a suggested template and guide for City Council's motion on this case, either for approval or denial. Staff urges City Council to provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

MOVE TO **(APPROVE/DENY)** SPECIAL APPROVAL REQUEST NUMBER PSP 24-04 BASED UPON THE FOLLOWING FINDINGS PERTAINING TO THE SPECIAL APPROVAL CRITERIA OF SECTION 10.201(4):

1. The applicant and property owner requests a modification to a previously approved Special Approval application for MRA, located at 950 E. Whitcomb Ave. The applicant requests to increase the size of the designated outdoor storage area.
2. The subject site is zoned M-1, Light Industrial, which is intended to, "accommodate wholesale activities, warehouses, and industrial operations." The proposed modifications **(ARE/ARE NOT)** consistent with the intent of the M-1 zoning district and **(ARE/ARE NOT)** compatible with the principal uses permitted by-right in the M-1 zoning district.
3. The subject site is immediately adjacent to properties improved with, and zoned for, industrial uses. The proposed modifications **(ARE/ARE NOT)** compatible with adjacent land uses.
4. The proposed modifications **(ARE/ARE NOT)** consistent with the site's "Industrial" future land use designation and **(ARE/ARE NOT)** aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan.
5. The proposed modifications **(ARE/ARE NOT)** designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any nearby properties.
6. Based on the above findings, the proposed modifications **(DO/DO NOT)** generally satisfy/satisfies the Special Approval review standards and criteria listed in Section 10.201(4).

If City Council moves to approve the requested modifications to the Special Approval use, staff recommends including the following conditions of approval relating directly to the site layout and operation of the proposed vacuums, in accordance with Section 10.201(4)(k), to fulfill the spirit and purpose of the Zoning Ordinance and the intent of the M-1 zoning district:



1. *The outdoor storage of trucks, trailers, semi-trailers, and all other display vehicle exhibits shall be limited to the areas depicted on the submitted plot plan. Minor modifications that do not significantly alter the spirit or intent of the plot plan may be approved administratively by staff; and*
2. *Additional landscaping shall be planted adjacent to the Whitcomb Avenue right-of way, in coordination with staff, to further screen vehicle storage on-site; and*
3. *All repairs shall be conducted entirely within the building; and*
4. *Disabled vehicles and vehicles in disrepair shall be stored within the building.*

### Next Step

After the public hearing and discussion, City Council may take action on the requested modified Special Approval. **Any motion shall include concise findings based upon the Special Approval review standards and criteria, Section 10.201(4). Per Section 10.201(3), City Council may postpone action on a Special Approval request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.**

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### Pertinent Zoning Ordinance Sections

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#### **Section 10.201 – Special Approval Use Review Procedures and Requirements**

- (4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:
  - (a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.
  - (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.
  - (c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
    1. Location of use(s) on site;
    2. Height of all improvements and structures;
    3. Adjacent conforming land uses;
    4. Need for proposed use in specified areas of the city;
    5. Conformance with future land use plans for the area as adopted by the planning commission; and
    6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.
  - (d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
    1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
    2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);

3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
  4. Adequacy of sight distances;
  5. Location and access of off-street parking;
  6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
- (e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.
- (f) The use shall be properly served by utilities.
- (g) The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
- (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
- (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
  4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
- (l) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal

applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

**Sec. 10.329 – M-1 Uses Permissible on Special Approval**

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

Sec 10.319(2) Gasoline service stations and/or motor vehicle light repair facilities and/or motor vehicle maintenance service facilities, subject to the following:

- (a) One hundred forty feet of street frontage on the lot proposed for the gasoline filling station shall be provided on the principal street serving the station.
- (b) The lot shall contain not less than 14,000 square feet of lot area.
- (c) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.
- (d) All buildings shall be set back not less than 40 feet from all street right-of-way lines.
- (e) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.
- (f) Driveway widths entering the filling station shall have a maximum width of 35 feet. Curb openings for each driveway shall not exceed 50 feet in length.
- (g) Curb cuts shall be no closer than ten feet to any adjoining property and shall be no closer than 35 feet to any corner of the intersecting street right-of-way lines. Any two driveways shall be separated by an island at least 20 feet long.
- (h) The angle of intersection of any driveway shall not be less than 60 degrees unless acceleration or deceleration lanes are provided.
- (i) Curbs in accord with standard city specifications shall be constructed on all streets adjacent to the gasoline filling station site.
- (j) Sale of alcoholic beverages from a structure wherein gasoline service stations are operated is strictly prohibited except in such structures where there is a masonry firewall between the location selling alcoholic beverages and the gasoline service station and there is a distance of 500 feet between the entrance of each establishment.
- (k) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building only.
- (l) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight-foot poured concrete screen wall. All parcels which do not contain corner lots must maintain the required front yard setback per ordinance. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue the enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building only.
- (m) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this Ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired

or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building only.