



# MEMORANDUM

Date: March 7<sup>th</sup>, 2025  
To: City of Madison Heights Planning Commission  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Temporary Use Request PTMPU 25-03– 434 W. 12 Mile Road – Lowes Outdoor Accessory Sales/Storage

<b>TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 6</b>
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## Introduction

The applicant, Lowes of Madison Heights, requests Temporary Use approval from the Planning Commission in accordance with **Section 7.03.43** and **Section 15.08** of the Madison Heights Zoning Ordinance to operate an accessory seasonal storage and sales area at Lowes Home Improvement Center, 434 W. 12 Mile Road, zoned MUI-2, Mixed-Use Innovation 2; tax parcel 44-25-11-476-024.

## Project Details and History

Lowes is requesting Temporary Use approval to utilize a portion of their designated parking lot on the south side of their building for the storage of bagged mulch, dirt, stone, and other seasonal landscaping materials. The storage area takes up approximately one hundred (100) designated parking spaces. A drive aisle is proposed through the storage area to allow vehicles to enter and load materials. This type of temporary use is classified as “Temporary Outdoor Display/Sales” per **Section 7.03.43** of the Zoning Ordinance (Temporary Uses). The applicant is requesting the outdoor seasonal sales area for approximately eight (8) months, from March to the end of October 2025.

Madison Heights approved the Lowes Home Improvement Center site plan in 2005, and construction of the store was completed in 2006. While the existing enclosed Garden Center was approved as part of the original site plan, the area proposed for the temporary outdoor storage is formally designated as parking on the approved site plan. Lowes has operated a seasonal storage yard in the same area for at least the past six years. Because the previous Zoning Ordinance prior to 2024 did not contain clear language or administrative processes for temporary or seasonal uses, prior iterations of this outdoor storage area were approved under the Temporary/Seasonal Business License process through the Clerks Office. However, the new Zoning Ordinance adopted in 2024 now contains explicit standards and processes for temporary and seasonal uses necessitating a more detailed review and approval process.

Per **Section 7.03.43**, temporary outdoor display and sales areas may be permitted administratively by the Planning and Zoning Administrator for up to ninety (90) consecutive days. Temporary uses exceeding this time frame require review and approval from the Planning Commission in accordance with **Section 15.08** of the Zoning Ordinance. As the applicant requests the temporary use for a period of eight (8) months, Planning Commission approval is required.

NOTE: Per a site visit on March 5<sup>th</sup>, 2025, materials had already been placed in the proposed outdoor storage area without City approval.

## Temporary Use Standards

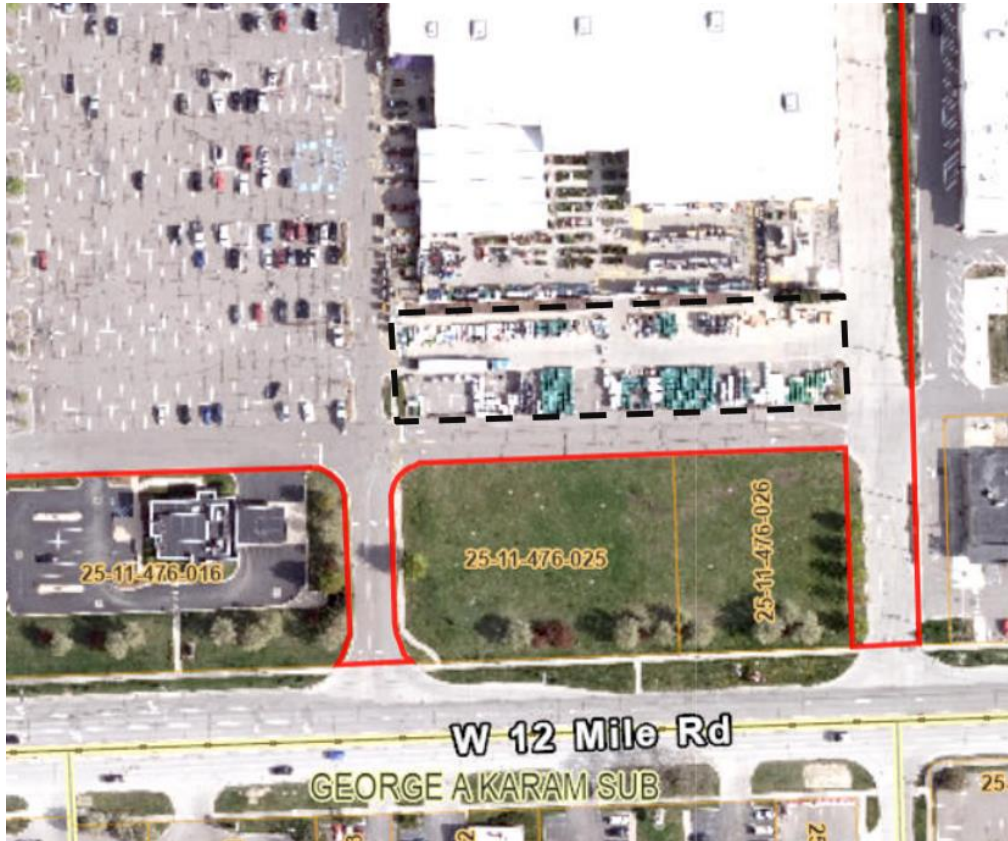
**Section 7.03.43.D** contains standards applicable to all Temporary Uses, listed below:

- (1) No temporary use shall be established or conducted as to cause a threat to the public health, safety, comfort, convenience, and general welfare, either on or off the premises.
- (2) Temporary uses shall be set back a minimum of twenty-five (25) feet from abutting residentially-zoned parcels or residential uses, with the exception of existing mixed-use buildings.
- (3) Temporary use applicants shall either be the property owner or, if not the property owner, present a signed letter of authorization from the property owner agreeing to such temporary use.
- (4) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, clear vision triangles, ADA spaces or aisles, or egress from buildings on the or on adjoining property.
- (5) Temporary uses shall provide adequate parking area and improvements adequate to accommodate anticipated vehicular traffic. Safe pedestrian accessibility shall be provided between parking areas and the temporary use, with a separation between vehicular and pedestrian traffic areas.
- (6) Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City authorizes the use of City-owned property or right-of-way.
- (7) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage and display of goods shall be maintained within the designated area.
- (8) Signs for temporary uses shall be permitted only in accordance with Article 12, Signs.
- (9) Temporary uses shall comply with all requirements of the Fire Prevention Code and other applicable codes and regulations.

Section 7.03.43.E contains supplemental standards for temporary outdoor display and sales areas:

- (1) Temporary Outdoor Display/Sales. The establishment of temporary outdoor sales and the temporary display of goods, including promotional sales, sidewalk sales, and parking lot sales, may be conducted accessory to an otherwise lawfully permitted or allowed principal use on the same site, subject to the following:
  - a. Temporary outdoor displays and sales shall only be permitted in a non-residential or mixed-use zoning district, accessory to an existing business located on the same property.
  - b. Products displayed and sold outdoors shall relate to the on-site use and business, and all activities shall be conducted within the lot.
  - c. Temporary outdoor displays and sales are limited to a maximum of ninety (90) total days per calendar year, which may or may not be consecutive.
  - d. Sales and display areas may not occupy more than fifteen percent (15%) of the parking area and shall not substantially alter the existing circulation or fire access on the site.

**Proposed Outdoor Storage and Sales Area (Dashed Line)**



*Note: This aerial image depicts the approximate area of the storage and sales area from a previous year.*

**Images of Outdoor Storage and Sales Area [Taken March 5<sup>th</sup>, 2025]**



*Note: As of March 5<sup>th</sup>, 2025, material had been placed on site without approval from the City of Madison Heights*

### Staff Analysis and Concept Plan Review

Staff concerns relating to the proposed temporary use primarily relate to vehicular circulation, vehicular and pedestrian safety, and visual impacts.

#### Vehicular Circulation

The outdoor storage area directly abuts drive aisles to the south, east and west that serve the adjacent outlot developments, including the credit union and the new Chipotle restaurant, and serves as a cross-connection to the Home Depot and BJ's sites and their associated outlots. It is imperative that these drive aisles remain clear of materials and supplies to ensure safe vehicular circulation between these sites.

#### Vehicular and Pedestrian Safety

The eastern and western edges of the proposed outdoor storage area directly abut the north/south access drives. Additionally, the southwestern corner abuts a pedestrian crosswalk. Clear vision corners of ten (10) feet shall be maintained at the southeast and southwest corners of the storage area, as well the eastern and western edges of the internal storage area access drive. See the image below. No material or product should be permitted to be stored in these vision corners.

#### ***Suggested 10 ft. Clear Vision Corners***



#### Visual Impacts

Because the proposed storage area is located on the south side of the building oriented towards 12 Mile Road, staff has concerns about the visual impacts of the storage area. These concerns are exacerbated by the fact that the applicant proposes to store materials in this location for eight months out of the year; in staff's opinion, this oversteps the true intent of a temporary use and crosses into the realm of being a permanent accessory use of the site.

To avoid the need to return to the Planning Commission each year for temporary use approval, and to address staff concerns regarding circulation and visual appearance, staff recommends that Lowe's explore the construction of a permanent outdoor storage area on the site, which could be used to store bagged materials, sheds, equipment, etc.; this could either be enclosed by a masonry wall, decorative fence, or permanent landscape screen. This enclosure would require the submittal of a complete site plan, but would allow for outdoor storage as a permanent feature of the site. Municipalities like Commerce Township have required businesses like Lowe's and Home Depot to submit site plan amendments for their permanent outdoor storage areas; Madison Heights should consider a similar approach.



### Suggested Conditions

Should the Planning Commission move to approve the temporary use for an accessory outdoor sales and display area, staff suggests that the following conditions be incorporated as conditions of approval:

1. Outdoor storage of mulch, dirt, stone, masonry and other associated seasonal landscape/hardscape materials shall be restricted to the area shown on the sketch plan provided by the applicant as part of this application.
2. All materials shall be removed from the outdoor storage area no later than October 31<sup>st</sup>, 2025.
3. All adjacent drive aisle shall remain clear of materials and supply.
4. Ten (10) foot clear vision corners shall be provided where the outdoor storage area abuts adjacent drive aisles, as denoted in this staff report. No materials, supplies, or equipment, or any other product, shall be permitted to be stored in these clear vision corners.
5. This Temporary Use approval shall only be valid for the time period stretching from the date of approval to October 31<sup>st</sup>, 2025. Any extension of this time frame or any new requested periods of storage shall require new Temporary Use approval. Alternatively, and as requested by staff, the applicant may submit a formal site plan application to accommodate permanent outdoor storage area(s) on the site.

### **Next Step**

After discussion, the Planning Commission may take action on the requested Temporary Use in the form of a motion. Any motion shall include findings based upon the Temporary Use approval standards 7.03.43. The Planning Commission may postpone action on a Temporary Land Use request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.

**A template motion of approval is provided on the following page:**

### Attachments

- **Temporary Land Use Application – PTMPU 25-03**
- **Associated Maps**
- **Section 7.03.43– Temporary Land Uses**
- **Section 15.08 – Temporary Use Permits**

### Template Motion, Findings and Conditions

Staff offers the following motion of approval and findings as a suggested template and guide for the Planning Commission’s consideration. The Planning Commission may provide additional detailed findings, as needed, to substantiate any motion for approval or denial. A motion for denial may follow this same outline.

MOTION BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_, THAT THE PLANNING COMMISSION HEREBY **APPROVES** TEMPORARY LAND USE REQUEST NUMBER PTMPU 25-03 FOR ACCESSORY OUTDOOR STORAGE AND SALES AT 434 W. 12 MILE ROAD BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Temporary Land Use approval for accessory storage of bagged mulch, dirt, stone, and other seasonal landscaping materials, classified as “Temporary Outdoor Display/Sales” per **Section 7.03.43** of the Zoning Ordinance.
2. The applicant requests a period of eight (8) months for the accessory outdoor storage area, exceeding the three (3) month maximum set forth in the Zoning Ordinance. Per Section 15.08.4, the Planning Commission may consider Temporary Land Uses for a time period otherwise allowed by the Ordinance provided that the use complies with all other relevant development and operational standards for the use as provided in the Zoning Ordinance.
3. The proposed accessory outdoor storage area generally complies with the use-specific standards for Temporary Uses and for outdoor display and sales areas as contained in Section 7.03.43. of the Zoning Ordinance.

### APPROVAL IS GRANTED WITH THE **FOLLOWING CONDITIONS**

1. Outdoor storage of mulch, dirt, stone, masonry and other associated seasonal landscape/hardscape materials shall be restricted to the area shown on the sketch plan provided by the applicant as part of this application.
2. All materials shall be removed from the outdoor storage area no later than October 31<sup>st</sup>, 2025.
3. All adjacent drive aisle shall remain clear of materials and supply.
4. Ten (10) foot clear vision corners shall be provided where the outdoor storage area abuts adjacent drive aisles, as denoted in this staff report. No materials, supplies, or equipment, or any other product, shall be permitted to be stored in these clear vision corners.
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