

**MINUTES
CITY OF FARMINGTON HILLS
ZONING BOARD OF APPEALS
CITY HALL – COUNCIL CHAMBER
AUGUST 23, 2016**

CALL MEETING TO ORDER

Chair Seelye called the meeting to order at 7:30p.m. and made standard introductory remarks explaining the formal procedure, courtesies and right of appeal.

ROLL CALL

The Recording Secretary called the roll.

Members present: Barnette, Barringer, Lindquist, Rich, Seelye, and Vergun

Members Absent: Masood and Stevens

Others Present: Attorney Morita and Zoning Division Supervisor Randt

SITE VISIT AUGUST 21, 2016

Chair Seelye noted when the Zoning Board of Appeals members visited the site.

The Sunday site visit begins at 9:00a.m. at City Hall. It is an advertised open, public meeting under the Open Meetings Act, is only for informational purposes; the Board members abstain from any action, hearing testimony, or any deliberations.

APPROVAL OF AGENDA

MOTION by Rich, support by Barnette, to approve the agenda as published.

MOTION CARRIED 6-0.

NEW BUSINESS:

- A. ZBA CASE: 8-16-5600
LOCATION: 24800 Haggerty
PARCEL I.D.: 23-19-326-056
REQUEST: In order to hold a special event, Grand Opening, which may include sales, in a B-3, FRW-1 Zoning District, on August 26, 27, and 28, 2016, permission is requested to allow the event which begins at 10 a.m. to continue until 11 p.m. August 26 and 27 (Friday and Saturday), with hours of 11 a.m. until 9 p.m. on August 28 (Sunday).
CODE SECTION: 34-3.26.13.D.; 34-3.26.14. & 34-7.14.6.E
APPLICANT: CVRS L.L.C. d.b.a. Motor City Harley Davidson
OWNER: Celani Family, L.L.C./Craig Collins

Utilizing overhead slides, Zoning Supervisor Randt described the location of the property, showed an overhead view of the property, a sketch of the layout for the special event and photos of the existing building.

Tom Celani, 24800 Haggerty, stated that he has been the owner of Motor City Harley Davidson for 18 years and they have been located in the City of Farmington Hills for over 15 years and are very excited to be keeping the dealership in the City. He explained that they have been working on the vacant Sam's Club building for over 7 years as he has always had the vision of having a large site on I-275 and it has

finally come to fruition this year when they were able to purchase the property in April. He stated that they appreciate the City helping them with all the approvals and inspections done over the last few weeks in preparation for the grand opening and they are excited about having one of the first super stores in the County. He noted that the building is 105,000 square feet with Motor City taking up about 65,000 square feet and Griffin Claw will be putting in a 15,000 square foot microbrewery restaurant next spring and that will leave 30,000 square feet for another tenant. He added that they have spent close to \$100,000 on talent for this coming weekend for a free concert for all of Farmington Hills residents and encourages all to stop by.

Matt Flynn, 327 Norwood Drive, explained that he produces about 40 events a year and with this event when booking contracts with the headlining talent, they were set to perform at 9p.m. on Friday and Saturday and they will not budge on their time so if they have to cut the event at 10p.m., people will only enjoy 30 minutes of the performance. He stated that they are requesting the variance as they have spent a lot of money on advertising and he knows that they should not have advertised before coming to the Board but with the grand opening everything was rushed and hurried. He explained that next year they will come before the Board well in advance before they announce or advertise. He stated that the event will have adequate security as well as supplement security from the Farmington Hills Police Department, it will be well-managed and the property will be clean at all times. He added that he does not believe that the extra hour will be a hindrance to anyone as it is non-residential in that area.

Chair Seelye asked if they will have a stage and if so, what direction will it face. Mr. Flynn responded that there will be a stage and it will face north.

Chair Seelye asked how loud the entrainment acts will be. Mr. Flynn responded that they control the sound so they can adjust as necessary and will work with the Police on site and not go past 11p.m.

Chair Seelye noted that the City Council approved the special event at last night's meeting.

Member Rich asked how many people are expected in attendance during the last hour of the event. Mr. Flynn responded that at most 2,500 people, but it is hard to say as most people do not like to keep their bikes out after dark.

Member Rich questioned if the applicant needed permission for the Sunday hours. Attorney Morita responded that they did not; the only reason they are before the Board is for the extra hour, and the Board must keep in mind that the event has already been administratively approved as well as approved by City Council. She called out the sections of the Zoning Code that the Board should look at when considering this case and if they are inclined to grant the permission, she asked that the Board be specific as to the day and hour.

Chair Seelye opened the public portion of the meeting. There being no comments, Chair Seelye closed the public portion of the meeting.

Secretary Vergun confirmed there was an affidavit of mailing on file with 8 returned mailers.

MOTION by Rich, support by Lindquist, in the matter of ZBA Case 8-16-5600, that the permission be GRANTED as requested by the applicant to hold a special event, which may include sales, on August 26, 27 and 28, 2016 and to allow the event to begin at 10 a.m. to continue until 11 p.m. Eastern Daylight Time on August 26 and 27, 2016 (Friday and Saturday) and from 11 a.m until 9 p.m. Eastern Daylight Time on August 28, 2016 (Sunday).

The permission would not be needed as all other requirements are met for permission to be automatically granted under the special event and accessory temporary outdoor sales event provisions of the ordinance, except for the issue of the event ending at 11p.m. on the dates specified, as opposed to 10p.m., which is required by the ordinance. The Zoning Board is allowed to permit a special event under certain circumstances, specifically pursuant to Section 34-7.14.6.F; the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City. This comes from both the testimony heard from the applicant as well as the conditions put on the record with City Council at their August 22, 2016 meeting.

The Zoning Board is required to condition the permit pursuant to Section 34-7.14.6.E.ii.a-d; stating that the granting of the use must be in writing stipulating all conditions as to time, nature of development permitted and arrangements, etc., all setbacks and other necessary conditions must be met, the use shall be in harmony with the general existing character of the district and the time frame, which in this case is 3 days, shall not exceed a 12 month period.

MOTION CARRIED 6-0.

PUBLIC QUESTIONS AND COMMENTS

There were no public comments.

ADJOURNMENT

MOTION by Rich, support by Barnette, to adjourn the meeting at 7:50 p.m.

MOTION CARRIED 6-0.

Respectfully submitted,

James Stevens, Secretary
Zoning Board of Appeals

/ceh