

Law could stop temporary businesses

By Joanne Maliszewski
staff writer

The attorney for the owner of a seasonal flower stand at Northwestern Highway and 14 Mile says there's an attempt to legislate the client out of business.

"We like the open, rural atmosphere," attorney Mark Cohen said, quoting customers who shop at Ray Hesano's (listed flower stand near Langans Bowling Center, 32905 Northwestern Highway).

"Here is one aspect of Farmington Hills that kind of portrays that (rural atmosphere). And it's going to be legislated out of existence."

Cohen criticized a proposed amendment before the Farmington Hills Planning Commission Aug. 8 that would prohibit temporary businesses such as Hesano's. The request for such changes came from the Farmington-Farmington Hills Chamber of Commerce in April on behalf of some of its members.

PLANNING COMMISSIONERS took no action on the proposed ordinance changes. Though some questioned whether it could be sent back to the council, city attorney John Donohue said the council asked that the proposed changes be drafted.

Consequently, planning commissioners scheduled a public hearing at 7:30 p.m., Thursday, Sept. 19.

"Their concern was having a level playing field," said chamber executive director Jody Soronen, about merchants who complained of temporary businesses, such as Hesano's.

Some merchants complained that they were fighting unfair competition because temporary businesses are not faced with the same type of overhead, taxes, utility costs and parking requirements as permanent businesses.

"They are established businesses. We did not get a call from Franks or Kroger. We did get a call from English Gardens (West Bloomfield)," Soronen added.

Bob Heinrich, immediate past president of the chamber, told planning commissioners that chamber officials are not trying to focus on Hesano, a West Bloomfield resident.

BUT HEINRICH said he doesn't believe that the intent of the city's temporary use ordinance was intended to allow temporary businesses to compete with established businesses.

Many of the planning commissioners, however, said they believe free enterprise and competition is the way to go.

"Everyone is in favor of competition when their ox is being gored," said planning commissioner Paul Blattman, who opposed any proposed prohibition on temporary businesses, such as flower stands.

Commissioner Mary Avery said "we're almost getting into the mentality of no competition."

But planning commission chairman Joanne Smith said permanent businesses that pay taxes are

"unfairly penalized by people who just set up in a parking lot."

ATTORNEY COHEN said he believes Hesano is being singled out. Hesano was granted a temporary use approval by the Zoning Board of Appeals to have his stand near Langans March 28-April 2, and May 1-July 21. He also was denied a temporary use permit for a flower-and-plant stand at Drake's Lakes, 35000 Grand River.

In the five years Hesano has been doing business at the Northwestern Highway-14 Mile corner, he has never had a problem, zoning or code violations. Petitions from residents who support Hesano are on file at city hall. Also on file are petitions opposing the flower stand.

"This is economic legislation. This is not land use," Cohen said.

Heinrich disagreed. "Nobody would argue more than the chamber that competition is good. But at the same time everybody ought to play by the same rules."

Manager agrees noise ticket process unclear

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THE SITUATION frustrated councilman Ben Marks, who is president of the Community Center board of directors.

Center officials believed they were being monitored appropriately by the city and were within the law, he said.

"Now I'm mixed up," he said. "I don't know where you're coming from. If (Shortt's) got a good case, I want to support his case."

"Somebody gave the planning department a direction - I don't know who did it either."

attorney John Donohue for review and possible misdemeanor prosecution.

Mayor Aldo Vagorzi said Monday he "didn't realize the city attorney was still involved" with the Community Center situation.

WITH ANY possible misdemeanor, if the officer is not on hand to view or hear a disturbance and cannot testify to it, Donohue's policy is to review the file.

That goes for all misdemeanors, he said - not only problems with the Community Center and its neighbors.

The city has no noise ordinance, although it is considering one that would include set decibel levels.

A city zoning law currently prohibits noises from being louder than street noise, but offers no objective decibel measure.

A **POLICE** officer and a supervisor responded to the Aug. 7 complaint by Shortt and another neighbor, but did not issue a ticket.

The file was turned over to city

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Developer gives city deadline

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name be removed from the document so it will impact any future development, regardless of owner.

INDEPENDENCE HILLS subdivision trustee Jim Robinson said he is concerned such a consent judgment would invite other developers to sue.

"What does it do to encourage other developers to come before city council... asking for modification with consent judgments?" he asked. "It could promote further litigation."

A number of Hillside Estates residents spoke in favor of the plan, including the condominium association's president Gerald Kennedy: "We want this matter settled so we can carry on with other business," he said.

Hills votes to control cats

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THE CITY of Farmington will consider similar legislation in early September. At least two residents have complained about problems in that city.

New laws are needed, city officials say, because currently residents are given no recourse to file complaints about roaming felines, except pursuant to nuisance-laws. And those, said John Donohue, city attorney for both Farmington and Farmington Hills, are time-consuming to pursue. Under a new law, res-

idents would be able to sign complaints.

Police have made it clear that they will not spend their time chasing cats, or dogs.

Assistant city manager Steve Brock, who helped draft the ordinance, stressed the new law would not be "anti-cat" and he called the proposed law a "simple approach."

Councilman Larry Lichtman told fellow council members he is having problems on his own property. "I have problems more than the chamber have problems," he said. "I think this just provides a mechanism to give people a remedy."



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