

**CITY OF MADISON HEIGHTS
300 W. 13 MILE ROAD
REGULAR COUNCIL MEETING AGENDA
FEBRUARY 14, 2022
7:30 P.M.**

AGENDA:

CALL TO ORDER

ROLL CALL

INVOCATION – MAYOR GRAFSTEIN

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

1. Additions
2. Deletions

PRESENTATIONS

1. Random Act of Kindness Proclamation

A – PUBLIC HEARINGS:

1. Rezoning Request 21-01 (Ordinance No. 2175) - 26783 Lenox Ave.
2. Rezoning Request PRZN 21-02 (Ordinance No. 2176) - 26744 Osmun Street

ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE

B - MEETING OPEN TO THE PUBLIC:

C – COMMUNICATIONS:

1. Nancy Minkler and James Smith - Resignations from Boards and Commissions

D – REPORTS:

E - ITEMS FOR FUTURE PUBLIC HEARINGS:

F - BID AWARDS/PURCHASES:

G - ORDINANCES:

1. Ordinance 2178 - Distracted Driving Ordinance-First Reading
2. Ordinance 2177, Zoning Text Amendment 21-11, Temporary Certificates of Occupancy, First Reading

H - UNFINISHED BUSINESS:

MINUTES:

1. Regular City Council meeting minutes of 01-24-22

J - EXECUTIVE SESSION:

ADJOURNMENT

NOTICE: Persons with disabilities who qualify under the Americans with Disabilities Act needing accommodations for effective participation through electronic or other means in this meeting should contact the City Clerk at (248) 583-0826 or by email: clerks@madison-heights.org at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

DATE: February 09, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, February 14, 2022

The following are my comments for items appearing on the agenda of the Regular Council Meeting of Monday, February 14, 2022.

PRESENTATIONS

1. NUMBER 1: RANDOM ACT OF KINDNESS PROCLAMATION

Council is requested to approve the week of February 13-19 2022 as "Random Acts of Kindness Week," urging all citizens to join in observing the week by committing acts of goodwill towards others. Being kind should no longer be random. It is time to make kindness the norm.

A - PUBLIC HEARINGS:

1. NUMBER 1: REZONING REQUEST 21-01 (ORDINANCE NO. 2175) - 26783 LENOX AVE.

The applicant, Marusich Architecture, requests to rezone one (1) parcel of land at 26783 Lenox Avenue from R-3, Residential, to P-1, Vehicular Parking district. The property is located on the west side of Lenox Ave., south of 11 Mile Rd. The subject property is approximately 0.15 acres in area and is currently improved with a 967 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for a proposed commercial development

On January 21st, 2022, the applicant formally requested, via email, that action on this rezoning case be postponed to allow additional time to submit a related special use application.

2. NUMBER 2: REZONING REQUEST PRZN 21-02 (ORDINANCE NO. 2176) - 26744 OSMUN STREET

The applicant, Woodpile BBQ, requests to rezone one (1) parcel of land at 26744 Osmun St. from R-3, Residential, to B-3, General Business district. The property is located at the southeast corner of E. 11 Mile Road and Osmun Street.

The subject property is approximately 0.20 acres in area and is currently improved with a 910 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for Woodpile BBQ, located immediately to the east of the subject site. The subject site is located within the boundaries of the DDA.

Based on the Planning commission's findings and recommendation, staff recommends that the City Council approve this rezoning request upon second reading after the required public hearing.

C - COMMUNICATIONS:

1. NUMBER 1: NANCY MINKLER AND JAMES SMITH - RESIGNATIONS FROM BOARDS AND COMMISSIONS

Nancy Minkler has submitted her resignation from the Library Advisory Board and James Smith has submitted his resignation from the Planning Commission. City Council is being requested to accept both resignations and declare his seats vacant.

G - ORDINANCES:

1. NUMBER 1: ORDINANCE 2178 - DISTRACTED DRIVING ORDINANCE-FIRST READING

Michigan Law currently only prohibits typing, sending text message, or reading a text message while driving. As Madison Heights takes steps to become a more pedestrian and bike friendly city it is important that we give our police officers the tools needed to be able to enforce distracted driving as the regarding texting. The Chief of Police and the Assistant City Attorney have researched other city ordinances and have worked together on drafting a distracted driving ordinance which mirrors these ordinances in other cities.

Specifically, this ordinance addresses physical manipulation of any wireless electronic entertainment or two-way communication device such as cell phone, laptop, game devices and also actions that take the driver's attention away from operation of the motor vehicle such as performing personal hygiene, physical interaction with pets, reading. A person found violating this ordinance would be responsible for a civil infraction and a fine of one hundred dollars.

Staff and the City Attorney recommend approval of Ordinance 2178 on the first reading and scheduling of the second reading and final reading for February 28, 2022 City Council meeting.

2. NUMBER 2: ORDINANCE 2177, ZONING TEXT AMENDMENT 21-11, TEMPORARY CERTIFICATES OF OCCUPANCY, FIRST READING

City staff proposes Ordinance 2177 text amendment to extend the length in which temporary certificates of occupancy can remain effective. The current Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year. The Planning Commission held a public hearing on January 18th, 2022 and subsequently recommended approval of the proposed text amendment, as presented.

Staff and I recommends that City Council approve the first reading and schedule the second and final reading for the February 28, 2022 City Council meeting.

PROCLAMATION **RANDOM ACTS OF KINDNESS WEEK**

WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, often leaving citizens with feelings of despair and helplessness; and,

WHEREAS, Twenty-six years ago former Councilwoman Margene Scott created the very first proclamation and introduced *Random Acts of Kindness Week* to the City of Madison Heights, and has helped the City celebrate Random Acts of Kindness each year since through her dedicated services to the City and continues to do so after her retirement in 2019; and,

WHEREAS, Random Acts of Kindness Week is enacted to encourage Madison Heights residents to commit conscious acts of goodwill toward one another as an affirmation of the goodness and generosity of the human spirit; and,

WHEREAS, by performing small acts of kindness during this week, we have an opportunity to recognize and celebrate the far reaching effects we as individuals can have on the world around us; and,

WHEREAS, it is time for everyone to promote and exemplify kindness in our daily lives, and make an effort to be better humans – it is time to MAKE KINDNESS THE NORM. The work of being kind never ends, and kindness is truly essential to our survival.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council proclaim the week of February 13 – 19, 2022 as

ACTS OF KINDNESS WEEK

and urge all citizens to join in celebrating the week with acts of kindness, patience and understanding. Remember to always be kind!



Roslyn Grafstein
Mayor



Mark A. Bliss
Councilman



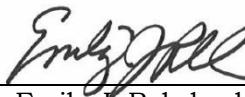
Sean D. Fleming
Councilman



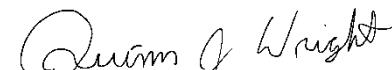
David M. Soltis
Councilman



Robert J. Corbett Jr.
Mayor Pro Tem



Emily J. Rohrbach
Councilor



Quinn J. Wright
Councilor

CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM

SUBMITTED TO: _____

SUBMITTED BY: _____ DATE: _____

FOR CONSIDERATION AT THE COUNCIL MEETING OF: _____

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____	OLD BUSINESS	_____

DESCRIPTION OF ITEM

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

FINANCIAL IMPACT

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 nd Acct.	_____		_____
Other Comments	_____		_____

REVIEW CHECKLIST

DEPARTMENT _____ DATE _____

DEPARTMENT _____ DATE _____

CITY MANAGER _____ DATE _____

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Madison Heights City Council will hold a public hearing on **Monday, February 14, 2022 at 7:30 p.m.** in City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071.

Rezoning Request No. PRZN 21-0001

Rezoning Request No. PRZN 21-0001 by Marusich Architecture to rezone a parcel of land described as T1N, R11E, SEC 23, STEPHENSON SUPER HWY SUB NO.3, LOT 1881, EXC W 11 FT TAKEN FOR HWY from R-3, Residential, to P-1, Vehicular Parking. The address of the request is 26783 Lenox Ave.

For further information, please contact the Community & Economic Development Department at (248) 583-0831.

Cheryl Rottmann, CMC

City Clerk

(248) 583-0826



MEMORANDUM

Date: February 4th, 2022
To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Subject: Rezoning Request PRZN 21-0001 – 26783 Lenox Ave. – R-3 to P-1 (Ordinance No. 2175)

Introduction

The applicant, Marusich Architecture, requests to rezone one (1) parcel of land at **26783 Lenox Avenue** (PIN Number 44-25-23-131-007) from **R-3, Residential, to P-1, Vehicular Parking district**. The property is located on the west side of Lenox Ave., south of 11 Mile Rd.

On January 21st, 2022, the applicant formally requested, via email, that action on this rezoning case be postponed to allow additional time to submit a related special use application.

Background and Analysis

The subject property is approximately 0.15 acres in area and is currently improved with a 967 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for a proposed commercial development. The applicant has provided conceptual plans for the proposed development, which include a restaurant and hotel. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

Per the Zoning Ordinance, the P-1 zoning designation is, *“designed to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries.”* The only permitted uses in the P-1 district are off-street parking areas and residential buildings; existing residential uses are permitted as a conforming use. The P-1 district includes minimum parking lot setback, design, and screening requirements, which will need to be satisfied as part of site plan review.

When reviewing a rezoning request, the City Council should review the proposed district’s consistency and compatibility with adjacent land uses and the future land use map as laid out in the Master Plan.

Existing Land Use

Existing adjacent land uses and zoning designations are denoted in the table below:

	Existing Land Use	Existing Zoning
Site	Single-Family Residence	R-3, Residential
North	Parking associated with commercial/retail uses.	P-1, Vehicular Parking
South	Single-Family Residence	R-3, Residential
East (across Lenox Ave.)	Single-Family Residence	R-3, Residential
West	I-75	N/A

The subject site is immediately south of an existing parking lot that serves Boodles restaurant and a single-story retail/office building. Properties to the south and east (across Lenox Avenue) are occupied by single-family residences. The proposed rezoning would enable an expansion of the existing parking lot.

The subject site is located immediately to the south of the DDA boundaries.

Existing Commercial along W. Eleven Mile Rd.



Existing Parking Lot and Residences along Lenox Ave.



Future Land Use

Adjacent future land uses, as envisioned by the 2021 Madison Heights Master Plan, are denoted in the table below:

	Future Land Use
Site	Single-Family
North	Single-Family/Commercial
South	Single-Family
East (across Lenox Ave.)	Single-Family
West	N/A (I-75)

The future land use designation of the subject site is “Single-Family Residential.” Per the Master Plan, the Single-Family designation is, *“intended to plan for single-family homes in largely built-out areas of the city. [...]. There may be certain areas at the edges of neighborhoods where duplex, triplex and quadplex homes may be an appropriate way to provide additional housing.”* While the proposed parking district does not fully comply with the future land use plan, the P-1 district does continue to permit existing single-family residential uses by-right and requires additional screening standards to buffer residential properties from commercial structures and activities.

City staff encourages the applicant to explore innovative options to ultimately reduce the need to construct additional parking spaces, including, but not limited to, shared parking arrangements, off-site parking, and administrative parking space reductions.

Planning Commission and City Council Action

At their December 21st, 2021 meeting, the Planning Commission recommended approval of the requested rezoning based upon the following findings:

1. The applicant requests a rezoning from R-3, residential, to the P-1, Vehicular Parking district, to accommodate additional off-site parking for a proposed commercial development.
2. The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review. Additional action by City Council and the Zoning Board of Appeals may be required for the proposed uses and site design.
3. The proposed P-1 District is generally compatible with adjacent land uses in that it serves as a buffer between adjacent commercial and residential uses and contains minimum site design, setback and screening requirements. The subject site borders an existing P-1 district to the north.
4. The proposed P-1 District is partially compatible with the future land use designation in that the district continues to permit existing single-family residential uses by-right.
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including any special land use and variance requests and site plans.

At this meeting, the Planning Commission expressed concern about approving a rezoning request without a submitted formal site plan or special use application. While staff understands that the applicant is in the process of putting together a special use application for City Council consideration, no such application has been submitted to date.

City Council approved the first reading at their January 10th, 2022 meeting.

On January 21st, 2022, the applicant sent an email to staff formally requesting that City Council action on this rezoning case be postponed to allow for additional time for special use application submittal.

Staff Recommendation and Next Step

After the public hearing, per the applicant's request, staff recommends that City Council **postpone action** on this rezoning case for a time not to exceed three (3) months to afford the applicant time to develop and submit a related special use application.

Matt Lonnerstater

From: John Marusich <johnm.marusicharchitecture@gmail.com>
Sent: Friday, January 21, 2022 10:07 AM
To: Matt Lonnerstater
Cc: johnm.marusicharchitecture@gmail.com; Frank Gjokaj; Metro LLC
Subject: Marusich Architecture - Eleven mile Apartment SLUA and Lenox St. Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Matt
Good Friday Morning,

Please accept this email as our formal request to postpone the hearing that was previously scheduled for February 14th 2022. The owner of the property has been unavailable to sign the application. We are working to have this issue taken care of in a timely manner.

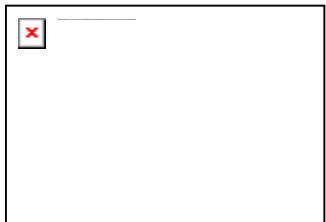
Thank you for your understanding.

Respectfully,

John Marusich

John Edward Marusich

Architect / Principal



36880 WOODWARD AVENUE

SUITE 100 48304-0920

BLOOMFIELD HILLS MICHIGAN

OFFICE PHONE 248 839 5807

CELL PHONE 313 482 0645

ORDINANCE NO. 2175

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

T1N, R11E, SEC 23 STEPHENSON SUPER HWY SUB NO 3 LOT 1881 EXC W 11 FT TAKEN FOR HWY. PIN 44-25-23-131-007. 26783 Lenox Ave.

Shall be changed from R-3, Residential, to P-1, Vehicular Parking.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Roslyn Grafstein
Mayor

Cheryl Rottmann
City Clerk

CERTIFICATION:

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on February 14th, 2022.

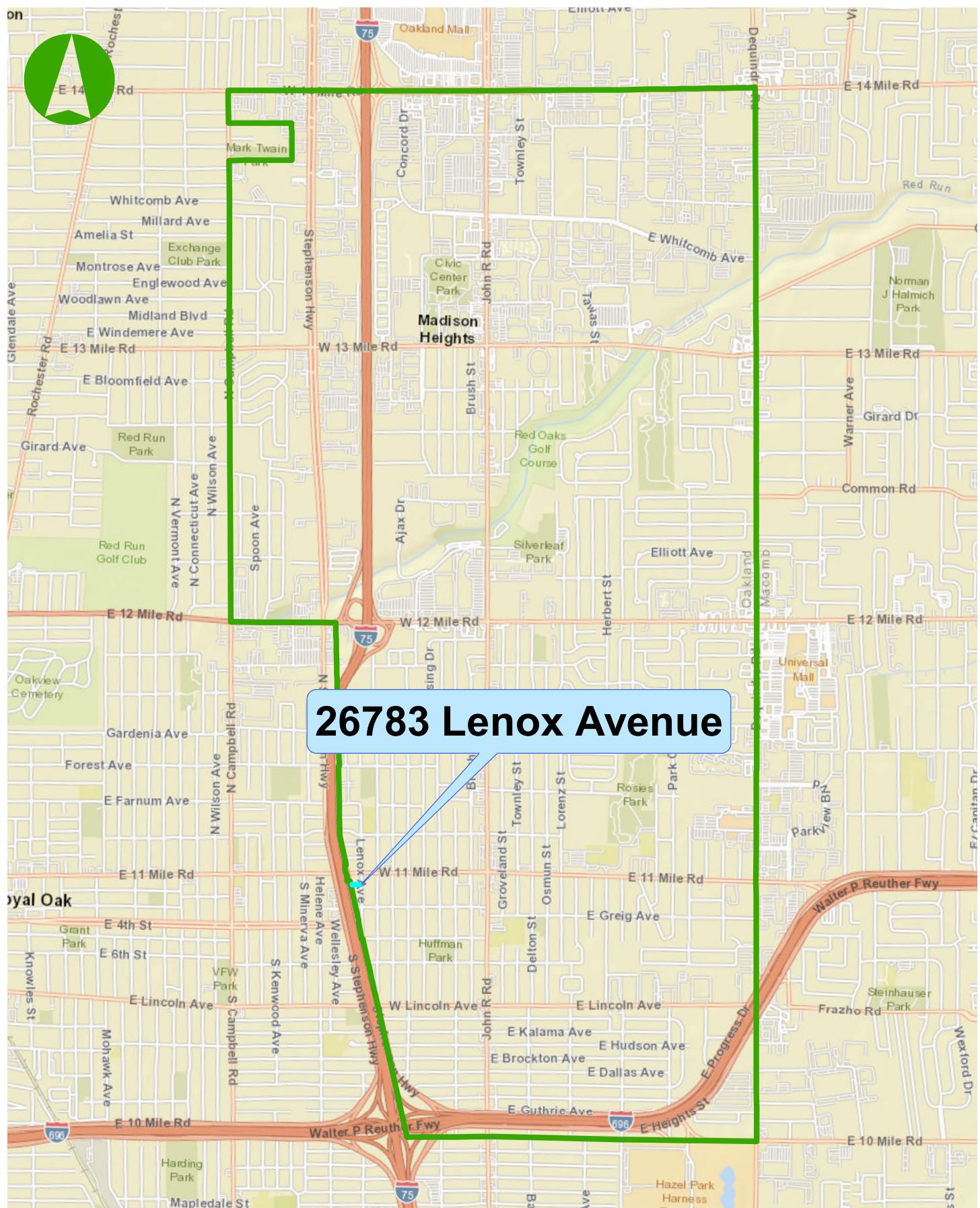
Cheryl Rottmann
City Clerk

ADOPTED: February 14th, 2022

PUBLISHED:

EFFECTIVE:

PRZN 21-0001



Site Address: 26783 Lenox Avenue



Click for maps

Aerial



 26783 Lenox Avenue
 Parcels

Existing Land Use



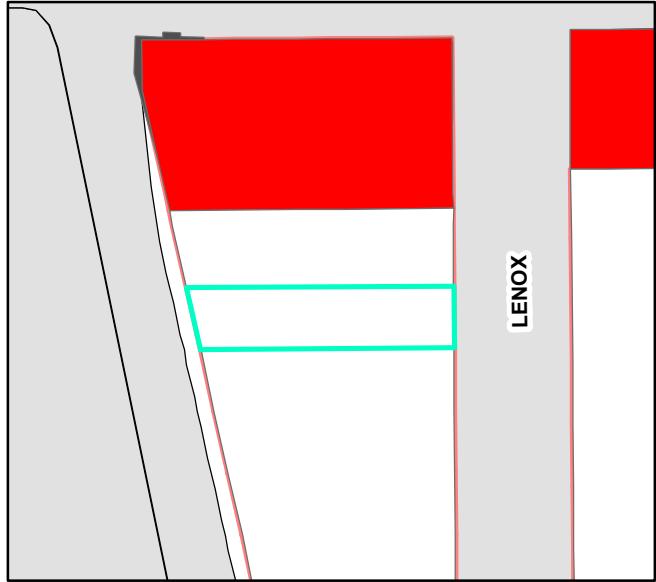
 26783 Lenox Avenue Single And Two Family
 Buildings Office
 Parcels Commercial

Zoning



 26783 Lenox Avenue M-1 Light Industrial
 Buildings
 Parcels
 R-3 Residential

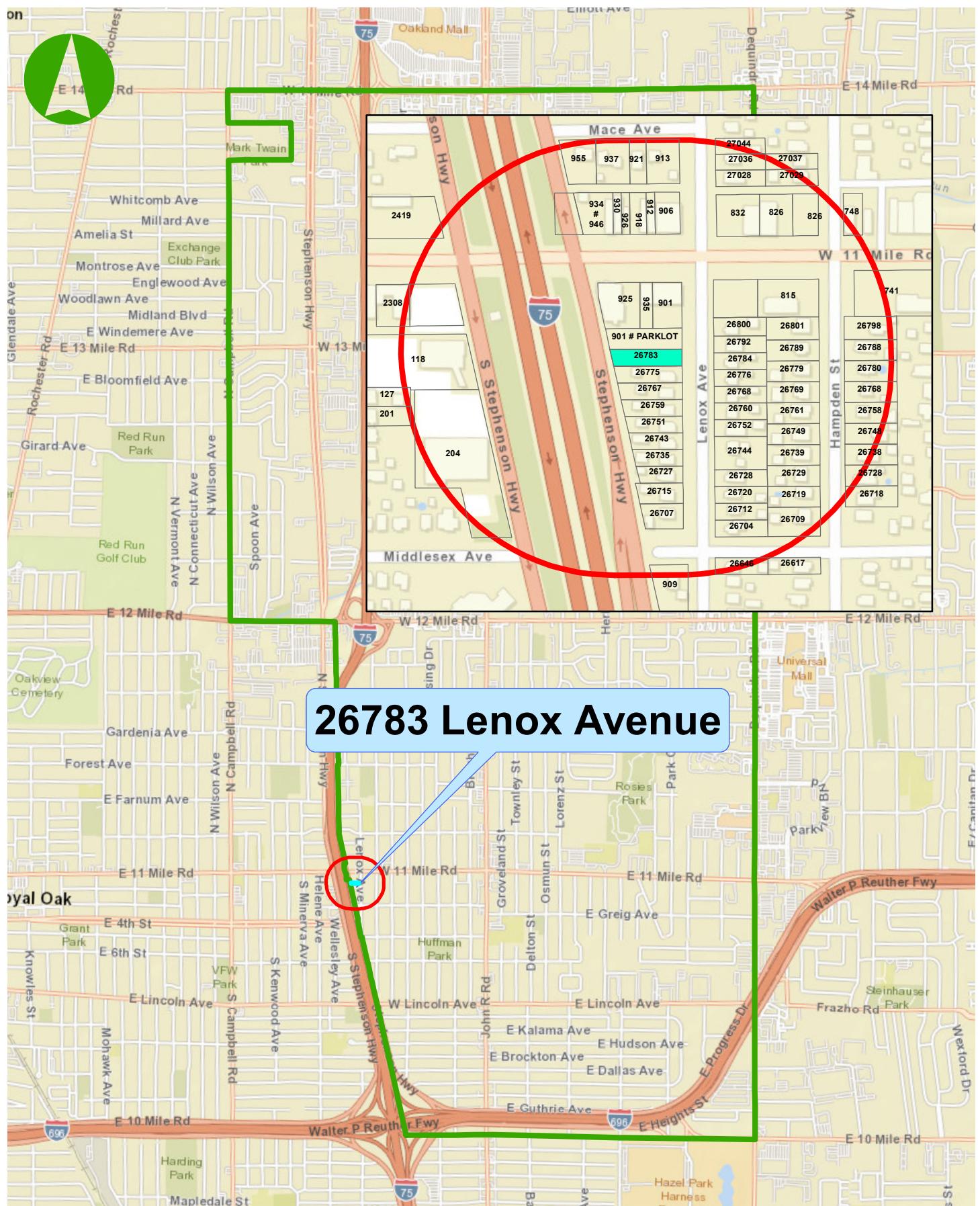
Future Land Use



 26783 Lenox Avenue Industrial
 Single Family Public and Schools
 Multiple Family Recreation
 Office Conservation
 Commercial Mixed Use Innovation

PRZN 21-0001

Buffer 500 Ft



Notice of Public Hearing

Rezoning Request No. PRZN 21-0001

Notice is hereby given that the Madison Heights Planning Commission will hold a public hearing on Tuesday, December 21st, 2021 at 5:30 p.m. in City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071.

Rezoning Request No. PRZN 21-0001 by Marusich Architecture to rezone a parcel of land described as T1N, R11E, SEC 23, STEPHENSON SUPER HWY SUB NO.3, LOT 1881, EXC W 11 FT TAKEN FOR HWY from R-3, Residential, to P-1, Vehicular Parking. The address of the request is 26783 Lenox Ave.

For further information, please contact the Community & Economic Development Department at (248) 583-0831.

CITY OF MADISON HEIGHTS



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

Application to Rezone Land

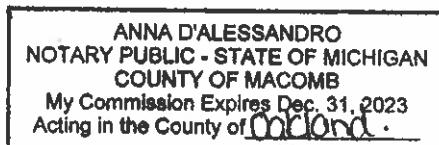
I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

1. Request is hereby made that the following property be rezoned from R-3 to P-1.
2. The property address is 26783 LENOX and the parcel is located on the WEST side of LENOX street between 11 MILE ROAD (NORTH) and W GREIG (SOUTH) streets.
3. The legal description of said property is as follows: (attach separately if necessary)
TIN, RUE, SPC 23 STEPHENSON SUPER
Hwy Sub No. 3 LOT 1B1 EXC 11 FT
TAKEN FOR HWY
4. The sidwell number for the property is: 44 25 23 131 007
5. The owner of said property is: Bruno James Ferguson
Name: 55340 WHITNEY DR. Street: Ste. 100, Twp
Street Address: 55340 WHITNEY DR. Ste. 100, Twp
City, State, Zip: (586) 992-1979 Email: 48315
Phone: (586) 992-1979
6. The Applicant is: John Marusich Architect
Name: John Marusich Architect
Street Address: 16320 WOODWARD AVE
City, State, Zip: BLOOMFIELD HILLS MI 48304
Phone: 313 482 0645 Email: johnm.marusich@gmail.com
7. The applicant is the:
 Owner Legal Representative Purchaser Other Architect
8. Description of proposed use:
PARKING FOR NEW DEVELOPMENT
ON 11 MILE (SEE ATTACHED PLANS)
9. Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the \$1,500.00 application fee.

Signature of Owner: Bruno James Ferguson
Signature of Applicant: John Marusich
Date: 12/03/2021

Notary's Signature: Anna D'Alessandro
Notary's Print Name: Anna D'Alessandro
Notary Public, State of Michigan, County of: Macomb
My Commission Expires on: December 31 2023
Acting in the County of: Macomb

Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached.





MARUSICH ARCHITECTURE

36880 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304
SUITE 100

OFFICE: (248) 792-2949
CELL: (313) 482-0645

www.marusicharchitecture.com
johnm@marusicharchitecture.com

THE IDEAS AND DESIGN CONCEPT EXPRESSED
HERE IN AND THE GRAPHICALLY DISPLAYED
ARRANGEMENT OF THIS DRAWING HAVE BEEN
DEVELOPED FOR THE EXCLUSIVE USE OF THIS
SPECIFIED PROJECT AND LOCATION. THE
DRAWINGS ARE THE SOLE INTELLECTUAL
PROPERTY OF THE ARCHITECT. ANY
CONVEYANCE OR DISCLOSURE OF THE IDEAS
OR DESIGN CONCEPTS OR THE USE OF
THESE GRAPHICALLY DISPLAYED
ARRANGEMENTS OR THEIR COMPONENTS
SHALL BE AT THE DISCRETION OF AND ONLY
THROUGH THE EXPRESSED WRITTEN CONSENT
OF MARUSICH ARCHITECTURE LLC.

THE ABSENCE OF A WRITTEN AIA
CONTRACT ACCEPTANCE AND/OR USE OF
THESE DOCUMENTS BY THE OWNER/CLIENT
OR HIS AGENTS SHALL CONSTITUTE TO BE
A BINDING CONTRACT BETWEEN THE
OWNER/CLIENT AND THE ARCHITECT IN
ACCORDANCE TO ALL CONDITIONS CONTAINED
WITHIN AIA B151 AND B141 CONTRACTS. ALL
IDEAS, DESIGNS, ARRANGEMENTS, AND PLANS
INDICATED BY OR REPRESENTED BY THE
DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTES THE ORIGINAL AND
UNPUBLISHED WORK OF MARUSICH
ARCHITECTURE LLC. AND THE SAME MAY NOT
BE DUPLICATED, USED, TRANSFERRED, OR
DISCLOSED TO ANY PERSON, FIRM,
CORPORATION, OR AGENCY WITHOUT A
WRITTEN CONTRACT OR WRITTEN CONSENT OF
THE ARCHITECT AND MARUSICH ARCHITECTURE.

OWNER

PROJECT NAME

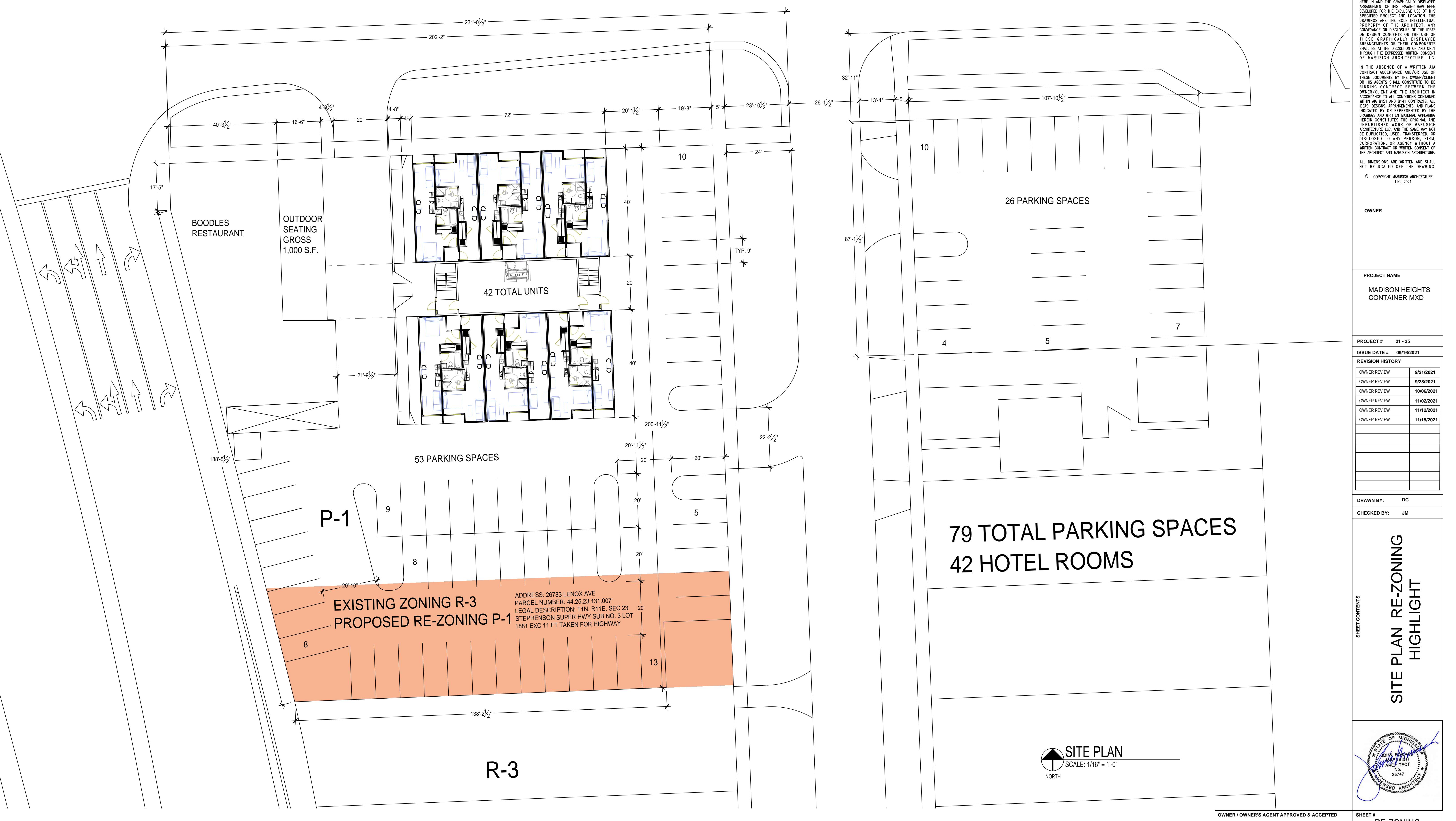
OBJECT # 21 - 35
SUE DATE # 09/16/2021

VISION HISTORY	
OWNER REVIEW	9/21/2021
OWNER REVIEW	9/28/2021
OWNER REVIEW	10/06/2021
OWNER REVIEW	11/02/2021
OWNER REVIEW	11/12/2021
OWNER REVIEW	11/15/2021

DRAWN BY: DC
CHECKED BY: JM

SITE PLAN RE-ZONING HIGHLIGHT

A circular seal for a Michigan architect. The outer ring contains the text "STATE OF MICHIGAN" at the top and "LICENSED ARCHITECT" at the bottom, separated by a dotted line. The inner circle contains "JOHN EDWARD KRUSICH" in the center, with "ARCHITECT" above and "No. 35747" below. The entire seal is handwritten in blue ink.























CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

December 21, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:33 p.m.

2. ROLL CALL

Present: Councilman Mark Bliss (arrived at 5:33 pm)
Chairperson Josh Champagne
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member James Smith

Absent: Member Cliff Oglesby, Member Grant Sylvester,

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

Motion by Commissioner Grafstein, supported by Commissioner Marsh to excuse Members Bliss (arrived at 5:33 pm), Oglesby, and Sylvester.

Motion carried unanimously.

3. APPROVAL OF AGENDA

Motion by Commissioner Smith, Supported by Commissioner Graettinger, to approve the agenda for tonight's meeting.

Motion carried unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of November 16, 2021.

Motion carries unanimously.

5. PUBLIC HEARING:

a. Rezoning (PRZN 21-01): 26783 Lenox Ave.

Planner Lonnerstater introduced the rezoning request from applicant Marusich Architecture. They have requested to rezone one parcel of land from R-3, Residential, to P-1, Vehicular Parking District. The property is located at 26783 Lenox Avenue, the west side of Lenox Avenue, south of 11 Mile Rd. south of Boodles Restaurant parking lot (11 Mile and Stephenson)

Per Planner Lonnerstater, the subject property is approximately 0.15 acres in area and is currently improved with a 967 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for a proposed commercial development. The applicant has provided conceptual plans for the proposed development, which include a restaurant and hotel. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

Per the Zoning Ordinance, the P-1 zoning designation is, "designed to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries." The only permitted uses in the P-1 district are off-street parking areas and residential buildings; existing residential uses are permitted as a conforming use. The P-1 district includes minimum parking lot setback, design, and screening requirements, which will need to be satisfied as part of site plan review. The Planner also notes, this parcel is just outside of the DDA boundaries.

When making a recommendation to Council, Planner Lonnerstater suggests the Planning Commission note the following specific findings in their motion per the recommendation of Staff:

1. The applicant requests a rezoning from R-3, residential, to the P-1, Vehicular Parking district, to accommodate additional off-site parking for a proposed commercial development.
2. The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review. Additional action by City Council and the Zoning Board of Appeals may be required for the proposed uses and site design.
3. The proposed P-1 District is generally compatible with adjacent land uses in that it serves as a buffer between adjacent commercial and residential uses and contains minimum site design, setback and screening requirements. The subject site borders an existing P-1 district to the north.
4. The proposed P-1 District is partially compatible with the future land use designation in that the district continues to permit existing single-family residential uses by-right.
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including any special land use and variance requests and site plans.
6. While in support of the rezoning request, City staff encourages the applicant to explore innovative options to ultimately reduce the need to construct additional parking spaces, including, but not limited to, shared parking arrangements, off-site parking, and administrative parking space reductions.

Based on these findings, staff recommends that the Planning Commission recommend to City Council **approval** of the requested rezoning from R-3 to P-1.

Chair Champagne opened the public hearing at 5:38 p.m. to hear comments on PRZN #21-01.

The applicant, John Marusich of Marusich Architecture, introduced himself and invited any questions from the Planning Commission.

Commissioner Marsh asks for clarification on the intended plan for the adjoining parcel and the expected timeframe. In response, Mr. Marusich explains his client's intent to purchase Boodles and redevelop the property into either an office, a residential development, or a boutique hotel. As for the timeframe, they would envision construction could begin as early as July.

Commissioner Grafstein asks for clarification on the boutique hotel concept. Mr. Marusich explains it is a small scale hotel around 40 rooms. This would be in conjunction with the adjacent property (boodles) which would act as the check in center, if this is the route they decide to take.

Chair Champagne invites discussion from the Planning Commission.

Motion by Marsh, supported by Grafstein, to postpone action on PRZN 21-01 until the petitioner comes back to the Planning Commission with the adjoining parcels and their plans for those parcels or at Staff's discretion to put it back on the agenda.

Planner Lonnerstater clarifies that they will be required to come back to City Council for Special Approval depending on what the proposed use will be and at this time it is still under the development stages. If the developer decides to propose a Hotel, then yes they would have to submit an additional Special Land use application. Commissioner Marsh suggests concern about taking action if the applicant has not identified a plan for the development.

Commissioner Bliss asks when their intent is to decide on the type of development for this project. Mr. Marusich explains that he has met with City staff and has determined that requesting the rezoning for this parking was the proper first step for any development that would happen at this location. Therefore, no matter what development his client intends to proceed with, if they do not get the additional parking, a new development would not progress further.

Commissioner Grafstein expresses concern about taking action without knowing what the development plan for the property would be. Applicant Marusich expresses his desire to move forward only with a project that the Planning Commission would support.

In response to the Chair's question, Assistant City Attorney Burns notes that if the Commission and City Council move forward and approve the applicant's request, once the zoning takes place, no matter who owns the land they have the parking right as a matter of right.

Mr. Marusich requests a moment to confer with his client and expresses that his client has decided to proceed with a boutique hotel. In response, Planner Lonnerstater notes that a hotel involves a special land use request which has different criteria or analyses and we haven't done that analysis yet.

Substitute motion:

Motion by Bliss, supported by Conn to recommend to City Council approval of the requested rezoning from R-3 to P-1, based on the findings and recommendations presented by Staff

Roll Call Vote:

Yea:

**Bliss, Conn, Graettinger, Grafstein, Marsh, Smith
Champagne**

Nay:

Motion Carried.

b. Rezoning (PRZN 21-02): 26744 Osmun Street.

Planner Lonnerstater introduced the rezoning request from applicant, Woodpile BBQ, requests to rezone one (1) parcel of land at 26744 Osmun St. from R-3, Residential, to B-3, General Business district. The property is located at the southeast corner of E. 11 Mile Road and Osmun Street.

The subject property is approximately 0.20 acres in area and is currently improved with a 910 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for Woodpile BBQ, located immediately to the east of the subject site. The applicant has provided conceptual plans for the proposed parking lot. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

When making a recommendation to Council, Planner Lonnerstater suggests the Planning Commission note the following specific findings in their motion per the recommendation of Staff:

- 1) The applicant requests a rezoning from R-3, residential, to the B-3, General Commercial district, to accommodate additional off-site parking for an existing adjacent restaurant. The B-3 District permits a range of commercial and office uses.
- 2) The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review.
- 3) The proposed B-3 District is generally compatible and consistent with adjacent commercial land uses along E. 11 Mile Rd.
- 4) The proposed B-3 District is consistent with adjacent B-3 zoned properties along E. 11 Mile Rd.
- 5) The proposed B-3 District is compatible and consistent with the Commercial future land use designation for the site as envisioned by the 2021 Master Plan.
- 6) The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including site plan submittal.

Also to be noted, this property is within the DDA.

Chair Champagne opened the public hearing at 6:31 p.m. to hear comments on PRZN #21-02. Jennifer Rude, resident at 26718 Lorenz, speaks to the Commission. She is a resident directly across from Woodpile and strongly approves this request and expresses her desire for the Commission to approve this recommendation. Traffic on Lorenz is a "mess." She feels it will get worse once the pandemic is over.

Public comment was closed at 6:33 pm.

Chair Champagne invites the applicant Tim Idzikowski, owner of Woodpile, to address the Planning Commission. He expresses the desire for the additional parking for future growth. He has attempted a shared parking with the High School but unfortunately, clients will not utilize it for various reasons. Woodpile aggressively pursued this house to provide the additional parking and not cause issues within the neighborhood.

Planning Commission discussion continues. The applicant confirms the property is currently empty.

Motion by Conn, supported by Smith, to approve PR 21-02 and recommend to Council, based on the findings and recommendations presented by Staff.

Roll Call Vote:

Yea: Bliss, Conn, Graettinger, Grafstein, Marsh, Smith, Champagne

Nay: None.

Motion carries unanimously.

6. MATTERS FOR CONSIDERATION

a. Zoning Text Amendment (21-11) – Temporary Certificates of Occupancy

City staff proposes the attached text amendment to extend the length in which temporary certificates of occupancy can remain effective. The current Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year. Staff believes that this amendment will give property owners and tenants adequate time to properly meet all building and zoning code requirements and site plan conditions without risking TCO expiration.

Motion by Marsh, supported by Conn to set a public hearing date for the January 18th, 2022 regular Planning Meeting.

Roll Call Vote:

Yea: Bliss, Conn, Graettinger, Grafstein, Marsh, Smith, Champagne

Nay: None.

Motion carries unanimously.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. MEMBER UPDATES

No member updates.

9. PLANNER UPDATES

Planner Lonnerstater wishes everyone a Happy Holiday and Happy New Year.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:47 p.m.

CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM

SUBMITTED TO: _____

SUBMITTED BY: _____ DATE: _____

FOR CONSIDERATION AT THE COUNCIL MEETING OF: _____

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____	OLD BUSINESS	_____

DESCRIPTION OF ITEM

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

FINANCIAL IMPACT

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 nd Acct.	_____		_____
Other Comments	_____		_____

REVIEW CHECKLIST

DEPARTMENT _____ DATE _____

DEPARTMENT _____ DATE _____

CITY MANAGER _____ DATE _____

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Madison Heights City Council will hold a public hearing on Monday, **February 14, 2022 at 7:30 p.m.** in City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071.

Rezoning Request No. PRZN 21-0002

Rezoning Request No. PRZN 21-0002 by Woodpile BBQ and Madison Heights BBQ Real Estate, LLC to rezone a parcel of land described as T1N, R11E, SEC 24, GROVELAND SUBDIVISION SOUTH 70 FEET OF THE NORTH 97 FEET OF LOT 253 from R-3, Residential, to B-3, General Business. The address of the request is 26744 Osmun St.

For further information, please contact the Community & Economic Development Department at (248) 583-0831.

Cheryl Rottmann, CMC

City Clerk

(248) 583-0826



MEMORANDUM

Date: February 4th, 2022
To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Subject: Rezoning Request PRZN 21-0002 – 26744 Osmun St. – R-3 to B-3 (Ordinance No. 2176)

Introduction

The applicant, Woodpile BBQ, requests to rezone one (1) parcel of land at **26744 Osmun St.** (PIN Number 44-25-24-105-002) from **R-3, Residential, to B-3, General Business** district. The property is located at the southeast corner of E. 11 Mile Road and Osmun Street.

Background and Analysis

The subject property is approximately 0.20 acres in area and is currently improved with a 910 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for Woodpile BBQ, located immediately to the east of the subject site. The applicant has provided conceptual plans for the proposed parking lot. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

Per the Zoning Ordinance, the B-3 zoning designation is, *“designed to provide sites for more diversified business types and are often located also so as to serve the passer-by traffic.”* Uses permitted by right within the B-3 district include, but are not limited to, retail/service establishments, restaurants, new car auto sales and showrooms, professional offices, and assembly halls.

When reviewing a rezoning request, the City Council should review the proposed district’s consistency and compatibility with adjacent land uses and the future land use map as laid out in the Master Plan.

Existing Land Use

Existing adjacent land uses and zoning designations are denoted in the table below:

	Existing Land Use	Existing Zoning
Site	Single-Family Residence	R-3, Residential
North (across E. 11 Mile Rd.)	Retail/Restaurant	B-3, General Business
South	Single-Family Residence	R-3, Residential
East	Restaurant	B-3, General Business
West (across Osmun St.)	Professional Office	B-3, General Business

The subject site is located immediately to the west of Woodpile BBQ, which is zoned B-3. Properties immediately to the east, north and west are zoned B-3 and improved with commercial uses, while the property to the south is zoned R-3 and improved with a single-family residence.

The subject site is located within the boundaries of the DDA.

Existing Conditions along E. 11 Mile Rd.



Existing Conditions along Osmun St.



Future Land Use

Adjacent future land uses, as envisioned by the 2021 Madison Heights Master Plan, are denoted in the table below:

	Future Land Use
Site	Commercial
North (across E. 11 Mile Rd.)	Commercial
South	Single-Family
East	Commercial
West (across Osmun St.)	Commercial

The future land use designation of the subject site is “Commercial.” Per the Master Plan, the Commercial designation is intended to accommodate, *“a broad range of goods and services.”* The B-3 zoning district aligns with the future land use plan and vision of the Master Plan.

If the B-3 rezoning request is approved, any commercial development on the subject parcel, including parking, will be subject to screening, buffering and site development requirements per the Zoning Ordinance.

Planning Commission and City Council Action

At their December 21st, 2021 meeting, the Planning Commission recommended approval of the requested rezoning based upon the following findings:

1. The applicant requests a rezoning from R-3, residential, to the B-3, General Commercial district, to accommodate additional off-site parking for an existing adjacent restaurant. The B-3 District permits a range of commercial and office uses.
2. The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review.
3. The proposed B-3 District is generally compatible and consistent with adjacent commercial land uses along E. 11 Mile Rd.
4. The proposed B-3 District is consistent with adjacent B-3 zoned properties along E. 11 Mile Rd.
5. The proposed B-3 District is compatible and consistent with the Commercial future land use designation for the site as envisioned by the 2021 Master Plan.
6. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including site plan submittal.

City Council approved the first reading at their January 10th, 2022 meeting.

Staff Recommendation and Next Step

Based on the Planning Commission's findings and recommendation, staff recommends that the City Council approve rezoning request PRZN 21-0002 upon second reading after the required public hearing.

ORDINANCE NO. 2176

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described property, to-wit:

T1N, R11E, SEC 24 GROVELAND SUBN S 70 FT OF N 97 FT OF LOT 253.
PIN 44-25-24-105-002. 26744 Osmun St.

Shall be changed from R-3, Residential, to B-3, General Business.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. This ordinance shall take effect ten (10) days after its adoption and upon publication.

Roslyn Grafstein
Mayor

Cheryl Rottmann
City Clerk

CERTIFICATION:

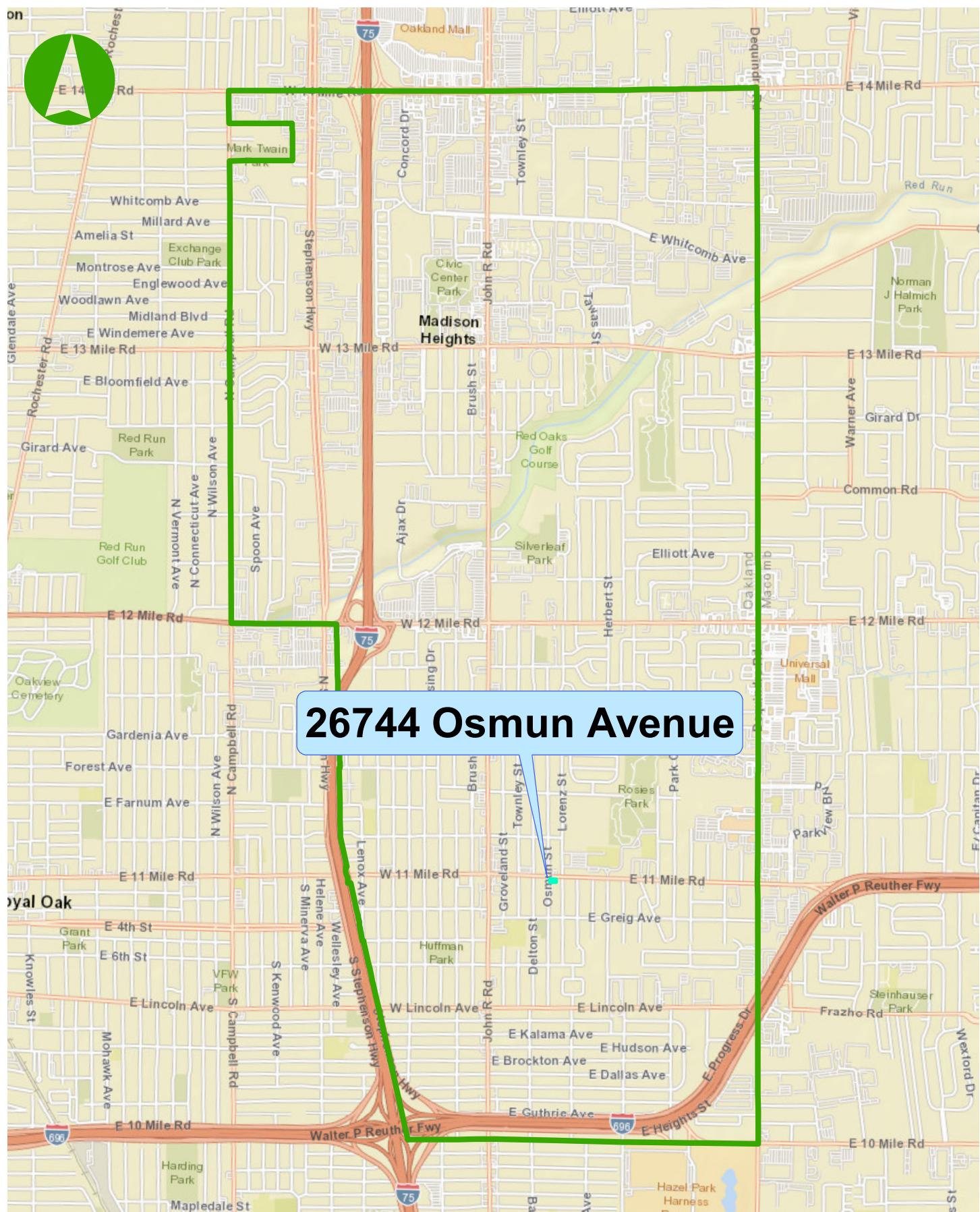
I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on February 14th, 2022.

Cheryl Rottmann
City Clerk

ADOPTED: February 14th, 2022

PUBLISHED:

EFFECTIVE:



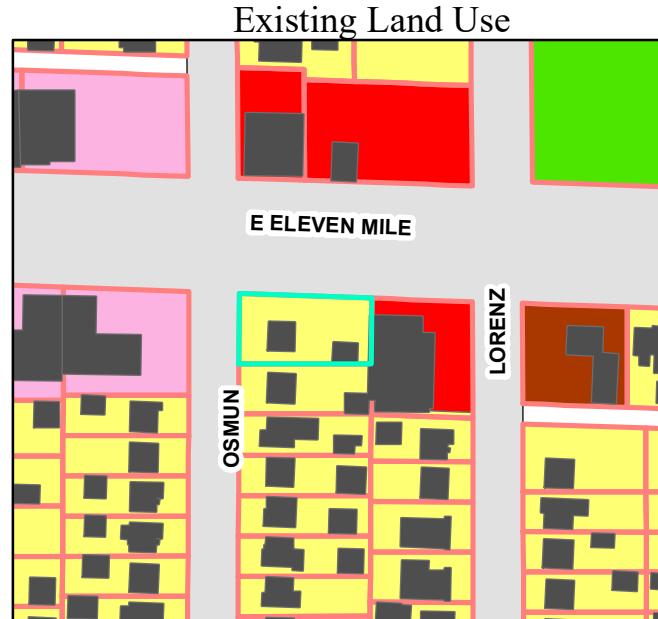
Site Address: 26744 Osmun Avenue



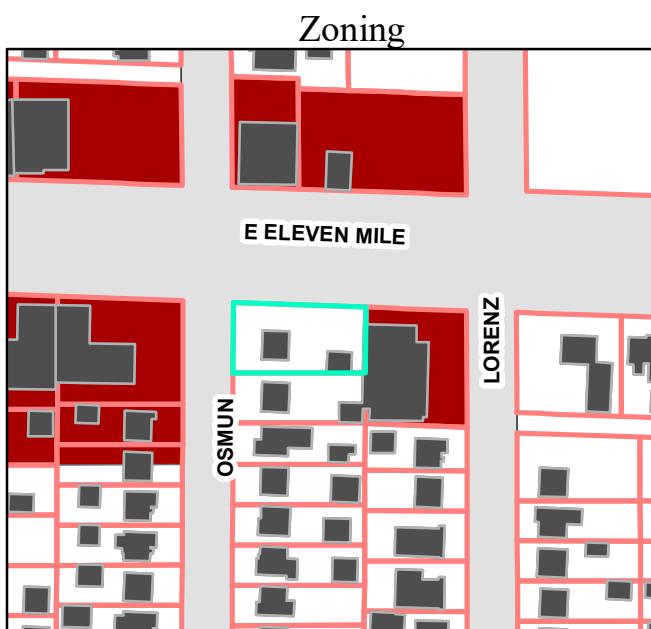
Click for maps



 26744 Osmun Avenue
 Parcels



 26744 Osmun Avenue
 Buildings
 Parcels
 Single And Two Family
 Multiple Family
 Office
 Commercial
 School



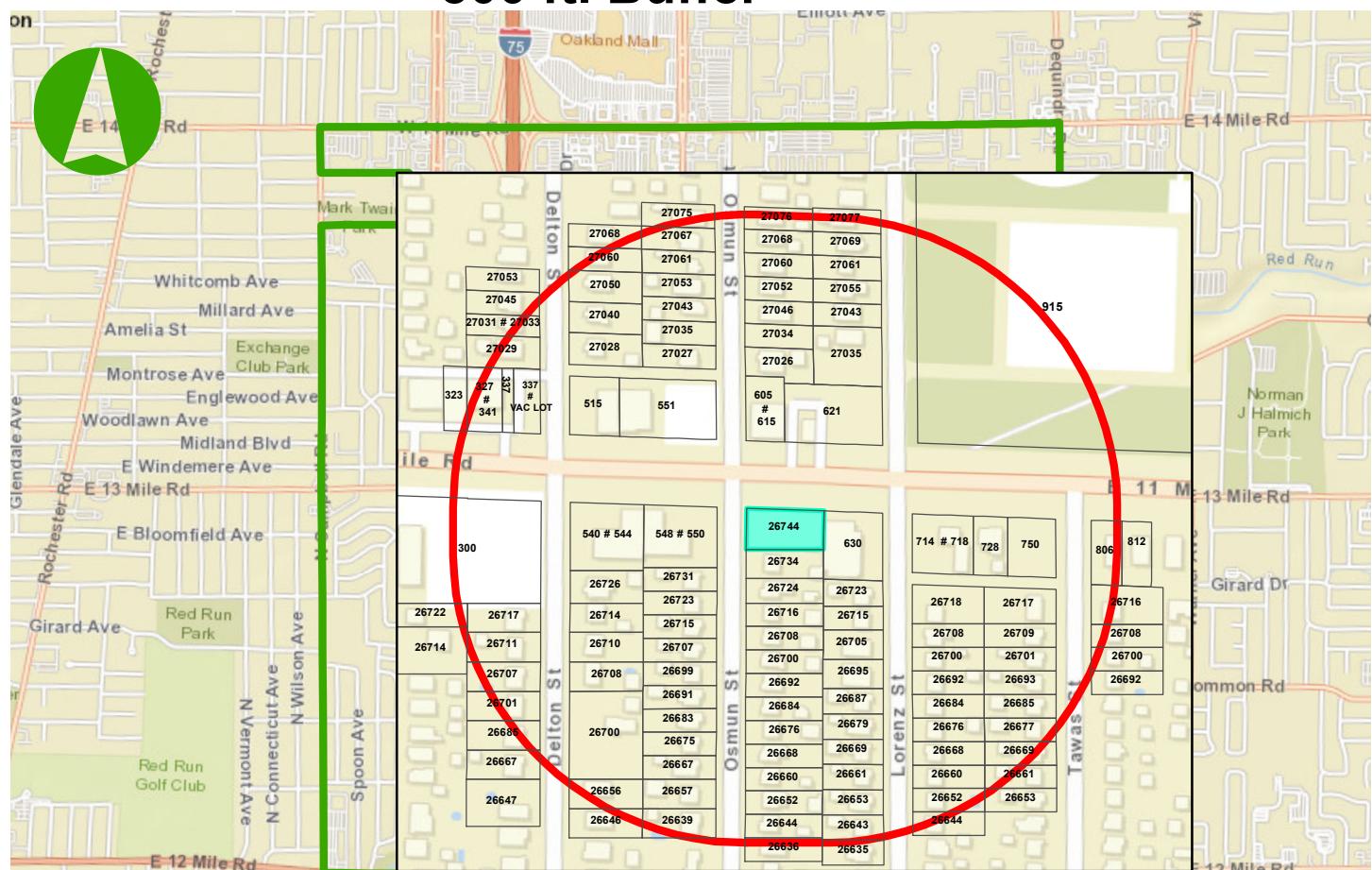
 26744 Osmun Avenue
 Buildings
 Parcels
 R-3 Residential
 M-1 Light Industrial



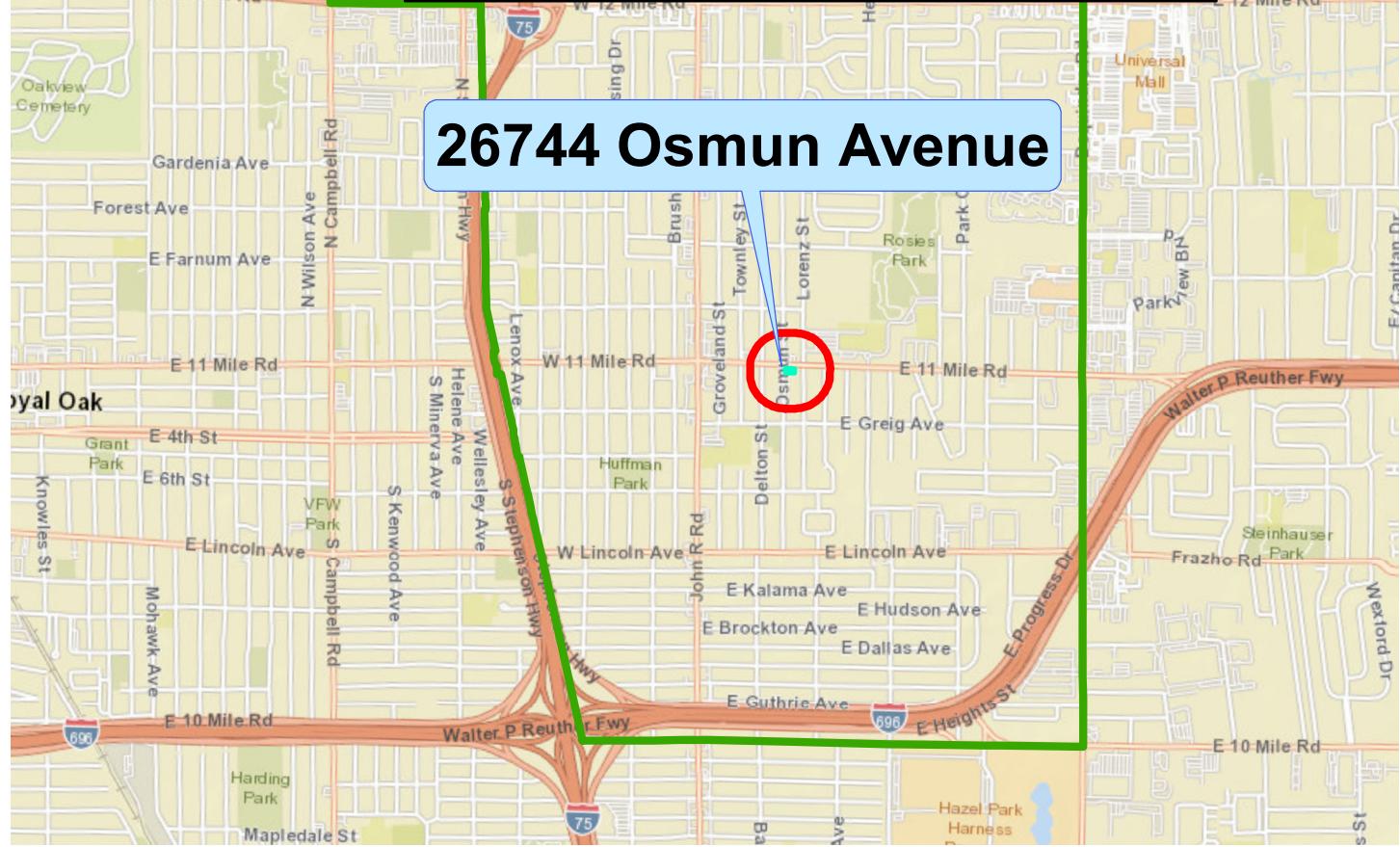
 26744 Osmun Avenue
 Buildings
 Parcels
 R-3 Residential
 Industrial
 Single Family
 Multiple Family
 Office
 Commercial
 Public and Schools
 Recreation
 Conservation
 Mixed Use Innovation

PRZN 21-002

500 ft. Buffer



26744 Osmun Avenue



Notice of Public Hearing

Rezoning Request No. PRZN 21-0002

Notice is hereby given that the Madison Heights Planning Commission will hold a public hearing on Tuesday, December 21st, 2021 at 5:30 p.m. in City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071.

Rezoning Request No. PRZN 21-0002 by Woodpile BBQ and Madison Heights BBQ Real Estate, LLC to rezone a parcel of land described as T1N, R11E, SEC 24, GROVELAND SUBDIVISION SOUTH 70 FEET OF THE NORTH 97 FEET OF LOT 253 from R-3, Residential, to B-3, General Business. The address of the request is 26744 Osmun St.

For further information, please contact the Community & Economic Development Department at (248) 583-0831.

CITY OF MADISON HEIGHTS



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

Application to Rezone Land

I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

1. Request is hereby made that the following property be rezoned from RESIDENTIAL to COMMERCIAL
2. The property address is 26744 OSMUN ST. and the parcel is located on the EAST side of OSMUN street between LORENZ ST and DELTON ST streets.
3. The legal description of said property is as follows: (attach separately if necessary)
ATTACHED
4. The sidwell number for the property is: 44-25-24-105-002
5. The owner of said property is:
Name: WOODPILE BBQ / MADISON HEIGHTS BBQ REAL ESTATE LLC
Street Address: 630 E. 11 MILE RD
City, State, Zip: MADISON HEIGHTS MI 48071
Phone: 248-761-6148 Email: IDZIKOWSKI.Tim@gmail.com LLC
6. The Applicant is:
Name: WOODPILE BBQ / MADISON HEIGHTS BBQ REAL ESTATE
Street Address: 630 E. 11 MILE RD
City, State, Zip: MADISON HEIGHTS MI 48071
Phone: 248-761-6148 Email: _____
7. The applicant is the:
 Owner Legal Representative Purchaser Other _____
8. Description of proposed use:
PARKING LOT
9. Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the \$1,500.00 application fee.

Signature of Owner: Timothy Dzikiowski

Signature of Applicant: Timothy Dzikiowski

Date: 11-15-2021

Brandon Hennish

Scott McDooley

Notary's Signature: Duanna K. Wilson

Notary's Print Name: Duanna K. Wilson

Notary Public, State of Michigan, County of: WAYNE

My Commission Expires on: June 25, 2026

Acting in the County of: WAYNE

ZACHARY IDZIKOWSKI

Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached.

DUANNA K. WILSON
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Jun 25, 2026
ACTING IN COUNTY OF

WARRANTY DEED

The Grantor(s), John Younan fka Khairi Alyunan, whose address is 26744 Osmun Street, Madison Heights, MI 48071-3762.

Conveys and warrants to, Madison Heights BBQ Real Estate, LLC, whose address is 26744 Osmun Street, Madison Heights, MI 48071-3762, the following described premises situated in the City of Madison Heights, Oakland County and State of Michigan:

Situated in the City of Madison Heights, County of Oakland, State of Michigan

The South 70 feet of the North 97 feet of Lot 253, Groveland Subdivision, according to the plat thereof as recorded in Liber 18 of Plats, Page 10, Oakland County Records.

More commonly known as: 26744 Osmun Street, Madison Heights, MI 48071-3762

Tax Parcel No.: 44-25-24-105-002

For the full consideration of One Hundred Seventy-Five Thousand And No/100 (\$175,000.00) subject to building and use restrictions, easements, and zoning ordinances of record, if any.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto.

SUBJECT to easements and restrictions of record, zoning laws and ordinances affecting the premises, and rights of the public and of any governmental entity in any part thereof taken, used or deeded for street, road, right of way, or highway purposes, and subject to taxes and future installments of special assessments payable hereafter.

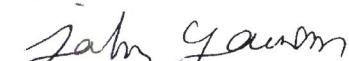
Dated this 6th day of August, 2021

State of Michigan

County of _____



Signed:



John Younan fka Khairi Alyunan

On this 6th day of August, 2021, before me personally appeared John Younan fka Khairi Alyunan to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

AMY WALLACE
Notary Public, State of Michigan
County of Oakland
My Commission Expires Oct. 04, 2024
Acting in the County of _____

Amy Wallace
Notary Public _____ County, Michigan
Acting in: _____
My Commission Expires: _____

Drafted by:

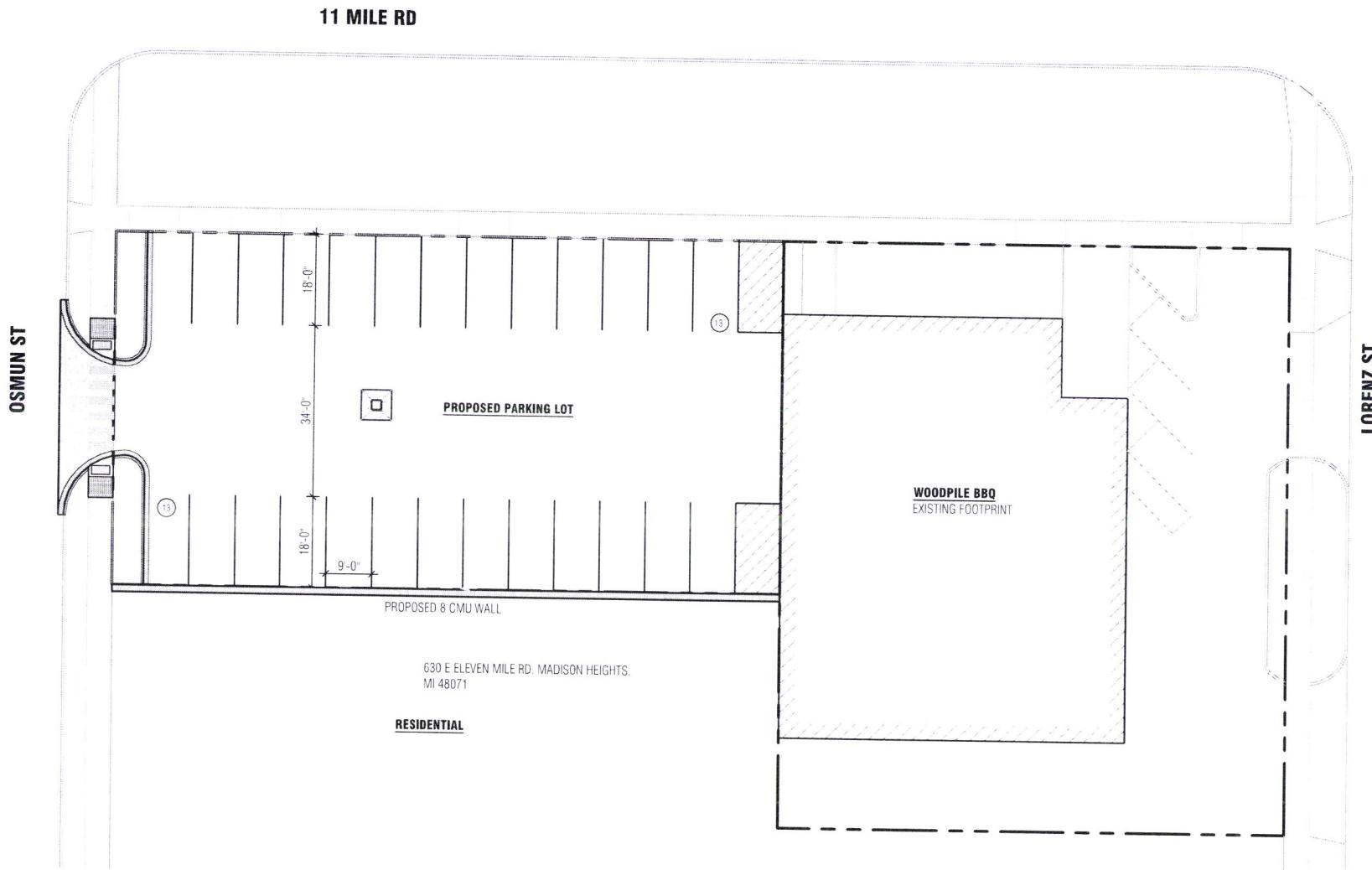
John Younan
26744 Osmun Street
Madison Heights, MI 48071-3762

When recorded return to:

Brandon Hannish
26744 Osmun Street
Madison Heights, MI 48071-3762

PROPOSED SITE PLAN

SCALE: 1/8" - 1'-0"



1



KA DESIGNS

royal oak, mi 48067
1-866-215-8770
royaldesigns@gmail.com

PROJECT NAME:
WOODPILE BBQ
630 E ELEVEN MILE RD
MADISON HEIGHTS, MI 48071

DATE	ISSUED FOR
DRAWING DATE	
8.6.21	
PROJECT NUMBER	
21034	
SHEET NUMBER	
C-1	



CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

December 21, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:33 p.m.

2. ROLL CALL

Present: Councilman Mark Bliss (arrived at 5:33 pm)
Chairperson Josh Champagne
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member James Smith

Absent: Member Cliff Oglesby, Member Grant Sylvester,

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

Motion by Commissioner Grafstein, supported by Commissioner Marsh to excuse Members Bliss (arrived at 5:33 pm), Oglesby, and Sylvester.

Motion carried unanimously.

3. APPROVAL OF AGENDA

Motion by Commissioner Smith, Supported by Commissioner Graettinger, to approve the agenda for tonight's meeting.

Motion carried unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of November 16, 2021.

Motion carries unanimously.

5. PUBLIC HEARING:

a. Rezoning (PRZN 21-01): 26783 Lenox Ave.

Planner Lonnerstater introduced the rezoning request from applicant Marusich Architecture. They have requested to rezone one parcel of land from R-3, Residential, to P-1, Vehicular Parking District. The property is located at 26783 Lenox Avenue, the west side of Lenox Avenue, south of 11 Mile Rd. south of Boodles Restaurant parking lot (11 Mile and Stephenson)

Per Planner Lonnerstater, the subject property is approximately 0.15 acres in area and is currently improved with a 967 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for a proposed commercial development. The applicant has provided conceptual plans for the proposed development, which include a restaurant and hotel. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

Per the Zoning Ordinance, the P-1 zoning designation is, “designed to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries.” The only permitted uses in the P-1 district are off-street parking areas and residential buildings; existing residential uses are permitted as a conforming use. The P-1 district includes minimum parking lot setback, design, and screening requirements, which will need to be satisfied as part of site plan review. The Planner also notes, this parcel is just outside of the DDA boundaries.

When making a recommendation to Council, Planner Lonnerstater suggests the Planning Commission note the following specific findings in their motion per the recommendation of Staff:

1. The applicant requests a rezoning from R-3, residential, to the P-1, Vehicular Parking district, to accommodate additional off-site parking for a proposed commercial development.
2. The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review. Additional action by City Council and the Zoning Board of Appeals may be required for the proposed uses and site design.
3. The proposed P-1 District is generally compatible with adjacent land uses in that it serves as a buffer between adjacent commercial and residential uses and contains minimum site design, setback and screening requirements. The subject site borders an existing P-1 district to the north.
4. The proposed P-1 District is partially compatible with the future land use designation in that the district continues to permit existing single-family residential uses by-right.
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including any special land use and variance requests and site plans.
6. While in support of the rezoning request, City staff encourages the applicant to explore innovative options to ultimately reduce the need to construct additional parking spaces, including, but not limited to, shared parking arrangements, off-site parking, and administrative parking space reductions.

Based on these findings, staff recommends that the Planning Commission recommend to City Council **approval** of the requested rezoning from R-3 to P-1.

Chair Champagne opened the public hearing at 5:38 p.m. to hear comments on PRZN #21-01.

The applicant, John Marusich of Marusich Architecture, introduced himself and invited any questions from the Planning Commission.

Commissioner Marsh asks for clarification on the intended plan for the adjoining parcel and the expected timeframe. In response, Mr. Marusich explains his client's intent to purchase Boodles and redevelop the property into either an office, a residential development, or a boutique hotel. As for the timeframe, they would envision construction could begin as early as July.

Commissioner Grafstein asks for clarification on the boutique hotel concept. Mr. Marusich explains it is a small scale hotel around 40 rooms. This would be in conjunction with the adjacent property (boodles) which would act as the check in center, if this is the route they decide to take.

Chair Champagne invites discussion from the Planning Commission.

Motion by Marsh, supported by Grafstein, to postpone action on PRZN 21-01 until the petitioner comes back to the Planning Commission with the adjoining parcels and their plans for those parcels or at Staff's discretion to put it back on the agenda.

Planner Lonnerstater clarifies that they will be required to come back to City Council for Special Approval depending on what the proposed use will be and at this time it is still under the development stages. If the developer decides to propose a Hotel, then yes they would have to submit an additional Special Land use application. Commissioner Marsh suggests concern about taking action if the applicant has not identified a plan for the development.

Commissioner Bliss asks when their intent is to decide on the type of development for this project. Mr. Marusich explains that he has met with City staff and has determined that requesting the rezoning for this parking was the proper first step for any development that would happen at this location. Therefore, no matter what development his client intends to proceed with, if they do not get the additional parking, a new development would not progress further.

Commissioner Grafstein expresses concern about taking action without knowing what the development plan for the property would be. Applicant Marusich expresses his desire to move forward only with a project that the Planning Commission would support.

In response to the Chair's question, Assistant City Attorney Burns notes that if the Commission and City Council move forward and approve the applicant's request, once the zoning takes place, no matter who owns the land they have the parking right as a matter of right.

Mr. Marusich requests a moment to confer with his client and expresses that his client has decided to proceed with a boutique hotel. In response, Planner Lonnerstater notes that a hotel involves a special land use request which has different criteria or analyses and we haven't done that analysis yet.

Substitute motion:

Motion by Bliss, supported by Conn to recommend to City Council approval of the requested rezoning from R-3 to P-1, based on the findings and recommendations presented by Staff

Roll Call Vote:

Yea:

**Bliss, Conn, Graettinger, Grafstein, Marsh, Smith
Champagne**

Nay:

Motion Carried.

b. Rezoning (PRZN 21-02): 26744 Osmun Street.

Planner Lonnerstater introduced the rezoning request from applicant, Woodpile BBQ, requests to rezone one (1) parcel of land at 26744 Osmun St. from R-3, Residential, to B-3, General Business district. The property is located at the southeast corner of E. 11 Mile Road and Osmun Street.

The subject property is approximately 0.20 acres in area and is currently improved with a 910 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for Woodpile BBQ, located immediately to the east of the subject site. The applicant has provided conceptual plans for the proposed parking lot. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

When making a recommendation to Council, Planner Lonnerstater suggests the Planning Commission note the following specific findings in their motion per the recommendation of Staff:

- 1) The applicant requests a rezoning from R-3, residential, to the B-3, General Commercial district, to accommodate additional off-site parking for an existing adjacent restaurant. The B-3 District permits a range of commercial and office uses.
- 2) The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review.
- 3) The proposed B-3 District is generally compatible and consistent with adjacent commercial land uses along E. 11 Mile Rd.
- 4) The proposed B-3 District is consistent with adjacent B-3 zoned properties along E. 11 Mile Rd.
- 5) The proposed B-3 District is compatible and consistent with the Commercial future land use designation for the site as envisioned by the 2021 Master Plan.
- 6) The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including site plan submittal.

Also to be noted, this property is within the DDA.

Chair Champagne opened the public hearing at 6:31 p.m. to hear comments on PRZN #21-02. Jennifer Rude, resident at 26718 Lorenz, speaks to the Commission. She is a resident directly across from Woodpile and strongly approves this request and expresses her desire for the Commission to approve this recommendation. Traffic on Lorenz is a "mess." She feels it will get worse once the pandemic is over.

Public comment was closed at 6:33 pm.

Chair Champagne invites the applicant Tim Idzikowski, owner of Woodpile, to address the Planning Commission. He expresses the desire for the additional parking for future growth. He has attempted a shared parking with the High School but unfortunately, clients will not utilize it for various reasons. Woodpile aggressively pursued this house to provide the additional parking and not cause issues within the neighborhood.

Planning Commission discussion continues. The applicant confirms the property is currently empty.

Motion by Conn, supported by Smith, to approve PR 21-02 and recommend to Council, based on the findings and recommendations presented by Staff.

Roll Call Vote:

Yea: Bliss, Conn, Graettinger, Grafstein, Marsh, Smith, Champagne

Nay: None.

Motion carries unanimously.

6. MATTERS FOR CONSIDERATION

a. Zoning Text Amendment (21-11) – Temporary Certificates of Occupancy

City staff proposes the attached text amendment to extend the length in which temporary certificates of occupancy can remain effective. The current Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year. Staff believes that this amendment will give property owners and tenants adequate time to properly meet all building and zoning code requirements and site plan conditions without risking TCO expiration.

Motion by Marsh, supported by Conn to set a public hearing date for the January 18th, 2022 regular Planning Meeting.

Roll Call Vote:

Yea: Bliss, Conn, Graettinger, Grafstein, Marsh, Smith, Champagne

Nay: None.

Motion carries unanimously.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. MEMBER UPDATES

No member updates.

9. PLANNER UPDATES

Planner Lonnerstater wishes everyone a Happy Holiday and Happy New Year.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:47 p.m.

CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM

SUBMITTED TO: _____

SUBMITTED BY: _____ DATE: _____

FOR CONSIDERATION AT THE COUNCIL MEETING OF: _____

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____	UNFINISHED BUSINESS	_____

DESCRIPTION OF ITEM

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

FINANCIAL IMPACT

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 nd Acct.	_____		_____
Other Comments	_____		_____

REVIEW CHECKLIST

DEPARTMENT _____ DATE _____

DEPARTMENT _____ DATE _____

CITY MANAGER _____ DATE _____

Cheryl Rottmann

From: Roslyn Yerman
Sent: Friday, January 28, 2022 8:16 PM
To: Cheryl Rottmann
Cc: Melissa Marsh
Subject: Library Advisory Board Meetingb - Nancy Minckler

Cheryl,

I communicated further with Ms. Minckler. Would an approved delayed participation allow her to continue? Certainly, it could impact quorum, and board input will be solicited on the civic center complex project, which will have an impact as well.

I'm checking with you before this email is formally received as Nancy Minckler's resignation from the Library Advisory Board.

Thank you,
Roslyn

Roslyn F. Yerman
Library Director
City of Madison Heights
240 W. 13 Mile Road
Madison Heights, MI 48071
roslyn.yerman@madison-heights.org
248.837.2852

From: Nancy Minckler [<mailto:nancyminckler@gmail.com>]
Sent: Friday, January 28, 2022 7:38 PM
To: Roslyn Yerman
Subject: Re: Library Advisory Board Meeting - January 19, 2022

Dear Roslyn,
I sincerely believe that libraries are the repository of civilization and was therefore very excited to join the advisory board. Unfortunately, it turns out that my health challenges are going to make it impossible for me to participate in a responsible fashion for at least six months. I am sorry to say that I believe I should resign from the board.

Warmly,
Nancy Minckler

Cheryl Rottmann

From: jim smith <szumigala13@yahoo.com>
Sent: Sunday, January 30, 2022 9:04 PM
To: Cheryl Rottmann
Subject: Planning Commission Resignation

It is with great regrets that I have to give my position as commissioner on the Planning Commision

It is of course due circumstances beyond my control.

Thanks for allowing me to serve e this great city.

Sincerely,

James Smith

CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM

SUBMITTED TO: _____

SUBMITTED BY: _____ DATE: _____

FOR CONSIDERATION AT THE COUNCIL MEETING OF: _____

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____	OLD BUSINESS	_____

DESCRIPTION OF ITEM

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

FINANCIAL IMPACT

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 nd Acct.	_____		
Other Comments	_____		

REVIEW CHECKLIST

DEPARTMENT _____ DATE _____

DEPARTMENT _____ DATE _____

CITY MANAGER _____ DATE _____

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to add to Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 26, Article 1, Division 1, Section 26-8, of the Code of Ordinances, City of Madison Heights, Michigan, by prohibiting Distracted Driving.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 26, Article 1, Division 1, Section 26-8, of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety to read as follows:

Section 26-8 – Distracted Driving

(a) “Distracted Driving” means the following:

(1) The physical manipulation of any wireless electronic entertainment or two-way communication device, including but not limited to cell phones, mobile computers such as tablets or laptops, walkie-talkies, or computer-aided dispatch systems, by dialing numbers, scrolling, typing, or entering letters, numbers, symbols, and/or text, or any combination thereof; or by playing games and utilizing applications; or by sending, receiving, and reading of any non-voice data in a device while the motor vehicle is in operation on any highway or street or place open to the general public within the City of Madison Heights. As used in this subsection, a wireless two-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle or the use of a hands-free device.

(2) The physical manipulation or handling of any wireless electronic entertainment or two-way communication device for the purpose of speaking into, listening to voice data, or reading, while the motor vehicle is in operation on any highway or street or place open to the general public within the City of Madison Heights; or

(3) Any action by the driver of a motor vehicle that diverts his or her attention from operating motor vehicle while that vehicle is on any highway, street or place open to the public within the City of Madison Heights, with such action including but not limited to: eating, reading, writing, performing personal hygiene/grooming, physical interaction with pets, passengers or unsecured cargo.

(4) A person violating Section subjection (a) shall be deemed responsible or a civil infraction and a fine of one hundred dollars.

(b) Subsection (a) shall not apply to a person using any wireless electronic entertainment or two-way communication device, while performing one or more of the following acts:

- (1) Reporting a traffic accident, medical emergency, serious road hazard, road rage incident, or the presence of a suspected drunk driver on the road.
- (2) Reporting an occurrence or situation in which the person believes his or her personal safety is in jeopardy.
- (3) Reporting or averting the perpetration or potential perpetration of a criminal act against the individual or another person.
- (4) Carry out official duties as a police officer, law enforcement official, member of a fire department, or operator of an emergency vehicle.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time of this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. Effective Date.

This ordinance as ordered shall take effect Ten (10) days after its adoption ad upon publication.

SECTION 6. Inspection.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM

SUBMITTED TO: _____

SUBMITTED BY: _____ DATE: _____

FOR CONSIDERATION AT THE COUNCIL MEETING OF: _____

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____	UNFINISHED BUSINESS	_____

DESCRIPTION OF ITEM

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

FINANCIAL IMPACT

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 nd Acct.	_____		_____
Other Comments	_____		_____

REVIEW CHECKLIST

DEPARTMENT _____ DATE _____

DEPARTMENT _____ DATE _____

CITY MANAGER _____ DATE _____



MEMORANDUM

Date: February 4th, 2022
To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Subject: Zoning Text Amendment (21-11) – Temporary Certificates of Occupancy

Introduction

City staff proposes the attached text amendment to extend the length in which temporary certificates of occupancy can remain effective. The current Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year.

Background

Prior to formally occupying a building or site, tenants within the City of Madison Heights must first obtain a certificate of occupancy (CO). The Community and Economic Development (CED) Department issues a CO when a building and/or site has been constructed to completion in compliance with building and zoning codes and related site plans.

In certain cases, a tenant may wish to occupy a building or site before all necessary work has been completed. In these situations, Madison Heights may issue a temporary certificate of occupancy (TCO) to allow a tenant to occupy a portion of the building/site while the outstanding work is completed. For example, the CED Department may issue a TCO for a restaurant and allow them to open for business prior to the installation of a dumpster enclosure or landscape island if the Department finds that no substantial hazard will result. Thus, the restaurant is afforded additional time to satisfy all remaining building/zoning issues and ultimately apply for a permanent CO.

Section 10.703 of the Zoning Ordinance – *Certificate of Occupancy* – currently allows the CED Department to issue TCOs up to a maximum of 180 days (6 months). Due to current market and labor conditions, however, staff has found that many property owners and tenants are unable to complete all required building and site work within the six month TCO allowance; this, in turn, has resulted in prematurely-issued permanent COs and several incomplete projects.

To remedy this situation, staff recommends increasing the maximum length of a temporary certificate of occupancy from six (6) months to one (1) year. Staff believes that this amendment will give property owners and tenants adequate time to properly meet all building and zoning code requirements and site plan conditions without risking TCO expiration.

The Planning Commission held a public hearing on January 18th, 2022 and subsequently recommended approval of the proposed text amendment, as presented.

Next Step

Staff recommends that City Council approve the first reading and schedule the second and final reading for the next regular City Council meeting.

**Ordinance No. 2177
City of Madison Heights
Oakland County, Michigan
Zoning Text Amendment 21-11**

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.703 – Certificate of Occupancy – to extend the length in which the Community and Economic Development Department may issue a temporary certificate of occupancy.

The City of Madison Heights ordains:

Section 1. *Section 10.703 – Certificate of Occupancy* - is hereby amended to read as follows:

[...]

(5) *Temporary certificates.* Nothing in this Ordinance shall prevent the city from issuing a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of ~~90-days~~ six (6) months and may not be renewed more than once for a total of ~~180-days~~ one (1) year provided that such portion of the building, structure or premises is in conformity with the provisions of all applicable ordinances. The applicant for a temporary certificate of occupancy shall, prior to the issuance of said temporary certificate, deposit with the City of Madison Heights the required fees and performance guarantees established by resolution of city council.

Section 2. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

Section 6. Enactment

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 p.m. and 4:30 p.m. on regular business days.

Roslyn Grafstein, Mayor

Cheryl Rottmann, City Clerk

CERTIFICATION:

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on _____, 2022.

Cheryl Rottmann, City Clerk

ZOTXT 21-11 (Ordinance 2177)

Planning Commission Introduction and Discussion: December 21st, 2021

Planning Commission Public Hearing: January 18th, 2022

City Council First Reading: February 14th, 2022

City Council Second Reading: TBD

Adopted: TBD

Published: TBD

Effective: TBD

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City of Madison Heights
Oakland County, Michigan
Zoning Text Amendment 21-11**

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(5) *Temporary certificates.* Nothing in this Ordinance shall prevent the city from issuing a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months and may not be renewed more than once for a total of one (1) year provided that such portion of the building, structure or premises is in conformity with the provisions of all applicable ordinances. The applicant for a temporary certificate of occupancy shall, prior to the issuance of said temporary certificate, deposit with the City of Madison Heights the required fees and performance guarantees established by resolution of city council.

Section 2. *Repealer*

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. *Severability*

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. *Savings*

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

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Roslyn Grafstein, Mayor

Cheryl Rottmann, City Clerk

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Planning Commission Introduction and Discussion: December 21st, 2021

Planning Commission Public Hearing: January 18th, 2022

City Council First Reading: February 14th, 2022

City Council Second Reading: TBD

Adopted: TBD

Published: TBD

Effective: TBD

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CITY OF MADISON HEIGHTS

PLANNING COMMISSION MEETING MINUTES

January 18, 2022
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:32 p.m.

2. ROLL CALL

Present: Chair Josh Champagne
Member Bruce Conn
Member Eric Graettinger
Mayor Roslyn Grafstein
City Manager Melissa Marsh
Member James Smith
Member Grant Sylvester (arrived late at 5:41 pm)

Absent: Member Cliff Oglesby, Member Bliss

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

Motion by Commissioner Grafstein, supported by Commissioner Graettinger to excuse Members Bliss, Oglesby, and Sylvester (arrived at 5:41 pm).

Motion carried unanimously.

3. APPROVAL OF AGENDA

Motion by Commissioner Marsh, Supported by Commissioner Conn, to approve the agenda for tonight's meeting.

Motion carried unanimously.

4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Smith, to approve the minutes of the regular Planning Commission meeting of December 21, 2021.

Motion carries unanimously.

5. PUBLIC HEARING:

a. Zoning Text Amendment ZTA 21-11: Temporary Certificates of Occupancy

Planner Lonnerstater introduced the Zoning Text Amendment ZTA 21-11 to propose an extension on the length in which temporary certificates of occupancy can remain effective. The current Section 10.703 of the Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year.

Due to current market and labor conditions, Staff has found that many property owners and tenants are unable to complete all required building and site work within the six month TCO allowance; this, in turn, has resulted in prematurely-issued permanent COs and several incomplete projects.

To remedy this situation, Staff recommends increasing the maximum length of a temporary certificate of occupancy from six (6) months to one (1) year. Staff believes that this amendment will give property owners and tenants adequate time to properly meet all building and zoning code requirements and site plan conditions without risking TCO expiration.

Chair Champagne opened the public hearing at 5:37 p.m. to hear comments on ZTA 21-11. Seeing there were no comments, public comment portion was closed at 5:38 p.m.

Motion by Marsh, supported by Conn to recommend approval of text amendment ZTA 21-11 to City Council.

Motion Carried.

6. MATTERS FOR CONSIDERATION

a. Request for Proposals (RFP) for Zoning Ordinance Rewrite

City staff has issued a Request for Proposals (RFP) to hire a qualified planning consulting firm to assist with a comprehensive rewrite of the Madison Heights Zoning Ordinance. Staff is seeking to develop a new, user-friendly Zoning Ordinance that is consistent with the Madison Heights 2021 Master Plan. The new Zoning Ordinance will also help Madison Heights obtain certification through the Michigan Economic Development Corporation's (MEDC) 'Redevelopment Ready Communities' (RRC) program.

Staff believes that a zoning ordinance overhaul is warranted in order to accomplish the following objectives:

- Implement the goals and objectives of the 2021 Master Plan.
- Incorporate user-friendly formatting techniques such as hyperlinking, text, tables and illustrations.
- Include new zoning districts/overlay districts with form-based elements, where necessary, to align with the 2021 Master Plan's 'City Center' and 'Mixed-Use Innovation' designations.
- Promote 'people-oriented' site and building design.
- Identify opportunities for process simplification and flexibility.
- Incorporate modern standards for adaptive reuse and infill development.

As part of the zoning ordinance rewriting process, the work program will include an assessment of the current zoning ordinance, public outreach, consistent updates at Planning Commission and City Council, and the submittal of final documents including a new Zoning Ordinance and, potentially, a new Zoning Map.

Chair Champagne inquired if this will be a complete rewrite of the Zoning ordinance. Planner Lonnerstater explains that rather than piecemeal it, it will be a complete rewrite because often amending one part of the ordinance affects other parts of the ordinance. So it makes sense to amendment it in its entirety so that all components make sense.

The RFP submittal deadline is January 28th, 2022. Per Planner Lonnerstater, volunteers are being sought to serve on a selection committee to help guide this project and one of the volunteers should be from the Planning Commission. The selection committee will be chosen and at their first meeting, they will select their top choice firms to interview. At their second meeting, they will conduct the interviews with those firms selected.

Motion by Grafstein, seconded by Sylvester, to appoint Eric Graettinger to be a representative on the selection committee and Josh Champagne as the alternate.

Motion carries unanimously.

7. PUBLIC COMMENT - For items not listed on the agenda

No public comment.

8. ANNUAL REPORT TO CITY COUNCIL

The Planning Commission is required to send to Council an annual report each year. Planner Lonnerstater reviews the 2021 annual report with the Commission and highlights the 2021 Master Plan, all of the Zoning Text amendments that came before the Commission and were recommended for approval to City Council, all approved rezonings, and a site plan that was approved.

Motion by Sylvester, seconded by Graettinger to send the 2021 Planning Commission Annual Report to City Council as written.

Motion carries unanimously.

9. ELECTION OF PLANNING COMMISSION OFFICERS

a. Chair

Motion by Grafstein, supported by Graettinger to appoint Josh Champagne as Chairperson.
Motion carries unanimously.

b. Vice Chair

Motion by Grafstein, supported by Marsh to appoint Bruce Conn as Vice Chair.
Motion carries unanimously.

c. Secretary

**Motion by Marsh, supported by Grafstein to appoint Grant Sylvester as Secretary.
Motion carries unanimously.**

10. MEMBER UPDATES

No member updates.

11. PLANNER UPDATES

Planner Lonnerstater congratulated the new Planning Commission officers on their appointments and shared his excitement for the upcoming year.

12. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 5:56 p.m.

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 24, 2022

A Regular Meeting of the Madison Heights City Council was held on Monday, January 24, 2022 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Grafstein and Councilmembers: Bliss, Fleming, Rohrbach, Soltis and Wright.

Absent: Mayor Pro Tem Corbett.

Others Present: City Manager Marsh, City Attorney Sherman and City Clerk Rottmann.

Councilman Soltis gave the invocation and the Pledge of Allegiance to the Flag followed.

CM-22-23. Excuse Councilmember.

Motion by Councilman Bliss, seconded by Councilor Rohrbach, to excuse Mayor Pro Tem Corbett from tonight's meeting.

Yea: Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

CM-22-24. Addition to Agenda.

Motion by Councilor Wright, seconded by Councilor Rohrbach, to add P-3, Black History Month 2022 Proclamation, to the agenda.

Yea: Fleming, Rohrbach, Soltis, Wright, Bliss, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

CM-22-25. Addition to the Agenda.

Motion by Councilman Fleming, seconded by Councilor Rohrbach, to add Item P-4, Holocaust Remembrance Day Proclamation, to the agenda.

Yea: Rohrbach, Soltis, Wright, Bliss, Fleming, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

CM-22-26. Addition to the Agenda.

Motion by Councilor Rohrbach, seconded by Councilor Wright, to add Item P-5, Presentation by State Representative Jim Ellison, to the agenda.

Yea: Soltis, Wright, Bliss, Fleming, Rohrbach, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

CM-22-27. Proclamation Celebrating Asian Lunar New Year – February 1, 2022.

City Manager Marsh read the Proclamation Celebrating Asian Lunar New Year February 21, 2022 and on behalf of City Council Mayor Grafstein recognized February 1, 2022 as the Lunar New Year and wished everyone a Happy New Year.

CM-22-28. 2021 Holiday Lighting Awards.

On behalf of the Active Adult Advisory Board, Department of Public Services Director Almas announced the 2021 Holiday Lighting Award winners, as follows:

Mr. and Mrs. James and Jennifer Smith, and Ms. Patricia Malak
27738 Park Court

Mr. and Mrs. Joe and Laura Young
28284 Edward

He then shared a PowerPoint presentation of the winner's and nominees outstanding displays. He also noted that in July, there will be a Summer Beautification contest for residents to participate in.

CM-22-29. Black History Month 2022 Proclamation.

City Manager Marsh read the Black History Month 2022 Proclamation and on behalf of City Council Mayor Grafstein proclaimed February as Black History Month in Madison Heights and ask all community members, public officials, librarians, and educators to join us in commemorating the countless contributions of Black people to our region, nation and the world.

CM-22-30. International Holocaust Remembrance Day Proclamation.

City Manager Marsh read the International Holocaust Remembrance Day Proclamation and on behalf of City Council Mayor Grafstein proclaimed January 27, 2022 as International Holocaust Remembrance Day in Madison Heights.

CM-22-31. Presentation by State Representative Jim Ellison.

State Representative Ellison provided updates on the status of COVID and COVID relief efforts in the State of Michigan, the State of the State Address, American Rescue Act funding, equity, inclusion and transparency efforts at the State level, appropriations for police and law enforcement personnel, and the efforts to mitigate red flag laws. He stated that it has been a pleasure serving the citizens of the City of Madison Heights.

CM-22-32. Special Approval 21-07, 32601 Industrial Drive, Motor Vehicle Repair and Maintenance Service Facility in M-1, Light Industrial District.

City Manager Marsh reviewed proposed Special Approval 21-07.

A public hearing was held at 7:59 p.m. to hear comments pertaining to Special Approval 21-07 – 32601 Industrial Drive, request to permit motor vehicle repair and maintenance service facility in a M-1, Light Industrial District.

There being no one wishing to comment the public hearing was closed at 8:00 p.m.

Motion by Councilor Rohrbach, seconded by Councilor Wright:

WHEREAS, a Special Approval Board application has been received from 32601 Industrial Drive, Motor Vehicle Repair and Maintenance Service Facility in M-1, Light Industrial District;

WHEREAS, a public hearing was published in the Royal Oak Tribune on January 5, 2022 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department stating:

LOCATION: 32601 Industrial Drive

REQUEST:

Special approval request to permit for a motor vehicle repair and maintenance service facility at **32601 Industrial Drive** (PIN 44-25-01-202-022), zoned **M-1**,

Light Industrial. The subject property is located on the west side of Industrial Drive, south of E. 14 Mile Road.

BACKGROUND AND ANALYSIS:

The subject property is approximately 2.47 acres in area and is improved with a 26,790 square-foot, one-story industrial building. Rivian Automotive, an electric vehicle automaker, intends to utilize the existing building for vehicle service and repair. Per the applicant, vehicle service at this location will include, but is not limited to, tire changing, wheel alignment, hardware replacement, windshield wiper fluid replacement, and software updates. Pre-delivery inspections will also be performed on site. The anticipated initial hours of operation are Monday thru Friday, 8 am to 5 pm., with the potential for increased service hours in the future.

In addition to interior building modifications, the applicant proposes improvements to the site including a rear parking lot expansion, underground stormwater detention, sidewalk connection, interior parking lot and site landscaping, and additional minor improvements to meet zoning requirements. Electric vehicle charging stations are proposed within the parking area. Administrative site plan approval will be required in addition to special use approval.

Per Section 10.329, motor vehicle repair facilities and/or motor vehicle maintenance service facilities are permitted within the M-1 district upon special use approval. Requests for special approval are subject to the following criteria, as outlined in Section **10.201(4)**:

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.*

Additional criteria for reviewing special approval uses are contained at the end of this report.

Existing Zoning and Land Use

Existing adjacent land uses and zoning designations are denoted in the table below:

	Existing Land Use	Existing Zoning
Site	Industrial	M-1, Light Industrial
North	Industrial	M-1, Light Industrial
South	Industrial	M-1, Light Industrial
East (across Industrial Drive)	Industrial	M-1, Light Industrial
West	Industrial	M-1, Light Industrial

The subject site is surrounded by property zoned for, and improved with, light industrial, manufacturing, and warehousing facilities. Per the Zoning Ordinance, the M-1 Light Industrial District is designed to, *“primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affects in a detrimental way any of the surrounding districts.”*

Future Land Use and Master Plan

Adjacent future land use designations as contained within the 2021 Madison Heights Master Plan are denoted in the table below:

	Future Land Use
Site	Industrial
North	Industrial
South	Industrial
East (across Industrial Drive)	Industrial
West	Industrial

The future land use designation of the subject site is ‘Industrial.’ Per the Master Plan, the Industrial designation is intended to accommodate, *“manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities.”*

SITE PLAN REVIEW COMMITTEE RECOMMENDATION:

1. The applicant requests special use approval for a motor vehicle repair and maintenance service facility at 32601 Industrial Drive, zoned M-1, Light Industrial. The M-1 District permits a range of manufacturing, warehouse, distribution, and office uses. The proposed use is compatible with existing uses along this portion of Industrial Drive and compatible with uses permitted within the M-1 zoning district.

2. The proposed use is consistent and compatible with the description and intent of the '*Industrial*' future land use designation, as contained within the 2021 Master Plan.
3. The proposed use generally satisfies the special approval review standards and criteria listed in Section 10.201(4).
4. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their January 12th, 2022 meeting and did not cite concerns regarding the proposed special use. Separate SPRC approval will be required for the proposed site plan.

Based on these findings, staff recommends that the City Council approve the requested special use with the following conditions:

1. All repair work of any nature shall be done within an enclosed building.
2. Vehicles that are waiting to be repaired or serviced shall not be parked outside on the premises for a period longer than 72 hours.
3. Expansion of the existing building for purposes related to the approved special use shall require new special use approval through City Council.
4. The proposed use shall comply with the performance standards as set forth in Section 10.509 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approvals Board in accordance with Section 10.201 of the Code of Ordinances, hereby APPROVES Special Approval 21-07 at 32601 Industrial Drive, for motor vehicle repair and maintenance service facility in M-1, Light Industrial District; with the following conditions:

1. All repair work of any nature shall be done within an enclosed building.
2. Vehicles that are waiting to be repaired or serviced shall not be parked outside on the premises for a period longer than 72 hours.
3. Expansion of the existing building for purposes related to the approved special use shall require new special use approval through City Council.
4. The proposed use shall comply with the performance standards as set forth in Section 10.509 of the Zoning Ordinance

Yea: Wright, Bliss, Fleming, Rohrbach, Soltis, Grafstein
Nay: None
Absent: Corbett

Motion Carried.

CM-22-33. Meeting Open to the Public.

There were no members of the public wishing to speak.

CM-22-34. Dan Lee and Ashton Southard- Resignations from Boards and Commissions.

Motion by Councilman Bliss, seconded by Councilor Rohrbach, to accept the resignation from Dan Lee from the Environmental Citizens Committee and the resignation of Ashton Southard from the Library Advisory Board, declare the seats vacant, and send Certificates of Appreciation for their service.

Yea: Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

CM-22-35. Red Oaks Youth Soccer Complex Use Agreement with Madison Heights Youth Soccer Association.

Motion by Councilman Bliss, seconded by Councilman Fleming, to approve a new three-year extension of the Red Oaks Youth Soccer Complex Use Agreement agreement between the City of Madison Heights and the Madison Heights Youth Soccer Association with a term ending December 31, 2024 and authorize the Mayor and City Clerk to sign on behalf of the City.

Yea: Fleming, Rohrbach, Soltis, Wright, Bliss, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

CM-22-36. Minutes.

Motion by Councilor Rohrbach, seconded by Councilor Wright, to approve the Regular City Council meeting minutes of 01-10-22, as printed.

Yea: Rohrbach, Soltis, Wright, Bliss, Fleming, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

CM-21-37. Mayor and Council - Comments.

Councilman Bliss had no comments this evening.

Councilor Wright stated that he requested the addition of the Black History Month Proclamation to tonight's agenda so that City can proactively recognize the contributions of African Americans to the community.

City Attorney Sherman stated that the Rivian Motors Special Approval tonight is forward thinking and gave kudos to City Council for their approval.

City Manager Marsh stated that the next batch of appointments to boards and commissions is the last meeting in February; please get your application in if you are willing to serve.

Councilor Rohrbach thanked Representative Ellison for his service on behalf of the community and thanked Councilor Wright for bringing Black History Month Proclamation to Council this evening. She stated that last Saturday, the HREC had a strategic planning meeting which was very productive. She stated that she is looking forward to the product that will be coming forward from this board. She thanked Dan Lee for exceptional service on the Environmental Citizens Committee.

Councilman Fleming stated that as part of Black History Month, the Library will have a Juneteenth display throughout the month. He noted that on the City's webpage, under the Police Department, there is a transparency dashboard for crime statistics that the public can access.

Councilman Soltis stated that he is glad Council did the proclamations this evening. He noted that both the Holocaust Museum and the Charles H. Wright museums are fantastic. He commented that he wanted to see Stafford go to the Super Bowl, he believes he deserves it. Please be safe driving tonight.

Mayor Grafstein thanked Councilman Fleming for giving us news on events for Black History Month. She noted that her great uncle and family were murdered at Auschwitz. Martin Luther King and Anne Frank would have been younger than Betty White if they were alive today, this history is not that far removed from the present. In 2021, there were big increases in anti-Semitic crime – the highest rates in the last decade. Although we do not have a high Jewish population in Madison Heights, we still need to be cognizant. She stated that she is looking forward to the HREC's work in the future. The next meeting is February 14, 2022.

CM-22-38. Adjournment.

There being no further business, the meeting was adjourned at 8:18 p.m.

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk