

City Council Regular Meeting
Madison Heights, Michigan
August 28, 2023

A City Council Regular Meeting was held on Monday, August 28, 2023 at 7:30 PM at City Hall
- Council Chambers, 300 W. 13 Mile Rd.

PRESENT

Mayor Roslyn Grafstein
Councilwoman Toya Aaron
Mayor Pro Tem Mark Bliss
Councilman Sean Fleming
Councilor Emily Rohrbach
Councilor Quinn Wright

ABSENT

Councilman David Soltis

OTHERS PRESENT

City Manager Melissa Marsh
City Attorney Larry Sherman
City Clerk Cheryl Rottmann

CM-23-209. Excuse Councilmember.

Motion to excuse Councilman Soltis from today's meeting.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Absent: Councilman Soltis

Motion carried.

Councilor Wright gave the invocation and the Pledge of Allegiance followed.

Proclamation - Patriot's Day and National Day of Service and Remembrance.

City Manager Marsh stated that Council is proclaiming September 11, 2023, and each September 11 thereafter, as Patriot Day and National Day of Service and Remembrance, and calls upon all departments, schools, and businesses in the City to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives on September 11, 2001.

CM-23-210. Special Approval PSP 23-04 - Tommy's Car Wash [Active Adult Center] - 29448 John R Road.

Mayor Grafstein opened the public hearing at 7:37 p.m.

Loren Clift, resident, is opposed to turning the area into a car wash.

William Gershenson, developer, stated that his experience with Madison Heights has been fruitful; he developed Kmart, BJ's Wholesale and the rest of the shopping center and is continuing to develop the shopping experience in the City. His headquarters are in Madison Heights, and the opportunity to do another project is a privilege. This project is complicated; the site sits next to the SOCCRA station and makes development of the property difficult. The soils are contaminated, and this also poses challenges because residential and multi-family developments are not an opportunity at this location. It is currently zoned light industrial. The rear access to adjacent community will be maintained and will remain. He understands that variances are necessary to obtain for continuation of the project, and in terms of trees, we will be replanting trees that they are taking down. He noted that any development would require removal of trees. He stated that he understands the uncomfortableness with the proposed use, but the proposal is a best-in class car wash facility. He stated that it is not uncommon to have several car washes in a community. They are trying to do the best development they can on this property and one fitting into the community. If you have suggestions on how to make the plans better, they are open minded to suggestions.

Steve Gunn, owner of Wash Pointe car wash, asked if a planned unit development was sought after at any point? He noted that the ten-year master plan has this area as a recreational area and the current M-1 zoning doesn't fit a B-3 zoning criteria. He asked if any traffic studies from MDOT have been done at this site. He noted that Tommy's car wash processes up to 2000 cars a day, in addition to the proposed drive-thru restaurant that may increase the number of vehicles by another 500 per day. He stated that there is also a bus stop in front of proposed development. He referenced a memo dated August 16th with 7 items to be considered including being zoned light industrial, which is meant to be for other uses with low traffic patterns, possible remediation, and other options including green space and/or recreational use. He stated that the Master Plan deems this area as a park and asked why we need an additional car wash. He concluded by noting there also are other proposed sites for car washes nearby in Troy and Warren. This area is saturated with car washes and asked Council to consider these points.

Martha Covert, resident, asked about the memorial trees that are going to be removed. She asked if families have a say of where their memorial is going to go.

Jessica Tutt, resident, stated that she is a Madison Heights Veteran's Service Officer, and she was hoping to turn the former Active Adult Center into a location where our kids and veterans can go. If we are doing something for community, we can clean it up.

Steve Gunn, Wash Pointe car wash, noted when they located in the City in 2004, there used to be a car wash where the Texas Roadhouse is. Their establishment filled the void and didn't saturate the market; this proposal doesn't work well for anyone. How many car washes do we really need.

Resident 1 (no name given) stated that when you google car washes in the area, we are over saturated. None of them are over utilized. This could be a park, rezoned for small walkable

coffee shop while incorporating wildlife, or many other options that could bring the community together. We are living in an era that people are torn apart, and we could have a use that could bring people together. A car wash that produces a lot of rainwater runoff and emissions would be wasteful and have negative impact on the environment. Consider what kind of place we want to live in the future; something that we can all benefit from. One of the goals of this Council is more beautification, and this would undo a lot of that progress.

Donna Dalling, resident, stated that she has volunteered at AAC for over 30 years, and while she is not against improvements, we need another car wash like we need a hole in our head. She added the trees that are dedicated mean a lot to the people who put them there.

Rachel Isbell, resident, stated that she thinks the City is falling apart, but to take out the trees for a car wash? we do not need another car wash. Why do we need more car washes in our climate?

Brian Wacoal, resident, stated that there are 48 memorialized trees and 28 of them will be in the redevelopment area. The plaque isn't the memorial, the memorial is the tree. He asked if there are any remains on the memorial sites. He read two of the memorial plaques from the site. He concurred with other comments, and stated that some of the trees date back to the 70's. He asked if the donators were given any sort of contracts or are they notified of their rights?

Resident 2 (no name given) agrees with other comments. There should be another use such as for the veterans and or developed for something else. This proposal is not increasing living space, not increasing the number of homes, just increasing traffic.

Seeing no one further wishing to speak, Mayor Grafstein closed the public hearing at 8:06 p.m.

In response to Mayor Pro Tem Bliss, City Manager Marsh stated that the City is aware of the memorial tree issue at the Active Adult Center, Library and City Hall due to the Civic Center construction project. The City is having a memorial garden designed next to the Library, along with a memorial patio, which will be a peaceful place to reflect. Unfortunately, there are not spots for another 50 trees at the Civic Center complex. She added that the memorial garden monuments are currently being custom built. Mayor Pro Tem Bliss stated that the trees are significant to him as well, and he sympathizes with the audience comments, as he has a memorial tree as well.

City Manager Marsh noted that ashes are not permitted to be buried by the tree; but when a memorial tree is purchased, the legal agreement is that the City can replace tree or remove it should it become necessary. The original point of the memorial tree project was to have more trees in the City and residents could sponsor trees. City Manager Marsh continued that while construction would result in the removal of some trees, the City does have development standards and the developer will have to replace trees; albeit they will not be memorial trees.

Councilor Rohrbach noted that the City has done a ton of planting to populate the tree canopy, and she understands the emotional aspect of the removal. City Council is aggressively working on trees and sustainability in the City, and it would be a real shame to cut them down, but this is not the only factor we have to consider.

Mayor Grafstein commented that if the senior center wasn't falling apart this wouldn't be an issue. If someone wanted to redevelop the Active Adult Center site for another use, most

likely some trees would have to be removed. She continued that when the City initially started our discussion on redevelopment, it was her thought to put some lofts, condos, and coffee shops; however, we can't make a developer come and put in what we want. Mayor Grafstein stated that the development discussion has been ongoing for a year.

In response to Mayor Pro Tem Bliss, City Manager Marsh gave an overview of the history and process of why the Active Adult Center was sold. City Manager Marsh noted that in 2018, City Council had its first strategic planning session and she asked to do a feasibility study of Active Adult Center, Library and City Hall and compare the cost to building new versus renovating. The cost to fix the existing facilities came back at \$15 million dollars; the Active Adult Center has severe building issues, including the foundation is sinking. The cost to build a new Active Adult Center and renovate City Hall and the Library was estimated to be \$11 million. The cost increased to \$14.2 million due to inflation and the addition of renovating Fire Station 2 being added to the project. The Active Adult Center property sold for \$1.8 million and helped fund part of the Civic Center project. City Manager Marsh further explained how the City utilized phase funding for the project and where the money was obtained from, including several grants. She stated that the Grand Opening is scheduled for October 18th, and the project is under budget and on time. Without the sale of this property, we would have to come up with \$1.8 million dollars to replace funding that part of the project.

Motion to approve Special Approval PSP 23-04 for Tommy's Car Wash (Active Adult Center) located at 29448 John R Road the proposed use as follows:

1. The applicant requests special use approval for an auto wash use at 29448 John R Road under Section 10.329(4), "Other uses of a similar and no more objectionable character[...]."
2. The subject site is zoned M-1, light Industrial, which is intended to provide areas to accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district. The proposed auto wash is consistent with the intent of the M-1 zoning district and is compatible with and is no more objectionable than principal uses permitted in the M-1 zoning district.
3. The subject site is in the vicinity of properties improved with light industrial, warehousing, self-storage, and auto repair use, is adjacent to recreational uses, and is across John R Road from retail uses. The proposed auto wash is compatible with adjacent land uses.
4. The proposed use is consistent with the site's "Mixed Use Innovation" future land use designation and is aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan relating to community character, commercial & industrial development, and transportation networks.
5. The applicant has demonstrated a need for the proposed use in the specified area of the city.
6. The proposed use does satisfy the use-specific requirements for auto washes listed in Section 10.326(8). The applicant acknowledges the need to apply to the ZBA for several variances from the specific-use standards of Section 10.326(8).
7. Based on the above findings, the proposed use does generally satisfy/satisfies the special use approval review standards and criteria listed in Section 10.201(4).

And to further approve the following conditions:

1. Resolve site plan deficiencies relating to the chain link fence and outdoor self-service vacuum bays or seek the appropriate variances from the Zoning Board of Appeals.
2. The Landscape Plan and Building Elevations submitted with the site plan package shall be substantially consistent with the preliminary plans submitted with this special use application, with the exception of any required modifications placed as conditions of approval.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach.

Councilwoman Aaron stated that she has been advocating for a youth center since running for Council, however, when you look at contaminated ground, do we want to use a contaminated parcel? The City is updating MacGilvray park to be multigenerational, and she stated that she initially voted against the car wash; however, while it is disturbing to remove trees, when we look at developing the Active Adult Center property, whatever it will be, trees will be removed. We do not want the City to lose \$1.8 million and/or have vacant land. We need to develop the property and allow the City to grow. She stated that she wants to see everything everyone has suggested, and she wants Madison Heights to be a City that is growing. Will building another car wash bring competition? It most certainly will.

City Attorney Sherman noted that the City Manager did an excellent explanation and overview of the project and noted that the City is looking at a bigger picture. The project has created a renovated City Hall, Library, Fire Station, and a new Active Adult Center. The Active Adult Center could not be renovated due to the condition. There is a restaurant being proposed and there are ingress and egress issues at the site as well. This is part of the process of considering the Special Land Use. The property has been under contract for a long time and there are hoops that must be jumped through and hopefully that a bigger goal of the City may be accomplished should the development go forward.

Councilor Rohrbach noted that when looking at the overall site plan, she explained the property proposal includes maintaining the walkway and calls for the removal of existing parking area and reseeded this area. The City can't choose who purchases the land. We don't love the idea of a car wash, we have had discussions on what we would like, but it is private property, and they want to use the property to make money and we have no control over that. There are too many car washes, but we can't control private development only to a certain level. The project ideas brought forth today are great, but a private developer must make those choices.

Mayor Pro Tem Bliss thanked everyone for coming out. He stated that he thinks that this proposal is terrible, and it seems to be the thing that keeps coming to the City. When we first underwent this project, we had detailed discussions at the Planning level, and we wanted to have a mixed-use and businesses. We've had the sale, and the purchasers have done their due diligence and it doesn't necessarily shock him on how bad the reports came back. Not a single person wants to have a car wash, but we are in a tough predicament. He stated that he is not happy about it, but this is the reality of the site and the difficulty of building on it.

Mayor Grafstein stated that she also had grand plans for the redevelopment as well. When she initially heard about the car wash, she said no. This is one of the times you must put your head above your heart. If we don't do this, we will be forced to use tax revenue that we can put towards other projects. If we don't do this, we will have to come up with the \$2 million dollars for the project. This is a hard choice that is best for long-term. She stated that she will be voting yes. because it is best for the City.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Absent: Councilman Soltis

Motion carried.

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to speak.

CONSENT AGENDA:

Motion to approve the Consent Agenda as read.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Absent: Councilman Soltis

Motion carried.

CM-23-211. Martha Kehoe - Resignation from the Zoning Board of Appeals.

Motion to accept the resignation of Martha Kehoe from the Zoning Board of Appeals and declare the seat vacant and send her a certificate of recognition for her service.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Absent: Councilman Soltis

Motion carried.

CM-23-212. Special City Council Meeting Minutes of August 14, 2023.

Motion to approve the Special City Council Meeting minutes of August 14, 2023, as printed.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.