

DATE: September 2, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, September 12, 2022

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The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, September 12, 2022.

**PUBLIC HEARINGS:**

**SPECIAL APPROVAL EXPANSION OF AN EXISTING FUEL STATION 30550 STEPHENSON HIGHWAY**

The applicant, Costco Wholesale c/o Barghausen Consulting Engineers, has requested Special Approval for the expansion of an existing fuel station at Costco Wholesale, 30550 Stephenson Highway under Section 10.201 (4) of the Zoning Ordinance. The property is zoned M-1, Light Industrial.

The applicant is proposing to add six (6) new dispensers and twelve (12) new fueling positions, providing a new total of twenty-eight (28) fueling positions. In addition, the applicant proposes a 4,957-square-foot canopy expansion, a 40,000-gallon underground storage tank, a new controller enclosure, and improvements to site circulation and landscaping. The existing underground storage tank will be decommissioned and removed from the site. The proposed expansion/site improvements are depicted in the image below.

The Site Plan Review Committee has reviewed this special approval request and did not have any concerns regarding expanded use. Staff and I recommend that Council grant the special approval based upon the special approval review standards and criteria in section 10.201(4).

**REPORTS:**

**RESOLUTION REGARDING THE DISPLAY AND PLACEMENT OF FLAGS ON CITY OWNED FLAG POLES OUTSIDE AND/OR INSIDE OF CITY OWNED BUILDINGS**

Based on recent court rulings, the City Attorney has drafted a revised Flag Policy by resolution for Council's consideration.

**ORDINANCES:**

**ORDINANCE 2187: REZONING REQUEST 29022 STEPHENSON HIGHWAY**

Staff requests to remove three (3) parcels of land at 29022 Stephenson Highway from the Caregiver Marihuana Grow Overlay District.

In 2019 and 2020, the City of Madison Heights adopted the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances. These marihuana ordinances explicitly limit the establishment of medical and recreational marihuana facilities meeting distance guidelines in the M-1, Light Industrial, or M-2, Heavy Industrial. Following the adoption of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances, the applicable parcels were included in an Allowed Parcels Map that automatically changes when properties are rezoned and no longer meet the ordinance requirements. Under a separate ordinance, the City also created a new zoning for Caregivers which included a Caregiver Marihuana Grow Overlay District. While the boundaries of this Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. The Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district, but only that, “a registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.”

The subject site pertaining to this case consists of three (3) parcels which contain a total area of approximately 1.14 acres. The site is improved with an existing 3,285 sq. ft. commercial structure currently occupied by Col’s Place restaurant. At the property owner’s request, City Council recently rezoned the subject parcels from the M-1, Light Industrial, zoning district to the B-3, General Business zoning district. By rezoning the parcels to B-3, City Council effectively removed the properties from the Allowed Parcels Map associated with the Medical Marihuana and Adult-Use Marihuana Facilities Ordinances. However, the subject parcels still technically remain in the stand-alone Caregiver Overlay District.

City staff is requesting that the subject parcels be removed from the Caregiver Marihuana Grow Overlay District in order to reflect their new underlying B-3 zoning designation. Based on the Planning Commission’s findings and recommendation, staff recommends that City Council adopt Ordinance # 2187 (PRZN 22-03) upon first reading and schedule a public hearing for the October 10th, 2022 City Council meeting.