

City Council Regular Meeting
Madison Heights, Michigan
July 11, 2022

A City Council Regular Meeting was held on Monday, July 11, 2022 at 7:30 PM at Fire Station 1 Training Room - 31313 Brush Street

PRESENT

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

ALSO PRESENT

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

Councilman Fleming gave the invocation and the Pledge of Allegiance followed.

CM-22-223. Rezoning Request PRZN 22-01(Ordinance No. 2184) - Rezone 30151, 30171 and 30183 Dequindre Road from R-2, One-Family Residential, to R-M, Multiple-Family Residential, Second Reading.

City Manager Marsh gave a summary of rezoning request PRZN 22-01 for 30151, 30171, and 30183 Dequindre Road.

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

Seeing no one present wishing to speak, Mayor Grafstein closed the public hearing at 7:38 p.m.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to to approve rezoning request PRZN 22-01 and adopt Ordinance No. 2184, to rezone 30151, 30171 and 30183 Dequindre Road from R-2, One-Family Residential, to R-M, Multiple-Family Residential, on Second Reading, as follows:

ORDINANCE NO. 2184

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 properties, to-wit:

T1N, R11E, SEC 12 PART OF NE ¼ BEG AT PT DIST N 01-13-00 E 521 FT FROM E 1/4 COR, TH N 88-39-00 W 408.45 FT, TH N 00-14-00 E 129.50FT, TH S 88-39-00 E 410.58 FT, TH S 01-13-00 W 129.50 FT TO BEG 1.22A

PIN 44-25-12-280-027. 30151 Dequindre Rd

T1N, R11E, SEC 12 PART OF NE ¼ BEG AT PT DIST N 01-13-00 E 650.50 FT FROM E 1/4 COR, TH N 01-13-00 E 129.50 FT, TH N 88-39-00 W 1682.91 FT, TH S 00-14-00 W 129.53 FT, TH S 88-39-00 E 1680.68 FT TO BEG EXC E 60FT IN HWY, ALSO EXC W 1342 FT 0.83 A

PIN 44-25-12-280-026. 30171 Dequindre Rd

T1N, R11E, SEC 12 PART OF NE ¼ BEG AT PT DIST N 01-13-00 E 780 FT FROM E 1/4 COR, TH N 01-13-00 E 129.50 FT, TH N 88-39-00 W 336.91 FT, TH S 01-13-00 W 129.50 FT, TH S 88-39-00 E 336.91 FT TO BEG EXC E 60 FT IN HWY 0.82 A

PIN 44-25-12-280-025. 30183 Dequindre Rd

Shall be changed from R-2, One-Family Residential, to R-M, Multiple Family Residential.

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.

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

Voting Nay: Councilman Soltis

Motion carried 6-1.

CM-22-224. Rezoning Request PRZN 22-02(Ordinance No. 2185) - Rezone three (3) parcels of land at 29022 Stephenson Hwy. from M-1, Light Industrial, to B-3, General Business, Second Reading.

City Manager Marsh reviewed the rezoning request PRZN 22-02 for three (3) parcels of land at 29022 Stephenson Hwy.

Mayor Grafstein opened the public hearing at 7:40 p.m.

John Gaber, Applicant's attorney, thanked Council for the opportunity to consider the rezoning request. He stated that this is basically a stand alone site. Most of the surrounding area is zoned B-3, with mostly commercial uses. The existing use is commercial and the rezoning request makes sense. There is no adverse impact to the immediate neighbors and they respectfully request approval.

Seeing no one further wishing to speak, Mayor Grafstein closed the public hearing at 7:42 p.m.

Motion made by Councilor Wright, Seconded by Councilor Rohrbach, to approve rezoning request PRZN 22-02 and adopt Ordinance No. 2185, to rezone three (3) parcels of land at 29022 Stephenson Hwy. from M-1, Light Industrial, to B-3, General Business, on Second Reading, as follows:

ORDINANCE NO. 2185

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 properties, to-wit:

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 267.10 FT FROM S 1/4 COR, TH N 01-48-25 W 60.00 FT, TH N 87-11-21 E 191.48 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT TO BEG 0.26 A

PIN 44-25-11-377-015. 29022 STEPHENSON HWY.

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT, TH S 01-4.

PIN 44-25-11-377-016. 29022 STEPHENSON HWY.

T1N, R11E, SEC 11 ELY 40 FT OF STEPHENSON HWY R/W ADJ TO THAT PART OF SW 1/4 DESC AS BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02

PIN 44-25-11-377-019. 29022 STEPHENSON HWY.

Shall be changed from M-1, Light Industrial, 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.

In response to Mayor Pro Tem Bliss' question, City Attorney Sherman stated that the site has been historically a restaurant since the 1970's. City Planner Lonnerstater added that a restaurant use is a right permitted in the proposed zoning district; if the Special Approval request to be considered later in the meeting passes, the current use would still be permitted by right in the new zoning district.

City Attorney Sherman stated that the purchase of the property is dependent upon the granting of the Special Approval.

In response to Councilman Soltis, Mayor Grafstein clarified that if the property is rezoned to B-3, then it cannot be used for a medical/adult use marijuana facility. City Attorney Sherman concurred with this comment noting that rezoning would prohibit any use not expressed in the current zoning district.

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

Motion carried.

CM-22-225. Special Approval PSP 22-06 - 29022 Stephenson Hwy, EWM Miller Wash LLC/Cosmo's Car Wash - Auto Wash Use – (MOTION FAILED).

City Manager Marsh reviewed Special Approval PSP 22-06, 29022 Stephenson Hwy, EWM Miller Wash LLC/Cosmo's Car Wash, request for auto wash use.

Mayor Grafstein opened the public hearing at 7:43p.m.

The applicant's team gave a presentation on the design, building, and operation of the business. Development Manager, John Pellegrine, stated that Cosmo's plans to open six facilities in the metro area. Their proposed project has extensive landscaping for added curb appeal. Cosmo's Representative, Cameron Ray, stated that Cosmo's wants to offer service that is not currently available in the area and are looking to be an amenity to the community as well as a business that Madison Heights can be proud of. He outlined the objectives/background, principals, facility maintenance protocol, customer service commitment, customer amenities, employment practices, and community initiatives of the company. Mr. Ray continued that water conservation measures will be placed and all of the chemicals they use are eco-friendly. Civil Engineer, Derik Leary stated that the current building has a combined sewer system. They will be required to separate the storm and sewer systems and they will be in compliance with local and State requirements. Mr. Gaber noted that the applicant will need two variances; one for

outdoor vacuums and the other for the setback. He added that the site design is compatible with the surrounding area.

Steve Gunn, owner of Washpointe Carwash, stated that he is concerned because he tried to get a setback and vacuum variances a few years back and both were denied. They tried fighting the denials and ended up settling the litigation; if approved, this will put his business at a disadvantage. He added that stacking space for 30 vehicles is required for his business and this proposal has less than 20 stacking spaces. He advised that there will be issues with the amount of stacking spaces proposed.

Discussion followed on stacking of cars and sound and design plan for the vacuums at the Cosmo site.

Seeing no one further wishing to speak, Mayor Grafstein closed the public hearing at 8:12 p.m.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright:

WHEREAS, a Special Approval Board application has been received from 29022 Stephenson Highway, requests for approval to for auto wash use; and

WHEREAS, a public hearing was published in the Madison Park News on June 22, 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 and Economic Development Department regarding Special Approval Request 22-06;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby APPROVES the requested Special Use PSP 22-06 to permit an auto wash at 29022 Stephenson Hwy with the following conditions:

1. Resolve site plan deficiencies relating to building setback and outdoor self-service vacuum bays **or** seek the appropriate variances from the Zoning Board of Appeals.
2. The hours of operation shall be limited to between the hours of 8:00 a.m. and 10:00 p.m., in accordance with Section **10.326(8)**.
3. 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

Mayor Pro Tem Bliss stated that part of the reason he voted against the selling of the neighboring parcel was because it was done without knowing what use would be. Special Approvals are subject to six criteria. One reason is the need for the purposed use in the specified areas of the city. There are already 10 or 11 car washes and taking an existing restaurant that has been there for many years and stating another use would be more appropriately fit in with the neighborhood and be compatibility with our future land use would not be accurate.

Councilwoman Aaron stated that while the proposal is a great plan and the car wash will be beautiful, a car wash is the last thing the area needs. She stated she would rather have a retail use in the area.

In response to Councilman Soltis, Mr. Gunn provided a history of his family car wash business.

Councilwoman Rohrbach stated she appreciates Cosmo's commitments to community and noted that there are two school districts in Madison Heights. While Cole's restaurant is wonderful now, it was for many years an empty restaurant. Anything that will improve our community will be good. This seems like a good fit for the area and for the amenities that are available in the immediate area. This is a weird location in the City, not necessarily convenient for other uses, such as retail and she is looking at it as a potential improvement to the area.

In response to Councilor Wright, Mr. Ray stated that the average income in the City of Madison Heights is \$22,000. Cosmo's employees will start at \$13.50 with additional incentivized earnings. They want to hire the best quality of employees where they can establish a career. Councilor Wright stated the proposal makes sense logistically and the applicant wants to be a good steward to the community.

In response to Councilor Rohrbach, Mr. Gunn stated that trainees at Washpointe start at \$9.87 and can make up to \$30,000, plus tips. Other management positions have the potential to make more.

In response to Mayor Grafstein, Mr. Gunn stated that Washpointe's customer base is 95% from within a 1-2 mile radius of the business.

Voting Yea: Councilor Rohrbach, Councilor Wright

Voting Nay: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,
Councilman Fleming, Councilman Soltis

Motion failed 2-5.

CM-22-226. Special Approval PSP 22-06 - 29022 Stephenson Hwy, EWM Miller Wash LLC/Cosmo's Car Wash - Auto Wash Use – DENIED – MOTION APPROVED).

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

WHEREAS, a Special Approval Board application has been received from 29022 Stephenson Highway, requests for approval to for auto wash use; and

WHEREAS, a public hearing was published in the Madison Park News on June 22, 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 and Economic Development Department regarding Special Approval Request 22-06;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby DENYS the requested Special Use PSP 22-06 to permit an auto wash at 29022 Stephenson Hwy due to an auto wash use being prohibited in the M-1 zoning district and for the reasons stated above by Council.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,
Councilman Fleming, Councilman Soltis

Voting Nay: Councilor Rohrbach, Councilor Wright

Motion carried 5-2.

CM-22-227. Special Approval PSP 22-07 - 30151, 30171 and 30183 Dequindre Rd., Hudson Madison II LLC/Reserve at Red Run Phase II - Rest/Convalescent Home

City Manager Marsh reviewed Special Approval PSP 22-07, 30151, 30171 and 30183 Dequindre Rd., Hudson Madison II LLC/Reserve at Red Run Phase II Rest/Convalescent Home.

Mayor Grafstein opened the public hearing at 8:34 p.m.

Jeff Buck, representing the Reserve at Red Run, stated that several people expressed a desire to find a place where they can age-in-place and that is why they are making the Special Approval request. He also noted that neighbors want some extra landscaping and they have added it. He stated that many people visiting the community are seniors who are living in Madison Heights and adult children who are trying to bring their parents to Madison Heights. The proposal is for a one-story, 60 unit building.

Merri Busch, resident, submitted written comments in favor of the Special Approval.

Mayor Grafstein closed the public hearing at 8:38 p.m.

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

WHEREAS, a Special Approval Board application has been received from 30151, 30171 and 30183 Dequindre Rd., Hudson Madison II LLC/Reserve at Red Run Phase II to permit a rest/convalescent home; and

WHEREAS, a public hearing was published in the Madison Park News on June 22, 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 and Economic Development Department regarding Special Approval Request 22-07;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby APPROVES the requested Special Use PSP 22-07 to permit a rest/convalescent home at 30151, 30171, and 30183 Dequindre Road with the following conditions:

1. Resolve site plan deficiencies relating to the southern building setback and maximum lot coverage **or** seek the appropriate variances from the Zoning Board of Appeals.
2. Upon Site Plan submittal, provide a revised Landscape Plan that depicts a greater number of evergreen and deciduous trees at the southwest corner of the site. The revised Landscape Plan should result in a denser, continuous landscape buffer and shall be provided to the satisfaction of the Site Plan Review Committee (SPRC).

Mayor Pro Tem Bliss stated that resident's concerns that were shared at Planning Commission have been addressed by the applicant. This is a need of the community that doesn't currently exist; we have an aging population and being able to allow our residents to age-in-place is a good thing.

In response to Councilman Soltis, Carl Simcox, Reserve at Red Run representative, stated that the price for Assisted Living averages \$5,000/month. That is an all-inclusive rate. Memory care is slightly higher, approximately \$5,500 - \$6,000/month because the staffing ratio is higher. This is right in the mid-range of the market from an industry perspective. Mr. Simcox stated that there is not a major difference in cost between a nonprofit and for profit industry in assisted living care.

In response to Councilor Wright, Mr. Simcox stated that neither Medicare nor Medicaid will pay for assisted living; however, some veteran benefits will help pay.

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

Motion carried.

MEETING OPEN TO THE PUBLIC:

Rob Paquette, resident, spoke in support of the City adopting an ordinance to regulate nuisance trees.

CM-22-228. City Council Regular Meeting minutes of June 27, 2022.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Soltis, to approve the City Council Regular Meeting minutes of June 27, 2022, as printed.

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

Motion carried.

CM-22-229. Council Comments.

Councilwoman Aaron had no comments this evening.

Mayor Pro Tem Bliss stated that the Environmental Citizens Committee (ECC) will most likely have something to say about invasive and nuisance trees, and he appreciates Mr. Paquette's comments. Tonight there was good debate and he appreciates the discourse. He asked for a review of the burning ordinance to be more equitable to the fireworks. While the State requires municipalities to make fireworks legal, maybe the fire pit use could be eased.

Councilor Wright thanked the public for coming out and speaking tonight. The ECC will look into the nuisance tree issue. It is Minority Mental Health Month so check in on your friends and on each other. We all have different experiences and we need to acknowledge those experiences. Please remember to be kind.

City Attorney Sherman had no comments this evening.

City Manager Marsh had no comments this evening.

City Clerk Rottmann stated that absentee ballot applications are available in-person or online. Precinct 8, formerly located at the Active Adult Center, will now be located at Page Middle School. Please note parking is available off of Edwards. Also, beginning July 19th, all voter registrations for the August 2nd election must be done in-person at the Clerk's office through 8 p.m. on Election Day.

Councilor Rohrbach wished those celebrating a Happy Eid Mubarak. As her colleagues stated, the ECC will discuss and make recommendations for Council on nuisance trees in the future.

Councilman Fleming advised that at the end of August, Council reselects members for City boards and commissions. If you are interested, please consider applying. The application is available on the City's website.

Councilman Soltis stated that Red Oaks Park is open to public; but also please remember to clean up after your dogs.

Mayor Grafstein thanked those who came out to speak tonight. Please remember to be kind and please clean up after yourselves. Remember to look out for bikers and pedestirans. The next Regular Council meeting is July 25, 2022.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:03 p.m.