

Regular Meeting  
Madison Heights City Council  
Madison Heights, Michigan  
August 11, 2003

A Regular Meeting of the Madison Heights City Council was held on Monday, August 11, 2003, at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Swanson, Mayor Pro Tem Corbett, Councilmen Clark and McGillivray, Councilwomen Shad and Scott. City Manager Austin, City Attorney L. Sherman and City Clerk Flack.

Absent: Councilwomen Russell (excused).

The invocation was offered by Councilwoman Scott, and was followed by the Pledge of Allegiance to the Flag.

**251. Councilmember Excused.**

Motion by Councilman Clark, supported by Councilwoman Scott, to excuse Councilwoman Russell from tonight's meeting.

Yeas: Clark, Corbett, McGillivray, Scott, Shad and Swanson.  
Nays: None.

**252. Special Approval - 28245 John R Road.**

A public hearing was held to hear comments, if any, to permit the use of an automation exterior only car wash at 28245 John R Road, said property is zoned B-3, General Business. Robert Gunn, 19918 Fleetwood, Harper Woods, Michigan 48225 the applicant was present and reviewed the revised application and site plan. The original application was denied by City Council on February 24, 2003. Chester Stempien, Architect, 29895 Greenfield, Southfield, representing the applicant stated that in his opinion the noise level of both the vehicles and the car wash equipment will be eliminated from the homes in the rear of the property with a 6 foot high masonry screen wall and the solid wall of the building.

Edward Rayman, 28356 Brush stated that he favored the car wash because of the current fence will be replaced with a new screen wall and the draining will eliminate the standing water in the rear of his home. Tom Vaughn, 22731 Saxony, Eastpointe stated that he lives in close proximity of a car wash owned by Mr. Gunn at 17335 East Nine Mile Road, East Pointe, and he is not bothered with the problems of trash, noise, car fumes or vibrations. Bill Koerber, 20656 Country Club, Harper Woods, and owner of Du-All Instrument Service, 31431 John R Road stated that he knows the applicant, Steve Gunn and he uses the car wash in East Pointe and that in his opinion this proposed business will be an asset to the community. Mary Simmons, 28305 Brush stated that she favored the car wash, which will improve the vacant site, which is littered and the sidewalk, in winter, will now be cleared of snow. Hugh Simpson, 86 West Katherine favored the car wash. Greg Vargo, President of Vargo Construction, 20210 Woodland, Harper Woods, stated that he has helped to construct other car washes the applicant owns and it is his opinion this building will be harmonious to the area. Mike Rennick, 28806 Dising stated that the design of the building would improve the vacant lot and the neighborhood.

Janet Trabucchi, 28306 Brush stated that she was opposed to the car wash because of the close proximity of the pedestrian cross walk to the existing restaurant and the proposed car wash and in her opinion there would be an increase in traffic and car fumes. Leonard Kopich, 28326 Brush stated that he was opposed to the car wash and submitted a petition of residents objecting to the proposed car wash.

Erin Howard, 29660 Mark favored the proposed car wash. Todd Christopher, 20115 North Line, Taylor stated that he installs car washes and specializes in the car wash dryers and that this proposal, by turning the doors toward the front of the building and moving the dryers from the rear of the building, allows the sound to go toward the front of the building. There being no further comments from the audience, the public hearing was closed.

Motion by Councilwoman Shad,  
Supported by Councilman Clark,

WHEREAS, a Special Approval Board application has been received from Robert Steven Gunn, 19918 Fleetwood, Harper Woods, Michigan, 48225, requesting to use the property at 28245 John R Road for an automation exterior only car wash, said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on July 31, 2003 and 135 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 that

**Request:** Special Approval for an automated car wash at 28245 John R

**Location:** West side of John R between Katherine and Parker

**Applicant:** Robert Gunn  
19918 Fleetwood  
Harper Woods, MI 48225

**Staff Analysis:**

1. This request is for Special Approval to operate an automated car wash. The applicant previously sought special approval for a car wash on this site in February 2003. That request was denied.
2. After that action, the applicant met with City staff, the City Attorney, and the applicant's legal counsel to discuss the applicant's options. Section 10.201(5)g of the Zoning Ordinance addresses the issue of reapplication for special approvals that have been denied:

- G. *No reapplication, reconsideration and/or rehearing for a special use permit which has been denied by the City Council shall be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the City Council. Each re-application will be treated as a new application. (Underline added)*

The applicant has revised the application and site plan and is seeking City Council approval of a new application based on the underlined provisions of the Zoning Ordinance above.

3. The applicant has submitted a detailed summary of the proposal and changes to the application and plan. Major changes to the request include the following:

- ☐ The building has been redesigned to eliminate the previous 8 feet encroachment into the required 20 feet rear yard setback. The required setback is now maintained.
- ☐ The previous plan called for a 12 feet wide driveway behind the building, adjacent to the residential parcels to the west. This drive has been eliminated and the area is proposed to be a grass swale.
- ☐ The previously proposed outside vacuum stations have been eliminated.
- ☐ The building has been modified so that exit doors from the building face John R. The previous plans had exit doors facing south, partially observable from the residential area to the west.
- ☐ Elimination of the vacuum stations resulted in additional area for vehicle stacking (Previous: 14; Proposed: 31).

- ☐ Hours of Operation have been changed.

**Previous:** 8:00 a.m. – 8:00 p.m. Monday – Saturday;  
8:00 a.m. – 5:00 p.m. Sunday  
**Proposed:** 8:00 a.m. – 6:00 p.m. Monday – Saturday;  
9:00 a.m. – 5:00 p.m. Sunday

- ☐ Lighting has been redesigned to reduce potential impact on adjacent residential areas. Pole heights have been reduced to 20 feet from 28 feet, and the rear yard lighting is facing away from adjacent residential and is motion sensor activated.

4. Number of Employees: 3
5. The Site Plan Review Committee has reviewed the site plan and has one site plan related comment for Council's consideration in their review of the request:
  - a. A chain link fence is required on all sides of the property where no screen wall is proposed. In this case, a 2 feet high chain link fence is required along John R and a 4 feet high chain link fence is required on the north side property line. No chain link fencing is proposed. Accordingly, a variance will be required from the Zoning Board of Appeals.

Recommendation:

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following conditions:

1. Zoning Board of Appeals approval of a chain link fence variance on the north side and east front property lines.
2. Hours of Operation:  
8:00 a.m. - 6:00 p.m. Monday – Saturday,  
9:00 a.m. - 5:00 p.m. Sunday

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section of the Code of Ordinances, hereby approves the request subject to the following conditions:

1. Zoning Board of Appeals approval of a chain link fence variance on the north side and east front property lines.
2. Hours of Operation:  
8:00 a.m. - 6:00 p.m. Monday – Saturday,  
9:00 a.m. - 5:00 p.m. Sunday

**253. Substitute Motion.**

Motion by Councilman McGillivray, that the request for Special Approvals for an exterior car wash a 28245 John R Road be denied.

**THE MOTION DIED FOR LACK OF SUPPORT.**

**Vote on Motion 252.**

Yeas: Corbett, Scott, Shad, Swanson and Clark.  
Nays: McGillivray.

**254. Meeting Open to the Public.**

Louis Kattuah, 26612 Wolverine presented pictures relating to his neighbor planting two small trees and landscaping in the right-of-way on Wolverine. Mayor Swanson stated that Code Enforcement would investigate.

Dean Cinader, 30190 Northeastern stated that he did not oppose replacing the sidewalks in front of his home but he was concerned as to them being replaced properly. Community Development Director Schafer stated that he would investigate.

3. Parking meets minimum ordinance requirements.

4. Hours of Operation:

Mon – Fri: 10:00 am – 6:00 pm  
Saturday 10:00 am – 3:00 pm  
Sunday: 10:00 am – 3:00 pm (depending on demand)

5. The Site Plan Review Committee has reviewed the site plan and has no additional comments to address.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section 10.329(5) of the Code of Ordinances, hereby approves the request to permit temporary holiday retail sales in a Light Industrial District (M-1) November 14<sup>th</sup> through December 23<sup>rd</sup> of this year, and on an annual basis in November and December in the future.

Yeas: Corbett, McGillivray, Russell, Scott, Shad, Swanson, Clark  
Nays: None.

### **291. Special Approval – Washpointe Car Wash, 28245 John R**

A public hearing was held to hear comments, if any, to permit the installation and use of two self-serve vacuum units at 28245 John R; said property is zoned B-3, General Business. Steve Gunn, co-owner of the Washpointe Car Wash stated that vacuums were included on the original special approval request in February, 2003 and were denied, and special approval was granted without vacuums in August, 2003. He stated that decibel testing of portable vacuums produced decibel levels so low that the vacuums could not be heard behind the building by the masonry screen wall that separates the business from the residences. He further stated that there is no room to put the vacuums inside the building and the outside area for the vacuums will be bricked to match the building and will be landscaped. There being no further comments from the audience, the public hearing was closed.

Motion by Councilman Corbett,  
Supported by Councilwoman Scott,

WHEREAS, a Special Approval Board application has been received from, Robert S. Gunn, co-owner of the Washpointe Car Wash at 28245 John R, requesting the installation and use of two self-serve vacuum units at 28245 John R; said property is zoned B-3, General Business; and

WHEREAS, a public hearing was advertised in the Daily Tribune on October 15, 2005 and 131 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 that

**LOCATION:** 1200 E. 14 Mile Road

**Request:** To modify existing Special Approval for an automated car wash at 28245 John R to add two self-serve vacuum units.

**Location:** West side of John R between Katherine and Parker.

**Applicant:** Robert Gunn  
19918 Fleetwood  
Harper Woods, MI 48225

**Staff Analysis:**

1. This request is to modify an existing Special Approval to allow two self-serve vacuums at the existing automated car wash. The applicant was granted conditional special approval on August 11, 2003 after an initial denial in February 2003. (Minutes attached).
2. In the B-3 General Business District all operations must be carried on within the building area, including but not limited to vacuuming, washing and drying. The vacuums as proposed would require a ZBA variance to allow them to be placed outside the building.
3. The applicant has submitted a request to modify the special approval to permit installation of two self-serve vacuums on the east side of the building immediately adjacent to the building. The applicant has submitted information relative to the proposed vacuums in terms of their appearance and noise generation (attached).
4. Vacuums were included on the original special approval application and plan that was denied in February 2003. In conjunction with numerous other plan and operational changes, the vacuums were subsequently removed from the application and plan that was ultimately approved by City Council on August 11, 2003. Applicant now seeks installation of the vacuums. There have been no complaints regarding noise or other operational aspects of this facility since it opened in the spring.



5. The Site Plan Review Committee has reviewed the site plan and has one recommended condition for Council's consideration in their review of the request:

Zoning Board of Appeals variance to allow vacuums outside the building area.

**Recommendation:**

Following public hearing, should City Council grant special approval for the proposed facility, staff recommends the following condition:

Zoning Board of Appeals variance to allow vacuums outside the building area.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as a Special Approval Board in accordance with Section (10.3268) of the Code of Ordinances, hereby approves the installation and use of two self-serve vacuum units at 28245 John R; subject to approval of a variance by the Zoning Board of Appeals to allow vacuums outside the building area.

Yeas:           McGillivray, Russell, Scott, Shad, Swanson, Clark, Corbett  
Nays:           None.

**292. Public Hearing – Industrial Development District Established.**

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District for CITG Promotions, LLC at 800 Tech Row, Madison Heights. Roger Parsons, representing CITG Promotions, stated that due to a growth of the company the business was moved from Troy to Madison Heights due to the favorable tax base and tax incentives. There being no comments from the audience, the public hearing was closed.

Motion by Councilwoman Russell,  
Supported by Councilwoman Scott,

**RESOLUTION ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT  
FOR CITG PROMOTIONS, LLC**

A public hearing was held to hear comments, if any, on a request to establish an Industrial Development District at 800 Tech Row, Madison Heights, Michigan.