



# MEMORANDUM

Date: April 15<sup>th</sup>, 2026  
To: City of Madison Heights Planning Commission  
Meeting Date: April 20<sup>th</sup>, 2026  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Rezoning Request PRZN 26-01 – 31075 John R Road – B-1 to B-2.

## Introduction

The applicant, Smokin' Bear Tobacco, on behalf of the property owner, South Lyon Company, LLC, requests to rezone one (1) parcel of land located at 31075 John R Road (TM# 44-25-02-478-021) from B-1, Neighborhood Business District, to B-2, Community Business District. The subject parcel is approximately 1.52 acres in size and is improved with a 17,000 square foot multi-unit retail commercial building. The property is located on the west side of John R Road just north of 13 Mile and is located just to the east of the Madison Heights City Hall/Library/Active Adult Center complex.

## Background and History

The applicant requests a rezoning to B-2, Community Business district, to allow for a tobacco/smoke shop to occupy one of the retail units. Per the newly adopted Madison Heights Zoning Ordinance, tobacco/smoke shops are permitted by-right within the requested B-2 zoning district **subject to use-specific conditions**, but are not permitted within the existing B-1 district. A rezoning to B-2 would enable an administrative review and approval process for the proposed use but would permit a wider range of commercial uses on the property than the current B-1 designation.

### *Street View of Property (Looking West)*



**Subject Parcel – Aerial View**



History

The applicant had previously applied for a Certificate of Occupancy to open the tobacco/smoke Shop at the subject location; this was denied as the proposed use is not permitted in the B-1 district. The applicant appealed this denial to the Zoning Board of Appeals. At their January 8<sup>th</sup>, 2026 meeting, the Zoning Board of Appeals upheld the City’s denial. A brief history is provided below:

- **March 19<sup>th</sup>, 2025:** The applicant applied for a building permit to split an existing retail suite into two white-box suites. The Building Official issued the building permit on March 21<sup>st</sup>, 2025.
- **July 23<sup>rd</sup>, 2025:** The applicant submitted revised building plans; one sheet denoted a “cigar display room”, which was subsequently approved by the Building Official.
- **November 24<sup>th</sup>, 2025:** The applicant submitted a Certificate of Occupancy application for “Smokin Bear Tobacco of John R, Inc.” at the subject site. Within the application, the applicant stated, *“the space will be used to operate a retail smoke shop. We sell tobacco, cigarettes, cigars, vapes, hookahs, lottery, ashtrays, lighters.”*
- **November 25<sup>th</sup>, 2025:** The Planning and Zoning Administrator (City Planner) denied the Certificate of Occupancy based on the following findings, as outlined in an email dated November 25<sup>th</sup>, 2025:
  - The proposed use is defined and classified as a “Tobacco/Smoke Shop” per Section 2.01 of the Zoning Ordinance.
  - Tobacco/Smoke Shops are not a permitted use in the B-1 zoning district, per Section 3.06 of the Zoning Ordinance.

- **November 26<sup>th</sup>, 2025:** The applicant formally appealed the decision within the 30-day window set for appeals by Section 15.06.
- **January 8<sup>th</sup>, 2026:** The Zoning Board of Appeals formally upheld the city’s decision to deny the Certificate of Occupancy.

The applicant has now applied to rezone the subject site to the B-2 district which allows for tobacco/smoke shops by right, subject to use-specific conditions.

### Use-Specific Standards for Tobacco/Smoke Shops

Tobacco/smoke shops are subject to the use-specific standards of Section 8.03.44, which are attached to this report. Section 8.03.44.A states:

*It shall be unlawful to operate or cause to be operated a tobacco/smoke shop or smoke lounge within 200 feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) of any of the following:*

- (1) A school or childcare facility.
- (2) A public park.
- (3) A public community center.

#### Proximity of Subject Site to Civic Center Complex



The subject property is located directly across Brush Street from the Madison Heights Civic Center complex, which comprises City Hall, the Active Adult Center, the Library, Civic Center Park as well the courthouse, police station, and fire station. The separation between the two properties is sixty (60) feet. As the Civic Center complex would be classified as a “public community center”, the applicant would need to seek a separate dimensional variance from the 200 ft. setback requirement stated above.

## Map Amendment (Rezoning) Review Standards

Section 15.07 of the Madison Heights Zoning Ordinance contains standards that the Planning Commission and City Council shall consider when reviewing and acting upon a rezoning request:

- (1) Compatibility of the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
- (2) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
- (3) Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan), and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistency with recent development trends in the area shall be considered.*
- (4) The boundaries of the requested zoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
- (5) The requested zoning district is considered to be more appropriate from the city’s perspective than another zoning district.*
- (6) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
- (7) The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
- (8) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
- (9) That the amendment will not be expected to result in exclusionary zoning.*

These standards are touched upon throughout this memo.

## Zoning and Land Use Considerations

Per the Zoning Ordinance, the intent of the existing B-1, Neighborhood Business district is to, “meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The B-1 District shall encourage uses and design that are compatible with, and accessible to, nearby residential uses, thus reducing the number of vehicle trips required in these areas.”

The intent of the requested B-2, Community Business district is to, “cater the needs of a larger consumer population than is served by the Neighborhood Business District and may be characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The B-2 district is intended along, and at the intersections of, major arterial streets.”

While the applicant is asking for the rezoning to explicitly allow for a tobacco/smoke shop use within the existing strip retail center, the Planning Commission should consider all of the potential uses that could be developed on this site if it were to be rezoned to B-2. Some of these more intense uses and significant use departures are highlighted in the table below:

**Use Comparison – B-1 and B-2**

<b>USE</b>	<b>B-1 (existing)</b>	<b>B-2 (proposed)</b>
CURRENT USE: Multi-Tenant Retail	P	P
PROPOSED USE: Multi-Tenant Retail w/ a tobacco/smoke shop		P
<b>Residential Uses</b>		
Residential/Commercial Mixed-Use	P	P
Live/Work	P	
<b>Commercial Uses</b>		
Auto Repair and Service (Minor and Major)		S
Auto Sales		S
Banquet Halls (greater than 75 persons)		P
Bars and Taprooms	S	P
Commercial Kennels and Boarding Facilities		S
Drive-Through Facilities	S	P
Firearm Retail Sales		P
Gasoline/Recharging Stations		S
General Retail	P	P
Hotels and Lodging		S
Indoor Recreation Business	P	P
Medical Office	P	P
Microbreweries, wineries, and distilleries	S	P
Personal Service Establishments	P	P
Professional Office	P	P
Restaurants	P	P
Tobacco/Smoke Shop/Smoke Lounge		P
Veterinary Clinic or Animal Grooming	S	P
<b>Industrial Uses</b>		
Contractor’s Office	P	P
Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution		P

*P = Permitted by Right    S = Special Approval Required    Blank = Not Permitted*

The full Permitted Use Table is attached to this memorandum.

A rezoning to the B-2 district would permit a tobacco/smoke shop subject to the use-specific standards. Further, the B-2 district permits a wider range of auto-oriented uses than the B-1 district. For example, auto repair/service, auto sales, and gas stations would all be permitted as Special Land Uses in the B-2 district, whereas they are not permitted under the current B-1 designation. Drive-through uses (e.g. fast food restaurants) would be permitted by right in B-2, whereas they currently require Special Land Use approval. The Planning Commission should consider all of the uses permitted in the B-2 district when deliberating on this rezoning request.

Existing Land Use and Zoning

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

**Existing Land Uses and Zoning**

	Existing Land Use	Existing Zoning
<b>Site</b>	Multi-tenant Retail	B-1, Neighborhood Commercial
<b>North</b>	Funeral Home	B-1, Neighborhood Commercial
<b>South</b>	Drive-Through Restaurant	B-1, Neighborhood Commercial
<b>East</b>	Sam’s Club [Wholesale]	B-2, Community Business
<b>West</b>	Madison Heights Civic Center Complex	N-P, Natural Preservation and Recreation

Adjacent land uses on the west side of John R consist primarily of general retail, fast-food style restaurants, and the occasional small medical office. The east side of John R consists of general retail, including the large Sam’s Club warehouse and gas station site, auto-oriented commercial and multi-family residential. The subject parcel backs up to the Madison Heights Civic Center complex, including City Hall, the library, Active Adult Center, and Civic Center Park.

Future Land Use and Master Plan

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

**Future Land Use**

	Future Land Use
<b>Site</b>	Office
<b>North</b>	Office
<b>South</b>	Office
<b>East</b>	Commercial
<b>West</b>	Public

The future land use designation of the subject site is *Office*. Per the Master Plan, the Office designation is intended to accommodate integrated uses to promote walkability as well as encourage flexibility of building use; this suggests a blend of local service, professional and general office uses into traditional office developments, as well as commercial uses that serve office users. The Master Plan does not necessarily break down the adjacent commercial future land use category into more detailed sub-categories based on anticipated commercial intensity.

While there are a few small medical offices located along the west side of this stretch of John R Road, the existing land use pattern is better characterized as light commercial with the occasional office use rather than office. The Future Land Use designation of this area should be explored as part of the ongoing Master Plan update process.

Pertinent Goals & Objectives from the Master Plan include:

**Community Character:**

- Enhance the city’s commercial corridors to support walkability and improve community identity.
- Promote the city’s positive identity in the region.
- Protect established neighborhoods and business districts from the potentially negative impacts of development, including noise, traffic, waste, odor, and other nuisances through effective and thoughtful site and building design.

**Commercial & Industrial Development:**

- Encourage entrepreneurship and growth for diverse businesses of all sizes to promote a balanced local economy.
- Provide incentives and flexible zoning mechanisms for commercial and industrial property owners and tenants to upgrade existing commercial and industrial sites.
- Promote the mix of commercial, office, and industrial uses in a way that fosters collaboration and business growth, while creating a desirable environment for the local workforce.

Transportation

Per the 2021 Master Plan, this stretch of John R Road is designated as an “urban minor arterial” road which is intended to serve as routes for through traffic while providing access to abutting properties and minor intersecting streets. Minor arterials carry through-travel movements but carry trips of a shorter distance and to lesser traffic generators. Per SEMCOG, this stretch of John R Road accommodates approximately 25,472 vehicles per day, which is a fairly significant number of trips. As a comparison, 11 Mile Road between I-75 and John R Road accommodates approximately 15,000 vehicles per day.

**Staff Discussion and Policy Analysis**

The subject property is located mid-block along a fairly- busy section of John R Road. In Madison Heights, John R Road is primarily characterized by a mix of small-scale commercial, large-scale commercial, office, and auto-oriented uses. As one heads north on John R from the subject site towards 14 Mile Road, the commercial land uses generally transition from smaller-scale, locally-oriented businesses (with the exception of Sam’s Club) to big-box, regional uses such as Target and Best Buy near Oakland Mall. This transition is reflected through the change in zoning designation, which shifts from B-1 (Neighborhood Commercial) at the southwest corner of John R/13 Mile to MUI-2 (Mixed Use Innovation-2) to B-3 (Regional Commercial). The Sam’s Club property already has a B-2 designation.

While this rezoning request is tied to a specific business plan (tobacco/smoke shop), the Planning Commission should take into consideration the new uses which would be permitted in a B-2 zoning district. Uses like auto repair/service, auto sales, and gas stations would all be permitted as Special Land Uses in a B-2 district, whereas they are not permitted under the current B-1. The proximity to the Civic Center complex, including the Active Adult Center, City Hall, the Library, and Civic Center Park should also be explored, especially in relation to the uses that would be permitted in the B-2 district.

With the exception of the Sam’s Club property at the northeast corner of 13 and John R (zoned B-2), the stretch of John R Road between Whitcomb and Ajax is primarily zoned B-1, with portions zoned MUI-2, O-1, and Multi-Family Residential.

**Expanded Zoning Map**



If the rezoning request is approved, any major redevelopment on the subject parcel would be subject to site plan approval through the administrative Technical Review Committee (TRC) and, if applicable, Special Land Use approval through the Planning Commission and City Council. As previously noted, a dimensional variance would be required through the Zoning Board of Appeals for the tobacco/smoke shop due to its proximity to the Civic Center complex.

### Next Step

After the public hearing and discussion, the Planning Commission may make a recommendation on the proposed rezoning to City Council. **Any motion which includes a recommendation to City Council shall include concise findings of facts.**

### Template Motions | Findings and Recommendations to City Council

Template motions for recommendations of approval and denial, including findings of fact, are provided below. Staff has provided an alternate motion to recommend approval of a rezoning to B-2 in lieu of B-3.

#### APPROVAL:

*I move to recommend that City Council approve the rezoning of 31075 John R Road (parcel #44-25-02-478-021) from B-1, Neighborhood Business district, to B-2, Community Business district, after the required public hearing, based upon the following findings:*

*A rezoning to B-2 satisfies the map amendment review standards contained in Section 15.07 of the Zoning Ordinance. In particular, the Planning Commission finds that a rezoning to B-2 satisfactorily addresses the following standards [ELABORATE AS NEEDED]:*

- *Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
- *Compatibility of all the potential uses allowed in the proposed B-2 district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
- *Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan).*
- *The boundaries of the B-2 district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
- *The requested B-2 district is considered to be more appropriate from the city's perspective than the existing B-1 district.*
- *Rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
- *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
- *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
- *The amendment will not be expected to result in exclusionary zoning.*

**DENIAL:**

*I move to recommend that City Council deny the rezoning of 31075 John R Road (parcel #44-25-02-478-021) from B-1, Neighborhood Business district, to B-2, Community Business district, after the required public hearing, based upon the following findings:*

*A rezoning to B-2 does not satisfy the map amendment review standards contained in Section 15.07 of the Zoning Ordinance. In particular, the Planning Commission finds that a rezoning to B-2 fails to satisfactorily address the following standards [ELABORATE AS NEEDED]:*

- *Compatibility of the site’s physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
- *Compatibility of all the potential uses allowed in the proposed B-2 district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
- *Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan).*
- *The boundaries of the B-2 district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
- *The requested B-2 district is considered to be more appropriate from the city’s perspective than the existing B-1 district.*
- *Rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
- *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
- *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
- *The amendment will not be expected to result in exclusionary zoning.*

**Attachments**

- *Rezoning Application PRZN 24-02*
- *Compiled Maps*
- *Public Hearing Notice*
- *Section 15.07 – Zoning Ordinance Amendments (Map and Text)*
- *Section 3.06 – Permitted Use Table*
- *Section 3.14 – B-1 Neighborhood Business District*
- *Section 3.15 – B-2 Community Business District*
- *Minutes from January 8<sup>th</sup>, 2026 Zoning Board of Appeals meeting*