

Planning Commission Meeting
Madison Heights, Michigan
June 15, 2026 **(DRAFT)**

A Planning Commission Meeting was held on Monday, June 15, 2026 at 5:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

CALL TO ORDER

Chair Champagne called the meeting to order at 5:56 pm.

ROLL CALL

PRESENT

Chair Josh Champagne
Mayor Corey Haines
Commissioner Sean Fleming
Commissioner Ryan Fox
Commissioner Eric Graettinger
Commissioner Melissa Marsh
Commissioner Matthew Olson

ABSENT

Commissioner Clifford Oglesby

ALSO PRESENT

City Planner Matt Lonnerstater
Business Services Coordinator Mary Daley
Attorney Tim Burns

PC 26-21. Excuse Absent Members

Motion to excuse Commissioner Oglesby.

Motion made by Commissioner Fox, Seconded by Commissioner Marsh.

Voting Yea: Mayor Haines, Commissioner Fleming, Commissioner Fox, Commissioner Graettinger, Commissioner Marsh, Commissioner Olson, Chair Champagne

APPROVAL OF MINUTES

PC 26-22. May 18, 2026 Meeting Minutes

Motion made by Commissioner Haines, Seconded by Commissioner Fox to approve the Planning Commission minutes of May 18, 2026 as presented.

Voting Yea: Mayor Haines, Commissioner Fleming, Commissioner Fox, Commissioner Graettinger, Commissioner Marsh, Commissioner Olson, Chair Champagne

Motion carried.

PUBLIC HEARING:

Rezoning with Conditions Request PRZN #26-01 – 31075 John R Road (B-1 to B-2)

Chair Champagne open the hearing up to the public for comment at 6:00 pm.

A letter from Kara Ross, youth coordinator for the Madison Heights Community Coalition was read into the record. Two letters from Kimberly Heisler, executive director for the Madison Heights Community Coalition were included in the packet.

Chair Champagne closed the public comment portion of the hearing at 6:04 pm.

Planner Lonnerstater introduced the Rezoning with Conditions Request from Smokin' Bear Tobacco on behalf of the property owner South Lyon Company LLC. Their request is to rezone the parcel located at 31075 John R Road from B-1, Neighborhood Business District to B-2, Community Business District.

The applicant, with the property owner's authorization, has modified the original application and has voluntarily offered a list of conditions that would apply to the rezoning. The full list of conditions are attached as a supplement to the meeting packet.

The draft agreement also contains the following provision: *"Applicant recognizes that, even if this Rezoning with Conditions Application is approved, a dimensional variance would still be required from the Zoning Board of Appeals. Applicant is prepared to submit an appropriate Application for Dimensional Variance."*

Concerns about these proposed conditions from staff and the commission are summarized as follows:

1. The proposed conditions, as stated, appear to be limited to the individual tenant space occupied by the tobacco sales business. As a general rule, zoning regulations apply to an entire parcel, and district boundaries cannot be reduced to an individual retail tenant space. It is unclear what restrictions, if any, would apply to the other tenant spaces or the remainder of the parcel.
2. The proposed conditions repeatedly refer to "the applicant." The applicant in this case is the business, Smokin Bear Tobacco, and not the property owner. Zoning is tied to the land and not an individual; unless specified as part of the Rezoning with Conditions agreement, zoning regulations run with the land and future property owners would be subject to the same conditions of the rezoning. It is unclear whether the applicant intends for these conditions to become void upon a change of tenant, use, or business owner.
3. The proposed conditions prohibit specific uses from operating from the tenant space (e.g. automobile sales, gasoline sales, etc.) but also explicitly state that the applicant's business operations will, *"include tobacco sales and anything incident to said tobacco sales."* This condition appears to lock in a tobacco shop as the only use that could ever operate from the unit. For example, if the tobacco sales business closes and a new restaurant business moves in, would the restaurant be required to offer tobacco sales to be compliant with the conditions of the rezoning?

4. If the property were to ever be redeveloped, it is unclear as to what dimensional standards and list of permitted uses would apply (B1 or B2).
5. The proposed conditions are missing several important substantive clauses, as required per the Zoning Ordinance. Most importantly, the proposed conditions are silent when it comes to the triggers that would revert the property back to the original zoning designation (e.g. upon change of use or redevelopment).

PC 26-23. Rezoning with Conditions Request PRZN #26-01 – 31075 John R Road (B-1 to B-2)

Motion made by Fleming, seconded by Haines to recommend that City Council deny the rezoning of 31075 John R Road (parcel #44-25-02-478-021) from B-1, Neighborhood Business, to B-2, Community Business district – Case PRZN #26-01 – with conditions voluntarily proposed by the applicant, as attached, based upon the following findings:

1. The Planning Commission held a public hearing on June 15th, 2026 on the requested Rezoning with Conditions application and a proposed amendment to the City's Zoning Map.
2. The applicant voluntarily proposed a number of conditions to the requested B-2 rezoning, which are attached in the document entitled "Supplement to Rezoning Application."
3. The proposed Rezoning with Conditions does not satisfy the review criteria for a Rezoning with Conditions request as contained in Section 15.07.3.C(3) of the Madison Heights Zoning Ordinance. In particular, the Planning Commission finds that the conditions voluntarily offered by the applicant fail to satisfactorily address the following Zoning Ordinance standards:
 - a. The proposed rezoning conditions do not further the goals and objectives of the City Master Plan, particularly with regards to objectives related to Community Character and future land use.
 - b. The proposed rezoning conditions do not result in an enhancement of the project area as compared to the existing zoning, as the rezoning's core intent is to allow for a use not presently permitted on the subject parcel.
 - c. It is not in the public interest to grant the rezoning with conditions as the benefits of such proposal – the allowance of a tobacco/smoke shop – does not outweigh foreseeable detriments, including the proximity of said use from public facilities and parks.
 - d. The offered conditions are not likely to be enforceable as they are ambiguous with regards to their application to the remainder of the parcel, especially pertaining to permitted uses and dimensional standards.
 - e. The proposed conditions have the same general effect as a use variance in that the core intent of the conditions is to allow for a tobacco/smoke shop in one individual retail unit within a multi-unit retail building, with no further considerations for the remainder of the building or the remainder of the parcel.

4. The Planning Commission further cites the following issues with the voluntarily proposed conditions as reasons for denial:
 - a. The conditions as proposed only apply to one retail space and are tied to one retail business owner (applicant). It is unclear as to which zoning conditions apply to the remainder of the parcel. Proposed conditions should run with the land unless explicitly stated otherwise within the proposed agreement and should not be applicable to only one individual.
 - b. The proposed conditions appear overly restrictive in that they require tobacco sales to take place from the individual unit and prohibit uses currently permitted by-right within the B-1 district.
 - c. The conditions do not present clear and enforceable standards that can be applied to the remainder of the parcel or applied to future redevelopment or building expansion.

Voting Yea: Mayor Haines, Commissioner Fleming, Commissioner Fox, Commissioner Graettinger, Commissioner Marsh, Commissioner Olson, Chair Champagne

Motion carried.

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

Chair Champagne opened the meeting to the public for items not listed on the agenda at 6:44 pm. Seeing no one wishing to speak, public comment was closed at 6:44 pm.

NEW BUSINESS

No new business at this time.

MEMBER UPDATES

No member updates at this time.

PLANNER UPDATES

Planner Lonnerstater introduced Aidan, an intern serving in the planning department this summer and shared news of the resignation of Commission member Grant Sylvester.

ADJOURNMENT

Seeing no further comments, Chair Champagne adjourned the meeting at 6:46 pm.

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: clerks@madison-heights.org at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.