



# MEMORANDUM

Date: December 2<sup>nd</sup>, 2024  
To: City of Madison Heights City Council  
Meeting Date: December 9<sup>th</sup>, 2024  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Rezoning Request PRZN 24-01 (Ord. 2201)– 32275 Stephenson Hwy. - M-1 to MUI-1

## Introduction

The applicant, Ahmad Nassar d/b/a Detroit 75 Kitchen, on behalf of the property owner, Raghunath Singh, requests to rezone one (1) parcel of land located at 32275 Stephenson Highway (TM# 44-25-02-101-036) from M-1, Light Industrial district, to MUI-1, Mixed-Use Innovation 1 district. The subject parcel is approximately 1 acre in size and is improved with a 3,300 square foot commercial building (currently operating as a restaurant and bar) and an associated parking lot. The property is located on the west side of Stephenson Hwy. just north of Whitcomb Ave.

NOTE: The applicant had originally applied to rezone the subject property to MUI-2. However, after meeting with staff, the applicant has requested an alternative rezoning to the MUI-1 district in lieu of the MUI-2 district.

## Planning Commission Action and Findings

At their November 19<sup>th</sup>, 2024 meeting, the Planning Commission approved the following motion pertaining the proposed rezoning:

*Motion by Commissioner Grant, seconded by Commissioner Graettinger, to recommend that City Council approve rezoning PRZN 24-01 of 32275 Stephenson Highway (parcel #44-25-02-101-36) from M-1, Light Industrial, to MUI-1, Mixed Use Innovation 1, as supported by staff and as requested by the applicant, in lieu of the original rezoning request to the MUI-2, Mixed-Use Innovation 2 district. This recommendation of approval was made after the required public hearing based upon the following findings:*

*(1) A rezoning to MUI-1 satisfies the map amendment review standards contained in Section 15.07 of the Zoning Ordinance and contained within the staff report dated November 12<sup>th</sup>, 2024. In particular, the Planning Commission finds that, in lieu of the MUI-2 district originally requested in the application, a rezoning to MUI-1 more satisfactorily addresses the following standards:*

- Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed MUI-1 district.*
- Compatibility of all the potential uses allowed in the MUI-1 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 of the MUI-1 district with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan).*
- *The boundaries of the MUI-1 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 MUI-1 district is considered to be more appropriate from the city's perspective than another zoning 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 MUI-1 district 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 MUI-1 district.*
- *The amendment will not be expected to result in exclusionary zoning.*

*(2) The applicant has provided an email letter dated November 14<sup>th</sup>, 2024, stating their support for a rezoning to the MUI-1 district in lieu of the MUI-2 district originally stated on the rezoning application.*

*Motion carries unanimously.*

## Background

The applicant requests a rezoning to MUI-1, Mixed-Use Innovation 1 district, to permit the operation of a food truck in association with a brick-and-mortar restaurant on the property. Per the newly adopted Madison Heights Zoning Ordinance, accessory food trucks, formally called "Mobile Food Vehicles", are only permitted to operate from approved "Mobile Food Sites." A "Mobile Food Site" is defined as, "a private property which has been approved under the provisions of the Zoning Ordinance for operation of a single mobile food vehicle as an accessory use." Mobile Food Sites are only permitted as an accessory use within the City Center, Mixed-Use Innovation 1 (MUI-1) and Mixed-Use Innovation 2 (MUI-2) zoning districts. The subject property's current M-1, Light Industrial zoning designation does not permit Mobile Food Sites.

The applicant requests a rezoning to the MUI-1 zoning designation as the first step in obtaining Mobile Food Site approval on the property. Within the MUI-1 district, Mobile Food Site approval may be granted administratively without the need for additional Planning Commission or City Council action. However, additional approval through Community and Economic Development Department will be required.

**Existing Street View**



**Subject Parcel – Aerial View**



**Map Amendment (Rezoning) Review Standards**

Section 15.07 of the new 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 M-1, Light Industrial zoning district is to, *"primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affects in a detrimental way any of the surrounding districts."*

The intent of the proposed MUI-1, Mixed-Use Innovation 1 district is to,

*"Promote the reuse of older, character giving structures that may no longer be suitable for their original purposes. The MUI-1 district is intended to provide for an eclectic mix of uses reflective of long-established development patterns at a pedestrian scale, including the adaptive reuse of existing, smaller industrial spaces into new commercial, residential, artisan industrial, and mixed-use projects. The MUI-1 district supports a variety of residential, commercial, and light industrial uses that are compatible with surrounding neighborhoods, and accounts for the appropriate mitigation of other potential adverse impacts on adjacent residential uses."*

While the applicant intends to continue operating a restaurant as the principal use of the site with the addition of an accessory food truck, the Planning Commission should consider all of the potential uses that could be developed on this site if it were to be rezoned to MUI-1. The Planning Commission should also consider the list of M-1 industrial uses currently allowed on-site which would no longer be permitted in an MUI-1 district or may require Special Land Use approval. Some of these more intense uses and significant use departures are highlighted in the table below:

USE	M-1	MUI-1
CURRENT USE: Restaurant/Bar	P	P
PROPOSED ACCESSORY USE: Mobile Food Site		P
<b>Residential Uses</b>		
Townhomes		P
Residential/Commercial Mixed-Use		P
Senior Housing		P
<b>Commercial Uses</b>		
Auto Repair and Service	S	S
Auto Sales	P/S	S
Banquet Halls (Large)		S
Commercial Kennels and Boarding Facilities	S	S
Drive-Through Facilities		A+S
General Retail		P
Hotels and Lodging		S
Indoor Recreation Business	P	P/S
Medical Office		P
Personal Service Establishments		P
Self-Storage Facility	S	
Veterinary Clinic or Animal Grooming		P
<b>Industrial Uses</b>		
Artisan Manufacturing/Makerspace	P	P
Light Industrial, Assembly, Repair and Manufacturing	P	P
Lumber Yard	S	
Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, RVs	S	
Research, Development and Testing Facilities	P	P
General Warehouse and Distribution	P	P
Wholesale Sales/Retail	S	S
Recycling Drop-Off Centers	S	

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

The full Permitted Use Table is attached to this memorandum.

A rezoning to the Mixed-Use Innovation 1 district would open the site to commercial and mixed-use (including residential) uses, while continuing to allow certain light industrial uses. The existing restaurant use would remain a use permitted by-right.



### 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>	Restaurant	M-1, Light Industrial
<b>North</b>	Light Industrial	M-1, Light Industrial
<b>South</b>	Mobility Equipment Supplier	M-1, Light Industrial
<b>East (Across Stephenson)</b>	Industrial Wholesale	M-1, Light Industrial
<b>West</b>	High School	R-2, One-Family Residential

Adjacent land uses on Stephenson Highway consist primarily of light industrial uses. However, there are several hotels (zoned MUI-2 or B-3) along the stretch of Stephenson between 13 and 14 Mile Roads. As Stephenson approaches 14 Mile Road to the north, the zoning transitions to MUI-2 and B-3, Regional Business District, and the character becomes more commercial in nature. Additionally, properties to the south at the intersection of Stephenson and 13 Mile Road are currently zoned MUI-2.

### 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>	Industrial
<b>North</b>	Industrial
<b>South</b>	Industrial
<b>East (across Stephenson)</b>	Industrial
<b>West</b>	Public & Schools

The future land use designation of the subject site is *Industrial*. Per the Master Plan, the Industrial designation is intended to, “accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities. These more intense uses are intended for existing industrial areas along Stephenson, I-75 and 14 Mile Road.”

Adjacent future land use designations are primarily industrial.

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.

### **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 Stephenson Highway is designated as a minor arterial road and typically handles through-traffic for local traffic generators. Per SEMCOG, this stretch of Stephenson Highway accommodates approximately 12,400 vehicles per day.

### **Staff Discussion and Policy Analysis**

After a pre-application meeting with staff on October 8<sup>th</sup>, 2024 the applicant formally applied to rezone the subject property to the MUI-2 district, primarily due to the existing MUI-2-zoned properties on the east side of Stephenson Highway. However, after additional analysis, staff concluded that, in lieu of the MUI-2 district, the MUI-1 district would better align with the industrial character of Stephenson Highway and would continue to allow for light industrial uses which would not be permitted under the MUI-2 district. As such, the applicant requested an alternate rezoning to the MUI-1 district; the Planning Commission recommended approval of the MUI-1 district in lieu of the MUI-2 district at their November 19<sup>th</sup>, 2024 meeting.

The MUI-1 district permits Mobile Food Sites similar to the MUI-2 district but continues to permit light industrial and flexible industrial uses that are more consistent with the Stephenson Highway industrial corridor and the Industrial future land use classification. Please refer to the full Permitted Use Table attached to this memorandum.

The subject property is located mid-block along the primarily industrial Stephenson Highway corridor. Stephenson Highway transitions to more a regional commercial character approximately a quarter mile to the north as it approaches 14 Mile Road. The east side of Stephenson between Whitcomb Ave. and 14 Mile Rd. contains several MUI-2-zoned parcels, improved with hotel uses, as well as B-3, Regional Business zoned parcels at the intersection of 14 and Stephenson. The proposed MUI-1 district is better aligned with the existing and proposed restaurant use than the existing M-1 district.

As an alternative to rezoning, the City Council may consider a text amendment to permit Mobile Food Sites as an accessory use in the M-1, Light Industrial zoning district.

If the rezoning request is approved, any major redevelopment on the subject parcel will be subject to site plan approval through the Technical Review Committee and, if necessary, Special Land Use approval through the Planning Commission and City Council. Further, the proposed Mobile Food Site would be subject to administrative approval through the Community and Economic Development Department.

### **Next Step**

**Based on the aforementioned findings and recommendation of approval from the Planning Commission, staff recommends that the City Council approve and adopt Ordinance #2201 (PRZN 24-01) upon second reading.**

## Attachments

- *Rezoning Application PRZN 24-01*
- *Compiled Maps*
- *Section 15.07 – Zoning Ordinance Amendments (Map and Text)*
- *Section 3.06 – Permitted Use Table*
- *Section 3.17 – M-1 Light Industrial District*
- *Section 3.20 – MUI-1 Mixed Use Innovation District 1*
- *Section 3.21 – MUI-2 Mixed Use Innovation District 2*
- *Public Hearing Notice*