

DATE: July 6, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, July 11 2022

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The following are my comments for items appearing on the agenda of the Regular Council Meeting of Monday, July 11, 2022.

**A - PUBLIC HEARINGS:**

CED DIRECTOR - 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

The applicant, Hudson Madison II LLC, requests to rezone three parcels of land at 30151, 30171 and 30183 Dequindre Road (PIN Numbers 44-25-12-280-027, 44-25-12-280-026, and 44-25-280-025) from R-2, One-Family Residential, to R-M, Multiple Family Residential. The subject properties are located on the west side of Dequindre Road, south of Oakland Drive.

The three subject properties contain a total of 2.86 acres and are improved with single-family detached homes and their accessory structures. The applicant requests a rezoning to R-M in order to construct a senior living, assisted living and memory care facility on site, which is permitted as a special use within the R-M district. The new facility will be associated with the independent senior living facility currently under construction immediately to the south of the site. While approval of the rezoning does not constitute special use or site plan approval, the applicant has applied for special use approval under item #4 on this agenda

City Council should consider all of the potential uses that could be developed on this site if it were to be zoned R-M. Uses permitted by right within the R-M district include one and two-family dwellings, multiple-dwellings, and rental/management offices accessory to multiple-dwelling unit developments. Uses permitted as a special use include convalescent homes and general hospitals.

The Planning Commission held a public hearing on May 17<sup>th</sup>, 2022, and recommended approval of the requested rezoning. Based on the Planning Commission's findings and recommendation, staff recommends that the City Council approve rezoning request PRZN 22-01 and adopt Ordinance # 2184 upon second reading after the required public hearing.

CED DIRECTOR- 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

The applicant, EWM-Miller Wash, LLC, requests to rezone three parcels of land at 29022 Stephenson Highway (PIN Numbers 44-25-11-377-015, 44-25-11-377-016, and 44-25-11-377-019) from M-1, Light Industrial, to B-3, General Business. The subject properties are located at the northeast corner of Stephenson Highway and E. 12 Mile Road, immediately to the west of the I-75 interchange.

The subject site contains a total area of approximately 1.14 acres. The site is improved with an existing 3,285 sq. ft. commercial structure currently occupied by Col's Place restaurant. The applicant requests a rezoning to B-3 in order to construct an auto car wash facility, which is permitted as a special use within the B-3 district. Note that approval of the rezoning would not constitute special use or site plan approval. However, the applicant has applied for special use approval under item #3 on this agenda. City Council should consider all of the potential uses that could be developed on this site if it were to be zoned B-3. The applicant has provided conceptual plans for an express car wash on-site; these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

Per the Zoning Ordinance, the proposed B-3 zoning district is, *"designed to provide sites for more diversified business types and is often located so as to serve the passer-by traffic."* Uses permitted by right within the B-3 district include, but are not limited to, general retail, personal service establishments, sit-down and drive-through restaurants, professional offices, new car auto sales and showrooms, and mixed-use developments. Uses permitted through the special approval process include, but are not limited to, gasoline stations, auto washes, bars, and motor vehicle repair facilities

Staff notes that a rezoning to B-3 would remove the subject parcels from the Marihuana Overlay District; medical and adult-use marijuana establishments are not permitted within the B-3 zoning district.

At their **May 17, 2022** meeting, the Planning Commission held a public hearing and **recommended approval** of the requested rezoning based upon the findings that

The proposed B-3 district is generally compatible and consistent with adjacent auto-oriented uses and regional commercial developments near the 12 Mile Road/I-75 Interchange, The proposed B-3 District is compatible with adjacent M-1 zoned parcels within Madison Heights and commercially-zoned parcels within Royal Oak.

The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their May 4, 2022 meeting and did not express any objections. The SPRC will separately review additional

Applications relating to this project, if submitted, including special use and site plan submittal. Special use approval through City Council is required for auto washes.

City Council approved the first reading at their June 13, 2022 meeting.

Based on the Planning Commission's findings and recommendation, staff recommends that the City Council approve rezoning request PRZN 22-2 and adopt Ordinance # 2185 upon second reading after the required public hearing.

SPECIAL APPROVAL PSP 22-06 - 29022 STEPHENSON HWY - EWM MILLER WASH LLC/COSMO'S CAR WASH' - AUTO WASH USE.

The applicant, EWM Miller Wash, LLC, requests special use approval for an auto wash facility known as 'Cosmo's Car Wash'. The subject site is located at 29022 Stephenson Highway and consists of three separate parcels (PINs 44-25-11-377-016; -016; and -019). The properties are currently zoned M-1, Light Industrial. However, the applicant has concurrently applied to rezone the properties to B-3, General Business, under PRZN 22-02

The applicant proposes to construct a modern express car wash on the site located at the northeast corner of Stephenson Highway and Twelve Mile Road, immediately to the west of I-75. The subject site comprises three (3) separate parcels and is currently improved with Col's Place Restaurant. If the project is approved, the applicant would be required to recombine the three (3) properties into a single parcel.

The applicant has submitted a preliminary site plan and concept color renderings for the project. As proposed, the existing Col's Place Restaurant would be demolished to accommodate a 4,870 square foot express car wash building. Nineteen (19) outdoor self-service vacuum bays are proposed. The preliminary plans depict a modern architectural façade and significant landscaping around the site and adjacent to public rights-of-way.

While staff has concerns regarding the proliferation of auto wash uses within Madison Heights, staff acknowledges that the site's location immediately to the west of the I-75/Twelve Mile Road interchange makes it conducive for auto-oriented commercial uses such as the proposed project. Further, the applicant's concept plans depict an attractive, modern facility with a landscape plan that goes above and beyond the City's minimum requirements.

Staff offers the following findings for City Council consideration:

1. The proposed express car wash is compatible with uses permitted in the B-3, General Business, zoning district and is compatible with adjacent land uses and transportation networks. The proposed use will not be detrimental to adjacent commercial and industrial properties.
2. The proposed use is not completely aligned with the site's 'Industrial' future land use designation. However, staff recognizes the existing auto-oriented nature of the 12-Mile Road/I-75 interchange, as well as existing nearby regional commercial uses located along E. 12 Mile

Road.

3. The proposed use generally satisfies the special use approval review standards and criteria listed in Section 10.201(4). The applicant acknowledges the need to apply to the ZBA for several variances from the specific-use standards of Section **10.326(8)**.

The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their June 29<sup>th</sup>, 2022 meeting and did not cite concerns regarding the proposed special use. Separate SRPC approval will be required for the final site plan.

Based on these findings, staff recommends the following courses of action, dependent upon the City Council action on case PRZN 22-02:

If City Council **approves** the concurrent rezoning to B-3 under PRZN 22-02, staff recommends City Council **approve** the requested special use 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.

If City Council **denies** the concurrent rezoning to B-3 under PRZN 22-02, staff recommends City Council **deny** the requested special use due to 'auto wash' uses being prohibited in the M-1 zoning district.

After the public hearing and discussion, City Council may take action on the requested special use. **Any motion shall include concise findings based upon the special approval review standards and criteria,**

SPECIAL APPROVAL REQUEST PSP 22-07 - HUDSON MADISON II LLC/RESERVE AT RED RUN PHASE II - 30151, 30171 AND 30183 DEQUINDRE RD. - REST/CONVALESCENT HOME

The applicant, Hudson Madison II LLC, requests special use approval for a 'rest or convalescent home' known as *The Reserve at Ren Run Phase II*. The subject site is located at 30151, 30171 and 30183 Dequindre Road and consists of three separate parcels (PINs 44-25-12-280-025; -026; and -027). The properties are currently zoned R-2, One-Family Residential. However, the applicant has concurrently applied to rezone the properties to R-M, Multiple Family Residential, under PRZN 22-01.

The applicant proposes to construct a sixty (60) unit assisted living/memory care facility located on the west side of Dequindre Road, south of Oakland Drive. The subject site comprises three (3) separate parcels which are currently improved with single-family homes. If the project is approved, the applicant would be required to recombine the three properties into a single parcel.

The applicant has submitted a preliminary site plan for the project. As proposed, the existing single-family homes would be demolished to accommodate a one-story, 49,792 square foot assisted living and memory care facility. The project is associated with the *Reserve at Red Run* independent senior living facility currently under construction immediately to the south. The facility will feature on-site medical care services, dining rooms, activity and exercise rooms, and transportation services.. A preliminary landscape plan depicts landscape screening/buffering around the edges of the property and adjacent to the Dequindre Road right-of-way.

The proposed project aims to add a memory care/assisted living component to the *Reserve at Red Run* independent living facility currently under construction to the south. The northern two-thirds of the subject property borders several vacant, landlocked parcels to the west, reducing the direct impact to the adjacent single-family neighborhood. However, the southern third of the site does directly back up to three single-family homes to the west. In order to minimize the effect of development on these residential properties, staff recommends that the applicant increase the amount of large deciduous and evergreen trees at the southwest corner of the site in order to create a more dense landscape screen.

Staff offers the following findings for City Council consideration:

1. The proposed facility is compatible with uses permitted in the R-M, Multiple-Family, zoning district and, with appropriate buffering and screening, can be deemed compatible with adjacent single and multi-family residential land uses. The proposed use should not be detrimental to adjacent office, single-family, and multiple-family residential uses.
2. The proposed use is not completely aligned with the site's '*Office*' future land use designation. However, staff recognizes that the existing pattern of detached, single-family houses on the subject parcels may not be the highest and best use for a principal arterial road such as Dequindre Road. Further, staff recognizes the need to provide additional housing, especially for those needing assistance due to memory issues and Alzheimer's.
4. The proposed use generally satisfies the special use approval review standards and criteria listed in Section **10.312(1)**. However, the applicant will need to resolve issues relating to the southern building setback and maximum lot coverage or alternatively seek variances from the Zoning Board of Appeals (ZBA).
5. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their June 29<sup>th</sup>, 2022 meeting and did not cite concerns regarding the proposed special use. Separate SRPC approval will be required for the final site plan.

Based on these findings, staff recommends the following courses of action, dependent upon the City Council action on case PRZN 22-01:

If City Council **approves** the concurrent rezoning to R-M under PRZN 22-01, staff recommends City

Council **approve** the requested special use 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).

If City Council **denies** the concurrent rezoning to R-M under PRZN 22-01, staff recommends City Council **deny** the requested special use due to rest/convalescent home uses being prohibited in the R-2 zoning district.

After the public hearing and discussion, the City Council may take action on the requested special use. Any motion shall include concise findings based upon the special approval review standards and criteria, Section 10.201(4).