	CITY OF MADISON ELECTRONIC COUNCIL AGE			
SUBMITTED TO:	Melissa Marsh - City Manager			
SUBMITTED BY:	Giles Tucker - CED Director	DATE:	6/1/22	
FOR CONSIDERAT	TION AT THE COUNCIL MEETING C	DF: 6/13/22		
	ACTION REQU	ESTED		
PRESENTATION	1101101111120	FUTURE PUBLIC HEA	ARING 🗸	
PUBLIC HEARING	– SPECIAL APPROVAL	BID AWARDS / PURC	CHASES	
PUBLIC HEARING	– OTHER	ORDINANCE - FIRST		
COMMUNICATION	N	ORDINANCE - SECO	ND	
REPORT		OLD BUSINESS		
	ZN 22-02(Ordinance No. 2185) - Rezort Industrial, to B-3, General Business. IF ORDINANCE, CITE TITLE.	ne three (3) parcels of land	at 29022 Stephenson	
	IF ORDINANCE, CITE TITLE	CHAPTER SECTIONS		
Stephenson Highway Light Industrial, to B	POLICY CONSID oplicant, EWM-Miller Wash, LLC, reque (PIN Numbers 44-25-11-377-015, 44-2-3, General Business. The subject proper and E. 12 Mile Road, immediately to the	ests to rezone three (3) pard 5-11-377-016, and 44-25-1 rties are located at the north	1-377-019) from M-1, neast corner of	
	FINANCIAL IN	МРАСТ		
No Impact	<u> </u>	Fee Waiver Proposed		
Budgeted Fund Nam		Department Name		
Appropriated in Acc		Budget Amount		
Second Account Nui	Acct.	Budget Amount		
		Revenue Generated		
Other Comments				
	REVIEW CHEC	CKLIST		
DEPARTMENT	Giles Tucker, CED	DATE		
DEPARTMENT		DATE		
CITY MANAGER	Melissa Marsh	DATE		
See P:\SHARED\COUNCIL A Rev. January 2004	GENDA\FORMS	ITEM#	G-5	



Date: June 1st, 2022

To: City of Madison Heights City Council From: Matt Lonnerstater, AICP – City Planner

Subject: Rezoning Request PRZN 22-02 (Ordinance 2185) – 29022 Stephenson Hwy. – First

Reading

Introduction

The applicant, EWM-Miller Wash, LLC, requests to rezone three (3) 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.

Background

The subject site consists of three (3) parcels which contain 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. 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.

When reviewing a rezoning request, the City Council should review the proposed district's consistency and compatibility with adjacent land uses and the future land use map as laid out in the Master Plan.

Existing Land Use

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

	Existing Land Use	Existing Zoning
Site	Restaurant	M-1, Light Industrial
North	Oakland County Water	M-1, Light Industrial
South (across 12 Mile)	Retail	General Business (City of Royal Oak)
East		I-75
West (across Stephenson)	Gas Station	M-1, Light Industrial

The subject site is located immediately to the west of the 12 Mile Road/I-75 interchange. Adjacent land uses consist primarily of auto-oriented uses, including a gas station across Stephenson Highway, an auto repair shop across 12 Mile Road, and a new drive-through fast food restaurant kitty-corner at the intersection of 12 Mile Road and Stephenson Highway (in Royal Oak).





Existing Conditions at Stephenson/12 Mile (looking south)



Existing Conditions at Stephenson/12 Mile (looking east toward I-75)



Page 2

Future Land Use

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

	Future Land Use
Site	Industrial
North	Industrial
South (across 12 Mile)	General Commercial (City of Royal Oak)
East	I-75
West (across Stephenson)	Industrial

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.

Staff Analysis

While the proposed B-3 zoning district is not completely aligned with the site's "Industrial" Future Land Use designation, staff recognizes the existing auto-oriented nature of the 12-Mile Road/I-75 interchange, as well as the existing regional commercial uses located at or near the intersection of Stephenson Highway and E. 12 Mile Road. Existing uses at the Stephenson/12 Mile intersection include several gas stations, an auto repair shop, a Kroger Marketplace, and several commercial outlots. Further, the 12 Mile corridor on the east side of I-75 is currently improved with several regional retail developments, including Lowe's, Home Depot, and BJ's Wholesale Club. Staff believes that the uses permitted within the proposed B-3 district are consistent with and complementary to the existing land use pattern in the vicinity.

If the B-3 rezoning request were to be approved, any major re-development on the subject parcel would be subject to site plan approval through the Site Plan Review Committee. Certain uses, such as a potential auto wash, would require special approval through City Council. Staff further 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.

Planning Commission Action

At their <u>May 17th, 2022</u> meeting, the Planning Commission <u>recommended approval</u> of the requested rezoning based upon the following findings:

- 1. The applicant requests a rezoning from M-1, Light Industrial, to B-3, General Business, to construct an automatic express car wash facility on site. The B-3 district permits a range of general commercial, retail, restaurant, and office uses.
- 2. 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.
- 3. The proposed B-3 District is compatible with adjacent M-1 zoned parcels within Madison Heights and commercially-zoned parcels within Royal Oak.

- 4. While the proposed B-3 District is not entirely aligned with the "Industrial" future land use designation, the subject site is located at the very southern end of the Stephenson Highway industrial corridor and is adjacent to a number of existing auto-oriented commercial uses.
- 5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their May 4th, 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.

Based on these findings, staff recommends that the Planning Commission recommend to City Council **approval** of the requested rezoning on the three (3) subject parcels from M-1 to B-3.

Staff Recommendation and Next Step

Based on the Planning Commission's findings and recommendation, staff recommends that the City Council adopt Ordinance # 2185 (PRZN 22-02) upon first reading and schedule the required public hearing for the <u>July 11th</u>, 2022 City Council meeting.



Legal Ad Proof

If you wish to email changes please reply or use the email below legals@candgnews.com

(NOTE: After 3:00pm on press day you must call for corrections)

Date Proof Sent: 4/21/2022 9:49 AM

AD INFORMATION

Ad Number: 0329-2218

Ad Title: CITY OF MADISON HEIGHTS-Notice of Public Hearing - Rezonings - Combined - PRZN 22-01 and

PRZN 22...

Week Of Publication: 4/27/2022

Publication(s) ad will appear: Madison-Park News

For corrections call 586-498-1097

email corrections: legals@candgnews.com (NOTE: After 3:00pm on press day you must call for corrections)

Please scroll to the next page to view the ad.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Madison Heights Planning Commission will hold a public hearing on Tuesday, May 17th, 2022 at 5:30 p.m. in City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071 to consider the following requests:

Rezoning Request No. PRZN 22-0001 by Hudson Madison LLC to rezone three (3) parcels of land described as: 30151 Dequindre Rd. (TM# 44-25-12-28-0027); 30171 Dequindre Rd. (TM# 44-25-12-280-026); and 30183 Dequindre Rd. (TM# 44-25-12-280-025). The request is to rezone the properties from R-2, One-Family Residential, to R-M, Multiple-Family Residential.

Rezoning Request No. PRZN 22-0002 by EWM-Miller Wash, LLC to rezone three (3) parcels of land described as 29022 Stephenson Hwy (TMs: 44-25-11-377-015; 44-25-11-377-016; and 44-25-11-377-019). The request is to rezone the properties from M-1, Light Industrial, to B-3, General Business.

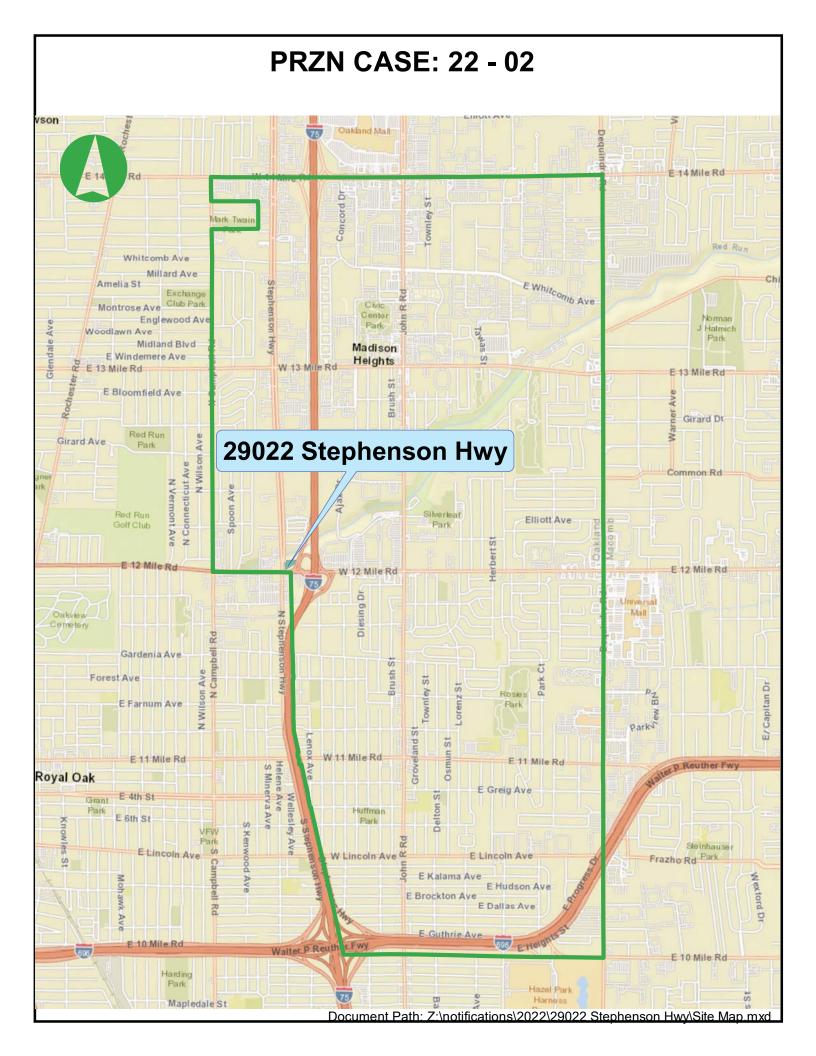
The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed after 4:00 p.m. on Friday, May 13th, 2022 online at www.madison-heights.org in the Agenda Center.

For further information, please contact the Community & Economic Development Department at (248) 583-0831 or <u>MattLonnerstater@madison-heights.org</u>.

CITY OF MADISON HEIGHTS

Published: Madison-Park News 04/27/2022

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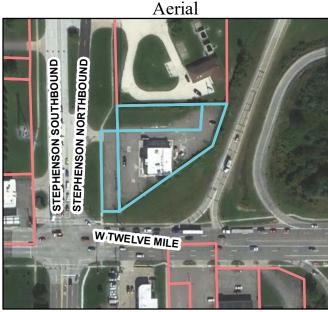


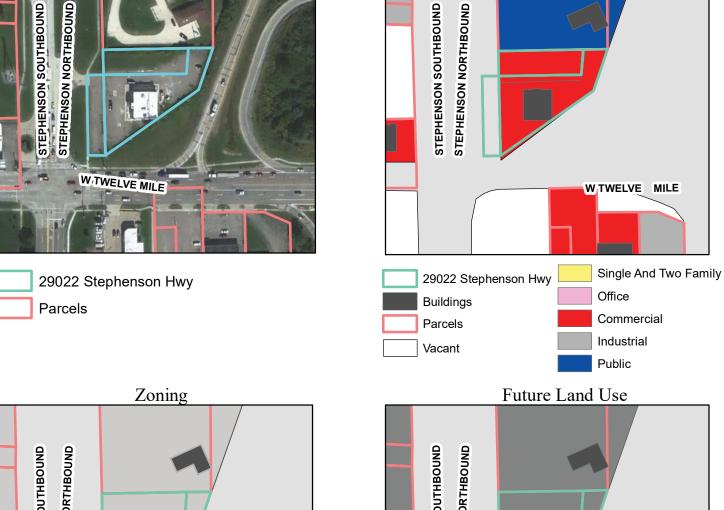
Site Address: 29022 Stephenson Hwy

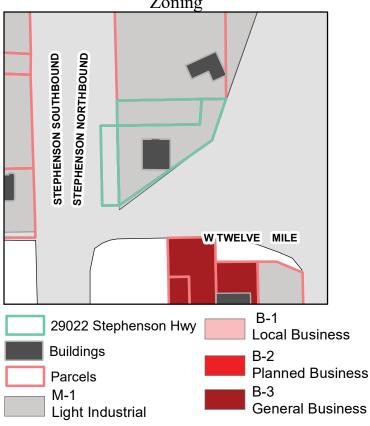
Click for map

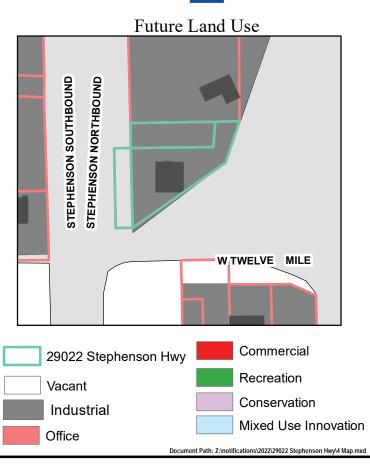


Existing Land Use

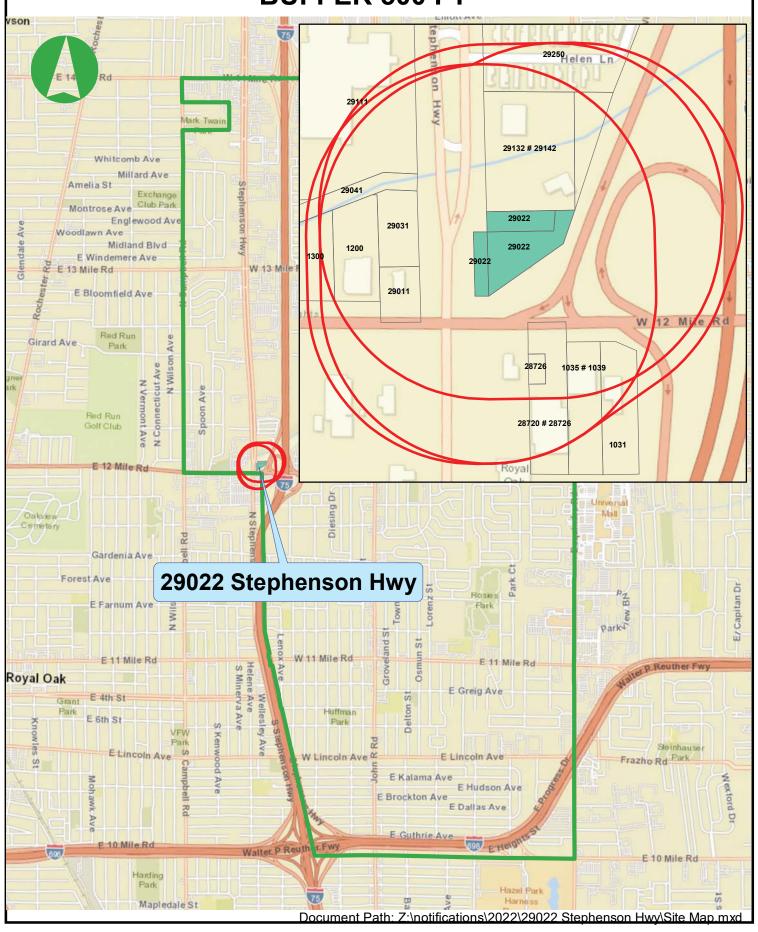








PRZN CASE: 22 - 02 BUFFER 500 FT





Williams Williams Rattner & Plunkett, P.C.

Attorneys and Counselors

380 North Old Woodward Avenue Suite 300 Birmingham, Michigan 48009

Tel: (248) 642-0333 Fax: (248) 642-0856

> John D. Gaber jdg@wwrplaw.com

April 19, 2022

PERSONAL DELIVERY

City of Madison Heights Community and Economic Development Department 300 W. Thirteen Mile Rd. Madison Heights, MI 48071

Re:

29022 Stephenson Highway Application to Rezone Land

Dear Clerk:

Enclosed for filing please find the following documents with respect to the above-referenced property:

- 1. Application to Rezone Land;
- Exhibit A Legal Description;
- Addendum in Support of Application to Rezone Land City of Madison Heights, Michigan; and
- 4. Two copies of Rezoning Survey-Site Plan.

Also enclosed is a check in the amount of \$1,500 for the filing fee.

Please feel free to call with any questions.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

John D. Gaber

JDG/srs Enclosures



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT 300 W. THIRTEEN MILE RD. MADISON HEIGHTS, MI 48071 (248) 583-0831

Application to Rezone Land

I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

	1	Request is hereby made that the following property be rezoned from M-1 to B-3
	2.	
		East side of Stephenson Highway street between Twelve Mile Road
		and Helen Ct streets.
	3.	The legal description of said property is as follows: (attach separately if necessary) Refer to attached legal description
	4.	The sidwell number for the property is: 25-11-377-015, 25-11-377-016 and 25-11-377-019
	5.	The owner of said property is: Name: Sokol and Angjelina Ndrejaj Street Address: 20022 Stephanous Highway
		added Address. Edoca diephenson Alignway
		City, State, Zip: Madison Heights, Michigan 48071
		Phone:Email:
	c	
	6.	The Applicant is:
		Name: EWM-Miller Wash, LLC
		201 Last Oyden Ave. Suite #18-1
		1) state 2 2p. 1 module, 12 0002 1
		Phone: 856-371-6223 Email: do@ewmpartners.com
	7.	
		The applicant is the:
		[] Owner [] Legal Representative M. Purchaser [] Other
	8.	Description of proposed use: Proposed express car wash with automated pay stations and free vacuums
		The second secon
9	9.	Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in itemOAKLAND COUNTY number three (3) of the "Procedure for Filing Recording application" and the \$1,500.00 at ACTING IN THE COUNTY OF OAK LAND COUNTY MY COMMISSION EXTERNAL
Signature of A	Jwn	er: (1.) / / / / / / / / / / / / / / / / / /
Date:	appi	icant:
Date.	7	WE THE LOCAL PROPERTY OF THE PARTY OF THE PA
Notary's Signature Notary's Print Nar Notary Public, Sta	ne: te of	HEATHER LOBRYAN Official Seal Notary Public - State of Illinois My Commission Expires Apr 29, 2025
		Son: 4.29.25
media in the coun	117 01	· NOTEGE
Note: All owners of t	he or	morty must she ship and for the ship and ship and for the ship and ship and the sh

Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney,

Exhibit A

Legal Description

Land in the City of Madison Heights, Oakland County, Michigan, being more particularly described as follows:

PARCEL 1:

Part of the East half of the East half of the Southwest quarter of Section 11, Town 1 North, Range 11 East, described as: Commencing at a point which is South 88 degrees 11 minutes 35 seconds West along the South section line 544.34 feet and North 01 degree 48 minutes 25 seconds West along the Easterly right of way of Stephen Highway, 75 feet from the South quarter corner of said Section 11; thence North 52 degrees 16 minutes 00 seconds East 265.16 feet; thence North 17 degrees 41 minutes 59 seconds East 106.98 feet; thence South 87 degrees 15 minutes 35 seconds West 250.84 feet to the Easterly right of way line of Stephenson Highway; thence South 01 degree 48 minutes 25 seconds East along said Easterly line 252.10 feet to the point of beginning.

PARCEL 2:

The Easterly 40 feet of Stephenson Highway right of way adjacent to that part of the Southwest 1/4 of Section 11, Town 1 North, Range 11 East, described as beginning at a point distant South 88 degrees 11 minutes 35 seconds West 544.34 feet and North 01 degree 48 minutes 25 seconds West 75.00 feet from the South 1/4 corner; thence North 52 degrees 16 minutes 00 seconds East 265.16 feet; thence North 17 degrees 41 minutes 59 seconds East 106.98 feet; thence South 87 degrees 15 minutes 35 seconds West 59.00 feet; thence South 08 degrees 02 minutes 22 seconds West 61.31 feet; thence South 87 degrees 15 minutes 35 seconds West 180.99 feet; thence South 01 degree 48 minutes 25 seconds East 192.10 feet to the beginning.

Commonly known as 29022 Stephenson Highway, Madison Heights, Michigan 48071 Tax Parcel Nos. 25-11-377-015, 25-11-377-016 and 25-11-377-019

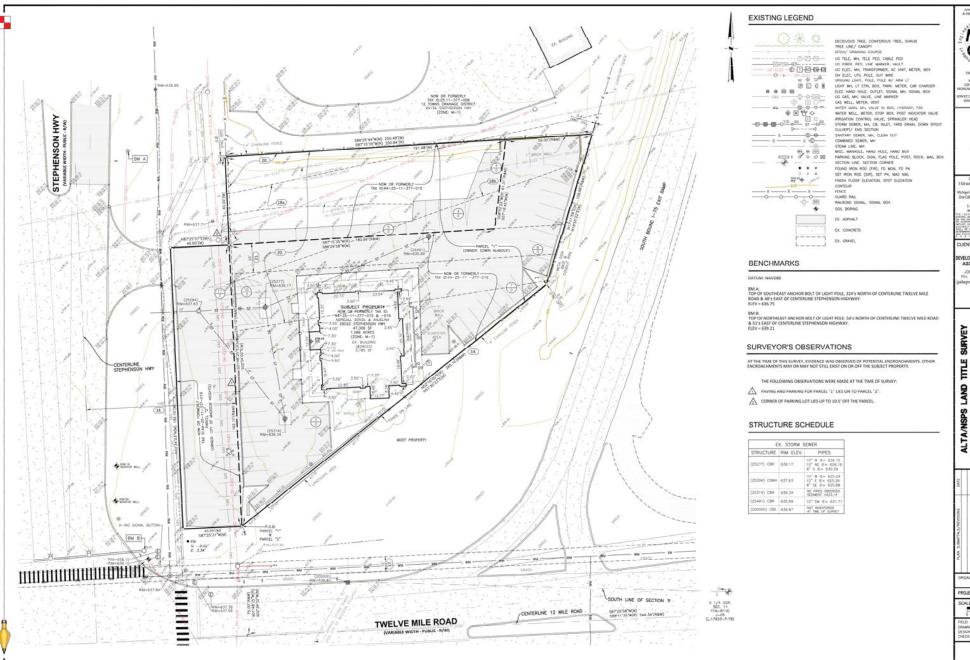
ADDENDUM IN SUPPORT OF APPLICATION TO REZONE LAND CITY OF MADISON HEIGHTS, MICHIGAN

Applicant: EWM-Miller Wash, LLC Parcel ID No.: 25-11-377-015, -016, -019 Date: April 14, 2022

Applicant submits this Addendum in Support of Application to Rezone Land to rezone the above subject property ("Property") from M-1 Light Industrial to B-3 General Business, and states the following in support of its Application:

- Applicant proposes to construct a modern automatic express car wash on the Property, which is a Use Permissible on Special Approval in the B-3 General Business district (§10-326(8)). While a rezoning review would focus on all of the potential permitted uses in the B-3 district which could be operated on the Property, the principal permitted uses and special approval uses in the B-3 district (and by incorporation the O-1, B-1 and B-2 districts) would appear to be appropriate uses for this Twelve Mile Road retail/restaurant corridor.
- 2. <u>Current land use supports the requested rezoning</u>. The Property is currently used for commercial, not industrial purposes. Similarly, most of the existing uses in the Twelve Mile Road corridor in this area of the City are commercial uses. A gas station/convenience store operates west of the Property. An auto repair and miscellaneous retail are located south of the Property. The Twelve Mile corridor east of the Property features Home Depot, Lowe's, and several restaurant outlots. The Twelve Mile corridor southwest of the Property in Royal Oak also houses retail/restaurant uses. The existing land uses in the area would be permitted uses or special approval uses in the B-3 district, and therefore support the requested rezoning to B-3.
- 3. <u>Likely consistent with City Master Plan Update</u>. The requested rezoning to B-3, while not consistent with the current Future Land Use Map of the City, would most likely be updated in the impending City Master Plan update process to reflect that the Twelve Mile corridor has been converting from industrial to commercial uses over time. There is a likelihood that Future Land Use Map could be updated in this process to change the designation of these Twelve Mile frontage properties to Commercial, which would support the rezoning to B-3.
- 4. No adverse impact. The requested rezoning would not adversely impact adjacent properties because the Property is already used for commercial purposes, and commercial uses operate on the east, west and south sides of the Property. The Oakland County Water Resource Commission is located to the north of the Property, which is a public utility facility, also consistent with commercial uses. Traffic would access the site from Stephenson Highway at the north end of the Property, away from the intersection, to reduce traffic conflicts and maximize safety.

For the above reasons, Applicant believes rezoning the Property to B-3 would be consistent with good land use planning practices, and respectfully requests rezoning approval.



PROCESSION SOUTH STATE OF THE S



CLIENT :

DEVELOPMENT MANAGEMEN ASSOCIATES LLC JON PELLEGRENE PH: 312-605-9290

igan

EPHENSON HWY - MADISON HT -25-11-377-015, -016, -0 SW 14, SEC, 11, TIN-RTIE SW 174, SEC, 11, TIN-RTIE

29022 STEPHENS TAX ID: 44–25–1 PART OF SW 1 ROYAL OAK TOWNSHII

PLAN SJEMITIAS/REVISIONS

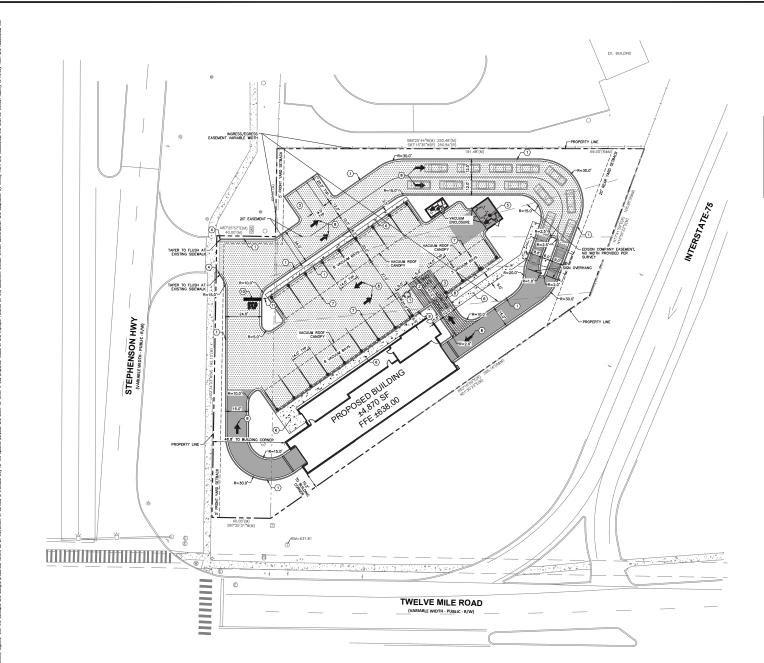
ORIGINAL ISSUE DATE: 2/4/2022

2/4/2022 PROJECT NO: 21-428

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ELD: AJS
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GENERAL NOTES

- 1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
- REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
- 4. RADII NOT DIMENSIONED ON THIS PLAN SHALL BE 2-FEET, TYPICAL.
- REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.

SITE LEGEND

STANDARD DUTY ASPHALT PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION

HEAVY DUTY CONCRETE PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION

CONCRETE SIDEWALK
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION

— 6" CONCRETE CURB AND GUTTER ---- EASEMENT LINE

- PROPERTY UNE å. ACCESSIBLE PARKING MARKING

SITE DATA TABLE

1 SPACE PER EMPLOYEE

SITE DATA TABLE

TOTAL LOT AREA	1.09	AC
TOTAL AREA DISTURBED	1.09	AC
EXISTING IMPERVIOUS AREA	0.85	AC
PROPOSED IMPERVIOUS AREA	0.98	AC

KEY NOTES

- (1) 6" CURB AND GUTTER, TYP.
- ACCESSIBLE PAVEMENT MARKINGS, TYP.
- 3 4" WIDE PAINTED SOLID LINE, TYP.
- (4) CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB. TYP. (5) TRASH ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)
- 6 CONCRETE SIDEWALK, TYP.
- VACUUMS TYP.
- 9 ACCESSIBLE PARKING SIGN
- 24" WIDE STOP BAR STOP SIGN (MUTCD R1-1)



ORIGINAL ISSUE: 4/15/2022 KHA PROJECT NO. 190125007 SHEET NUMBER

C1.0

Kimley» Hom



PLAN SITE

29022 STEPHENSON HWY