



MEMORANDUM

Date: March 31st, 2023
To: City of Madison Heights City Council
Meeting Date: April 10th, 2023
From: Matt Lonnerstater, AICP – City Planner
Subject: Rezoning Request PRZN 23-01 (Ordinance #2193) – 31010 John R Rd. – B-1 to B-2 – Second Reading and Public Hearing
Recommendation: Approval (Planning Commission)

Introduction

The applicant, Jeff Ukrainec on behalf of Goodwill Industries of Greater Detroit, requests to rezone one (1) parcel of land at **31010 John R Road** (PIN Number 44-25-01-351-017) from **B-1, Local Business, to B-2, Planned Business**. The subject property is located at the northeast corner of John R. Road and W. 13 Mile Road.

Background

The subject site consists of one (1) parcel which contains a total area of approximately 1.31 acres. The site is improved with an existing 11,000 sq. ft. commercial structure most recently occupied by CVS Pharmacy and Spirit Halloween; the structure is currently vacant.

The applicant requests a rezoning to B-2, Local Business, to open a Goodwill retail store within the existing building. Because Goodwill sells used products (such as clothing, electronics, furniture, and home goods), the store is classified as a *used good use* per the Madison Heights Zoning Ordinance. Per Section 10.502(A) of the Zoning Ordinance, *used good uses* are considered a regulated use. In addition to used good uses, regulated uses include others that have, “serious objectionable operational characteristics [...]” including, but not limited to, tattoo parlors, pawnbrokers, billiard halls, massage parlors, adult theaters, cabarets, and sexually-oriented businesses. Regulated uses are subject to strict siting standards, as follows:

- Shall not be located within 1,000 feet of another regulated use; and
- Shall only be permitted in the B-2 and B-3 zoning districts after Special Approval by City Council; and
- Shall not be located within 300 feet of a church, a school, a residential zoning district or residential use, a public park, or a childcare facility.

The applicant requests a B-2 zoning designation as the first step in obtaining regulated use approval. Additional approvals, including Special Approval through City Council, a dimensional variance through the Zoning Board of Appeals, and site plan approval through the Site Plan Review Committee, will be necessary prior to obtaining a Certificate of Occupancy for the proposed use.

Note that approval of the rezoning would not constitute approval of the Special Approval Use, dimensional variance, or site plan.

Zoning and Land Use Considerations

Per the Zoning Ordinance, the existing B-1, Local Business zoning district is, “designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.” Conversely, the proposed B-2, Planned Business district is designed, “to cater to the needs of a larger consumer population than is served by the Local Business District, and [is] generally characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.”

City Council should consider all the potential uses that could be developed on this site if it were to be zoned B-2. These uses are highlighted in the table below, compared with uses permitted under the current B-1 zoning designation:

Uses permitted in B-1 and B-2 Zoning Districts

USE	B-1 Local Business	B-2 Planned Business
General Retail Business	P	P
Personal Service (e.g. beauty parlors, barbershops)	P	P
Office Uses	P	P
Medical Offices	P	P
Restaurants	P	P
Gas Stations	S*	S*
Equipment Rental	S	P
Bars	S	S
Theaters/Assembly Halls		P
Bowling Alley		P
Motor Vehicle Repair/Maintenance		S
Indoor/Outdoor Recreational Uses		S
Regulated Uses		S*

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

**Subject to additional siting requirements.*

Significant uses permitted in the B-2 district not currently allowed under the B-1 designation include motor vehicle maintenance, regulated uses, and indoor/outdoor recreation. However, these uses would be subject to additional Special Approval use review and approval through City Council.

Staff notes that the existing structure on site is set back approximately 15 feet from the east side property line. While the existing B-1 zoning district does not require any interior side yard setbacks, the proposed B-2 district requires a minimum interior side yard setback of 20 feet. Therefore, if the rezoning is approved, the existing structure would be considered legally non-conforming regarding its side yard setback. Any future building improvements would be subject to the B-2 dimensional standards.

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

Existing Land Use

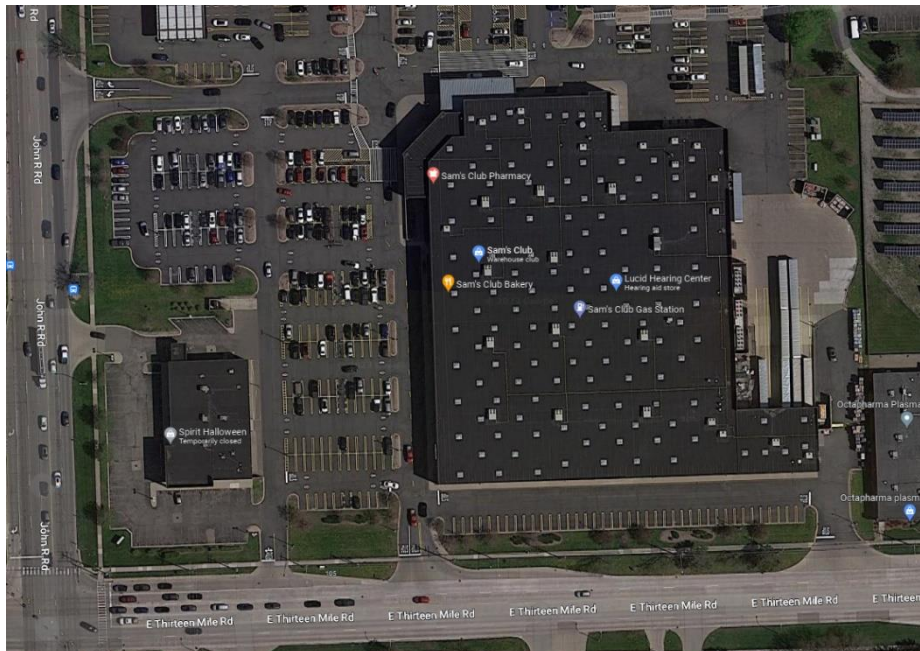
Existing adjacent land uses and zoning designations are denoted in the table below:

Existing Land Uses and Zoning

	Existing Land Use	Existing Zoning
Site	Commercial Building (vacant)	B-1, Local Business
North	Parking/Gas Station (Sam's Club)	B-2, Planned Business
South (across 13 Mile)	Retail and Multiple Family Residential	B-1, Local Business, and R-M, Multiple-Family Residential
East	Parking (Sam's Club)	B-2, Planned Business
West (across John R)	Retail	B-1, Local Business

Adjacent land uses consist primarily consist of commercial and retail development, with multi-family residential units across 13 Mile Road. The subject property is located immediately to the west of Sam's Club, and shares curb cuts, drive aisles, and parking with the wholesale club.

Existing Conditions at John R and 13 Mile Road (northeast corner)



Existing Conditions at John R and 13 Mile Road (looking north)



Source: Google Maps

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

	Future Land Use
Site	Commercial
North	Commercial
South (across 13 Mile)	Commercial and Multiple-Family
East	Commercial
West (across John R)	Office

The future land use designation of the subject site is *Commercial*. Per the Master Plan, the Commercial designation is intended to accommodate a “*broad range of goods and services*.” Adjacent future land use designations include commercial, office, and multiple-family residential.

Staff Analysis

The subject property is surrounded by the Sam’s Club property (zoned B-2), including their associated parking, drive aisles and gas station. The subject site shares vehicular access points and drive aisles with Sam’s Club and, for all intents and purposes, could be considered an outlot of the Sam’s Club property. Given the subject property’s integration into the surrounding Sam’s Club property, staff believes that the site generally meets the intent of the B-2 zoning district to accommodate an “*integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic*.”

Staff finds that the core uses permitted in the B-1 and B-2 districts are fairly consistent with one another. While the B-2 district does permit several uses not allowed in the B-1 district, such as motor vehicle repair facilities and indoor/outdoor recreation, the more intensive uses require Special Approval through City Council. The Special Approval requirement ensures that additional review, action, and conditions of approval can be made on a case-by-case basis.

If the B-2 rezoning request is 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 the potential used goods use/regulated use, would require Special Approval through City Council and further action through the Zoning Board of Appeals. As previously noted, if the rezoning is approved, the existing structure would be considered legally non-conforming regarding its side yard setback. Any future building improvements would be subject to the B-2 dimensional standards.

Planning Commission and City Council Action

At their February 21st, 2023 meeting, the Planning Commission recommended approval of the rezoning to City Council based upon the following findings:

1. The applicant requests a rezoning from B-1, Local Business, to B-2, Planned Business, to open a used goods use within the existing structure on site. The B-2 district permits a range of general commercial, retail, restaurant, and office uses. The uses permitted in the B-2 district are generally appropriate for the subject site.

2. The proposed B-2 district is generally compatible and consistent with adjacent retail uses, including the Sam's Club wholesale facility that surrounds the subject site. The subject site shares vehicular access points, drive aisles, and parking with the Sam's Club, which is consistent with the intent of the B-2 zoning district.
3. The proposed B-2 District is compatible with adjacent B-1 and B-2 zoned parcels, as well as Multiple-Family-zoned parcels across 13 Mile Rd.
4. The proposed B-2 District is aligned with the "Commercial" future land use designation for the subject site.
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their January 25th, 2023 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including special use, variance, and site plan submittal. Special Approval through City Council is required for used good uses (subject to additional siting standards for regulated uses).

City Council approved the first reading at their March 13th, 2023 meeting.

Next Step

Based on the aforementioned findings and recommendation of approval from the Planning Commission, staff recommends that the City Council adopt Ordinance #2193 (PRZN 23-01) upon second reading after the required public hearing.

Additional Policy Considerations

As a separate policy discussion, staff advised the Planning Commission to consider the full list of *Regulated Uses* per Section 10.502(A) of the Zoning Ordinance. In particular, staff encouraged the Planning Commission to discuss whether or not certain non-adult/non-sexually oriented uses currently classified as regulated uses (such as tattoo parlors, used good uses, and billiard/pool halls) are still considered to have "*objectionable operational characteristics*" or contribute to the "*blighting or downgrading of the surrounding neighborhood.*" If desired by the Planning Commission and City Council, modifications to the Regulated Uses section may be made as part of the City's ongoing Zoning Ordinance rewrite project to reduce the administrative burden for business owners who wish to open such businesses in Madison Heights.