



# MEMORANDUM

Date: May 1<sup>st</sup>, 2024  
To: City of Madison Heights City Council  
Meeting Date: May 13<sup>th</sup>, 2024 (First Reading)  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Rezoning Request PRZN 23-02 – 1035 W. 12 Mile Road – B-3 to M-1

## Introduction

The applicant and property owner, *Isam Yaldo*, requests to rezone one (1) parcel of land located at 1035 W. 12 Mile Road (TM# 44-25-14-127-053) from B-3, General Business district, to M-1, Light Industrial district. The subject site consists of one (1) parcel which contains a total area of 0.93 acres and is improved with a 6,500 commercial/retail structure and associated parking lot. The property is located just west of the 12 Mile/I-75 interchange.

## Planning Commission Action and Findings

At their April 16<sup>th</sup>, 2024 meeting, the Planning Commission approved the following motion pertaining to the proposed rezoning:

*Move to recommend to City Council **APPROVAL** of the requested rezoning of 1035 W. 12 Mile Road (parcel #44-25-14-127-053) from B-3, General Business, to M-1, Light Industrial, after the required public hearing, based upon the following findings:*

- 1. The M-1 district permits a range of industrial, warehousing, office, recreational, and limited retail uses which are generally appropriate for the subject site.*
- 2. The intent of, and the uses permitted within, the M-1 district are generally compatible and consistent with adjacent industrial and commercial land uses.*
- 3. The M-1 district is compatible with adjacent B-3 and M-1 zoned parcels.*
- 4. The M-1 district is aligned with the “Industrial” future land use designation for the site and furthers the land use goals and objectives of the adopted 2021 Madison Heights Master Plan.*

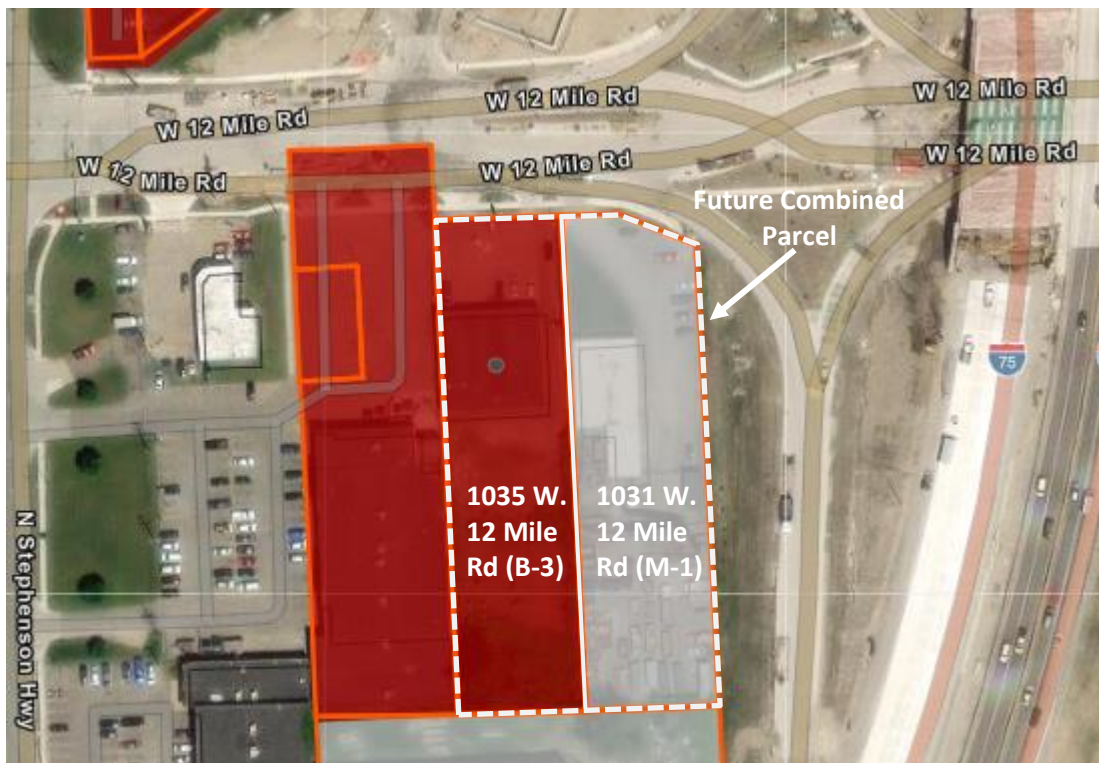
## Background

The property owner’s affiliate, *Arctic Fox, LLC d/b/a JARS Cannabis*, has entered into a settlement agreement with the City of Madison Heights which enables the construction of a new marihuana growing, processing, and provisioning facility at 1031 and 1035 W. 12 Mile Road. The property at 1031 W. 12 Mile Road is presently zoned M-1, Light Industrial, while 1035 W. 12 Mile is zoned B-3, General Business. The property owner intends to purchase the adjacent property at 1031 W. 12 Mile Road, combine the two properties into a single parcel, and lease the parcel to Arctic Fox, who will proceed to develop the property for marihuana-related uses.

Per the City's Medical and Adult Use Marihuana Facilities Ordinances, such facilities are only permitted on properties zoned either M-1, Light Industrial, or M-2, Heavy Industrial. The subject property's current B-3, General Business zoning does not permit medical/adult-use marihuana facilities. As such, the applicant has applied to rezone the subject property to M-1, Light Industrial, to enable the parcel combination and allow for the development of a medical/adult-use marihuana growing, processing, and provisioning facility per the settlement agreement.

**NOTE:** While the city is close to finalizing its comprehensive zoning ordinance and map update, the settlement agreement requires both parties to adhere to Madison Height's rezoning procedures. Therefore, this rezoning request is proceeding separately from the comprehensive rewrite. The proposed Zoning Map zones the subject property as B-3, Regional Business (as opposed to B-3, General Business in the current Zoning Ordinance). If the new Ordinance/Map is adopted on May 13<sup>th</sup>, the rezoning ordinance language (Ordinance No. 2199) will be updated by the time of the public hearing to reflect a rezoning from B-3, Regional Business, to M-1, Light Industrial, thereby amending the newly-adopted Zoning Map.

### ***Existing Zoning***



### **Zoning and Land Use Considerations**

Per the Zoning Ordinance, the existing B-3, General Business zoning district is, *“designed to provide sites for more diversified business types and is often located so as to serve the passer-by traffic.”*

The proposed M-1, Light Industrial zoning district is, *“designed so as 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 Planning Commission should consider all of the potential uses that could be developed on this site if it were to be zoned M-1. Some of these more intense uses are highlighted in the table below, compared with the uses permitted under the current B-3 zoning designation.

USE	B-3 General Business	M-1 Light Industrial
General Retail Business	P	
Personal Service (e.g. beauty parlors, barbershops)	P	
Office Uses	P	P
Medical Offices	P	P
Restaurants/Bars	P	P
Gas Stations	S*	
Auto Washes	S*	
Equipment Rental	P	P
Theaters/Assembly Halls	P	
Motor Vehicle Repair/Maintenance	S	S
Indoor/Outdoor Recreational Uses	S	P
Regulated Uses	S*	
Warehousing/Wholesaling/Storage		P
Light Manufacturing/Assembly		P
Medical/Adult Use Marihuana Facilities		P*

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

*\*Subject to additional siting requirements.*

**When reviewing a rezoning request, the Planning Commission 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 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>	Commercial Building (vacant)	B-3, General Business
<b>North (across 12 Mile)</b>	Carpool Lot	No Zoning
<b>South</b>	Industrial/Indoor Recreation	M-1, Light Industrial
<b>East</b>	Industrial Building (Vacant)	M-1, Light Industrial
<b>West</b>	Retail	B-3, General Business

Adjacent land uses consist primarily of commercial and light industrial uses, with an I-75 carpool lot to the north across 12 Mile.

### Existing Conditions at Subject site



### 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***

	<b>Future Land Use</b>
<b>Site</b>	Industrial
<b>North (across 12 Mile)</b>	Industrial
<b>South</b>	Industrial
<b>East</b>	Industrial
<b>West (across John R)</b>	Industrial

The future land use designation of the subject site is *Industrial*. Per the Master Plan, the Industrial designation is intended to accommodate a “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.

### Transportation

The subject parcel is located just west of the 12 Mile/I-75 divergent diamond interchange. Per the 2021 Master Plan, 12 Mile Road is designated as a principal arterial road and handles regional, passer-by traffic. Per SEMCOG, this stretch of 12 Mile Road handles approximately 25,000 vehicles per day, likely due to its proximity to the I-75 interchange.

### **Staff Analysis**

The subject property is located in primarily industrial area near the Stephenson industrial corridor and is in close proximity to the 12 Mile/I-75 interchange. Existing zoning, adjacent land uses, and the future land use map lend support to an industrial rezoning. If the M-1 rezoning request is approved, any major re-

development on the subject parcel will be subject to site plan approval through the Site Plan Review committee and, if necessary, special land use approval through the Planning Commission and City Council. Further, any marihuana-related use is subject to the stipulations of the consent judgment between the city and the applicant's affiliate.

#### **Next Step**

**Based on the aforementioned findings and recommendation of approval from the Planning Commission, staff recommends that the City Council adopt Ordinance #2199 (PRZN 23-02) upon first reading and schedule the required public hearing and second reading for the June 10<sup>th</sup>, 2024 City Council Meeting.**