

DATE: May 8, 2024

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments - Regular Council Meeting of Monday, May 13, 2024

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, May 13, 2024.

PRESENTATIONS:

2024 NATIONAL POLICE WEEK PROCLAMATION

Congress and President of the United States have designated May 15th as Police Officers Memorial Day, in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty. The week in which it falls as Police Week and, that the Mayor and Council call upon the citizens of Madison Heights and upon all patriotic, civic and educational organizations to observe May 12-18, 2024, as police week to commemorate police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community and, in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all citizens. Police Chief LeMerise will be present to accept the Proclamation.

PUBLIC HEARINGS:

FISCAL YEAR 2025 BUDGET RESOLUTION AND TAX LEVY

This public hearing is scheduled to receive public comments on the Proposed Budget, to appropriate funds, to establish the tax levy for the budget appropriations, and to approve changes to water and wastewater fees and department fees. Although the City has the ability to levy 25.9381 mills, this budget is supported by a tax rate of 25.4572 mills for FY 2025. The proposed tax rate is a reduction from FY 2024, when the city rate was levied at 25.5288 mills. This budget also includes a 4.02% increase in water and Sewer rates, which are a pass-through of the rate increases from GLWA and GWK treatment. Pursuant to Section 8.4 of the City's Charter, a resolution has been drafted which, if approved, will adopt the FY 2025 Budget, appropriate funds, levy the property tax, and approve several fee adjustments.

Following the public hearing, staff recommends that Council approve the FY 2025 Budget Resolution.

SPECIAL APPROVAL PSP 24-02 – SHEETZ GASOLINE SERVICE STATION - 30901 DEQUINDRE ROAD

The applicant, Skilken Gold LLC/MC Development Holdings, on behalf of Sheetz (proposed tenant) and Albert Santia (property owner), requests Special Approval from City Council under Section

10.319(2) of the Madison Heights Zoning Ordinance, “gasoline service stations.” The applicant requests approval for a gasoline service station featuring a convenience store and quick-service restaurant at the subject property, located at 30901 Dequindre Road (southwest corner of Dequindre and E. 13 Mile), PIN 44-25-12-226-008. The property is zoned B-1, Local Business District.

At the guidance of staff, the applicant voluntarily presented the development concept to the Planning Commission at their November 21st, 2023 meeting for preliminary feedback prior to submittal. The Planning Commission’s informal concerns and comments are summarized as follows:

- Concerns about 24-hour operation relating to impacts on the adjacent residential properties (impacts such as noise, light, and increased traffic), including the proximity of the gas pump canopy to the west property line.
- Discussion on whether the proposed use meets the goals and objectives of the City’s Master Plan.
- Concerns about adding another gas station/vehicular-oriented business at the intersection.
- Questions pertaining to the length of the land lease.
- Questions pertaining to accommodating electric vehicle charging.
- Concerns about potential pollution.

The applicant has attempted to respond to several of these concerns in their formal submittal. For example, the applicant has rotated the locations of the convenience store and fuel pumps so that the convenience store acts as a screen between the fuel pumps/canopy and the adjacent residential condominiums. The locations of parking spaces and the dumpster enclosure have been shifted away from the condominiums to the west. Additionally, the applicant has provided a traffic study, noise study, and air emissions study.

While the required screen wall greenbelt will offset some visual impacts, staff echoes the Planning Commission’s concerns regarding the proximity of a 24-hour fuel station/convenience store immediately adjacent to residential land uses and residential zoning. This is especially concerning given that the proposed development directly goes against the use-specific standard of Section 10.319(2)(c) which prohibits gas service stations adjacent to residential. Staff also questions whether a 24-hour fuel station and convenience store meets the intent of the B-1, Local Business district, which is to “meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.” uses permitted by-right within the B-1 district are primarily neighborhood-oriented, including groceries, bakeries, hardware stores, beauty salons, restaurants, and professional offices.

Staff has previously expressed concerns about the proliferation of new auto-oriented uses and businesses within the city; these are uses that primarily focus on, or are explicitly designed to provide, services for customers in vehicles. Auto-oriented uses conflict with the Master Plan’s goals for walkable corridors and transportation networks. While the convenience store component is not by itself auto-oriented (and is a use permitted by-right), its placement and orientation on the property in combination with the fuel pumps presents a site design that is not particularly friendly, comfortable, nor safe for customers outside of a vehicle.

Staff notes that there are six (6) existing gas stations along the two-mile stretch of 13 Mile Road between John R and Ryan Roads, two of which are located at the intersection of 13 Mile and Dequindre. Including the two gas stations at the intersection, there are seven (7) existing gas stations along the two-mile stretch of Dequindre Road between 12 and 14 Mile; this amounts to eleven (11)

existing gas stations within one linear mile of the subject site. Within the four (4) square miles, there are nineteen (19) existing gas stations (4.75 gas stations per square mile).

Further, the draft of the new Zoning Ordinance and Zoning Map, scheduled for a final public hearing at this meeting, has the subject property zoned as B-1, Neighborhood Business district. Within the new Zoning Ordinance, gasoline stations are no longer listed as a permitted or special land use in the B-1 district. Therefore, if both the proposed application and new Zoning Ordinance/Map are approved as presented, the gas station, once developed, would become a legally non-conforming use.

If City Council moves to approve the Special Approval application, staff recommends the following conditions to meet the intent and purpose of the B-1 zoning district and the spirit of the Zoning Ordinance:

1. Seek and obtain a non-use variance from the Zoning Board of Appeals from Section 10.319(2)(c), “the lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.”
2. Provide an additional direct pedestrian connection from the convenience store front door to the public sidewalk along Dequindre Road, as reviewed and approved by planning staff during Site Plan review. This may require the re-location of certain site elements such as the loading area and air pumps.
3. Provide additional greenbelt landscaping in the form of deciduous trees and ornamental trees within the greenbelt adjacent to Dequindre Road, as reviewed and approved by planning staff during Site Plan review; alter location of the underground storage tank, if necessary, to allow for tree root growth.

Any action (approval or denial) taken should include precise findings based upon the Special Approval Review standards and criteria.

ORDINANCE NO. 2198, NEW ZONING ORDINANCE AND ZONING MAP, SECOND READING

On March 19th, 2024, City Council and the Planning Commission held a joint public hearing to discuss the complete draft of the new Zoning Ordinance and Map. At this meeting, staff and the City’s planning consultants (McKenna) highlighted the key components of the new Zoning Ordinance and answered questions from Planning Commissioners and City Council. After the public hearing, the Planning Commission recommended approval of the new Zoning Ordinance and Map with conditions. City Council approved the First Reading of Ordinance No. 2198 at their April 8, 2024 meeting. Staff submits the attached Zoning Ordinance (Exhibit 1) and Zoning Map (Exhibit 2) for second reading and public hearing.

After the required public hearing, staff recommends that City Council adopt Ordinance No. 2198 upon second reading.

CONSENT:

2024 NATIONAL PUBLIC WORKS WEEK

Staff respectfully requests that Council adopt the proclamation declaring the week of May 19-25, 2024 as National Public Works Week in the City of Madison Heights, and encourage our residents, visitors, and City staff to acquaint themselves with, and pay tribute to our dedicated public works professionals in Madison Heights, and the work that they do for the benefit of the public.

2024-25 STORMWATER SERVICES PROPOSAL

Since 2012, the City of Madison Heights has engaged the services of a consulting engineering firm to maintain our required MS-4 permit. The overall budgetary requirement in the service proposal now exceeds the bid threshold as established under the City's purchasing ordinance, requiring Council approval. Due to the extensive history and work already undertaken, Staff firmly believes it is in the City's best interest to continue utilizing our current firm and stormwater consultant.

Staff recommends that Council waive the formal bid process, and award the 2024-25 Stormwater Services Proposal to DLZ Michigan, of Waterford, for a total amount of \$17,600, and authorize the City Manager to sign on behalf of the City.

2024 OAKWAY MUTUAL AID ASSOCIATION AND MUTUAL AID BOX ALARM SYSTEM DIVISION 3202 INTERLOCAL AGREEMENT

The State of Michigan requires EMS agencies to adopt an up-to-date mutual aid arrangement every five years. In 2019, the City Council approved revisions to the 2012 Interlocal Agreement, creating the Oakway Mutual Aid Association and Mutual Aid Box Alarm System Division 3202 Mutual Aid Agreement. The Interlocal Agreement is between the political subdivision of the Cities of Birmingham, Farmington Hills, Ferndale, Madison Heights, Rochester Hills, Royal Oak, Southfield, and the Townships of Independence, Waterford, and West Bloomfield. Since its last adoption in 2019, the only change to the association is the addition of the Independence Township Fire Department to the group. No other language changes or edits have been made to the agreement.

Staff requests City Council to approve The 2024 Oakway Mutual Aid and Mutual Aid Box Alarm System Division 3202 Interlocal Agreement and authorize the City Manager and City Clerk to sign on behalf of the City.

MEMBERSHIP - MICHIGAN MUNICIPAL ASSOCIATION FOR UTILITY ISSUES - MI-MAUI

Madison Heights is joining a municipal pool, Michigan Municipal Association for Utility Issues (MI-MAUI). The biggest commitments are electric rates cases files by DTE and Consumers Energy. MAUI works to fund advocacy and litigation related to these utility issues and is currently developing an aggressive plan DTE rate case to advocate reliability and cost control. They plan also to argue for better information sharing with local governments, and project coordination.

Staff recommends City Council approve the City of Madison Heights' membership and support of the Michigan Municipal Association for Utility Issues (MI-MAUI) in the amount of \$4,413.

REPORTS:

CIVIC CENTER PARK BANDSHELL

The City of Madison was awarded a \$250,000 grant from Consumer Energy Foundation for the construction of a bandshell in Civic Center park. City Council approved the purchase of the basic bandshell structure on January 22, 2024. Since that time, we have worked with Frank Rewold and Sons on a construction proposal utilizing the Oakland County annual Construction Manager contract. City Council is being asked to approve the proposal from Frank Rewold & Sons in an amount not to exceed \$286,317 with enhancements to the basic bandshell. Funding is available in the Park improvement line-item for this additional work.

Staff recommends that the City Council approve the proposal for the Amphitheater with Frank Rewold & Sons Inc. under the Oakland County Annual Contraction Management Contract in an amount not exceeding \$287,317 and authorize the City Manager to sign on behalf of the City.

ORDINANCES:

ORDINANCE 2199 - REZONING PRZN 23-02 - 1035 W. 12 MILE [B-3 TO M-1], FIRST READING

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 (Regional Business in proposed Zoning Ordinance) 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.

Staff recommends that City Council adopt Ordinance # 2199 (PRZN 23-02) upon first reading and schedule a public hearing and second reading for the June 10th, 2024 City Council meeting.