



**CITY OF MADISON HEIGHTS**  
**CITY HALL - COUNCIL CHAMBERS, 300 W. 13 MILE RD.**  
**CITY COUNCIL REGULAR MEETING AGENDA**  
**AUGUST 28, 2023 AT 7:30 PM**

---

**CALL TO ORDER**

**ROLL CALL**

**INVOCATION and PLEDGE OF ALLEGIANCE - QUINN WRIGHT**

**APPROVAL OF THE AGENDA:**

- [1.](#) Additions/Deletions

**PRESENTATIONS**

- [2.](#) Proclamation - Patriot's Day and National Day of Service and Remembrance

**PUBLIC HEARINGS:**

- [3.](#) Special Approval PSP 23-04 - Tommy's Car Wash [Active Adult Center] - 29448 John R Road

**ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE**

**MEETING OPEN TO THE PUBLIC:**

**CONSENT AGENDA:**

- [4.](#) Martha Kehoe - Resignation from the Zoning Board of Appeals
- [5.](#) Special City Council Meeting Minutes of August 14, 2023
- [6.](#) Regular City Council Meeting Minutes of August 14, 2023

**COMMUNICATIONS:**

**REPORTS:**

- [7.](#) City Clerk - Boards and Commission Appointments

**ITEMS FOR FUTURE PUBLIC HEARINGS:**

**BID AWARDS/PURCHASES:**

**ORDINANCES:**

- [8.](#) Ordinance 2195, Prohibit Retail Pet Store Sales, First Reading

**UNFINISHED BUSINESS:**

**MINUTES:**

**EXECUTIVE SESSION:**

**ADJOURNMENT**

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: [clerks@madison-heights.org](mailto:clerks@madison-heights.org) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

DATE: August 23, 2023

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, August 28, 2023

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, August 28, 2023.

**PROCLAMATION:**

**PATRIOTS DAY, AND NATIONAL DAY OF SERVICE AND REMEMBRANCE**

City Council is being requested to proclaim September 11, 2023, and each September 11 thereafter as Patriot Day and National Day of Service and Remembrance and call upon all departments, schools, and businesses in the City to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives on September 11, 2001.

**PUBLIC HEARINGS:**

**SPECIAL APPROVAL PSP 23-04 – TOMMY’S CARE WASH – 29448 JOHN R ROAD**

Special approval is required to allow an auto wash facility in the M-1 Light Industrial District. The applicant proposes constructing a 4,625-square-foot express car wash facility at 29448 John R Road with thirteen outdoor self-service vacuum bays and vehicular access via a modified curb cut off John R and Dartmouth Street.

Should the City Council approve this request, their findings should be included with the following conditions:

1. Resolve site plan deficiencies related to the chain link fence and outdoor self-service vacuum bays or seek the appropriate variances from the Zoning Board of Appeals
2. The Landscaping Plan and Building Elevations submitted with the site plan package shall be substantially consistent with the preliminary plans submitted with this special use application, with the exception of any required modifications placed as conditions of approval.

**CONSENT AGENDA:**

It is the recommendation that the City Council approve the following items as part of the Consent Agenda:

**RESIGNATION OF KEHOE FROM THE ZONING BOARD OF APPEALS**

Martha Kehoe has submitted her resignation from the Zoning Board of Appeals. Therefore, the staff and I recommend that the City Council accept this resignation and declare the seat vacant as part of the consent agenda.

## **REPORTS:**

### **BOARDS AND COMMISSION APPOINTMENTS**

City Council is scheduled to make the August appointments and renewals to Board and Commission seats.

## **ORDINANCES:**

### **ORDINANCE 2195 – PROHIBIT RETAIL PET STORE SALES, FIRST READING**

At the request of Councilor Wright and Councilor Rohrbach, Ordinance 2195 - Prohibit Retail Pet Store Sales is submitted to the City Council for their consideration.

Ordinance 2195 would prohibit pet stores, persons, or business entities from offering for sale, adoption, trade, barter, auction giveaway, or otherwise transferring dogs, cats, ferrets, or rabbits. This would also include off-site retail sales of animals at locations other than where these animals are bred. This would not apply to a person or business entity that trades these animals where they are bred, publicly operated animal control or animal protection shelter, humane society, or animal rescue organization.

If approved on the first reading, then the second reading would be scheduled for September 11, 2023

**PROCLAMATION**  
**Patriot Day and National Day of Service and Remembrance, 2023**

**WHEREAS**, Twenty-two years ago, the United States endured one of the most unconscionable tragedies in our country's history. The terrorist attacks on the World Trade Center, the Pentagon, and onboard United Flight 93 cut short the lives of 2,977 innocent people. These attacks tore a hole in the heart of our Nation, and the pain of this tragedy still remains; and

**WHEREAS**, Each year on this somber date, we remember the horror and bravery shown that day, just as we remember how we came together, united in grief and in purpose. Each year, we renew our solemn vow never to forget what happened on September 11, 2001, or those who lost their lives. A date that has become known as Patriot's Day and National Day of Service and Remembrance; and

**WHEREAS**, On this date, we honor the first responders — firefighters, law enforcement officers, emergency workers, and service members — who answered the call of duty and the brave civilians who rushed into action to save lives that day. Their courage embodies the American spirit and resilience, and their heroism continues to inspire new generations of Americans; and

**WHEREAS**, On Patriot Day and National Day of Service and Remembrance, we encourage our staff, residents, and businesses to seek opportunities to serve others on this day and to demonstrate once again that the ideals we hold, which many have tried to attack and destroy, are the very bonds that hold us together — even tighter in times of peril; and

**WHEREAS**, By a joint resolution approved December 18, 2001 (Public Law 107-89), the Congress has designated September 11 of each year as "Patriot Day," and by Public Law 111-13, approved April 21, 2009, the Congress has requested the observance of September 11 as an annually recognized "National Day of Service and Remembrance."

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and City Council of the City of Madison Heights do hereby proclaim September 11, 2023, and each September 11 thereafter as Patriot Day and National Day of Service and Remembrance and call upon all departments, schools, and businesses in the City to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives on September 11, 2001.

**BE IT FURTHER RESOLVED**, that we call upon the people of Madison Heights to participate in community service in honor of those our Nation lost, to observe this day with appropriate ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. eastern daylight time to honor the innocent victims who perished as a result of the terrorist attacks on September 11, 2001.





---

Roslyn Grafstein  
Mayor




---

Toya Aaron  
Councilwoman




---

Sean D. Fleming  
Councilman




---

David M. Soltis  
Councilman



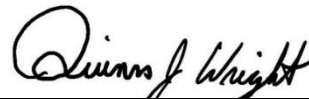

---

Mark Bliss  
Councilman




---

Emily J. Rohrbach  
Councilor




---

Quinn J. Wright  
Councilor



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 8/28/23

**PREPARED BY:** Matt Lonnerstater, AICP

**AGENDA ITEM CONTENT:** Special Approval Request PSP 23-04 - Auto Wash - 29448 John R Road

**AGENDA ITEM SECTION:** Public Hearings

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

The applicant, Moschouris Management and Development, requests Special Approval from City Council under Section 10.329(4) of the Madison Heights Zoning Ordinance, "other uses of a similar and no more objectionable character." The applicant requests approval to construct an auto wash. The subject property is located at 29448 John R Road (currently operating as the Madison Heights Active Adult Center), PIN 44-25-12-304-010, zoned M-1, Light Industrial.

**RECOMMENDATION:**

Refer to staff report, including "Template Findings and Conditions" section.



# MEMORANDUM

Date: August 16<sup>th</sup>, 2023  
 To: City of Madison Heights City Council  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Special Approval Request PSP 23-04– 29448 John R Road – ‘Tommy’s Car Wash’

## Introduction

The applicant, Moschouris Management and Development, requests special use approval for an auto wash facility. The subject site is located at 29448 John R Road (tax # 44-25-12-304-010) and is zoned M-1, Light Industrial. The property is currently improved with the Madison Heights Active Adult Center (AAC) building.

## Project Details

The subject property is 4.91 acres in size and is currently owned by the City of Madison Heights. The property is improved with the Madison Heights Active Adult Center. The City has entered into a purchase agreement with the applicant for the sale of the property, which is currently in the due diligence period. The applicant proposes to construct a 4,625 square-foot express car wash facility on the subject site and is seeking special approval prior to the expiration of the due diligence period.

Auto wash facilities are not expressly permitted, either by right or as a special approval use, within the M-1 zoning district. However, per **Section 10.329(4)**, City Council may consider as a special approval use:

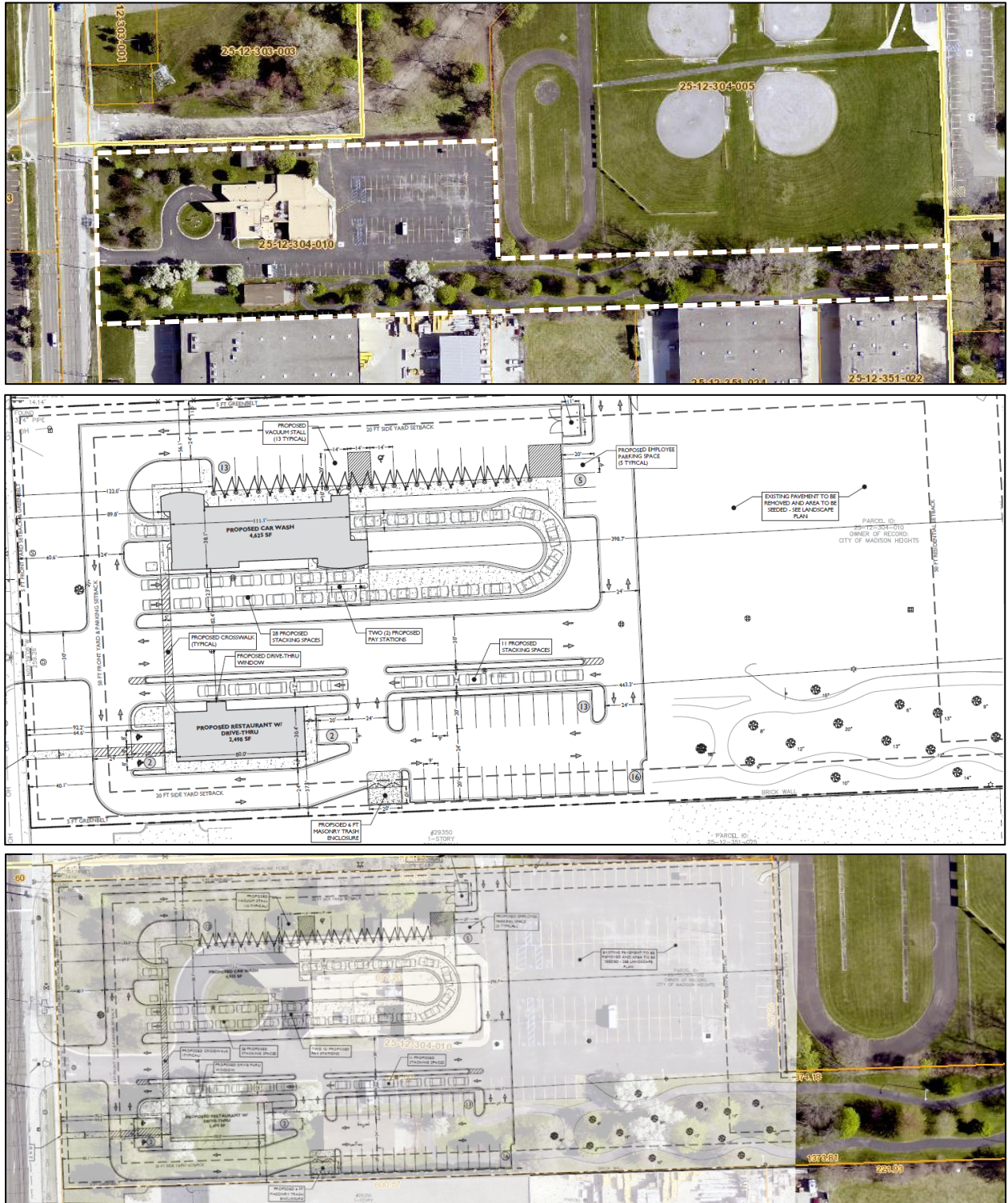
*“Other uses of a similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.”*

If City Council determines that the proposed auto wash use meets the aforementioned “*similar and no more objectionable character*” qualification, Council may review and act upon the use under the special approval criteria as contained in **Section 10.201(4)** of the Zoning Ordinance. The full list of uses permitted in the M-1 district is attached to this report. Auto wash facilities are also subject to use-specific standards as contained in **Section 10.326(8)**.

The applicant has submitted a preliminary site plan and concept color renderings for the project. As proposed, the existing Active Adult Center would be demolished to accommodate a 4,625 square foot express car wash facility. Thirteen (13) outdoor self-service vacuum bays are proposed to the north of the auto wash tunnel. Vehicular access is proposed via a modified curb-cut off John R (right-in/right-out) and via an entrance off Dartmouth Street to the north (private road). Two (2) queuing lanes are proposed with fourteen (14) queuing spaces located before the pay stations. The applicant proposes to remove the large existing parking area at the rear of the site and replace it with a seeded lawn area. The existing lawn area and trees at the front of the site are proposed to be removed. The applicant has not provided information regarding plans for the walking path at the rear of the site.

Images of the existing Active Adult Center site and the proposed conceptual site plan are included below. The last image superimposes the concept plan over the aerial image. Note that the concept plan depicts a separate 2,500-square-foot drive-through restaurant to the south of the auto wash. Drive-through restaurants are permitted by right in the M-1 zoning district. Therefore, the restaurant component is not subject to this special approval review.

***Aerial Image (Top); Proposed Concept Plan (Middle); Concept Plan Superimposed on Aerial (Bottom)***



Requests for special approval are subject to the following criteria, as outlined in Section **10.201(4)**:

*The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:*

1. *Location of use(s) on site;*
2. *Height of all improvements and structures;*
3. *Adjacent conforming land uses;*
4. *Need for proposed use in specified areas of the city;*
5. *Conformance with future land use plans for the area as adopted by the planning commission;*
6. *Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.*

Additional criteria for reviewing special uses are contained at the end of this report.

## Site Analysis

### Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
<b>Site</b>	Civic/Recreation	M-1, Light Industrial
<b>North</b>	Vacant/Recreation	M-1, Light Industrial
<b>South</b>	Light Industrial	M-1, Light Industrial
<b>East</b>	Recreation	R-3, One-Family Residential
<b>West (across John R)</b>	Commercial	B-2, Planned Business

The subject site is located on the east side of John R Road approximately 1,200 feet north of the 12 Mile intersection. The east side of John R Road between 12 Mile Road and Girard Avenue is primarily light industrial in nature, with uses varying from self-storage centers, light manufacturing, auto repair, and the SOCCRA transfer station. However, the site is located just to the south of the Red Oaks public golf course and Red Run creek which bisects the city. The west side of John R Road in this area is primarily commercial, with uses such as BJ’s wholesale club, McDonalds, Texas Roadhouse, and Hallmark.

The site and immediately adjacent properties are zoned M-1, Light Industrial, which is intended to provide areas to accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district. Uses explicitly permitted in the M-1 district include, but are not limited to:

- Warehousing
- Manufacturing
- Self-storage
- Wholesale
- Medical and professional offices
- Incubator workspaces
- Ancillary retail uses.

The full list of uses permitted in the M-1 district is attached to this report.

Future Land Use, Master Plan and Transportation

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	<b>Future Land Use</b>
<b>Site</b>	Mixed Use Innovation
<b>North</b>	Recreation
<b>South</b>	Mixed Use Innovation
<b>East</b>	Recreation/Single Family
<b>West (across John R)</b>	Commercial

The future land use designation of the subject site is ‘*Mixed Use Innovation*’. Per the Master Plan, the Mixed Use Innovation designation is intended to encourage a mix of office, service, commercial and light industrial uses, and support uses that demonstrate intentional connectivity within the district and to commercial areas.

City Council should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this special approval request:

Community Character

- *Enhance the city’s commercial corridors to support walkability and improve community identity.*
- *Promote the city’s positive identity in the region.*
- *Promote the use of quality building design and materials to enhance the appearance and long-term maintenance of new development.*
- *Protect established neighborhoods and business districts from the potentially negative impacts of development, including noise, traffic, waste, odor, and other nuisances through effective and thoughtful site and building design.*

Commercial & Industrial Development

- *Promote incentives and flexible zoning mechanisms for commercial and industrial property owners and tenants to upgrade existing commercial and industrial sites.*
- *Promote the mix of commercial, office, and industrial uses in a way that fosters collaboration and business growth while creating a desirable environment for the local workforce.*
- *Promote walkability by ensuring sufficient local destinations for goods and services.*

Transportation

- *Improve community health by encouraging non-motorized travel.*
- *Require transportation infrastructure decisions that support the land use recommendations of the Master Plan.*
- *Explore opportunities for alternative transportation methods for those who don’t have access to a car.*

Per the Master Plan, John R Road is designated as a “minor arterial” road, which is intended to carry through-travel movements, but carry trips of shorter distance and to uses which generate less traffic than more intense roadways.

### Use-Specific Standards and Site Plan Requirements

Section **10.326(8)** of the Zoning Ordinance contains use-specific standards for auto washes. Based on the proposed concept plan, the project fails to satisfy the following standards:

- *A chain link-type fence must be constructed so as to enclose the entire property except drives and areas where screen walls are required, two feet along any street, four feet side and back.*
  - The applicant proposes perimeter landscaping as an alternative to the required chain link fence.
- *All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying.*
  - Thirteen (13) outdoor self-service vacuum bays are proposed.

The applicant has acknowledged the need to request variances from the Zoning Board of Appeals for these deficient items.

### Staff Analysis

Staff has concerns about the proliferation of auto-oriented uses and businesses that only provide services for customers in vehicles, as these types of uses conflict with the Master Plan’s goals for walkable corridors and transportation networks.

There are eight (8) existing auto wash uses in Madison Heights; additionally, three (3) have recently received site plan approval and are awaiting construction.

#### Existing Auto Washes:

- Quick & Easy Car Wash: 32372 John R. Road
- Autobath America: 465 12 Mile Rd.
- Doc’s Auto Wash: 29990 John R. Rd.
- WashPointe Car Wash: 28245 John R. Rd.
- Eleven Mile Auto Wash: 404 W. 11 Mile Rd.
- Super 6 Car Wash: 26750 Car Wash
- WashPointe Car Wash: 26655 Dequindre Rd.

#### Approved Auto Washes (awaiting construction):

- CarRite Car Wash: 32800 Alger St.
- El Car Wash: 1275 W. 14 Mile Rd.
- Jax Kar Wash: 29022 Stephenson Hwy.

### Template Findings and Conditions

Staff offers the following findings as a template for City Council’s motion, either for approval or denial, on this case:

1. The applicant requests special use approval for an auto wash use at 29448 John R Road under Section **10.329(4)**, *“Other uses of a similar and no more objectionable character[...].”*
2. The subject site is zoned M-1, light Industrial, which is intended to provide areas to accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district. The proposed auto wash **(IS/IS NOT)** consistent with the intent of the M-1 zoning district and **(IS/IS NOT)** compatible with and **(IS/IS NOT)** no more objectionable than principal uses permitted in the M-1 zoning district.
3. The subject site is in the vicinity of properties improved with light industrial, warehousing, self-storage, and auto repair use, is adjacent to recreational uses, and is across John R Road from retail uses. The proposed auto wash **(IS/IS NOT)** compatible with adjacent land uses.
4. The proposed use **(IS/IS NOT)** consistent with the site’s *“Mixed Use Innovation”* future land use designation and **(IS/IS NOT)** aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan relating to community character, commercial & industrial development, and transportation networks.
5. The applicant **(HAS/HAS NOT)** demonstrated a need for the proposed use in the specified area of the city.
6. The proposed use **(DOES/DOES NOT)** satisfy the use-specific requirements for auto washes listed in Section 10.326(8). The applicant acknowledges the need to apply to the ZBA for several variances from the specific-use standards of Section 10.326(8).
7. Based on the above findings, the proposed use **(DOES/DOES NOT)** generally satisfy/satisfies the special use approval review standards and criteria listed in Section 10.201(4).

If City Council moves to approve the requested special land use, staff recommends including the following conditions of approval:

1. Resolve site plan deficiencies relating to the chain link fence and outdoor self-service vacuum bays or seek the appropriate variances from the Zoning Board of Appeals.
2. 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, with the exception of any required modifications placed as conditions of approval.

### Next Step

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, Section 10.201(4).**

**Per Section 10.201(3), City Council may postpone action on a special approval request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.**

## Pertinent Zoning Ordinance Sections

---

### Section 10.201 – *Special Approval Use Review Procedures and Requirements*

- (4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:
- (a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.
  - (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.
  - (c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
    - 1. Location of use(s) on site;
    - 2. Height of all improvements and structures;
    - 3. Adjacent conforming land uses;
    - 4. Need for proposed use in specified areas of the city;
    - 5. Conformance with future land use plans for the area as adopted by the planning commission; and
    - 6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.
  - (d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
    - 1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
    - 2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
    - 3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
    - 4. Adequacy of sight distances;
    - 5. Location and access of off-street parking;
    - 6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
  - (e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.
  - (f) The use shall be properly served by utilities.
  - (g) The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
  - (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
  - (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of

operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.

- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
  - 1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
  - 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
  - 4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
- (l) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

#### **Sec. 10.326 - B-3 Uses Permissible on Special Approval**

- (8) Auto washes:
  - (a) When completely enclosed in a building.
  - (b) An attendant must be on duty and on the premises at all times that such auto wash is in operation. All other times, the building must be locked and safely secured.
  - (c) The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.
  - (d) All buildings to be used in connection with the auto wash shall be located at least 20 feet away from any right-of-way line.
  - (e) Where multiple wash stalls are proposed all auto stacking lanes must be channeled with curbs to each wash stall so as to prevent cross traffic and the minimum stacking space shall be six cars per stall. The minimum amount of stacking space to be provided in all car wash developments shall be equivalent to 20 minutes of full and continuous operation.

- (f) Buildings must be constructed so as to be enclosed on two sides plus doors on the front and rear of each stall, capable of being locked.
- (g) All lights used in connection with auto washes shall be shaded so as not to project upon or become a nuisance to adjacent properties.
- (h) All land used in connection with auto washes is to be paved and drainage provided in accordance with existing ordinances pertaining to parking lots.
- (i) A chainlink-type fence must be constructed so as to enclose the entire property except drives and areas where screen walls are required, two feet along any street, four feet side and back.
- (j) Access points are limited to not more than two 20-foot drives. Such drives are to be a minimum of 50 feet apart and ten feet from the exterior lot lines and 35 feet from any intersection right-of-way lines and shall not be constructed so that ingress and egress shall be through residentially zoned areas. Such access points must have the approval of the Madison Heights Police Department to effect that they will not interfere with vehicular traffic nor will they create a safety hazard.
- (k) No steam hose for public use shall be located upon the premises in connection with such auto wash.
- (l) All blowers shall be turned off when not in use in connection with the operation of the car wash.
- (m) It shall be unlawful for any person, firm or corporation or any agent, servant or employee thereof, who while operating an auto wash, to permit or cause to be permitted upon the premises in which the said business is located, a nuisance, by allowing the health, safety or welfare of the community to be impaired.
- (n) It shall be the duty of the licensee, manager, or person in charge of any auto wash, to keep the premises whereon said auto wash is located, together with the parking area and any adjacent area, free from rubbish, waste products and debris.
- (o) It shall be unlawful for any patron of an auto wash or for any other person while parking on or adjacent to the premises to race the motor of any vehicle, to suddenly start or stop any unseemly noise, nuisance or disturbance which shall impair the peace, health or safety of the community.
- (p) Construction of auto wash buildings shall not be permitted if said construction shall require standing or parking on public rights-of-way in connection with the operation of the auto wash.
- (q) All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying.

### Template Findings and Conditions – PSP 23-04

Staff offers the following findings as a template for City Council's motion, either for approval or denial, on this case:

1. The applicant requests special use approval for an auto wash use at 29448 John R Road under Section **10.329(4)**, *"Other uses of a similar and no more objectionable character[...]."*
2. The subject site is zoned M-1, light Industrial, which is intended to provide areas to accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district. The proposed auto wash **(IS/IS NOT)** consistent with the intent of the M-1 zoning district and **(IS/IS NOT)** compatible with and **(IS/IS NOT)** no more objectionable than principal uses permitted in the M-1 zoning district.
3. The subject site is in the vicinity of properties improved with light industrial, warehousing, self-storage, and auto repair use, is adjacent to recreational uses, and is across John R Road from retail uses. The proposed auto wash **(IS/IS NOT)** compatible with adjacent land uses.
4. The proposed use **(IS/IS NOT)** consistent with the site's *"Mixed Use Innovation"* future land use designation and **(IS/IS NOT)** aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan relating to community character, commercial & industrial development, and transportation networks.
5. The applicant **(HAS/HAS NOT)** demonstrated a need for the proposed use in the specified area of the city.
6. The proposed use **(DOES/DOES NOT)** satisfy the use-specific requirements for auto washes listed in Section 10.326(8). The applicant acknowledges the need to apply to the ZBA for several variances from the specific-use standards of Section 10.326(8).
7. Based on the above findings, the proposed use **(DOES/DOES NOT)** generally satisfy/satisfies the special use approval review standards and criteria listed in Section 10.201(4).

If City Council moves to approve the requested special land use, staff recommends including the following conditions of approval:

1. Resolve site plan deficiencies relating to the chain link fence and outdoor self-service vacuum bays or seek the appropriate variances from the Zoning Board of Appeals.
2. 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, with the exception of any required modifications placed as conditions of approval.

## **ARTICLE VIII. M-1 LIGHT INDUSTRIAL DISTRICT**

PREAMBLE: The M-1 Light Industrial 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.

### **Sec. 10.328. Principal uses permitted.**

- (1) Professional office buildings, offices and office sales and service activities
- (2) Medical offices, including laboratories and clinics
- (3) Veterinary clinics. Any outdoor areas for pet rehabilitation shall be subject to the standards listed in section 10.328(24) of this section.
- (4) Shared offices or incubator workspaces.
- (5) Administrative offices for contractors, maintenance, and service professionals, without outside storage.
- (6) Any of the following uses when conducted wholly within a completely enclosed building.
  - a. Warehousing and wholesale establishments, and trucking facilities.
  - b. The manufacture, compounding, processing, packaging or treatment of such products as: Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops.
  - c. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metal or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
  - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
  - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  - g. Laboratories—Experimental, film or testing.
  - h. Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
  - i. Warehouse, storage and transfer and electric and gas service buildings and yards, excluding gas treatment and gas pumping stations. Water supply and sewage disposal plants, water and gas tanks and holders.
  - j. Retail sales of items that are sold at wholesale on the premises. Such retail sales shall be strictly incidental to the wholesale sales and the area devoted to such sales shall not exceed 15 percent of the gross floor area. The retail sales area shall meet the parking requirements in section 10.505(11)(v).

- 
- (7) Accessory buildings, uses and storage uses customarily incident to the above permitted uses, subject to requirements of section 10.504, accessory buildings, structures, and uses.
  - (8) Medical marihuana facilities licensed and approved by the city.
  - (9) Adult-use marihuana establishments licensed and approved by the city
  - (10) Business or trade schools.
  - (11) Bus passenger stations.
  - (12) Restaurants, which may include take out, drive-through lanes and/or alcoholic beverages, subject to the following conditions:
    - a. Such uses shall be on parcels with frontage on arterial or collector streets as defined in Madison Heights Master Plan. The frontage requirement may be satisfied by frontage on a side street where the use has some frontage on an arterial or collector streets. Frontage on local roads may be permitted by the planning commission provided the applicant demonstrates compatibility with surrounding uses and connectivity to similar uses.
    - b. Drive-through lanes are subject to the following standards:
      - i. Special approval is required for drive-through lanes located within the boundaries of the Southend Downtown Development Authority (DDA), subject to the procedures of section 10.201.
      - ii. Drive-through lanes are subject to the use-specific standards listed in section 10.318(5)b.
    - c. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol, subject to the requirements listed in section 10.318(5). Special approval is required for outdoor seating at any restaurant that serves alcohol.
  - (13) Microbreweries and distilleries subject to the following conditions:
    - a. No storage in any detached, separate container (e.g. a silo) for hops, barley, wheat or other grain used in the brewing process shall be permitted. No open storage of bottles, pallets or other containers shall be permitted. No storage in tractor trailers shall be permitted longer than 24 hours and only if such is conducted when attached to a motorized cab. All such storage shall be totally within walls of establishment.
    - b. No outside tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale.
    - c. Addition of an accessory brewpub, taproom or a restaurant that will serve alcohol on the premises shall be subject to a special approval as listed in section 10.329(8) of this section.
  - (14) Loft dwelling units are permitted on all M-1 zoned property that is located entirely within the boundaries of the Southend Downtown Development Authority (DDA) in accordance with the following standards:
    - a. Loft dwelling units shall have a minimum area of 750 square feet.
    - b. Loft dwelling units shall be permitted only where the building and use is in conformance with the provisions of this ordinance. Where an existing building is nonconforming as to setback(s), loft dwelling units shall be permitted to continue said nonconforming setback(s) vertically for second and third floor additions, provided there are no horizontal or cantilevered extensions of the structure that would increase setback nonconformity.
    - c. Loft dwelling units may be located on the first or second floor. Where loft dwelling units are proposed for the second floor, a third story is allowed to permit two story dwelling units, where the third story shall be part of the dwelling unit located directly underneath.

- d. Parking shall provide for a minimum of one space per dwelling unit in addition to any parking requirements for the principal use(s).
  - e. Pedestrian entrance doors to loft dwelling units may be located on the front, side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the site plan application.
  - f. An exterior patio or balcony is permitted but shall be located on the street side of the structure. No portion of any structure may extend over any public right-of-way, public alley or public sidewalk.
- (15) Mixed use developments are permitted on all M-1 zoned property that is located entirely within the boundaries of the Southend Downtown Development Authority (DDA) in accordance with standards listed in section 10.325(10) mixed use developments in B-3. In addition, it is subject to the following setbacks:
- i. The maximum front yard setback for new structures shall be five feet.
  - ii. A minimum of ten feet setback shall be maintained for all other yards, unless when it abuts a single-family residential district, a minimum of 20 feet should be provided.
  - iii. For all buildings within 50 feet from the single-family district, the building façade facing a single-family residential district shall be designed to minimize views from the building into adjacent single-family homes
  - iv. All required parking drives and service areas shall be located between the building and adjacent single-family districts. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.
- (16) Public or private health and fitness facilities and clubs. All fitness activities shall be contained within a completely enclosed building.
- (17) Indoor recreational facilities including training facilities
- (18) Financial institutions, and union halls.
- (19) Artisan manufacturing studios.
- i. Artisan manufacturing, limited means the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage and distribution of such products.
  - ii. Limited retail sales may be permitted, as an incidental use. The area devoted to such sales shall not exceed 15 percent of the gross floor area. The retail sales area shall meet the parking requirements in section 10.505(11)(v).
  - iii. Typical artisan manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; glass blowing, leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

Following uses are permitted when they do not abut residential districts. A special approval is required when abutting residential districts. Accessory buildings, uses and storage uses customarily incident to the below listed uses, subject to requirements of section 10.504, accessory buildings, structures, and uses.

- (20) Private outdoor recreation facilities.

- (21) Offices for contractors, maintenance, and service professionals.
- (22) Industrial tool and equipment sales, service, storage and distribution.
- (23) Sale of used or new automobile, trailers, RV and boats.
- (24) Commercial kennels and pet boarding facilities subject to the following conditions:
  - a. Any outdoor facilities shall not be closer than 500 feet from the boundary of the adjacent residential zoning.
  - b. Any outdoor facilities shall be located in the interior side yard or rear yard.
  - c. A six foot tall, solid, obscuring fence or wall shall completely enclose all outdoor facilities. The outdoor facilities shall not encroach into any required building setback.
  - d. All animal waste shall be removed from the outdoor area daily and disposed of in a sanitary manner.
  - e. Pets shall not be permitted to remain outdoors overnight.
  - f. Animal wastes, biohazard materials or byproducts shall be disposed of as recommended by the Michigan Department of Public Health, and/or other duly appointed authority at the discretion of the city. All other wastes shall be contained in leak-proof and odor proof containers. No animal wastes, biohazard materials or byproducts shall be buried, composted, or incinerated on-site, or allowed to enter into groundwater.
- (25) Self-storage facilities, subject to the following conditions.
  - a. All yard setbacks established in the M-1 district for buildings shall be complied with, except that setbacks between mini-warehouses on the same site may be 25 feet apart, side to side or front to rear.
  - b. Maximum lot coverage may not exceed 40 percent.
  - c. Maximum length of any mini-warehouse shall be 250 feet.
  - d. No building or structure other than the manager's quarters shall exceed 15 feet in height, when abutting residential districts.
  - e. A security manager shall be permitted to reside on the premises to the extent required by such use and such residence shall be considered an accessory use as provided at section 2.2.
  - f. All access aisles, parking areas and walkways on the site shall be graded, drained, hard-surfaced and maintained in accordance with the city standards.
  - g. Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, and locks and chains shall be permitted on the site devoted to this use.

(Ord. No. 471, § 1, 1-31-72; Ord. No. 690, § 7, 5-13-85; Ord. No. 1076, §§ 8, 9, 10-12-10; Ord. No. 2128, §§ 11, 12, 1-14-19; Ord. No. 2130, § 1, 2-25-19; Ord. No. 2157, § 1, 7-13-20; Ord. No. 2169, § 1, 9-13-21; Ord. No. 2174, § 7, 11-22-21)

### **Sec. 10.329. Uses permissible on special approval.**

Under such conditions as the city council, after hearing finds the use as not being injurious to the M-1 Light Industrial District and environs and not contrary to the spirit and purpose of this Ordinance, the following uses may be permitted:

- (1) Automobile or other machinery assembly plants subject to adequate control of noise and/or other nuisances.

- (2) Painting, varnishing and undercoating shops when set back at least 75 feet from any adjacent residential districts and provided further that such operation be conducted within a completely enclosed building.
- (3) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (4) Other uses of a similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.
- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district. Open storage of all building materials shall be subject to standards in section 10.509, performance standards. Open storage of all uses included in the definition of "junkyards," used machinery, and the residue or waste products from any manufacturing process shall be expressly prohibited. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the specific district within which such use is proposed to be located.
- (6) Motor vehicle heavy and light repair facilities and/or motor vehicle maintenance service facilities subject to the applicable requirements of subsection 10.319(2).
- (7) The construction of high-rise buildings up to six stories and 75 feet in height is permitted upon special approval subject to the following conditions:
  - a. The parcel shall not abut any residential district.
  - b. Uses shall be limited to permitted principal or special approval uses in the M-1 District.
  - c. Parking shall be provided for all uses in accordance with the provisions of sections 10.505, 10.506 and 10.507.
- (8) Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcohol beverages with outdoor seating subject to the conditions listed in section 10.318(5) for outdoor restaurants in general.
- (9) Restaurants with drive-through lanes located within the boundaries of the Southend Downtown Development Authority (DDA), subject to the use-specific standards of section 10.318(5)b.

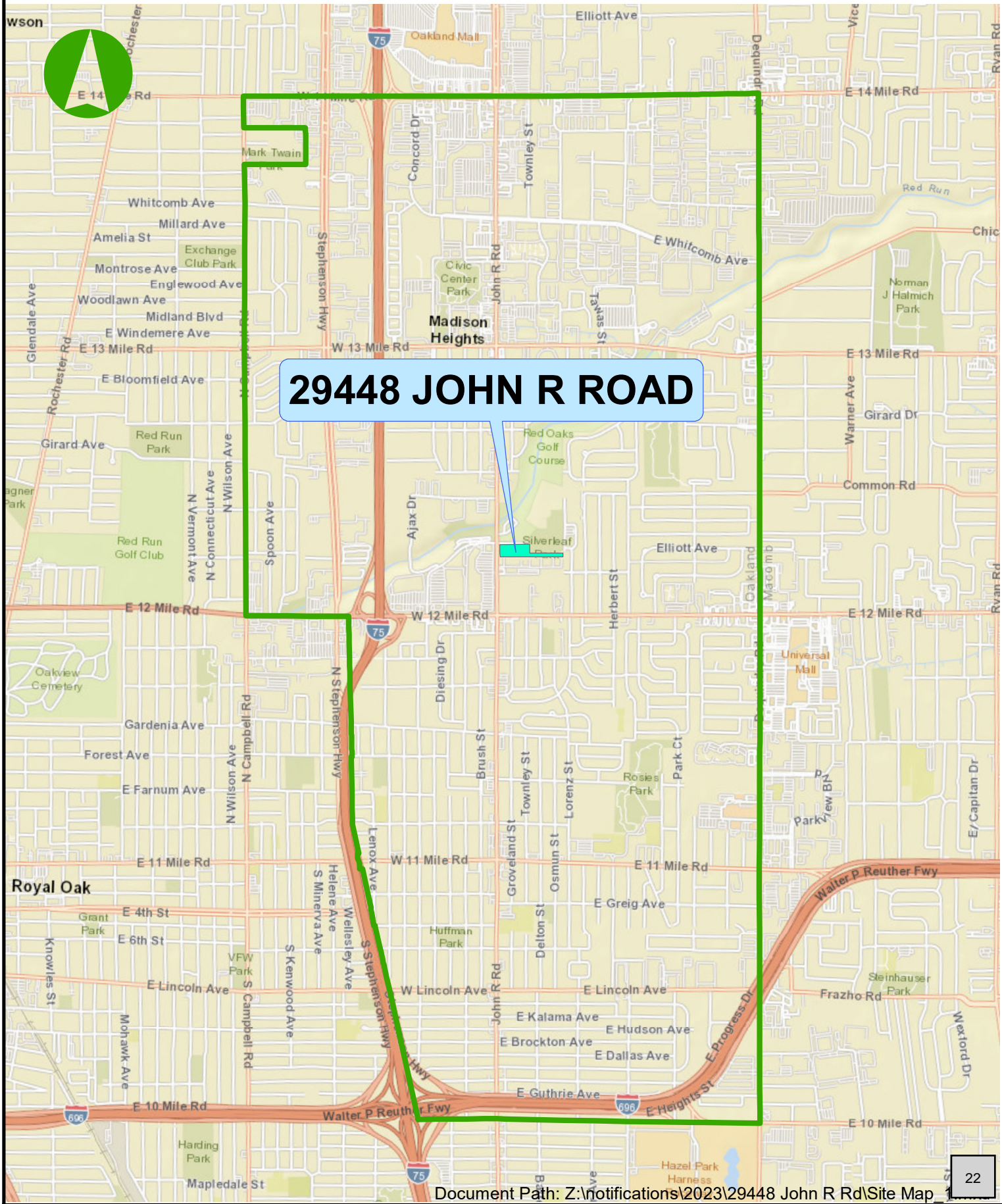
(Ord. No. 690, § 8, 5-13-85; Ord. No. 969, § 5, 4-27-98; Ord. No. 2128, §§ 13, 14, 1-14-19; Ord. No. 2169, § 2, 9-13-21; Ord. No. 2168, § 6, 9-13-21; Ord. No. 2174, § 8, 11-22-21)

### **Sec. 10.330. Required conditions.**

Any use established in the M-1 District shall be operated so as to comply with the performance standards set forth hereinafter in section 10.509.

### **Sec. 10.331. Area and bulk requirements.**

See section 10.400, "Schedule of Regulations," limiting the height and bulk of buildings, and the minimum size of lot by permitted land use.

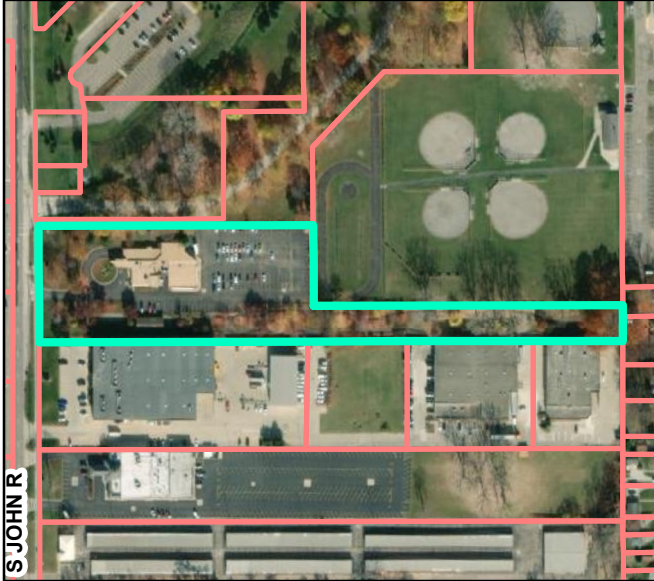


# Site Address: 29448 John R Road

[Click for maps](#)

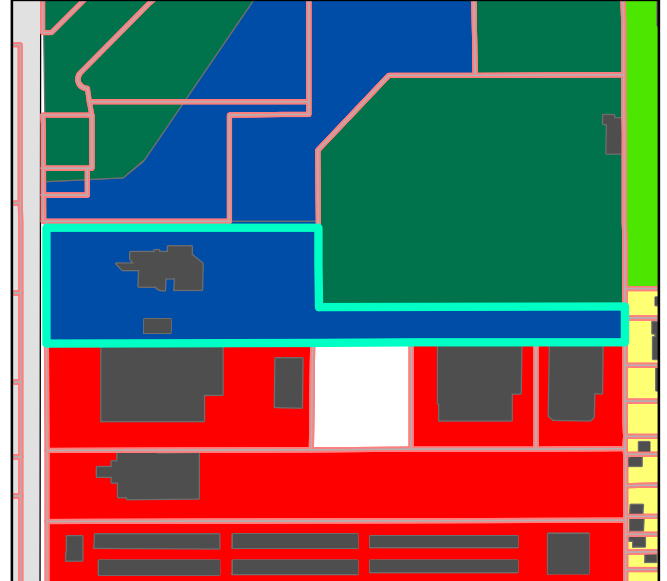










Aerial



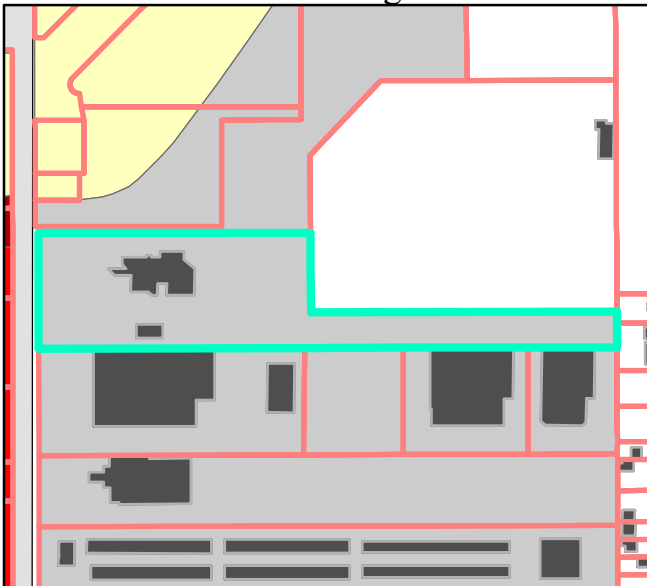
-  29448 John R Rd
-  Parcels






Existing Land Use



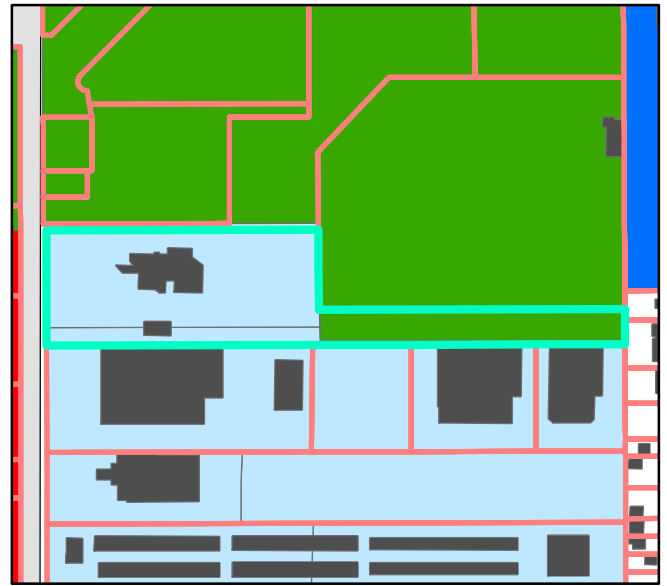
-  29448 John R Rd
-  Buildings
-  Recreation
-  School
-  Commercial
-  Parcels
-  Public
-  Single and Two Family





Zoning



-  29448 John R Rd
-  Buildings
-  Parcels
-  R-2 Residential
-  M-1 Light Industrial

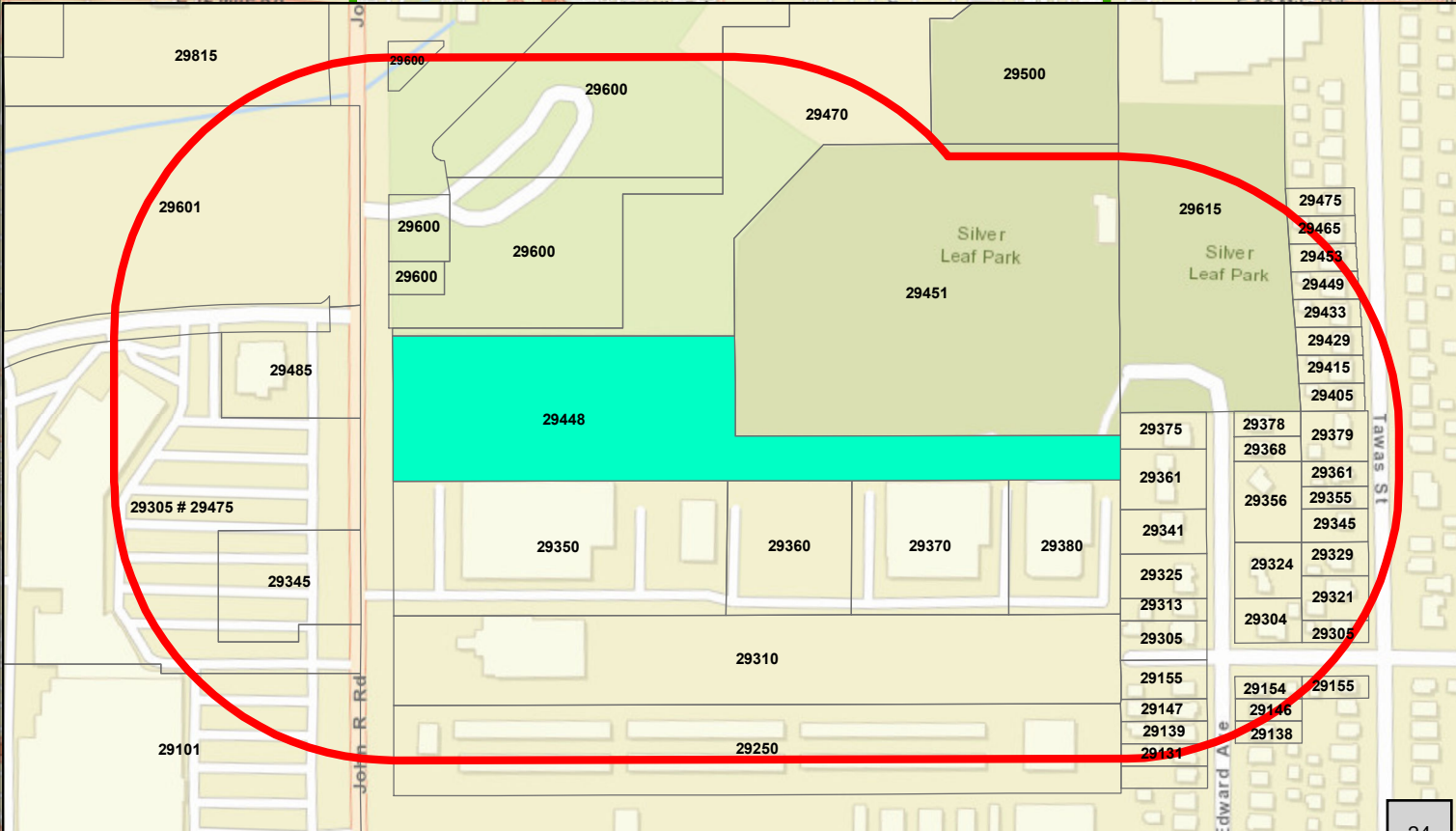
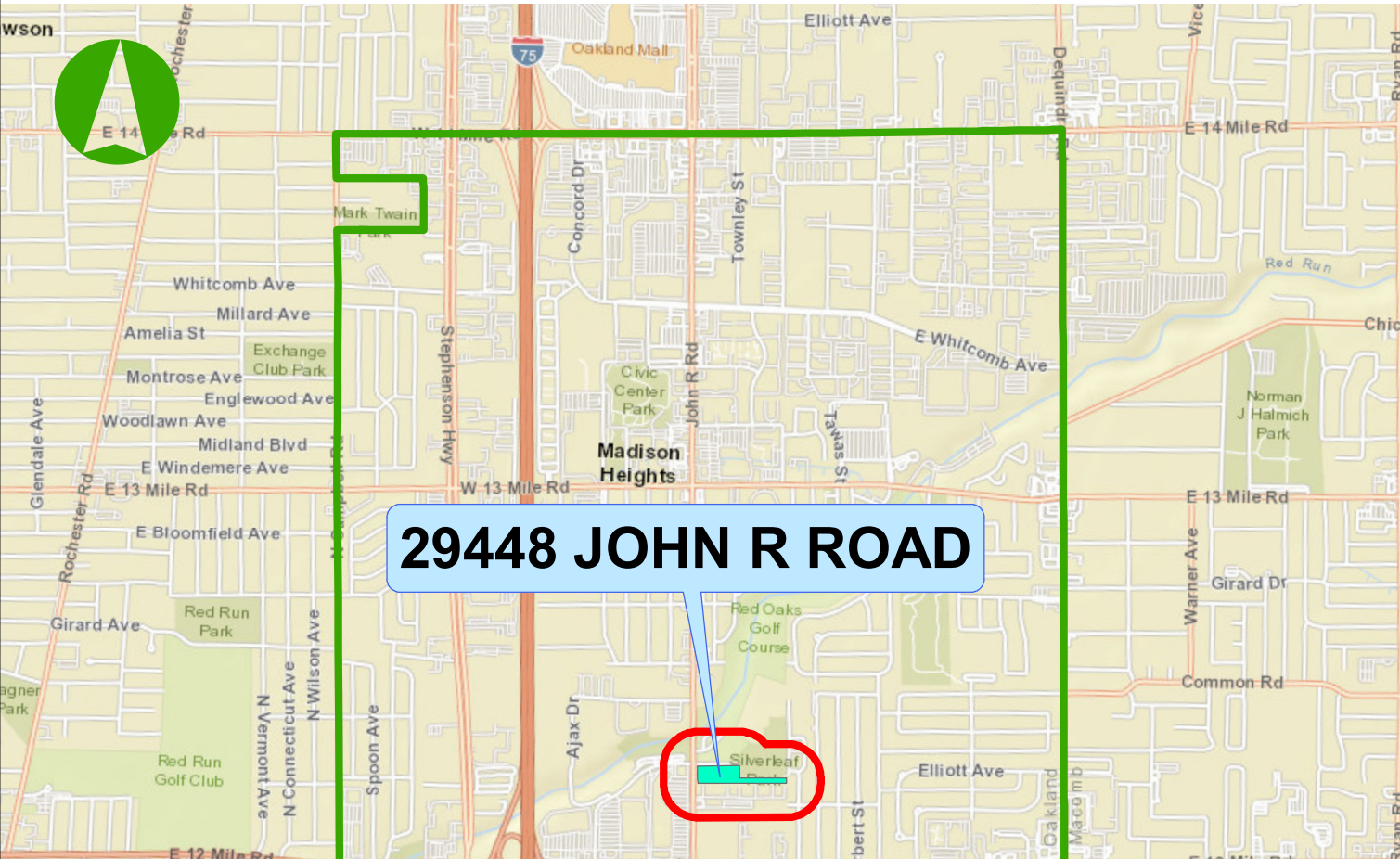
Future Land Use



-  29448 John R Rd
-  Commercial
-  Mixed Use Innovation
-  Public and Schools
-  Buildings
-  Recreation

SA CASE: 23 - 04  
BUFFER: 500 FT

Item 3.





**CITY OF MADISON HEIGHTS  
COMMUNITY DEVELOPMENT DEPARTMENT  
PETITION FOR USE PERMITTED BY  
SPECIAL APPROVAL**

Item 3.

FOR OFFICE USE ONLY

Request PSP 23-004 No: \_\_\_\_\_  
Date 6/6/23 Filed: \_\_\_\_\_  
Approved by \_\_\_\_\_ CDD: \_\_\_\_\_  
Approved for Hearing: \_\_\_\_\_

I (we) the under signed, do hereby apply and petition the City of Madison Heights for a Special Approval Use Permit and provide the following information.

(Application must be typed)

Building Address: 29448 JOHN R ROAD Tax ID No.: 44 - 25 - 12 - 304 - 010

**APPLICANT INFORMATION**

Name: Moschouris Management and Development (William Gershenson)

Phone No.: 248-417-3913 Fax No.: \_\_\_\_\_

Mailing Address: 876 Horace Brown Dr City, State, Zip: Madison Heights, MI  
(Notices will be mailed to this address)

Driver's License No.: G625887367260 Date of Birth: 04/02/1978

Interest in Property: Developer

**BUILDING & BUSINESS INFORMATION**

Zoning District: M-1 Use Requested Pursuant to Section 10.326.8 (Auto Wash) of the Zoning Ordinance

Explain Requested Use in Detail: PROPOSED 4,625 SF AUTOMATIC CONVEYOR CAR WASH  
13 VACUUM STALLS, 5 EMPLOYEE PARKING SPACES, 2 PAY STATIONS,  
28 STACKING SPACES

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) N/A of N/A

Subdivision (if platted lot(s)) and is located on the N S E W (Circle One) side of John R Street/Road between  
12 Mile Street/Road and Dartmouth Street / Road.

Hours of Operation: 8AM - 10PM

Property Frontage: 259.26 Width/Depth: 259.26 / Varies No. of Parking Spaces: \_\_\_\_\_ Private Lot \_\_\_\_\_ Shared Lot \_\_\_\_\_

No. of Floors: 1 Max. No. of Employees: 5 Male \_\_\_\_\_ Female \_\_\_\_\_ No. on Largest Single Shift: 5

No. of Seats for Restaurant or Assembly Uses: N/A Capacity of Waiting Area: 5

Building: New ☒ or Existing \_\_\_\_\_ Will Additions or Alterations to the Building be Required? N/A

Explain: N/A

Describe Any Other Site Improvements to be Made: N/A

Building Owner Name: City of Madison Heights Phone No.: 248-588-1200 Fax No.: N/A

Mailing Address: 300 West Thirteen Mile Road City: Madison Heights, MI Zip: 48071  
(Notices will be mailed to this address)

**Note: All blanks and boxes above must be completed. Use N/A where appropriate.**  
**CONTINUED ON REVERSE SIDE**



**PETITION FOR USE PERMITTED BY  
SPECIAL APPROVAL (Continued)**

Include one (1) copies of a site plan, no larger than 11 x 17 inches, which meets the requirements of Section 10.514 of the Zoning Ordinance of Madison Heights and the required seven hundred and fifty dollar fee (\$750.00) plus a site plan application.

This petition / application must be signed by both the Owner in Fee of the property and the Applicant prior to submittal. Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

**FOR THE OWNER:**

Signature B.A.  
Printed William Gershenson Name  
Date 6/5/2023

**FOR THE APPLICANT IF NOT THE OWNER:**

Signature \_\_\_\_\_  
Printed \_\_\_\_\_ Name  
Date \_\_\_\_\_

**NOTARY:**

On this 5th day of June

Before me personally appeared

William Gershenson to me known to be the person who executed the forgoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary's Signature [Signature]

Notary's Printed Name Jalyn Chiodoni

Notary public, State of Michigan,

County of Macomb.

My commission expires sep. 17, 2025.

Acting in the County of Oakland.

**NOTARY:**

On this \_\_\_\_\_ day of \_\_\_\_\_

Before me personally appeared

\_\_\_\_\_ to me known to be the person who executed the forgoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary's Signature \_\_\_\_\_

Notary's Printed Name \_\_\_\_\_

Notary public, State of Michigan,

County of \_\_\_\_\_.

My commission expires \_\_\_\_\_.

Acting in the County of \_\_\_\_\_.

**OFFICE USE ONLY**

\$750.00 Fee Paid ☒ Receipt Number ☒ By ☒ Date: 6/6/23

One Site Plan Attached no larger than 11 x 17 inches ☒ Yes ☐ No

Site Plan Application: [Signature] Date: [Signature]

Copies to C.D.D. \_\_\_\_\_

Notices Mailed to Properties Within 500 Feet \_\_\_\_\_

Council Action \_\_\_\_\_

Meeting Date \_\_\_\_\_

June 16, 2023

City Council of Madison Heights  
300 W. 13 Mile Road  
Madison Heights, MI 48071

**RE: Tommy's Car Wash – Special Land Use Approval  
29448 John R Road  
Madison Heights, MI 48071**

City Councilmembers:

See below for compliance with Special Approval Use Standards Pursuant to Zoning Ordinance Section 10.201(4).

1. Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.

**Response: Tommy's has submitted its Site Plan and other required documentation for Special Approval Uses in compliance with all information as outlined in Section 10.514.**

2. All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.

**Response: The criteria as outlined in Section 10.326(8), specifically addresses auto washes. Tommy's is in compliance with or exceeds the stated criteria but is providing landscaping instead of a chain-link fence around the north and east property lines. Tommy's believes a chain-link fence would be unsightly given the new construction in the immediate area.**

3. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
  - a. Location of use(s) on site;
  - b. Height of all improvements and structures;
  - c. Adjacent conforming land uses;
  - d. Need for proposed use in specified areas of the city;
  - e. Conformance with future land use plans for the area as adopted by the planning commission; and
  - f. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.

**Response: Tommy's is compatible with the surrounding commercial properties and vicinity. The site is 4.91 AC providing adequate space for all primary and secondary business activities. The proposed uses are consistent with other uses in the vicinity allowing consumers to make multiple stops during one vehicle trip.**

4. Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
- a. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
  - b. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
  - c. Reduction/elimination of pedestrian/vehicular traffic conflicts;
  - d. Adequacy of sight distances;
  - e. Location and access of off-street parking;
  - f. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

**Response: There is only one driveway access point for ingress and egress to the site via a shared access drive. The interior drives are routed in such manner to eliminate or minimize any vehicular conflict within the site. There are ample site lines to avoid any conflicts with pedestrians or bikers when cars are entering or leaving the site. More than adequate on-site parking is provided.**

5. Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.

**Response: There is no proposed screening walls with the site layout, however the Tommy's building provides a unique aesthetic and entry area which will screen the stacking to the north. Significant screening trees and plantings are proposed along the north and east sides of the development. The south is a proposed drive-thru restaurant that will be part of the ultimate development and will be within the same nature as the car wash.**

6. The use shall be properly served by utilities.

**Response: The utilities are adequate, and the proposed site uses shall be properly served.**

7. The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.

**Response: The proposed cart wash will not create any adverse environmental impacts. In fact, Tommy's recycles approximately 90% of the water used at the facility. Any water discharged in the public sewer system will go through a sand-oil separator system to eliminate the possibility of any contamination. Tommy's Car Wash is an eco-friendly business that uses about one-third of the water that would be used with residents cleaning their car at home.**

8. The use shall be specifically scrutinized for conformance with the performance standards outlined in Section 10.509 of this Ordinance.

**Response: The proposed use is in compliance with Section 10.509, which concerns performance standards, including open storage, glare and radioactive materials, fire and explosive hazards, noise and waste. None of these adverse factors are present at the project site. To reduce noise, the main vacuum filter/separator and vacuum turbines are located inside an enclosure to mitigate noise. No outdoor speakers are associated with the car wash tunnel. There is little noise that emanates from the car wash building and is of an intermittent nature. As previously stated, water is recycled and there will be no untreated waste discharge into the public sewer system.**

9. The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.

**Response: The site layout has been designed to eliminate any possible nuisances that might affect adjacent properties. The primary car wash activity will be within an enclosed building. There is no excessive smoke, fumes, glare, noise, vibration, odors, or adverse environmental impacts.**

10. The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.

**Response: The proposed use does not impose any burden upon public services and utilities.**

Best Regards,



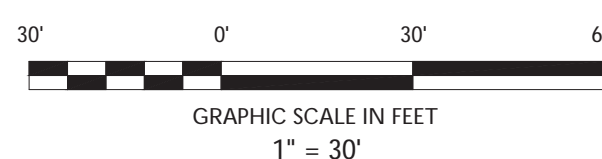
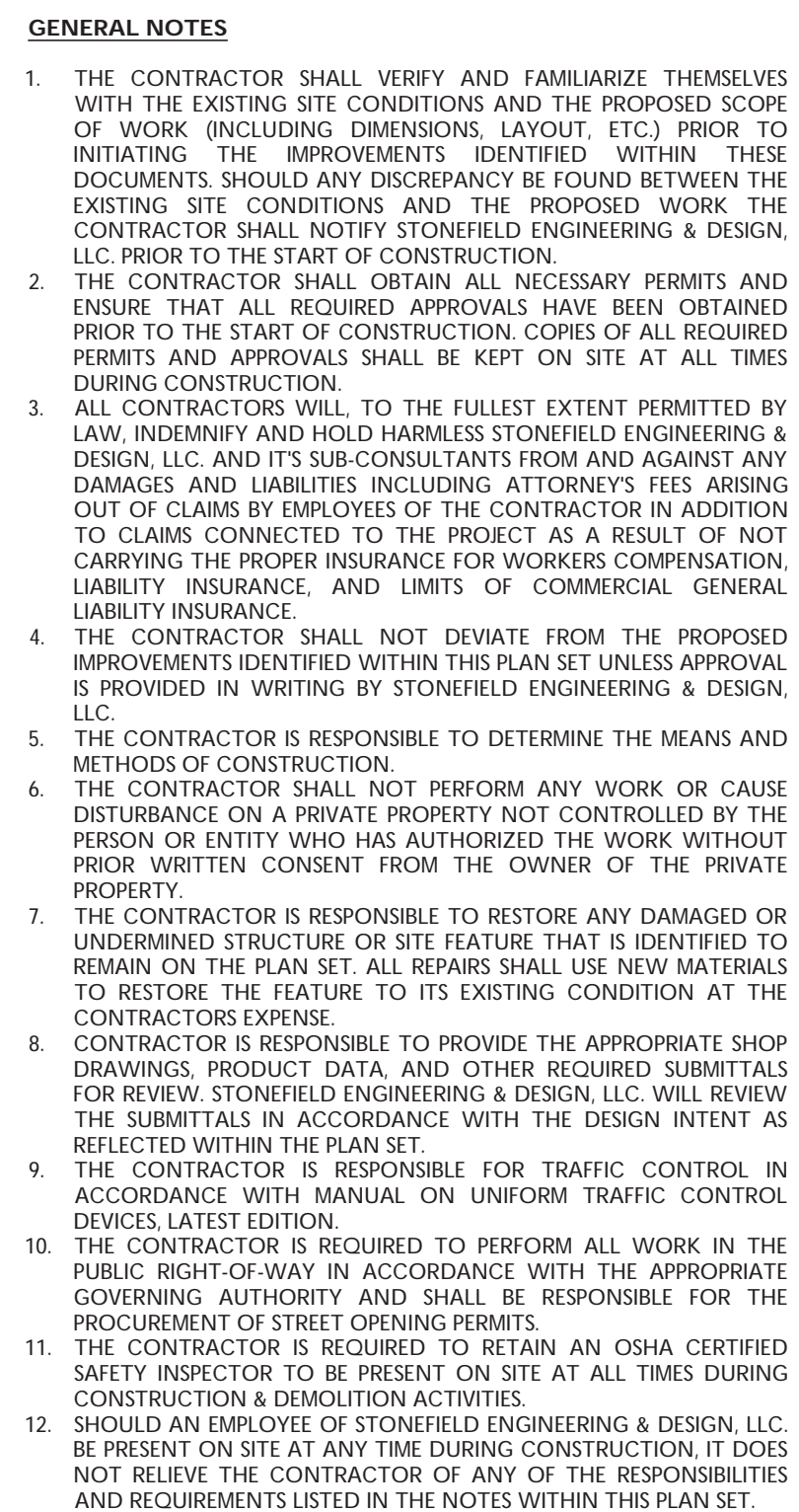
J. Reid Cooksey, PE  
**Stonefield Engineering and Design, LLC**

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
\$ 10.505	<u>AUTO WASH:</u> 1 SPACE PER EMPLOYEE (5 EMPLOYEES)(1 SPACE) = 5 SPACES	5 SPACES +13 VACUUM
\$ 10.326.8(e)	<u>AUTO WASH STACKING:</u> 6 SPACES PER STALL	28 SPACES
\$ 10.506	<u>90° PARKING:</u> 9 FT X 20 FT W/ 22 FT AISLE	9 FT X 20 FT W/ 24 FT AISLE
\$ 10.510.7.a	<u>PARKING LOT LANDSCAPING:</u> 5 SF OF LANDSCAPING PER SPACE (18 SPACES)(5 SF/SPACE) = 90 SF	>90 SF

[illegible]

607 Shelby Suite 200, Detroit, MI 48226  
Phone 248.247.1115

PARCEL ID: 25-12-304-010  
29448 JOHN R ROAD  
CITY OF MADISON HEIGHTS  
OAKLAND COUNTY, MICHIGAN



**IRRIGATION NOTE:**

IRRIGATION CONTRACTOR TO PROVIDE A DESIGN FOR AN IRRIGATION SYSTEM SEPARATING PLANTING BEDS FROM LAWN AREA. PRIOR TO CONSTRUCTION, DESIGN IS TO BE SUBMITTED TO THE PROJECT LANDSCAPE DESIGNER FOR REVIEW AND APPROVAL. WHERE POSSIBLE, DRIP IRRIGATION AND OTHER WATER CONSERVATION TECHNIQUES SUCH AS RAIN SENSORS SHALL BE IMPLEMENTED. CONTRACTOR TO VERIFY MAXIMUM ON SITE DYNAMIC WATER PRESSURE AVAILABLE MEASURED IN PSI. PRESSURE REDUCING DEVICES OR BOOSTER PUMPS SHALL BE PROVIDED TO MEET SYSTEM PRESSURE REQUIREMENTS. DESIGN TO SHOW ALL VALVES, PIPING, HEADS, BACKFLOW PREVENTION, METERS, CONTROLLERS, AND SLEEVES WITHIN HARDSCAPE AREAS.

**LANDSCAPING NOTES**

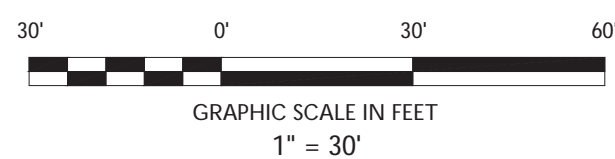
1. THE CONTRACTOR SHALL RESTORE ALL DISTURBED GRASS AND LANDSCAPED AREAS TO MATCH EXISTING CONDITIONS UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
2. THE CONTRACTOR SHALL RESTORE ALL DISTURBED LAWN AREAS WITH A MINIMUM 4 INCH LAYER OF TOPSOIL AND SEED.
3. THE CONTRACTOR SHALL RESTORE MULCH AREAS WITH A MINIMUM 3 INCH LAYER OF MULCH.
4. THE MAXIMUM SLOPE ALLOWABLE IN LANDSCAPE RESTORATION AREAS SHALL BE 3 FEET HORIZONTAL TO 1 FOOT VERTICAL (3:1 SLOPE) UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
5. THE CONTRACTOR IS REQUIRED TO LOCATE ALL SPRINKLER HEADS IN AREA OF LANDSCAPING DISTURBANCE. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL RELOCATE SPRINKLER HEADS AND LINES IN ACCORDANCE WITH OWNER'S DIRECTION WITHIN AREAS OF DISTURBANCE.
6. THE CONTRACTOR SHALL ENSURE THAT ALL DISTURBED LANDSCAPED AREAS ARE GRADED TO MEET FLUSH AT THE ELEVATION OF WALKWAYS AND TOP OF CURB ELEVATIONS EXCEPT UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET. NO ABRUPT CHANGES IN GRADE ARE PERMITTED IN DISTURBED LANDSCAPING AREAS.

PLANT SCHEDULE						
DECIDUOUS TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	ACE	5	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	2.5" - 3" CAL	B&B
	GLE	3	GLEDTISIA TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER HONEY LOCUST	2.5" - 3" CAL	B&B
EVERGREEN TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	JUN	16	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	5' - 6' HT	B&B
	THU	18	THUJA OCCIDENTALIS	AMERICAN ARBORVITAE	5' - 6' HT	B&B
FLOWERING TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	CER	13	CERCIS CANADENSIS	EASTERN REDBUD	2.5" - 3" CAL	B&B
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	CLE	15	CLETHRA ALNIFOLIA	SUMMERSWEET CLETHRA	24" - 30"	POT
	FOR	30	FORSYTHIA X 'ARNOLD'S DWARF'	ARNOLD'S DWARF FORSYTHIA	24" - 30"	POT
	HYD	30	HYDRANGEA MACROPHYLLA 'ENDLESS SUMMER'	BAILMER HYDRANGEA	24" - 30"	POT
	VIB	35	VIBURNUM ACERIFOLIUM	MAPLELEAF VIBURNUM	24" - 30"	POT
EVERGREEN SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	GLA	42	ILEX GLABRA 'COMPACTA'	COMPACT INKBERRY	24" - 30"	POT
	TAX	52	TAXUS X MEDIA 'DENSIFORMIS'	DENSE ANGLO-JAPANESE YEW	24" - 30"	POT

NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN ON THE LANDSCAPE PLAN AND WITHIN THE PLANT LIST, THE PLAN SHALL DICTATE.



LANDSCAPING AND BUFFER REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 10.510.B.(2)a.	<b>BUFFER STRIP REQUIREMENTS</b> THE BUFFER STRIP SHALL BE 15 FT WIDE MINIMUM THE BUFFER STRIP SHALL BE COVERED WITH GRASS EXCEPT FOR PLANTING AREAS EAST PROPERTY LINE: 260 FT	15.0 FT PROVIDED COMPLIES
§ 10.510.B.(2)b.1.	(1) TREE FOR EVERY 20 LF OF BUFFER STRIP (260 FT) * (1 TREE / 20 FT BUFFER) = 13 TREES	13 TREES PROPOSED
§ 10.510.B.(2)b.2.	(4) SHRUBS FOR EVERY 20 LF OF BUFFER STRIP (260 FT) * (4 SHRUBS / 20 FT BUFFER) = 52 SHRUBS	54 SHRUBS PROPOSED COMPLIES
§ 10.510.B.(2)b.3.	PLANTINGS SHALL BE A MIXTURE OF EVERGREEN AND DECIDUOUS TREES	
§ 10.510.B.(2)b.4.	<b>GREENBELT REQUIREMENTS</b> THE GREENBELT SHALL BE COVERED WITH GRASS, LIVING GROUNDCOVER, WOOD CHIPS, MULCH, OR STONE JOHN R ROAD: 260 FT	COMPLIES
§ 10.510.B.(4)a.	(1) TREE FOR EVERY 30 LF OF GREENBELT (260 FT) * (1 TREE / 30 FT GREENBELT) = 9 TREES	1 EXISTING TREES TO REMAIN 8 TREES PROPOSED
§ 10.510.B.(4)b.	(4) SHRUBS FOR EVERY 30 LF OF GREENBELT (260 FT) * (4 SHRUBS / 30 FT GREENBELT) = 35 SHRUBS	41 SHRUBS PROPOSED
§ 10.510.B.(4)c.	<b>NORTH PROPERTY LINE: 393 FT</b> (1) TREE FOR EVERY 30 LF OF GREENBELT (393 FT) * (1 TREE / 30 FT GREENBELT) = 13 TREES	1 EXISTING TREE TO REMAIN 12 TREES PROPOSED
§ 10.510.B.(4)d.	(4) SHRUBS FOR EVERY 30 LF OF GREENBELT (393 FT) * (4 SHRUBS / 30 FT GREENBELT) = 52 SHRUBS	53 SHRUBS PROPOSED
§ 10.510.B.(4)e.	<b>SOUTH PROPERTY LINE: 275 FT</b> (1) TREE FOR EVERY 30 LF OF GREENBELT (393 FT) * (1 TREE / 30 FT GREENBELT) = 13 TREES	13 TREES PROPOSED
§ 10.510.B.(4)f.	(4) SHRUBS FOR EVERY 30 LF OF GREENBELT (393 FT) * (4 SHRUBS / 30 FT GREENBELT) = 52 SHRUBS THE GREENBELT SHALL BE 5 FT WIDE MINIMUM	53 SHRUBS PROPOSED COMPLIES
§ 10.510.B.(4)g.	<b>INTERIOR LANDSCAPING</b> FOR EVERY NEW DEVELOPMENT INTERIOR LANDSCAPING AREAS SHALL BE PROVIDED EQUAL TO AT LEAST 5% OF THE TOTAL IMPERVIOUS AREA (75,180 SF) * (0.05) = 3,759 SF	10,873 SF PROVIDED COMPLIES
§ 10.510.B.(4)h.	THE INTERIOR LANDSCAPING AREA SHALL BE COVERED WITH GRASS, GROUNDCOVER, WOOD CHIPS, OR MULCH (3,759 SF) * (1 TREE / 400 SF) = 9 TREES	9 TREES PROPOSED
§ 10.510.B.(4)i.	(2) SHRUBS + (2) SHRUBS FOR EVERY 400 SF OF REQUIRED LANDSCAPING AREA (3,759 SF) * (2 SHRUBS / 400 SF) = 19 SHRUBS	33 SHRUBS PROPOSED
§ 10.510.B.(4)j.	<b>PARKING LOT LANDSCAPING</b> ANY OFF-STREET PARKING AREAS CONTAINING 10 OR MORE SPACES SHALL PROVIDE 5 SF OF PARKING LOT LANDSCAPING FOR EVERY SPACE (55 SPACES) * (5 SF) = 275 SF	10,873 SF PROVIDED COMPLIES
§ 10.510.B.(4)k.	THE PARKING LOT LANDSCAPING AREA GROUNDCOVER SHALL BE GRASS, LIVING GROUNDCOVER, WOODCHIPS, OR MULCH	
§ 10.510.B.(4)l.	(1) TREE FOR EVERY 100 SF OF REQUIRED PARKING LOT LANDSCAPING AREA (275 SF) * (1 TREE / 100 SF) = 3 TREES	3 TREES PROPOSED
§ 10.510.C.	<b>SCREENING REQUIREMENTS</b> A LANDFORM, BUFFER STRIP, OR GREENBELT REQUIRED TO SCREEN M-1 ZONE FROM ADJACENT R-3 ZONE A LANDFORM, BUFFER STRIP, OR GREENBELT REQUIRED TO SCREEN M-1 ZONE FROM ADJACENT M-1 ZONE A GREENBELT REQUIRED TO SCREEN M-1 ZONE FROM ADJACENT R.O.W.	BUFFER STRIP PROVIDED ALONG EAST PROPERTY LINE  GREENBELT PROVIDED ALONG NORTH & SOUTH PROPERTY LINES GREENBELT PROVIDED ALONG R.O.W.



**STONEFIELD**  
engineering & design

Detroit, MI • New York, NY • Boston, MA  
Princeton, NJ • Tampa, FL • Rutherford, NJ

www.stonefielddesign.com

607 Shelby Suite 200, Detroit, MI 48226

Phone 248.247.1115

PRELIMINARY SITE PLAN

**MMD**

PROPOSED CAR WASH

PARCEL ID: 25-12-304-010  
29448 JOHN R ROAD  
CITY OF MADISON HEIGHTS  
OAKLAND COUNTY, MICHIGAN



**STONEFIELD**  
engineering & design

SCALE: 1" = 30' PROJECT ID: DET-220036

TITLE:

LANDSCAPING PLAN

DRAWING:

**C-2**



TOMMY CAR WASH SYSTEMS  
TOMMY'S EXPRESS  
P3119QUOTE: XXXXX  
VERSION NUMBER: XX  
PROGRAM: 2021-Q3-T3-R22NOT FOR  
CONSTRUCTION

If this document is sealed and signed in a digital or electronic format and is received from someone other than the sealing professional identified in the document, you must contact the sealing professional in writing to validate authenticity of the document. The sealing professional disclaims the seal and signature and shall not be liable for any liability associated with it where the authenticity of any digital or electronic seal or signature has not been validated in this manner.

## ISSUANCE

Site Plan Approval  
07/19/2021

## REVISIONS

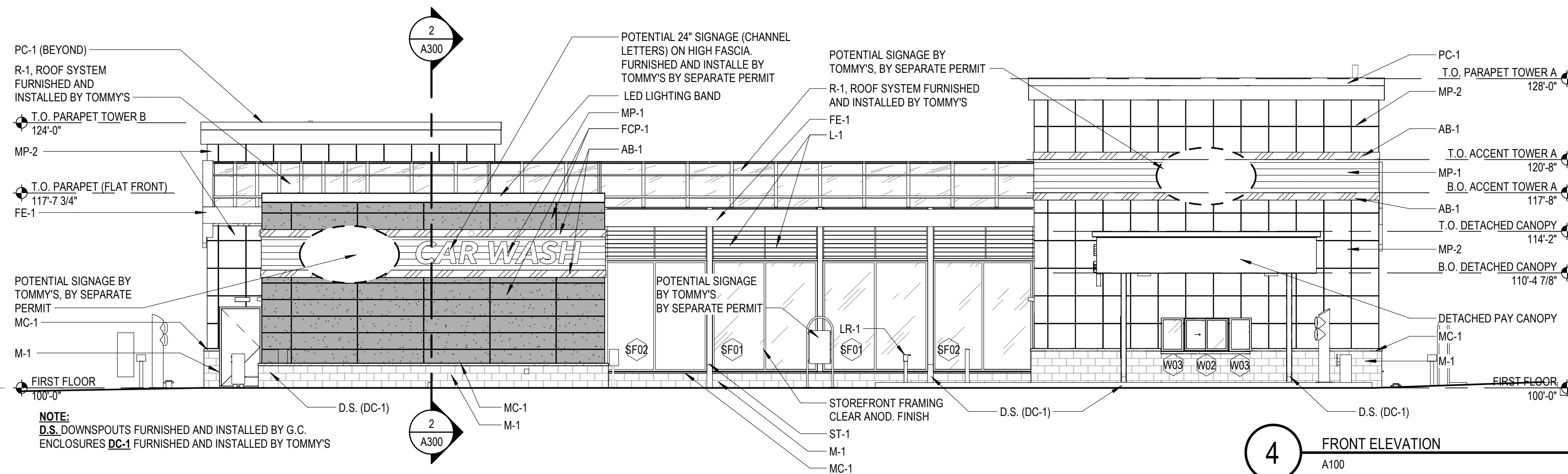
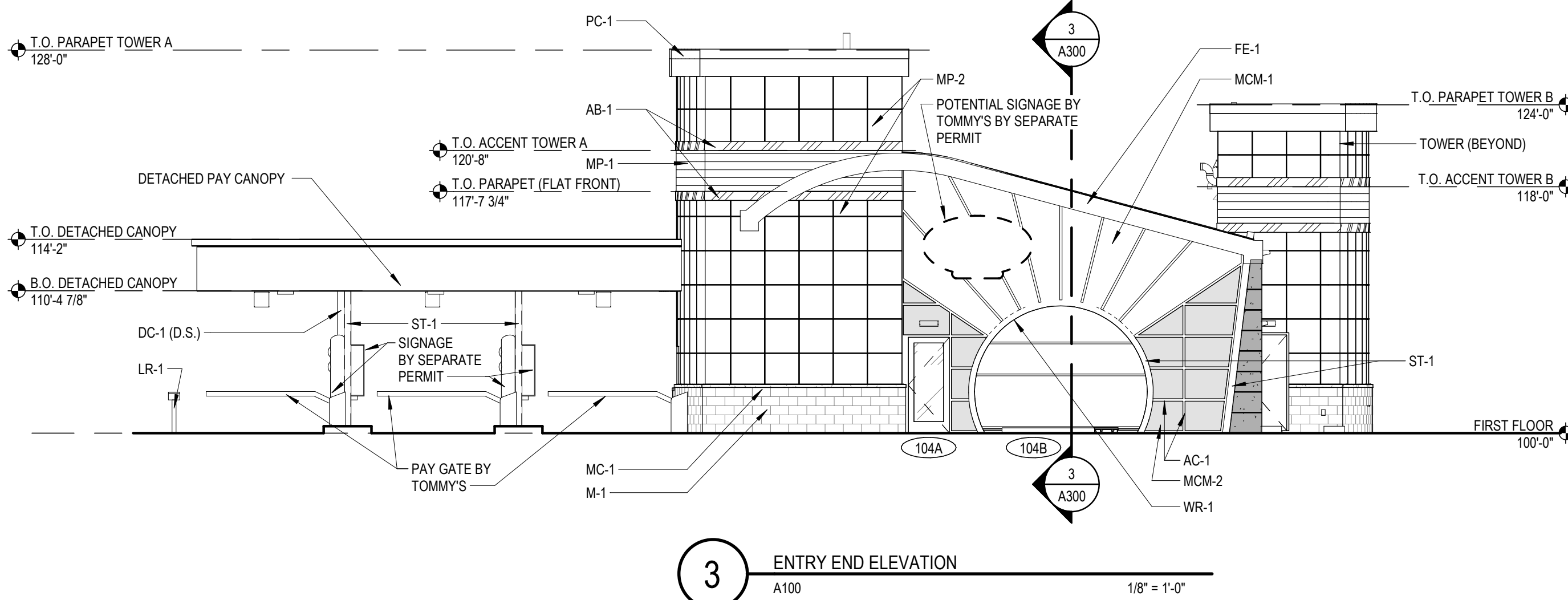
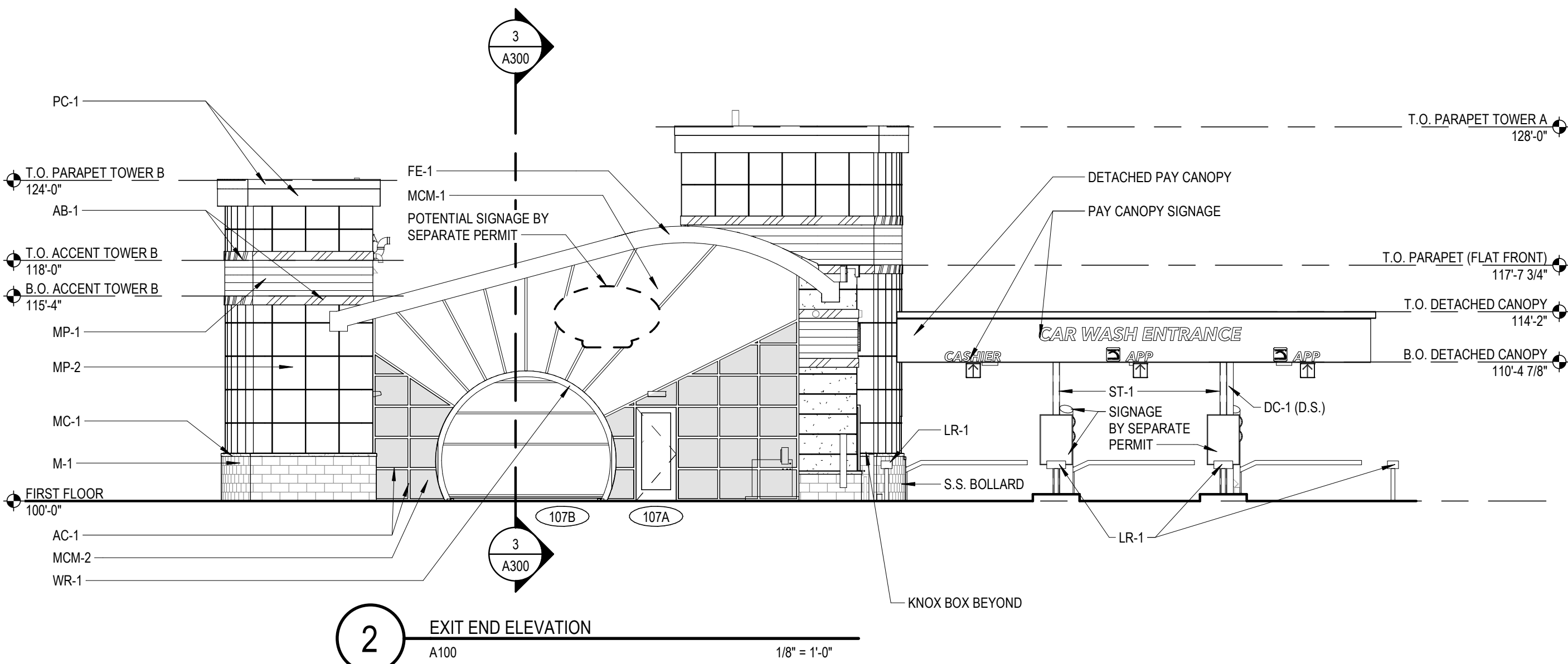
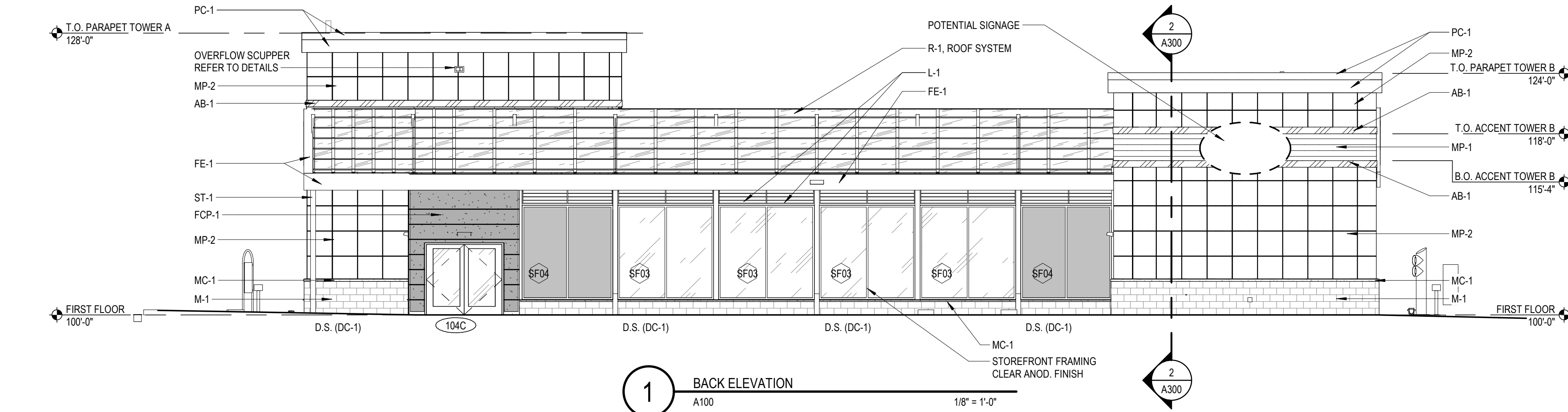
NO. DATE DESCRIPTION

FILE NUMBER 81310211  
PROJECT MANAGER S. MARKS  
PROFESSIONAL  
DRAWN BY GBC  
CHECKED BYBUILDING  
ELEVATIONS  
A200

## EXTERIOR MATERIALS LEGEND

	PREFINISHED METAL PANELS
	FIBER CEMENT BOARD PANEL
	PREFINISHED METAL COPING
	ALUM. FLAT STOCK (BLACK)
	PROFILED METAL PANEL
	MCM PANEL (BLACK)
	GLAZING
	SPLIT FACED CONCRETE MASONRY UNIT

TAG	MATERIAL	MANUFACTURER	DESCRIPTION	COLOR	FURNISHED BY	INSTALLED BY
ST-1	STRUCTURAL STEEL	RBI	POWDER COATED STRUCTURAL STEEL	RAL 3001	TOMMY'S	TOMMY'S
MP-1	PROFILED ALUMINUM METAL PANEL	ATAS	ATAS 7.2 BWR360 BELVEDERE	SILVERSMITH	TOMMY'S	G.C.
MP-2	PREFINISHED METAL PANEL	DRI-DESIGN	30"x30" PANEL SIZE	CARNIVAL RED II / RAL 3001	TOMMY'S	G.C.
M-1	SPLIT-FACE CMU	CONSUMERS	4" VENEER SPLIT-FACED	ASH	G.C.	G.C.
MC-1	PRECAST STONE		MASONRY CAP	MATCH CMU COLOR	G.C.	G.C.
FCP-1	FIBER CEMENT PANELS	NICHIHA	ARCHITECTURAL BLOCK SERIES 18" H x 72" W	GRAY	TOMMY'S	G.C.
AB-1	PREFIN. ALUM. ACCENT BANDING	ATAS	ATAS FLAT SHEET	BLACK	TOMMY'S	G.C.
PC-1	PREFIN. ALUM. PARAPET CORNICE	ARCONIC	REYNOBOND COMPOSITE PANELS	BRIGHT SILVER METALLIC	TOMMY'S	G.C.
MCM-1	PREFIN. ALUM. COMPOSITE PANELS	LAMINATORS	LAMINATORS OMEGA SERIES	BRITE RED	TOMMY'S	G.C.
MCM-2	PREFIN. ALUM. COMPOSITE PANELS	CITADEL	SINOCORE	EBONY	TOMMY'S	G.C.
AC-1	PREFIN. ALUM. CLOSURE CAPS	TUBELITE	TUBELITE 200 SERIES STOREFRONT	CLEAR ANNOIDIZED	TOMMY'S	G.C.
SF01, SF02, SF03	PREFIN. ALUM. STOREFRONT WITH INSULATED GLASS	KAWNEER	1" INSULATED GLASS LOW-E	CLEAR ANNOIDIZED	G.C.	G.C.
SF04, SF05	PREFIN. ALUM. STOREFRONT WITH METAL PANEL INFILL	KAWNEER/ CITADEL	1" GLAZE GUARD 1000 WR+ PANEL INFILL SEE DETAIL ON A602	CLEAR ANNOIDIZED FRAMES/ EBONY INFILL PANELS	G.C.	G.C.
DC-1	PREFINISHED ALUMINUM	ALPOLIC	4MM MCM PANELS DOWNSPOUT COVER	METALLIC SILVER	TOMMY'S	TOMMY'S
LR-1	LICENSE PLATE READER	TOMMY'S	BOLLARD	STAINLESS STEEL	TOMMY'S	G.C.
WR-1	PREFIN. ALUM. COMPOSITE PANELS	ARCONIC	MCM WRAP COVER FOR STEEL RING	CLEAR ANNOIDIZED	TOMMY'S	G.C.
FE-1	FASCIA / EAVE	ALPOLIC	4MM MCM PANELS AT EAVES AND FASCIA	METALLIC SILVER	TOMMY'S	TOMMY'S
L-1	PREFIN. ALUM LOUVER	RUSKIN	DRAINABLE LOUVER	CLEAR ANNOIDIZED	TOMMY'S	TOMMY'S
R-1	ACRYLIC ROOF SYSTEM	ACRYLITE	DRAINABLE ACRYLIC ROOF SYSTEM	COOL BLUE	TOMMY'S	TOMMY'S



NOTE:  
D.S. DOWNSPOUTS FURNISHED AND INSTALLED BY G.C.  
ENCLOSURES DC-1 FURNISHED AND INSTALLED BY TOMMY'S



**Good for cars. Great for your city.**

# Why Tommy's Express?

We have owned and operated some of the busiest car washes in the world. That, topped with our 50 years of operations experience, and our proven and tested process and site models makes Tommy's Express the clean choice for car wash franchising.







50  
YEARS

INNOVATION  
INSPIRED BY  
OPERATION

Item 3.

## It all started with a few washes in West Michigan

Quality Car Wash opens its Easttown location on Holland's main street. For decades, this location would hold the record for washing **2,500 cars per day** for two consecutive days.

Jun and Tom Essenburg build and open a 180' Gas C-Store Car Wash. The site was the first to incorporate the **Integrated Flight Deck System**, which still grounds Tommy Car Wash Designs. At peak performance the site can wash up to 205 cars per hour.

Tom Essenburg launches the Tommy Car Wash Systems equipment line as a new **signature series equipment** package for operators. The launch is highlighted in the grand opening of Tommy's Express, a full service wash converted to an Express car wash in Grand Rapids, Michigan, as well as a brand new Quality Car Wash Gas C-Store Carwash model with a barrel vault, clear acrylic roof located in Muskegon, Michigan.

Tommy Car Wash Systems reaches a milestone, installing the **100th Tommy Equipment package**.

'69

'80

'91

'02

'07

Jun and Sonny Essenburg launch the first Quality Car Wash with a **dual rollover system** located on 17th street in Holland, Michigan. After just a few years and great success they convert the wash into an automated 60' tunnel.

Quality Car Wash builds several new locations in Holland, Michigan. Quality also purchases several existing locations and renovates them for **improved services** and processing.

Tommy Car Wash Systems **partners with AVW** Equipment and launches a national distributorship network, helping to bring cutting-edge AVW products to leading car washes in the United States and abroad.

Tommy Car Wash Systems and AVW Equipment develop and install the **first ever wet tunnel belt conveyor** (the Tommy Transporter™) at Quality Car Wash's Easttown location.

50  
YEARS

INNOVATION  
INSPIRED BY  
OPERATION

## It all started with a few washes in West Michigan

Tommy Car Wash Systems completes the first freestanding **Totally Tommy** Express site design in Tulsa Oklahoma.

Quality Car Wash opens their 6th location, a Totally Tommy Gas Wash C-Store in Holland, MI. The 'Waverly Site' goes on to achieve record breaking success, processing **419,000 total vehicles in its first year** of operation.

Wash Club, an **advanced licensed plate reader system** designed to support car wash club membership programs, is introduced to the car wash market. Tommy's Express Car Wash opens franchise partner site in Overland Park, KS.

Corporate owned Quality Car Wash sets world record by washing **3,255 cars in one day**. The Tommy's Express franchise opens 4 more locations in first quarter. (Las Vegas, NV / Manhattan, KS / Richmond, VA / Jonesboro, AR)

08

13

16

18

11

14

17

19

Tommy Car Wash Systems goes global, establishing relationships with **seven European distributors** and taking the continent by storm with a full size equipment demo at Automechanika in Frankfurt, Germany.

The Totally Tommy site design is updated and revised with new features plus **updated technology and architecture**. Orders are placed and independent Totally Tommy washes begin operation around the United States.

The **Tommy's Express Car Wash franchise** is inaugurated as a sister car wash company supported by Tommy Car Wash Systems. Tommy's Express car washes feature the Totally Tommy building design and a complete Tommy Car Wash Systems equipment package.

The Tommy's Express Car Wash franchise opens **6 locations across the USA**. (Joplin, MO / San Antonio, TX / Jenison, MI / Menifee, CA / Omaha, NE / Sarasota, FL)

Item 3.

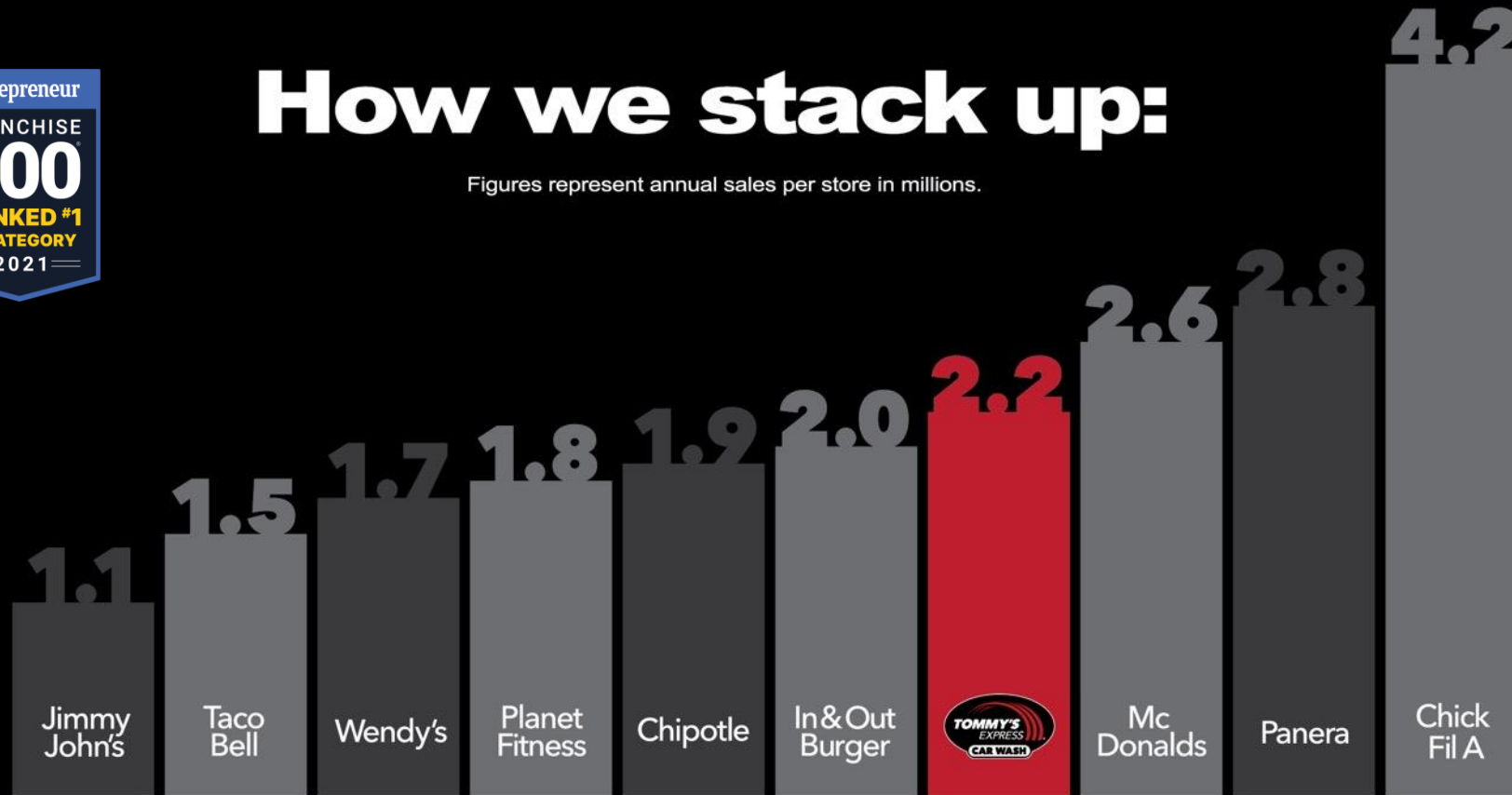
We are one of the fastest growing businesses with the most **proven** and **complete** opportunity in one of the **fastest** growing franchise industries.

Item 3.



## How we stack up:

Figures represent annual sales per store in millions.



The next big story in franchising.

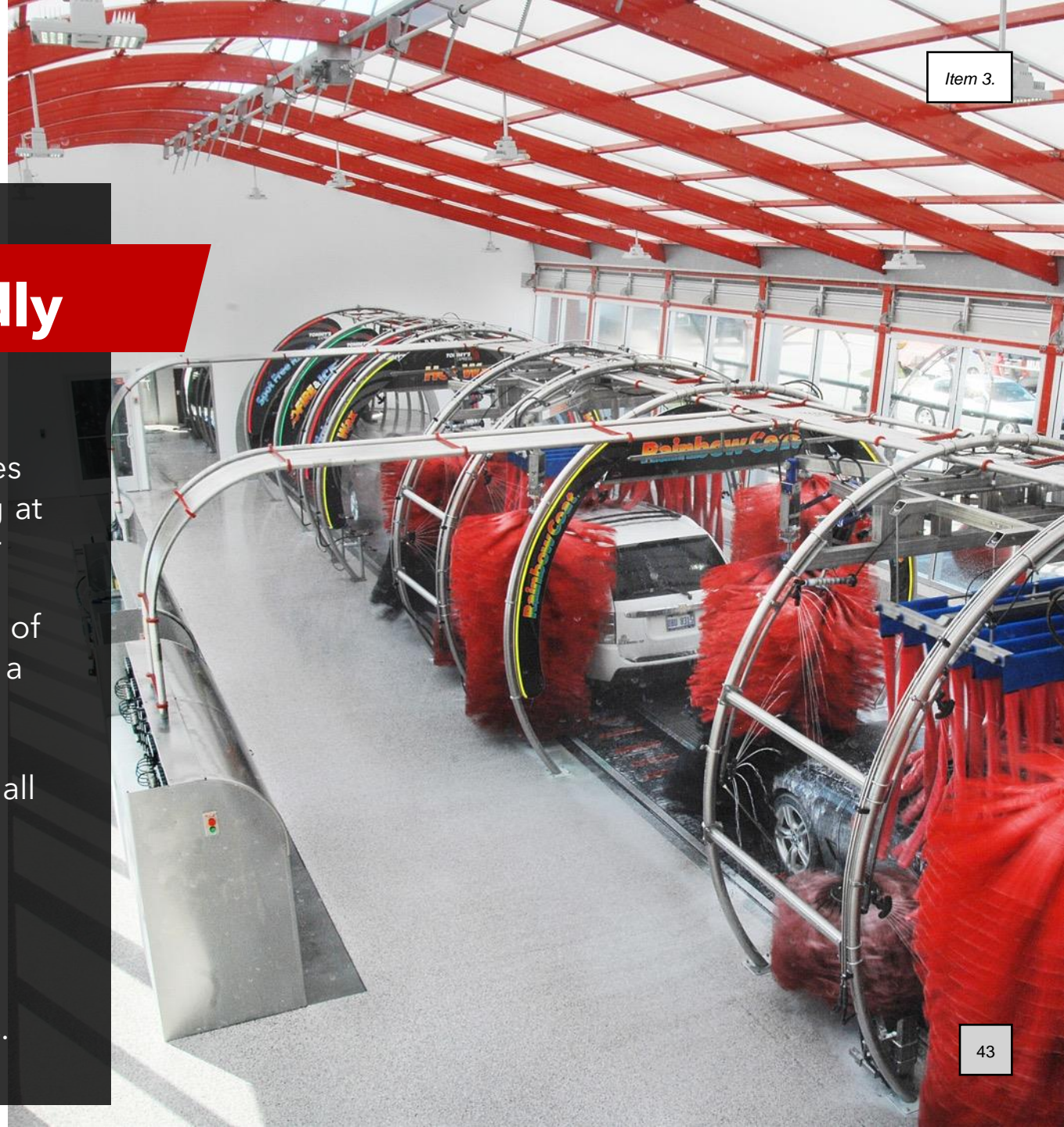


**Over 95 sites open and 200+ more in development**



## Environmentally Friendly

- Every location employs an advanced water reclaim system which not only uses up to 60% less fresh water than washing at home, it also keeps 100% of used water out of the storm system.
- Every Tommy's Express uses an average of 28 gallons of fresh water per car, where a typical home wash uses 100 gallons in 10min.
- We use advanced lighting controls and all LED lights to ensure every location can monitor and manage their everyday power usage.
- Our clear acrylic roof system allows for daylight harvesting so no lighting is required during most operational hours.



# Tommy's Express

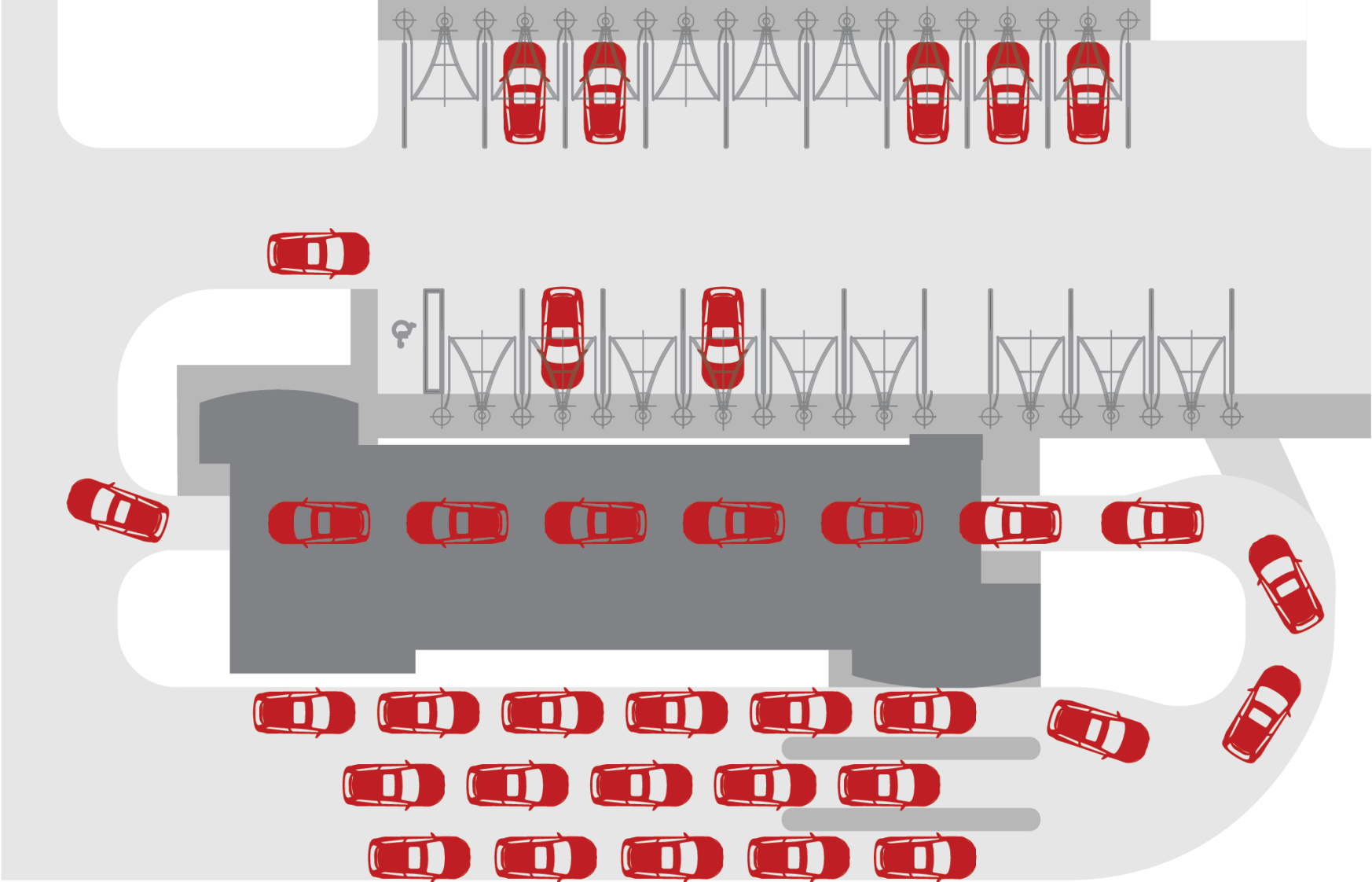
## BENEFITS

Item 3.

### Efficient Processing

With a combination of our unique, high-capacity design and proven efficient site layout, Tommy's Express locations can process more than 200 vehicles per hour, keeping lines short and customers happy.

# Stacking Model

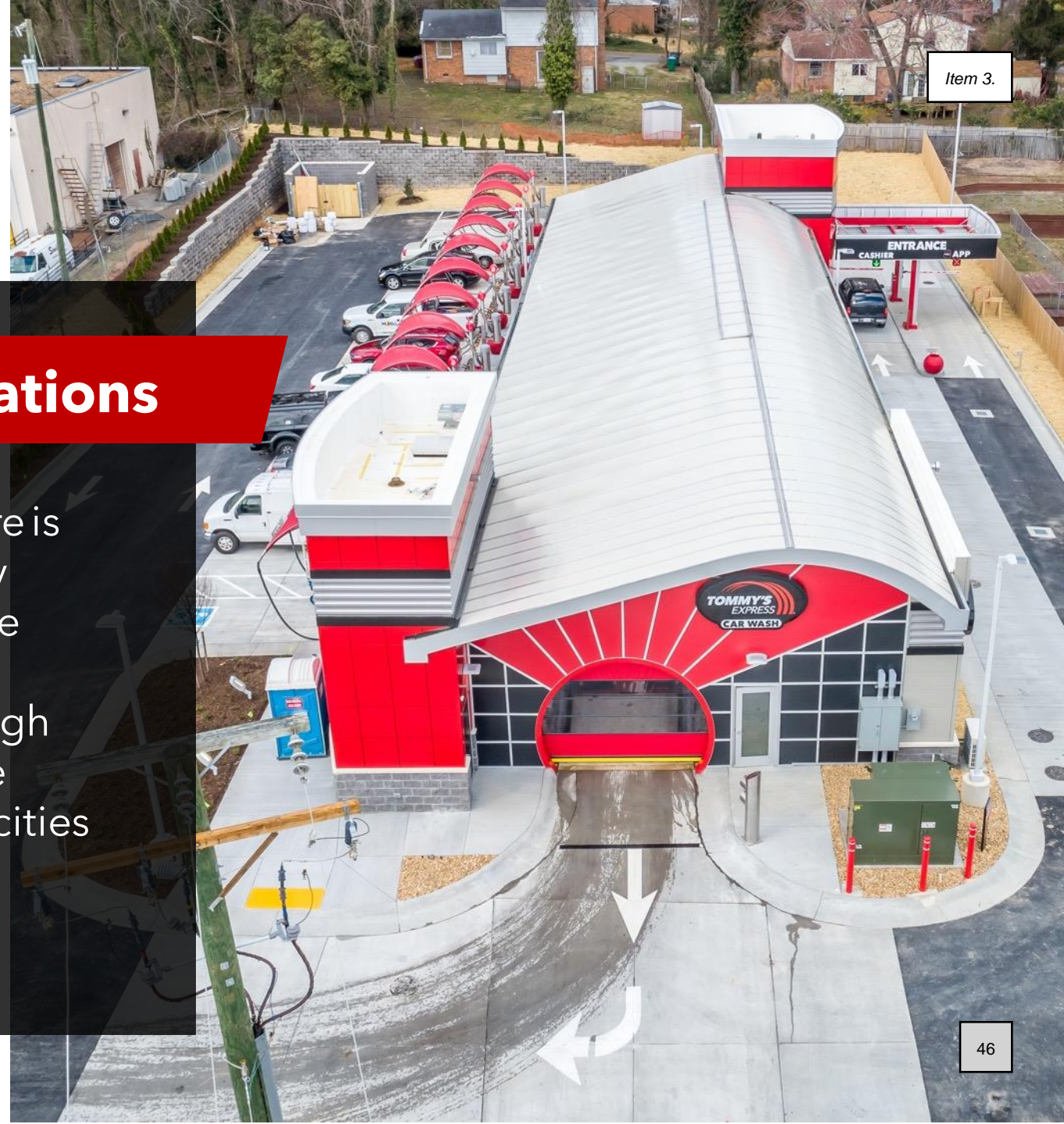


# Tommy's Express

BENEFITS

## World Class Facilities and Operations

- The iconic Tommy's Express architecture is aesthetically appealing and an instantly identifiable landmark in cities across the country
- Every site is required to maintain our high standards of professionalism. Extensive training and regular auditing provides cities with a clean, professionally-run retail destination and a valuable community partner.



# Tommy's Express

## BENEFITS

Item 3.



## Community Focused

Every Tommy's Express location is part of a national franchise brand and is locally owned and operated, providing high national standards and a valuable community partner. Tommy's Express owners are encouraged to partner with local organizations for the benefit of the community.

## Other Videos

### **Car Wash Karaoke:**

<https://www.youtube.com/watch?v=XACXNymBK3M>

### **Water Mission:**

<https://www.youtube.com/watch?v=ZyEHpkMMI94>

### **Dirty Car Complex Commercial :**

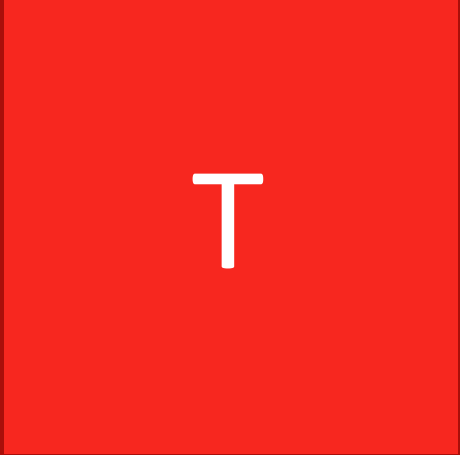
[https://www.youtube.com/watch?v=Kr\\_J\\_epxC6c](https://www.youtube.com/watch?v=Kr_J_epxC6c)

### **Processing Speed:**

<https://www.youtube.com/watch?v=dFys4a-1izc>

<https://www.youtube.com/watch?v=S-R3UJ2L3MY>





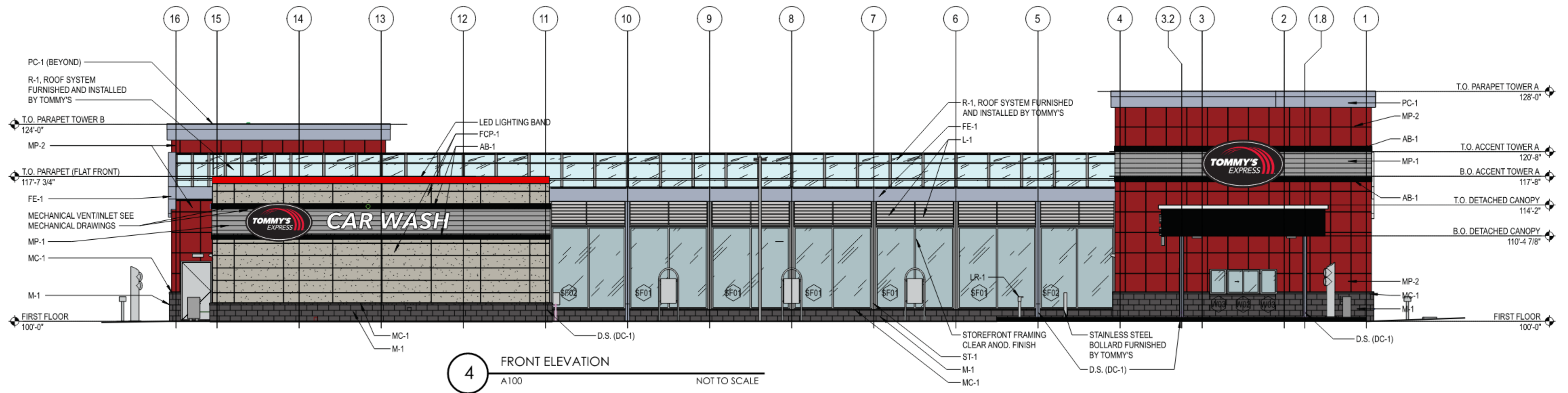
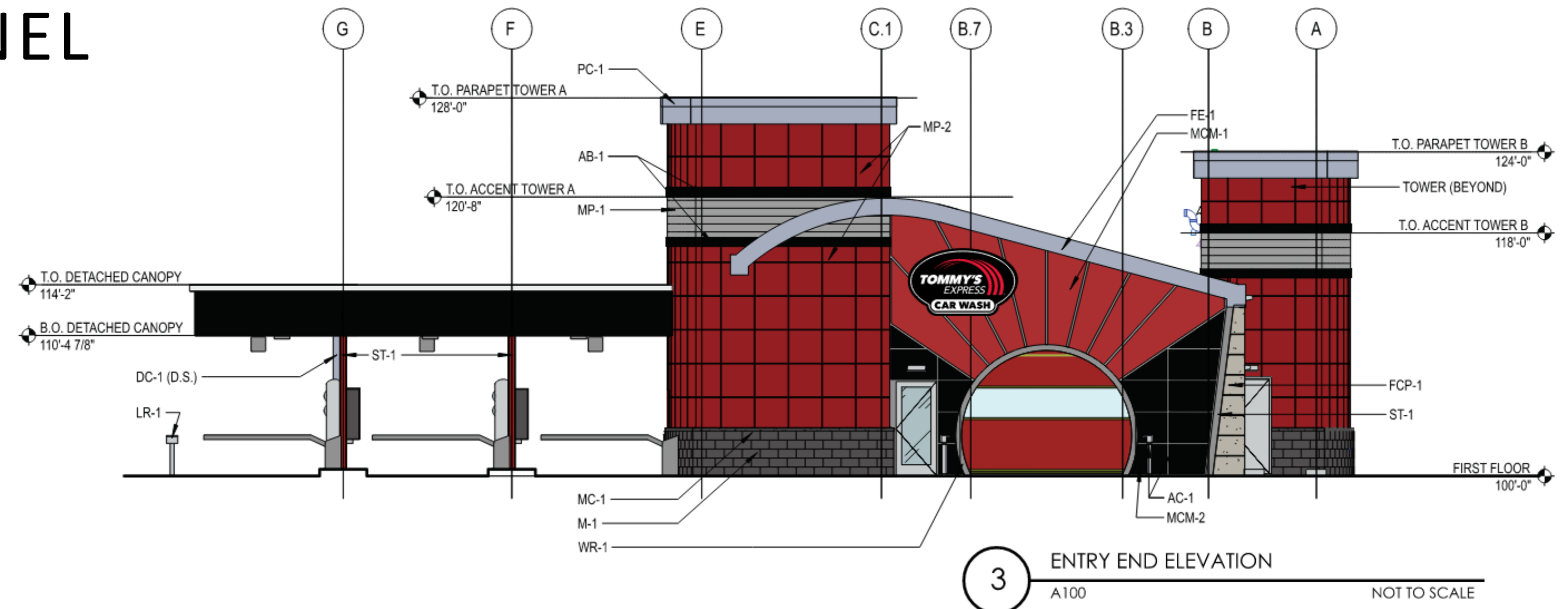
# Tommy's Express Car Wash



EXTERIOR COLORS AND MATERIALS

# M1 – RED METAL PANEL

[M1 Colors & Materials](#)  
[M1 Exterior Elevations in Color](#)





## M1 – RED METAL PANEL

Towers: 30" x 30" Prefinished Metal Panel – Cardinal Red

End Walls: Prefinished Aluminum Composite Panels – Brite Red & Ebony

Backroom: Fiber Cement Panel - Gray





M1 RED METAL PANEL



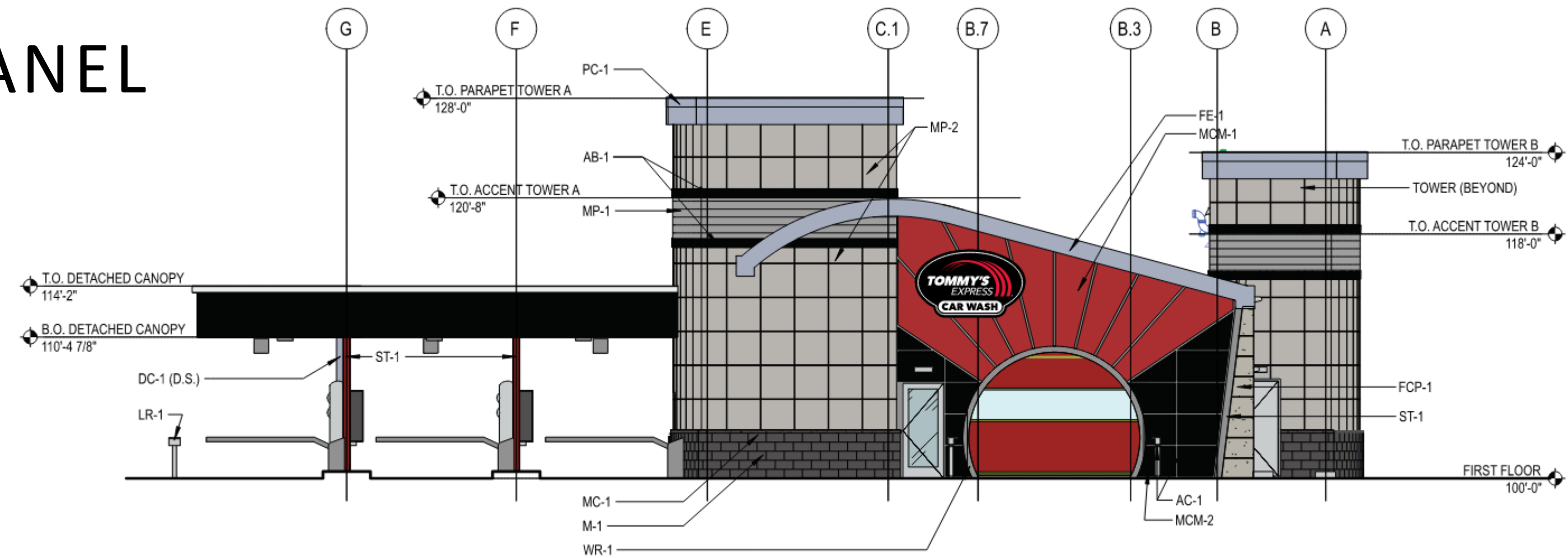
M1 RED METAL PANEL



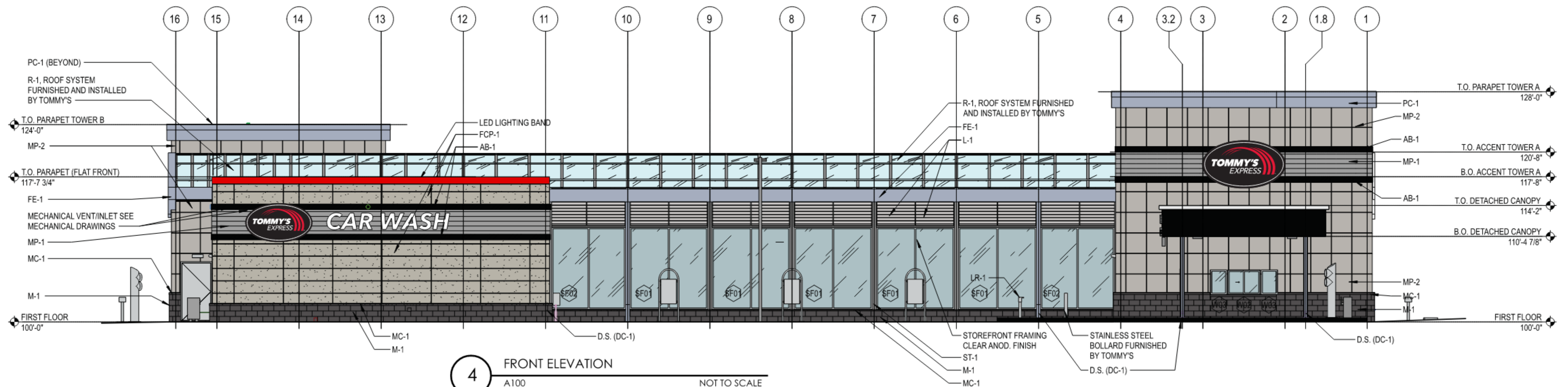
M1 RED METAL PANEL

# M2 – GRAY METAL PANEL

[M2 Colors & Materials](#)  
[M2 Exterior Elevations in Color](#)



3 ENTRY END ELEVATION  
 A100 NOT TO SCALE



4 FRONT ELEVATION  
 A100 NOT TO SCALE



## M2 – GRAY METAL PANEL

Towers: 30" x 30" Prefinished Metal Panel – Fawn Brindle

End Walls: Prefinished Aluminum Composite Panels – Brite Red & Ebony

Backroom: Fiber Cement Panel - Gray



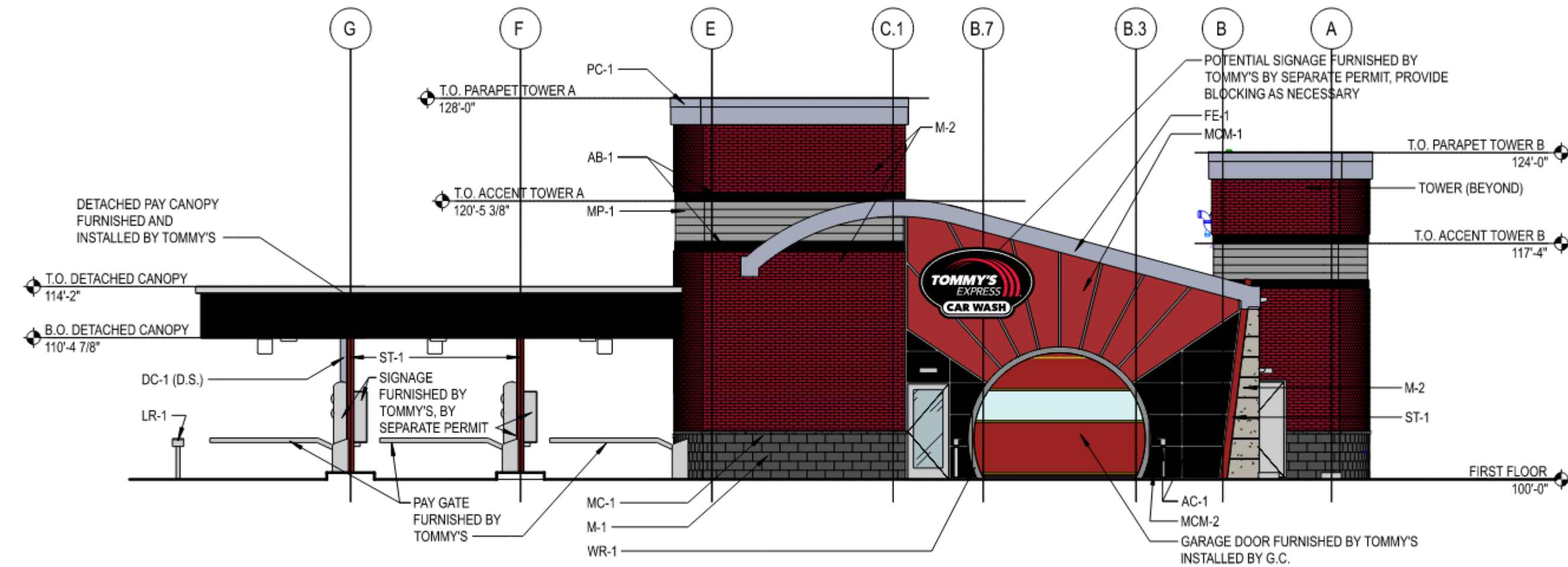


M2 GRAY METAL PANEL

# B1 – RED BRICK

[B1 Colors & Materials](#)

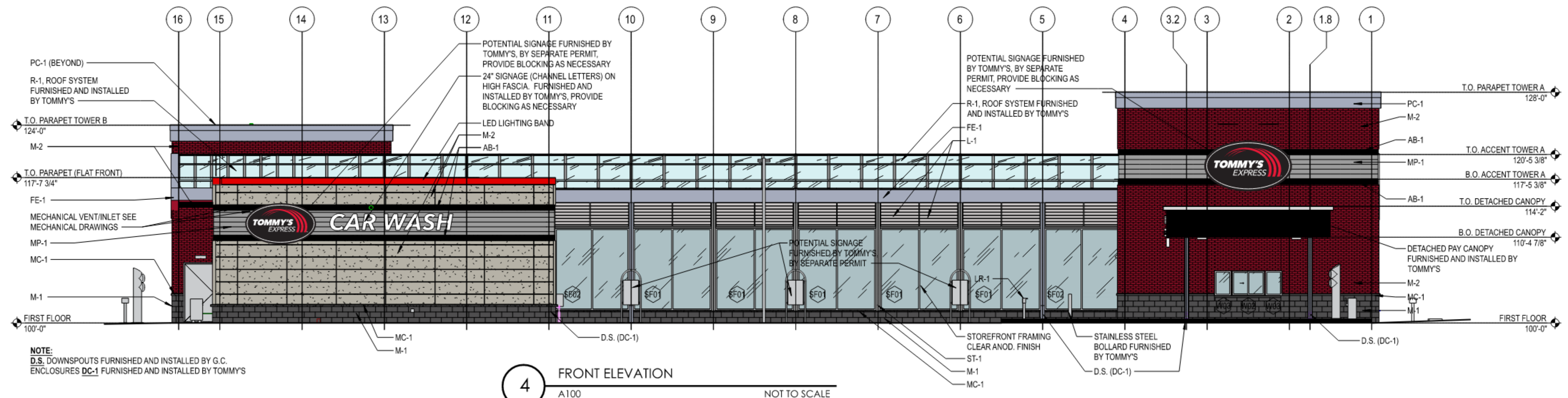
[B1 Exterior Elevations in Color](#)



3 ENTRY END ELEVATION

A100

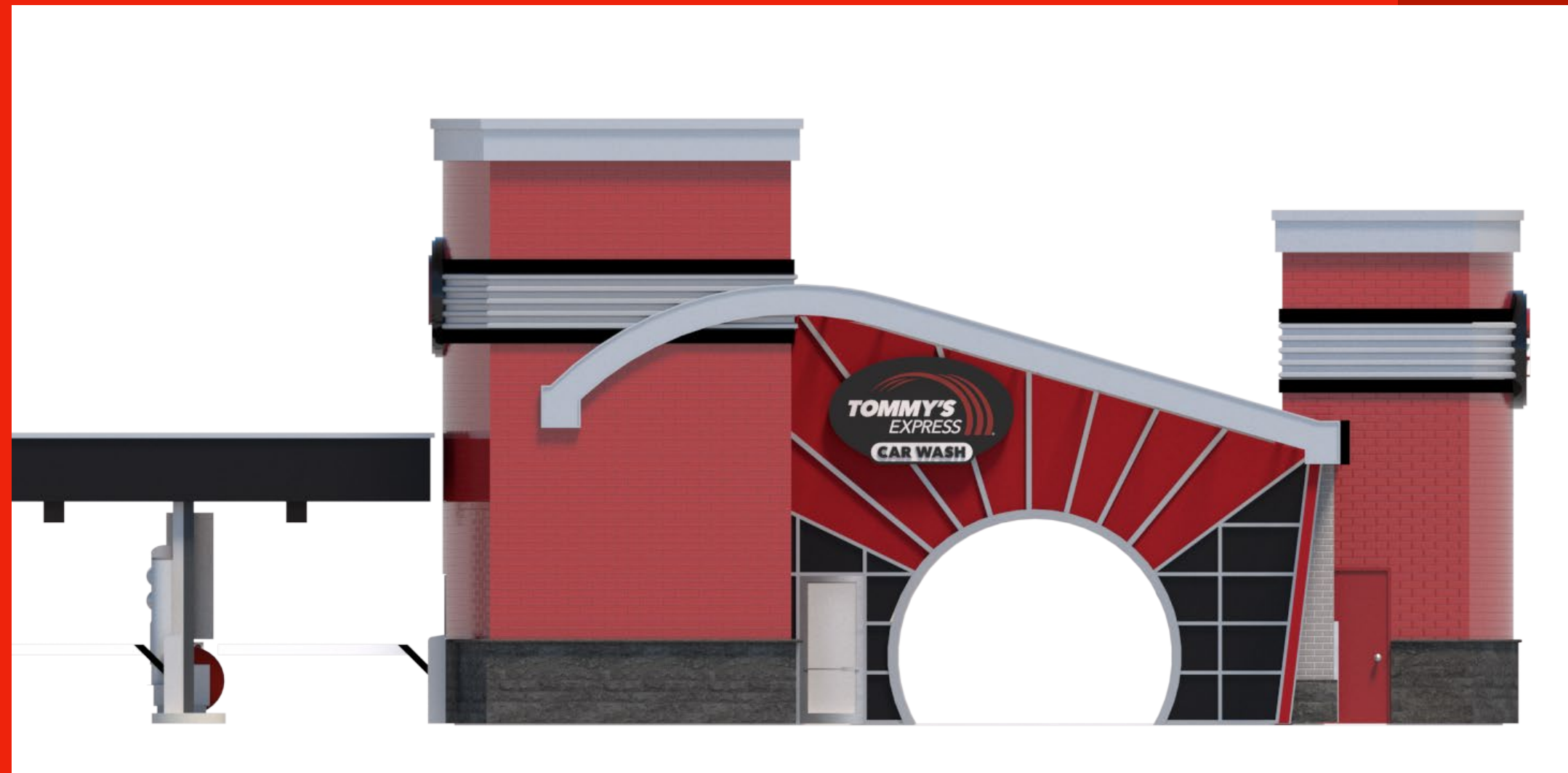
NOT TO SCALE



4 FRONT ELEVATION

A100

NOT TO SCALE



## B1 – RED BRICK

Towers: Brick – Classic Red

End Walls: Prefinished Aluminum Composite Panels – Brite Red & Ebony

Backroom: Brick – Fiber Cement Panel - Gray





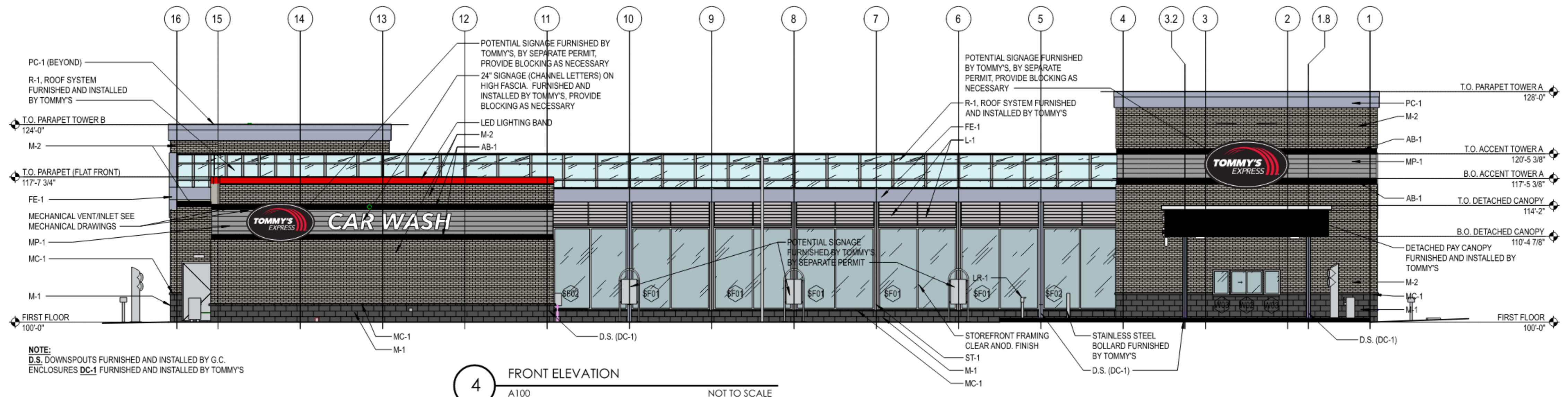
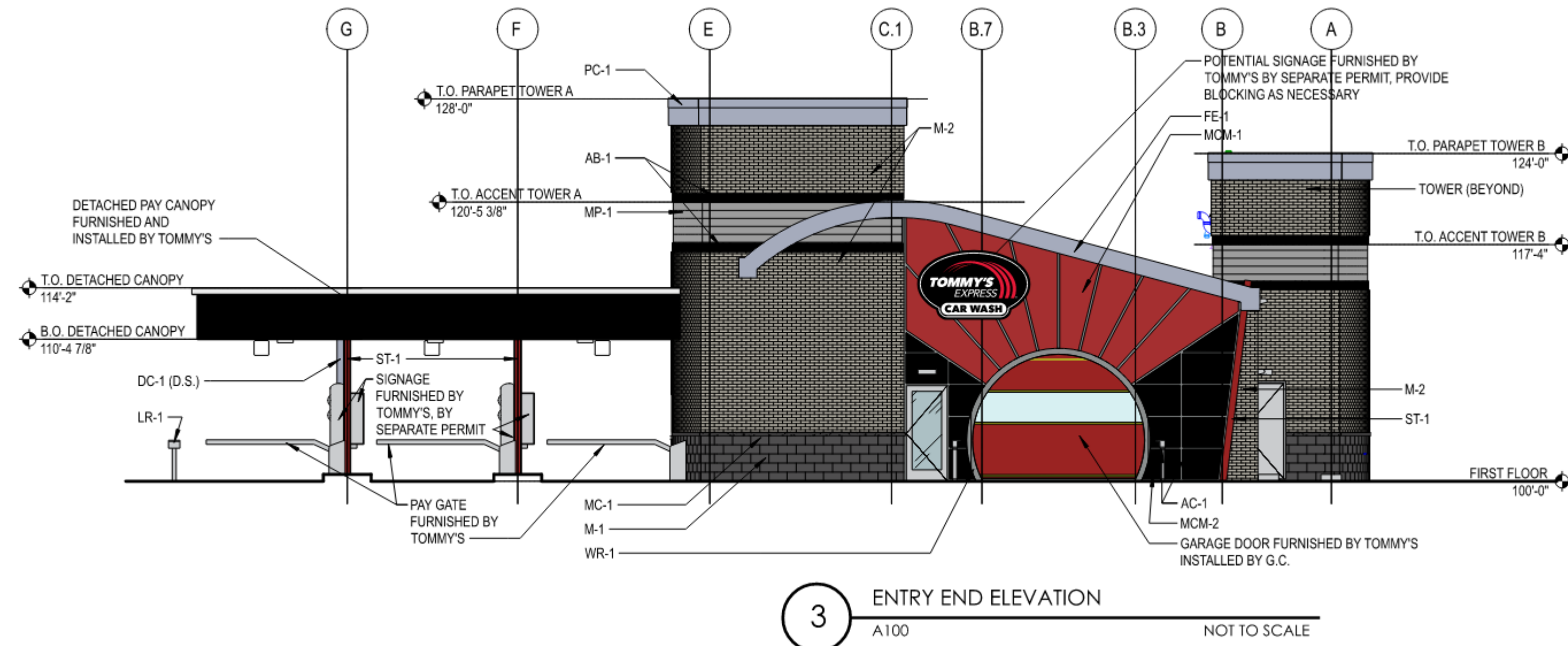
B1 RED BRICK



# B2 – GRAY BRICK

[B2 Colors & Materials](#)

[B2 Exterior Elevations in Color](#)





## B2 – GRAY BRICK

Towers: Brick – Stone Gray

End Walls: Prefinished Aluminum Composite Panels – Brite Red & Ebony

Backroom: Brick – Stone Gray





B2 GRAY BRICK



B2 GRAY BRICK



# Good for cars. Great for your city.



## Environmentally Friendly

- We use advanced lighting controls and all LED lights to ensure every location can monitor and manage their everyday power usage.
- Our clear acrylic roof system allows for daylight harvesting so no lighting is required during most operational hours.
- Every location employs an advanced water reclaim system which not only uses up to 60% less fresh water than washing at home, it also keeps 100% of used water out of the storm system.

## Efficient Processing

- With a combination of our unique, high-capacity design and proven efficient site layout, Tommy's Express locations can process more than 200 vehicles per hour, keeping lines short and customers happy.

## World Class Facility and Operations

- The iconic Tommy's Express architecture is aesthetically appealing and an instantly identifiable landmark in cities across the country
- Every site is required to maintain our high standards of professionalism. Extensive training and regular auditing provides cities with a clean, professionally-run retail destination and a valuable community partner.

## Community Focused

- Every Tommy's Express location is part of a national franchise brand and is locally owned and operated, providing high national standards and a valuable community partner. Tommy's Express owners are encouraged to partner with local organizations for the benefit of the community.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on **Monday, August 28<sup>th</sup>, 2023 at 7:30 p.m. in the City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071** to consider the following special approval requests:

### Case # PSP 23-04

The applicant, Moschouris Management and Development, requests Special Approval from City Council under Section 10.329(4) of the Madison Heights Zoning Ordinance, *“other uses of a similar and no more objectionable character.”* The applicant requests approval to construct an auto wash. The subject property is located at 29448 John R Road (currently operating as the Madison Heights Active Adult Center), PIN 44-25-12-304-010, zoned M-1, Light Industrial.

The applications 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 online after 4:00 p.m. on the Friday prior to the meeting at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center.

For further information, please contact the Community and Economic Development Department at (248) 583-0831.

Cheryl Rottmann, CMC  
City Clerk  
(248) 583-0826

Madison Park News: August 9<sup>th</sup>, 2023



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 8/28/23

**PREPARED BY:** Cheryl Rottmann, City Clerk

**AGENDA ITEM CONTENT:** Martha Kehoe - Resignation from the Zoning Board of Appeals

**AGENDA ITEM SECTION:** Consent Agenda

**BUDGETED AMOUNT:**

**FUNDS REQUESTED:**

**FUND:**

**EXECUTIVE SUMMARY:**

Martha Kehoe has submitted her resignation as a member from the Zoning Board of Appeals.

**RECOMMENDATION:**

Staff recommends that Council accept the resignation of Martha Kehoe from the Zoning Board of Appeals and declare the seat vacant.

Martha Kehoe  
1765 Dulong  
Madison Heights, MI . 48071

August 10, 2023

Madison Heights Zoning Board Commission  
Attn: Mark Kimble, Chairperson:

I regret to inform you that it will be necessary for me to resign from my position on the Zoning Board Commission due to health issues. The issues have prevented me from attending the scheduled meetings.

It is with great sadness that I have come to this decision but it is the best decision for the good of the work of the Commission.

Sincerely,

*MRS MARTHA Kehoe*

Mrs. Martha Kehoe

City Council Special Meeting  
Madison Heights, Michigan  
August 14, 2023

A City Council Special Meeting was held on Monday, August 14, 2023 at 7:00 PM at City Hall  
Executive Conference Room - 300 W. 13 Mile Road

**PRESENT**

Mayor Roslyn Grafstein  
Councilwoman Toya Aaron  
Councilman Sean Fleming  
Councilman David Soltis  
Councilor Quinn Wright

**ABSENT**

Mayor Pro Tem Mark Bliss  
Councilor Emily Rohrbach

**OTHERS PRESENT**

City Manager Melissa Marsh  
Assistant City Attorney Jeffrey Sherman  
Police Chief Brent LeMerise  
City Clerk Cheryl Rottmann  
Special Legal Counsel Holly Battersby

**CM-23-195. Excuse Councilmembers.**

Motion to excuse Mayor Pro Tem Bliss and Councilor Rohrbach from tonight's meeting.

Motion made by Councilman Fleming, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

**MEETING OPEN TO THE PUBLIC:**

There were no members of the public wishing to speak.

**CLOSED SESSION:**

**CM-23-196. Pending Litigation - United States District Court case re: *Chad Garner v. City of Madison Heights et al.*, which is exempt from disclosure under Section 8 of the Open Meetings Act**

Motion to go into Closed Session for pending litigation - United States District Court case re: Chad Garner v. City of Madison Heights, et al., which is exempt from disclosure under Section 8 of the Open Meeting Act.

Motion made by Councilor Wright, Seconded by Councilwoman Aaron.

Roll Call Vote:

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

**ADJOURNMENT:**

Having no further business, Mayor Grafstein adjourned the meeting at 7:21 p.m.

---

Roslyn Grafstein, Mayor

---

Cheryl E. Rottmann, City Clerk

City Council Regular Meeting  
Madison Heights, Michigan  
August 14, 2023

A City Council Regular Meeting was held on Monday, August 14, 2023 at 7:30 PM at City Hall  
- Council Chambers, 300 W. 13 Mile Rd.

**PRESENT**

Mayor Roslyn Grafstein  
Councilwoman Toya Aaron  
Councilman Sean Fleming  
Councilman David Soltis  
Councilor Quinn Wright

**ABSENT**

Mayor Pro Tem Mark Bliss  
Councilor Emily Rohrbach

**OTHERS PRESENT**

City Manager Melissa Marsh  
Assistant City Attorney Jeffrey Sherman  
City Clerk Cheryl Rottmann

Councilwoman Aaron gave the invocation and the Pledge of Allegiance followed.

**CM-23-197. Excuse Councilmembers.**

Motion to excuse Mayor Pro Tem Bliss and Councilor Rohrbach from tonight's meeting.

Motion made by Councilman Fleming, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion Carried.

**CM-23-198. Addition to the Agenda.**

Motion to add under Reports, add the following items:

1. Appointment of Erika Morgann as Magistrate for the 43rd District Court
2. Report from City Attorney and Counsel for MMRMA regarding Pending Litigation in Chad Garner v Madison Heights

Motion made by Councilwoman Aaron, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

**CM-23-199. PEE 23-01 - Alley Vacation: 17 foot-wide alley between 601 W. 12  
Mile Road and 28767 Dartmouth Street.**

Mayor Grafstein opened the public hearing at 7:35 p.m.

Kathy Sapia, resident, expressed concerned over what they are going to do with this property once vacated and what is the long term plan. She does not desire any type of drive-through establishments.

Sarah Brotherson, resident, stated she also works at the BP and sees three accidents a day at this intersection and more traffic is not needed. She is interested in trying to keep neighborhood safety.

Tim Ginter, resident, stated his opposition to the conceptual plan.

Seeing no one further wishing to speak, Mayor Grafstein closed the public hearing at 7:39 p.m.

Assistant City Attorney Sherman advised Council that five votes are required to vacate an alley.

In response to Councilor Wright, City Planner Lonnerstater stated that the Planning Commission recommended that Council postpone consideration of the vacation until all items were addressed. Two of the three items have been satisfied; the DTE relocation would need to be resolved and should be conditional for approval. He noted that a representative for the applicant was now present should Council have any questions for him.

Councilman Fleming stated that 601 12 Mile Road has two exits, one on 12 Mile Road and the other on Dartmouth. This is a complex intersection and lots of traffic, and asked if it would be possible to close off the Dartmouth exit. Mr. Lonnerstater responded that a conceptual plan has been submitted; this and other issues would need to be addressed in the normal site plan process.

Councilwoman Aaron expressed concerned over traffic in the area. When 1-75 reopens completely, it will be even more difficult to cross 12 Mile Road.

Motion to refer PEE 23-01, Alley Vacation between 601 W. 12 Mile Road and 28767 Dartmouth Street to the Planning Commission for further study and recommendation.

Motion made by Councilor Wright, Seconded by Councilman Soltis.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

### **MEETING OPEN TO THE PUBLIC:**

Martha Covert, resident, spoke about DTE's lack of addressing issues in the neighborhood with down wires and her unhappiness with the amount of time it took for them to come out and fix the matter.

Chris Webster, resident, stated his concern with vacation of alley. Traffic is of major concern, and it is already difficult at times backing out of their driveway. If there is an exit off of Dartmouth, it will become atrocious.

Paul Sanders, resident, expressed concern about 12 Mile Road still being closed under I-75. It has been 2 years. He supports working to get DTE to address some of the issues re-occurring in the City.

#### **CM-23-200. Consent Agenda.**

Motion to approve the Consent Agenda, as read.

Motion made by Councilwoman Aaron, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

#### **CM-23-201. Emily Reetz - Resignation from the Human Relations and Equity Commission.**

Motion to accept the resignation of Emily Reetz from the Human Relations and Equity Commission and declare the seat vacant.

Motion made by Councilwoman Aaron, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

#### **CM-23-202. Anjela Freeman - Resignation from the Library Advisory Board.**

Motion to accept the resignation of Anjela Freeman from the Library Advisory Board and declare the seat vacant.

Motion made by Councilwoman Aaron, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

**CM-23-203. Safe Streets for All (SS4A) Cost-Sharing Agreement.**

Motion to approve the multi-jurisdictional cost-sharing agreement for the Safe Streets for All (SS4A) action grant plan, including Madison Heights' local grant match of \$14,895.84, and authorize the Mayor and City Clerk to sign on behalf of the City.

Motion made by Councilwoman Aaron, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

**CM-23-204. Regular City Council Meeting Minutes of July 24, 2023.**

Motion to approve the Regular City Council Meeting minutes of July 24, 2023, as printed.

Motion made by Councilwoman Aaron, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

**CM-23-205. Appointment of Erika Morgan as Magistrate for the 43rd District Court.**

Motion to approve the appointment of Erika Morgan as Magistrate to the Hazel Park 43rd District Court.

Motion made by Councilman Fleming, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

**CM-23-206. Report from the City Attorney and Counsel for MMRMA regarding pending litigation in Chad Garner v City of Madison Heights.**

Motion to approve the recommendation of the City Attorney and Counsel for MMRMA regarding pending litigation in Chad Garner v. City of Madison Heights.

Motion made by Councilor Wright, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming,  
Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss, Councilor Rohrbach

Motion carried.

### **COUNCIL COMMENTS:**

Councilwoman Aaron stated that this Wednesday begins the Library Advisory Board's Financial Literacy series in conjunction with Michigan Schools and Government. This is a four-part series; Session 1: Raising a Financially Literate Family; Session 2: Loan & Credit Basics; Session 3: Buying a Home and Session 4: How to Grow Your Own Money Locally. The courses are provided by Colleen Godfrey, MSGCU Consumer Education Specialist, at the Library at 6 p.m. and refreshments will be provided.

Councilor Wright encourages everyone to attend the Financial Literacy series. He stated he went out with the Active Adult Advisory Board and look at the home nominated for the Beautification Awards. The community is brighter and benefits from the immaculate landscaping and pride of ownership. We have said goodbye to the old Active Adult Center, which has been around for 47 years and holds a lot of memories. He looks forward to the new campus for the Active Adult Center. He expressed thanks to John from the AAC, who drove the bus for the HREC Jewish Historical Tour in Detroit. This Thursday will be the Northwest Detroit History Talk and he encourages all to attend the event. All of the history binds us together and our cultures intersect. They are also talking about future trips with the Eastern Market and the Charles Wright Museum. The HREC is planning an event called Motorama and Smoke - a car show and cooking competition as well as a Plant sale, details will be forthcoming. Remember to be kind and try to see the human in each other and we all have a story.

City Attorney Sherman commented that often times life is a two-sided coin. This area has seen more than its share of problems with DTE; however, we recently had an issue with DTE with the civic center project and they were very responsive to our request and the project is moving forward.

City Manager Marsh stated next Monday, August 21st at Fire Station 2 there will be a ribbon cutting; September 18th is tentatively scheduled for the Grand Opening of Civic Center Complex at 5:30 p.m. There will be tours, raffles and other fun things and she encourages everyone to attend. Madison Heights is working with Oakland County Veterans services and Forgotten Harvest for a veterans food distribution event on August 31st from 9 a.m. to noon. You can register at the City or on the Oakland County Veteran's Services website. Veterans are also eligible to receive an Oakland County Parks pass for free and military appreciation voucher.

City Clerk Rottmann stated that the next round of appointments to boards and commissions will be at the next Council meeting. A list of vacancies are available on the City's website and if you are interested in a committee, even if there are no current openings, please apply because we keep the applications for a year.

Councilman Fleming stated on September 9th from Noon to 2 p.m. will be the Canine Demonstration sponsored by the Police Department and the Crime Commission.

Councilman Soltis had no comments this evening.

Mayor Grafstein thanked all those that came out this evening to the Council meeting. She and a lot of people are frustrated with DTE and the City is working with them. She stated that she passes messages and makes calls to DTE on the resident's behalf. 12 Mile Road under I-75 will be open at the end of August or first week of September. We want our roads to be fixed and upgraded and it is an inconvenience when they are being worked on. September 9th is the Arts Board Trail Tunes. Michael Covert organized the Off the Trail Fundraiser and she thanked him for his efforts. The next Council meeting is August 28th.

**ADJOURNMENT:**

Having no further business, Mayor Grafstein adjourned the meeting at 8:10 p.m.



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 8/28/23

**PREPARED BY:** Cheryl Rottmann, City Clerk

**AGENDA ITEM CONTENT:** Boards and Commission Appointments

**AGENDA ITEM SECTION:** Reports

**BUDGETED AMOUNT:** n/a

**FUNDS REQUESTED:**

**FUND:**

**EXECUTIVE SUMMARY:**

Attached is the listing of boards and commission vacancies as of August 31, 2023. The names of current members who are requesting reappointment are listed. Next to their names are the word "WILLING." If there is an alternate member currently serving on a board that has a full-member opening, their name is listed with the word "\*ALTERNATE" along with their alternate term-expiration date. All other applicants are then listed in the order their applications were received in the City Clerk's Office from the most recent.

**RECOMMENDATION:**

Staff is recommending that appointments to each board be approved in one motion. For example:

Environmental Citizens Committee:

Motion to appoint the following to the Environmental Citizens Committee:

John Doe, full term, expiring 2/28/26

Sally Volunteer, full term, expiring 2/28/26

Leader Jill, alternate term, expiring 2/28/25

## Board and Commission Vacancies

BOARD	TERM TYPE	MAYOR'S APPT?	TERM LENGTH	TERM EXPIRATION	APPLICANTS FIRST NAME	LAST NAME	APP DATE
ACTIVE ADULT CENTER ADVISORY BOARD	R		3	8/31/2026	FRANCIS	SMITH	WILLING
ARTS BOARD	R		3	8/31/2026	MICHAEL	COVERT	WILLING
	A		3		SUE	POPP	6/30/2023
CONSTRUCTION BOARD OF APPEALS	R		2	8/31/2024			
	R		2	8/31/2024			
	R		2	8/31/2025	DEL	LORANGER	WILLING
	R		2	8/31/2025			
CRIME COMMISSION	R	Y	3	8/31/2024			
	R	Y	3	8/31/2026	BETH	SCOTT	WILLING
	R	Y	3	8/31/2026	ALEXANDRA	IAQUINTO	WILLING
	R	Y	3	8/31/2026	PEG	MARENTETTE	WILLING
	A	Y	3	8/31/2026	JEFFREY	HILLIARD	WILLING (only wants to be an alternate)
	A	Y	3	8/31/2024			
DOWNTOWN DEVELOPMENT AUTHORITY/BROWNFIELD REDEVELOPMENT AUTHORITY	R	Y	4	2/28/2027			
	R	Y	4	2/28/2025			
					NICK	DIFRANCO	5/1/2023
ELECTED OFFICIALS COMPENSATION COMMISSION	R			8/31/2030	SALISA	FORTUNE-HEILIGH	WILLING
ENVIRONMENTAL CITIZENS COMMITTEE	A		3	2/28/2024			
	A		3	2/28/2026			
HISTORICAL COMMISSION	R		3	2/28/2024			
	R		3	2/28/2025			
	R		3	2/28/2026			
	R		3	2/28/2026			
	A		3	2/28/2025			
					MARTHA	COVERT	8/15/2023
					JASON	KOWALSKI	4/28/2023
HUMAN RELATIONS & EQUITY COMMISSION	R		2	8/31/2025	NICOLE	FOX	WILLING
	R		2	8/31/2025			
	R		2	8/31/2025			
	R		2	8/31/2025			
	R		2	8/31/2025			
	A		2	8/31/2025			
	A		2	8/31/2024			
	A		2	8/31/2024			
					SYDNEY	LARRY	7/24/2023

## Board and Commission Vacancies - continued

BOARD	TERM TYPE	MAYOR'S APPT?	TERM LENGTH	TERM EXPIRATION	APPLICANTS FIRST NAME	LAST NAME	APP DATE
<b>INFORMATION TECHNOLOGY ADVISORY COMMITTEE</b>	R		3	2/28/2026	PAUL ROBERT NAJUBA ANTHONY	TIMMINS DIDUR AHMED KLEPACKI	<b>ALT EXP. 2/28/25</b> <b>ALT EXP. 2/28/25</b> 7/24/2023 8/8/2022
<b>LIBRARY ADVISORY BOARD</b>	R R R R R A		2 2 2 2 2 2	8/31/2024 8/31/2025 8/31/2025 8/31/2025 8/31/2025 8/31/2025	AMANDA JEFFREY JENNIFER  NICHOLAS REBECCA IAN	MAY SCOTT NAGLE  COBB HILL MORENO	<b>WILLING</b> <b>WILLING</b> <b>WILLING</b>  8/8/2022 9/22/2022 2/17/2023
<b>PARKS &amp; RECREATION ADVISORY BOARD</b>	R R A A	Y Y Y Y	2 2 2 2	2/28/2025 2/28/2025 2/28/2025 2/28/2025	LISA ANTHONY	WRIGHT KLEPACKI	<b>ALT. WILLING EXP. 2/28/24</b> 8/8/2022
<b>PLANNING COMMISSION</b>	R R R	Y Y Y	3 3 3	8/31/2025 8/31/2026 8/31/2026	ERIC GRANT ANTHONY	GRAETTINGER SYLVESTER KLEPACKI	<b>WILLING</b> <b>WILLING</b> 8/8/2022
<b>TAX BOARD OF REVIEW</b>	R		2	2/28/2025			
<b>ZONING BOARD OF APPEALS</b>	R		3	2/28/2024	CASSANDRA	BARRAGAN	(Martha Kehoe's seat) <b>ALT. WILLING EXP. 2/28/24</b>



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 08/28/23

**PREPARED BY:** City Attorney Larry Sherman/Melissa Marsh, City Manager

**AGENDA ITEM CONTENT:** Ordinance 2195 - First Reading

**AGENDA ITEM SECTION:** Ordinances

**BUDGETED AMOUNT:**

**FUNDS REQUESTED:**

**FUND:**

**EXECUTIVE SUMMARY:**

Please see attached report.

**RECOMMENDATION:**

At the request of Councilor Wright and Councilor Rohrbach, Ordinance 2195 - Prohibit Retail Pet Store Sales is submitted to City Council for their consideration. If approved on the first reading, then the second reading would be scheduled for September 11, 2023.

ORDINANCE NO. 2195

**CITY OF MADISON HEIGHTS,  
OAKLAND COUNTY, MICHIGAN**

**AMENDMENT TO THE CODE OF ORDINANCES**

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-1 and establishing Section 5-16 to provide for the ethical acquisition of animals and provide consumer protections for the citizens of the City of Madison Heights through the regulation of pet stores.

**THE CITY OF MADISON HEIGHTS ORDAINS**

**Section 1.**

That Chapter 5, Article 1, Section 5-1 of the Code of Ordinances of the City of Madison Heights is hereby amended, in part, to read as follows:

**Section 2.**

**Sec. 5-1. - Definitions.**

- (1) For the purposes of this chapter:
  - (a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.
  - (b) "Animal" means any vertebrate other than a human being.
  - (c) **"Cat" means an animal of the Felidae family or the order Carnivora.**
  - (d) **"Dog" means an animal of the Canidae family of the order Carnivora.**
  - (e) **"Rabbit" means a long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.**
  - (f) **"Ferret" means a domesticated animal of any age of the species *Mustela furo*.**
  - (g) **"Large reptiles" mean members of the class reptilian including, but not limited to, monitor lizards, alligators, pythons, boa constrictors, venomous reptiles and constrictor snakes that grow to more than 72 inches long.**
  - (h) **"Long-lived birds" means any bird whose life expectancy is expected to exceed 25 years, including, but not limited to, cockatoos, macaws and amazons.**
  - (i) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.

- (j) "Animal control shelter" means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village, or township or state law.
- (k) **"Off-site retail sale" means the exchange of consideration for an animal, regardless of age of the animal at a location other than where the animal was bred.**
- (l) **"Pet store" means a place where animals are sold or offered for sale, exchanged, or transferred.**
- (m) **"Pet store operator" means a person who owns or operates a pet store, or both.**
- (n) **"Retail sale" means an offer for sale, offer for adoption, barter, auction, give away, display for commercial purposes or otherwise transfer any animal that is not bred on the premises.**
- (o) "Licensed veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
- (p) "Livestock" means that term as defined in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747.
- (q) "Person" means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.
- (r) "Neglect" means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.
- (s) "Owner" when applied to the proprietorship of an animal means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him or her.
- (t) "Sanitary conditions" means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- (u) "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes one or more of the following:
  - (i) The residence of the dog's owner or other individual.
  - (ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

- (iii) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog.

### **Section 3.**

That Chapter 5, Article 1, Section 5-16 of the Code of Ordinances of the City of Madison Heights is hereby established to read as follows:

### **Section 4.**

#### **Sec. 5-16. Prohibited Animal Acquisition, Exceptions, Penalties.**

- (1) No pet store shall offer for sale, offer for adoption, trade, barter, auction, give away, or otherwise transfer dogs, cats, ferrets, or rabbits.
- (2) No person or business entity shall offer for sale, offer for adoption trade, barter, auction, give away, or otherwise transfer dogs, cats, ferrets, large reptiles, long-lived birds, or rabbits on a roadside, public right-of-way, commercial parking lot, outdoor special sale, swap meet, flea market, or other similar event.
- (3) No person or business entity shall hold off-site retail sales of animals at a location other than where dogs, cats, ferrets, large reptiles, long-lived birds, or rabbits were bred.
- (4) A pet store shall not sell or transfer any live animal without providing disclosure through a certificate of origin prior to the sale or transfer.
- (5) Section 5-16 shall not apply to the following:
  - (a) A person or business entity that sells, offers for sale, offers for adoption, barter, gives away, delivers or otherwise transfers or disposes of dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles that were bred and reared on the premises of the person or business entity.
  - (b) publicly operated animal control shelter or animal protection shelter.
  - (c) A private, charitable, nonprofit humane society or animal rescue organization.
  - (d) A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.
- (6) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$500.00, plus costs.