



**CITY OF MADISON HEIGHTS  
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE ROAD  
ZONING BOARD OF APPEALS AGENDA  
OCTOBER 05, 2023 AT 7:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**ADDITIONS/DELETIONS**

**APPROVAL OF MINUTES**

- [1.](#) September 7th, 2023 - Regular Meeting Minutes

**PUBLIC HEARING**

- [2.](#) **Case # PZBA 23-13: 29448 John R Road**

REQUEST: The petitioner, William Gershenson on behalf of Moschouris Management and Development, requests three (3) variances from Section 10.326(8) of the Zoning Ordinance, *use-specific standards for auto wash uses*, pertaining to hours of operation, fencing, and outdoor vacuuming stations. The subject property is located at 29448 John R Road (tax parcels # 44-25-12-304-010), zoned M-1, Light Industrial.

**MEETING OPEN TO THE PUBLIC: Items not listed on agenda**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**PLANNER UPDATES**

3. NOVEMBER REGULAR ZBA MEETING- RESCHEDULED TO THURSDAY,  
NOVEMBER 16TH @ 7:30 DUE TO ELECTION/EARLY VOTING

**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.

Zoning Board of Appeals  
Madison Heights, Michigan  
September 07, 2023

A Special Meeting of the Madison Heights Zoning Board of Appeals was called to order by Chairman Kimble on Thursday, September 07, 2023, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Chair Kimble, Vice-Chair Thompson, and members: Aaron, Corbett, Holder, and Marentette

Absent: Loranger, and Oglesby

**23-35. Excuse Member(s)**

Motion by Ms. Corbett, seconded by Mr. Holder, to excuse Mr. Loranger and Mr. Oglesby from tonight's meeting.

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None

Absent: Loranger and Oglesby

Motion Carried.

**23-36. Minutes**

Motion by Ms. Holder, seconded by Ms. Marentette, to approve the Zoning Board of Appeals Regular Meeting Minutes of August 3, 2023 and Special Meeting Minutes of August 17, 2023.

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None

Absent: Loranger and Oglesby

Motion Carried.

**23-37. PZBA 23-11: 876 Horace Brown Drive.**

City Planner Lonnerstater reviewed the staff report provided in the meeting packet, incorporated herein:

**REQUEST**

The petitioner, 876 Horace Brown LLC, requests approval under Section 10.503(6)(c) of the Zoning Ordinance to modify an existing non-conforming use. The petitioner intends to repurpose an existing nonconforming event space into a banquet facility. The subject property is located at 876 Horace Brown Drive (tax parcel # 44-25-11-201-032) and is zoned O-1, Office.

## **SITE PLAN REVIEW COMMITTEE (SPRC) ACTION**

The SPRC discussed the nonconforming use request at their August 23rd, 2023 meeting. The SPRC did not state any comments or concerns relating to the request.

## **ACTION FINDINGS**

Section 10.503(6)(c) and Section 10.805 include criteria and standards for reviewing a proposed modification of an existing non-conforming use. Pertinent criteria/standards are summarized below:

- The proposed use is a legal nonconforming use, reduces the level of nonconformity on the site, and is more appropriate to the district than the existing nonconforming use.
- The assembly of persons in connection with the use will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.
- The nature, location, size and site layout of the uses shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.

Additional review criteria are contained in Section 10.805.

Larry Campbell, Century 21 Real Estate Agent representing 876 Horace Brown, LLC, provided the board a map and list of banquet facilities in the immediate area with their hours of operation for beer, wine, and liquor. The subject property was built in 1978 and has a floor area of over 40,000 square feet. The applicant inadvertently requested a 11 p.m. closing time but meant to request for a 1 a.m. closing time similar to other facilities. They have partnered with a St. Claire Shores catering company that has a catering permit and Class C liquor license to do private catering events. On behalf of his client, he is requesting the hours of operation at 876 Horace Brown Drive facility to stay open until 1 a.m. and to stop serving liquor at 12:30 p.m. The requested hours of operation will allow them to stay competitive and it makes economic sense. Mr. Campbell answered the question from Councilwoman Aaron that the facility capacity holds up to 800 people.

Chair Kimble opened the public hearing at 7:45 p.m. to hear comments on application #23-11.

Assistant City Attorney Burns advised if approved the motion must include a provision that reduces the level of nonconformity and establish a condition on the request of reduction in operation on the nonconforming of the current business.

There being no further comments on application #23-11, Chair Kimble closed the public hearing at 7:46 p.m.

Ms. Corbett commented that according to the staff report the Police Department has no complaints for this facility and it has been in operation for many years. The Venetian Club bar closes at 12:30 p.m. and drinking stops at 1 a.m. like most facilities in the area. She is in favor for the applicant to stop serving liquor at 12:30 p.m. and stay open until 1 a.m.

City Planner Lonnerstater answered the question from Ms. Marentette that the packet submitted by the applicant did state, "we pledge to adhere to reasonable time restriction with events concluding by 11 p.m." The applicants representative would like to rescind that and go to a 1 a.m. cut off or event close.

Larry Campbell, Century 21 Real Estate Agent representing 876 Horace Brown, LLC, answered the question from Ms. Marentette that the Venetian Club abuts residential to the rear and so does the subject property. All the servicing comes through the front of the house on the north side of the building and the parking faces the express way.

Motion by Ms. Holder, seconded by Ms. Corbett, to approve the modification of an existing non-conforming banquet hall at 876 Horace Brown Drive to allow for private events, after the required public hearing, based upon the following findings: 1) The request meets the criteria for changing the operations of a non-conforming use contained in Section 10.503(5)(c) of the Zoning Ordinance in that the proposed use reduces the level of nonconformity on site; and 2) The request meets the Zoning Board of Appeals standards of Section 10.805 of the Zoning Ordinance. In particular. a. The assembly of persons in connection with the use will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood; and b. The nature, location, size and site layout of the use will be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, will not interfere with an adequate supply of light and air, and will not increase the danger of fire or otherwise endanger the public safety. Approval is granted with the condition that events at the banquet hall shall end no later than 1 a.m. with serving liquor cut off of 12:30 p.m. to coincide with other similar facilities in our city and expansions to the footprint of the existing banquet hall including outdoor expansion shall not be permitted with this approval. The banquet hall use shall at all times comply with Chapter 17 of the Code of Ordinances, miscellaneous offenses and provisions including noise and use provisions.

Yeas: Aaron, Corbett, Holder, Thompson, and Kimble

Nays: Marentette

Absent: Loranger and Oglesby

Motion Carried.

### **23-38. PZBA 23-12: 1044 E. 11 Mile Road**

City Planner Lonnerstater reviewed the staff report provided in the meeting packet, incorporated herein:

## REQUEST

The petitioner, John Joannidis, requests two (2) dimensional variances from the Zoning Ordinance: (1) A variance from Section 10.504(1)(c) pertaining to required detached accessory building location; and (2) a variance from Section 10.504(1)(h) pertaining to required detached accessory building setbacks. The subject property is located at 1044 E. 11 Mile Road (tax parcel # 44-25-24-129-036) and is zoned M-1, Light Industrial.

The applicant proposes to construct a detached accessory storage structure on the property to store yard equipment, extra parts, and tools that are not used on a daily basis.

The accessory structure is proposed in the interior side yard of the property and is set back approximately three (3) feet from the principal building and three (3) feet from the side property line. A concrete pad was recently poured in the side lawn area. The proposed structure measures 18 feet by 35 feet (630 square feet), with a side leg height of 16 feet.

As proposed, the accessory structure fails to meet the following Zoning Ordinance standards:

1. Section 10.504(1)(c) – Location: All detached accessory buildings are only permitted in the rear yard subject to the setbacks listed in this section.
2. Section 10.504(1)(d) – Height: All detached accessory buildings in all districts with a pitched roof shall not exceed one story or fifteen (15) feet with a maximum ceiling height of ten (10) feet.
3. Section 10.504(1)(h)2 – Setbacks: No detached accessory building shall be located closer than ten (10) feet to any building nor shall it be located closer than six (6) feet to any side or rear lot line with eaves no closer than four feet to any lot line.

The applicant has formally applied for the location and setback variances, but an additional height variance will be required based upon the proposed building height. While the building leg height is proposed at 16 ft, the Zoning Ordinance definition of building height is measured from grade to the average height between the eaves and ridge for sloped roofs.

## VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests, summarized below:

- Exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property.
- The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.

Additional standards for reviewing variance cases, as required per the ZBA application, are outlined below:

- The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.
- The special conditions and/or circumstances are not a result of the applicant.
- The variance is the minimum variance necessary to provide relief to the applicant.
- In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.

Additional variance review criteria are contained in Section 10.805.

#### **SITE PLAN REVIEW COMMITTEE (SPRC) ACTION**

The SPRC discussed the variance requests at their August 23rd, 2023 meeting. The SPRC stated concerns regarding the proximity of the proposed storage structure to the adjacent residence on 11 Mile Road, the visibility of the structure from the 11 Mile Road right-of-way, and the excessive height of the structure. Additionally, the SPRC stated a concern that the side yard location variance, if approved, could impair the intent and purpose of the accessory structure standards.

Erica Ferguson from Rolling Cars Auto Repair, plans to replace the trees on the property in the spring. They need storage space to house equipment that may be potential hazardous to the walk-in customers. She answered a question from Ms. Corbett confirming the new structure will be used for storage of engines, engine hoist, landscape equipment, parts, etc. Their exterior is kept clean and maintain a positive appearance. Ms. Ferguson answered a question from Councilwoman Aaron that they have gotten approval from the adjacent neighbors to build the new structure.

Assistant City Attorney Burns advised if approved the motion should include, “the applicant shall coordinate and receive final approved by the City Planner.”

Chair Kimble opened the public hearing at 8:06 p.m. to hear comments on application #23-12.

City Planner Lonnerstater read a letter from Ms. Cherrie Mudloff at 27062 Couzens Avenue into record.

Erica Ferguson from Rolling Cars Auto Repair, will contact the property owner at 27062 Couzens Avenue to resolve any concerns.

There being no further comments on application #23-12, Chair Kimble closed the public hearing at 8:07 p.m.

### **Variance #1 – Accessory structure location**

Motion by Vice-Chair Thompson, seconded by Councilwoman Aaron to APPROVE the variance application for a detached accessory structure within an interior side yard at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings: 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular: a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance. The variance is granted with the following conditions: 1) Additional landscaping in the form of deciduous trees shall be planted within the front yard adjacent to 11 Mile Road to further screen the accessory structure from the road. Details of such plantings may be coordinated with the City Planner. 2) The building setback variances do not relieve the applicant from minimum building and fire code requirements. The applicant shall coordinate and receive final approved by the City Planner.

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None

Absent: Loranger and Oglesby

Motion Carried.

### **Variance #2 – Setbacks**

Motion by Ms. Holder, seconded by Vice-Chair Thompson, to APPROVE the amendment to the variance application for a 7-foot principal building setback and a 3-foot side yard building setback for a detached accessory structure at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings: 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular: a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and b. The literal interpretation of the provisions of this ordinance deprives the

applicant of rights commonly enjoyed by others in the same zoning district; and c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None

Absent: Loranger and Oglesby

Motion Carried.

### **Variance #3 – Height**

Motion by Ms. Corbett, seconded by Ms. Marentette, to APPROVE the variance application for a detached accessory structure exceeding 15 feet in height, not to exceed a 16-foot leg height, at the subject property, 1044 E. 11 Mile Road, after the required public hearing based upon the following findings: 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular: a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None

Absent: Loranger and Oglesby

Motion Carried.

### **23-39. Public Comment: For items not listed on the agenda.**

Seeing no one wished to comment, Chair Kimble opened public comment at 8:13 p.m. and closed the public comment at 8:14 p.m.

### **23-40. Adjournment.**

Motion by Ms. Holder, seconded by Vice-Chair Thompson, to adjourn the meeting.

Yeas: Aaron, Corbett, Holder, Marentette, Thompson, and Kimble

Nays: None

Absent: Loranger and Oglesby

Motion Carried.

There being no further business, Chair Kimble, adjourned the meeting at 8:15 p.m.



## MEMORANDUM

Report Date: September 28<sup>th</sup>, 2023  
 To: City of Madison Heights Zoning Board of Appeals  
 Meeting Date: October 5<sup>th</sup>, 2023 – Regular Meeting  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: “Tommy’s Car Wash” Variances  
 PZBA 23-13; 29448 John R Road

### REQUEST

The applicant, *Moschouris Management and Development on behalf of Tommy’s Car Wash*, requests three (3) variances from the City’s Zoning Ordinance relating to a proposed car wash use. 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. The Active Adult Center will be demolished to accommodate the proposed development.

NOTE: A separate drive-through restaurant use is proposed on the subject site which is not a part of this ZBA case.

The applicant requests variances from the following sections of the Zoning Ordinance:

- *Section 10.326(8)(c) [Auto Washes]: The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.; and*
- *Section 10.326(8)(i) [Auto Washes]: 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; and*
- *Section 10.326(8)(q) [Auto Washes]: All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying.*

City Council approved the special land use request for the car wash at their August 28<sup>th</sup>, 2023 meeting, with the following condition relating to the ZBA:

- 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.

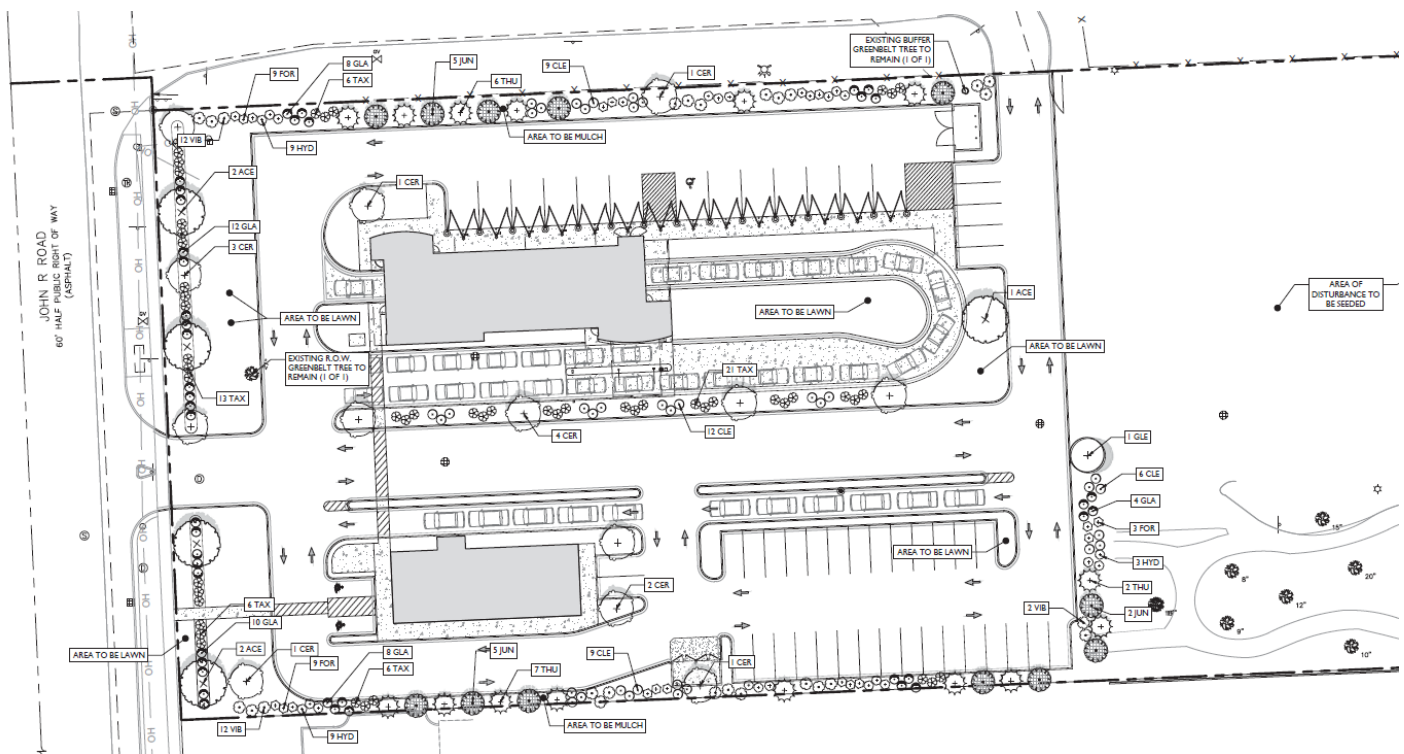
Each variance request is briefly discussed on the following pages.

### Hours of Operation Variance

Per Section 10.326(8)(c) of the Zoning Ordinance, auto wash uses shall only operate between 8:00 a.m. and 10:00 p.m. The applicant requests a variance of one hour to begin operating at 7:00 a.m. Proposed hours of operation would be from 7:00 a.m. to 10:00 p.m., daily.

### Outdoor Vacuuming and Towel-Drying Variance

Per Section 10.326(8)(q) of the Zoning Ordinance, vacuuming areas related to auto wash uses are required to be placed within a building. The applicant requests a variance from this standard to allow thirteen (13) outdoor vacuum stations adjacent to the auto wash. Per the conceptual site plan (shown below), the vacuuming stations will be located to the north of the car wash building and will be screened by landscaping along the property lines. The application indicates that the motors and mechanical equipment powering the vacuums will be encased in a masonry wall. However, this masonry enclosure is not depicted on the conceptual site plan.



### Chain Link Fence Variance

Per Section 10.326(8)(i) of the Zoning Ordinance, a chainlink-type fence must be constructed to enclose the entire auto wash property, except drives and areas where screen walls are required, two feet along any street, four feet side and back. In lieu of the chain link fence, the applicant intends to install landscape buffers around the edge of the property, as illustrated in the concept plan, above.

## STAFF ANALYSIS

The applicant has provided written responses addressing the variance criteria of Section 10.804(2) of the Zoning Ordinance. The applicant requests variances to the hours of operation and outdoor vacuuming standards in order to align with the operating models of other modern car washes in the area, also citing the fact that other permitted uses in the M-1 district do not have time limitations. The applicant cites aesthetic benefits for permitting landscaping in lieu of the chain link fence.

Staff believes that the intent behind the hours of operation and outdoor vacuuming standards is to protect adjacent properties from the adverse impacts of a car wash, such as aesthetics, lighting and noise. However, in this case, staff finds that many of the associated adverse impacts are mitigated based on the site location and proposed site design. The development area does not directly abut residential property or residential uses. Further, the site is designed in a way which screens the vacuuming stations from John R Road and side property lines. However, details of the masonry enclosure for the vacuuming motor/equipment should be provided to staff for review. Staff finds that the proposed landscape screening will provide a better aesthetic around the edge of the site than the required chain link fence.

## VARIANCE FINDINGS

Section 10.804(2) outlines criteria for reviewing variance requests, summarized below:

- ***Exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of the Zoning Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property.***
- ***The strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.***

Additional standards for reviewing variance cases, as required per the ZBA application, are outlined below:

- *The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district.*
- *The special conditions and/or circumstances are not a result of the applicant.*
- *The variance is the minimum variance necessary to provide relief to the applicant.*
- *In the absence of a variance, the property could not be used in a manner permitted by the Ordinance.*

The complete list of variance review criteria is contained in Section 10.805 at the end of this report.

## SITE PLAN REVIEW COMMITTEE (SPRC) ACTION

The SPRC discussed the variance request at their September 20<sup>th</sup>, 2023 meeting. The SPRC had no objections to the variance requests.

## ZBA ACTION

Any ZBA motion, including approval and denial, should include findings of fact relating to the variance criteria listed in Sections 10.804(2) and 10.805. Template approval and denial motions are attached for the ZBA's consideration.

The ZBA should act on each variance request separately.

In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed use(s) as it may deem reasonable in furthering the purpose of the Zoning Ordinance. **If the ZBA moves to approve the requested variances, staff suggests the following conditions of approval:**

1. *Vacuums shall be turned off no later than 10 p.m., consistent with the closure of the auto wash tunnel.*
2. *The Landscape Plan submitted with the site plan package shall be substantially consistent with, or exceed, the preliminary plans submitted with the Special Approval and ZBA Variance applications, except for any required modifications placed as conditions of approval.*
3. *Motors and mechanical equipment for the outdoor vacuums shall be enclosed within the car wash building or an external masonry enclosure. Details of such enclosure shall be provided on the formal site plan, when submitted.*

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## CODE REFERENCES

### **Sec. 10.804. - Power of zoning board of appeals.**

**(2) Variance.** *To authorize upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance.*

### **Sec. 10.805. - Standards.**

*Each case before the city council, zoning board of appeals or plan commission shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:*

- 1) *The location and size of the use.*
- 2) *The nature and intensity of the operations involved in or conducted in connection with it. (See section 10-319(4).)*
- 3) *Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.*
- 4) *The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.*
- 5) *Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.*
- 6) *Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.*
- 7) *The location and height of buildings, the location, the nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*
- 8) *The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.*
- 9) *The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, not interfere with an adequate supply of light and air, not increase the danger of fire or otherwise endanger the public safety.*

**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 MOTIONS

### VARIANCE #1 – HOURS OF OPERATION

#### Approval

Move to APPROVE the variance application for auto wash hours of operation between 7 a.m. and 10 p.m. at the subject property, 29448 John R Road, after the required public hearing, based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Ordinance. In particular:
  - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
  - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
  - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

#### Denial

Move to DENY the variance application for auto wash hours of operation between 7 a.m. and 10 p.m. at the subject property, 29448 John R Road, after the required public hearing, based upon the following findings:

- 1) The variance request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
  - a. The requested variance does not arise from the presence of an exceptional or extraordinary condition of the subject property; and
  - b. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
  - c. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
  - d. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.

## **VARIANCE #2 – CHAIN LINK FENCE**

### Approval

Move to APPROVE the variance application for landscaping in lieu of the required chain link fence at the subject property, 29448 John R Road after the required public hearing, based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
  - a. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
  - b. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance; and
  - c. The special conditions are not the result of the applicant.

The variance is granted with the following conditions:

- 1) The Landscape Plan submitted with the site plan package shall be substantially consistent with, or exceed, the preliminary plans submitted with the Special Approval and ZBA Variance applications, except for any required modifications placed as conditions of approval.

### Denial

Move to DENY the variance application for landscaping in lieu of the required chain link fence at the subject property, 29448 John R Road, after the required public hearing, based upon the following findings:

- 1) The variance request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
  - a. The requested variance does not arise from the presence of an exceptional or extraordinary condition of the subject property; and
  - b. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
  - c. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
  - d. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.

### **VARIANCE #3 – OUTDOOR VACUUMING AND DRYING**

#### Approval

Move to APPROVE the variance application for outdoor vacuuming at the subject property, 29448 John R Road after the required public hearing, based upon the following findings:

- 1) The variance request meets the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
  - a. The strict application of the regulations would result in an exceptional practical difficulty for the business owner; and
  - b. The literal interpretation of the provisions of this ordinance deprives the applicant of rights commonly enjoyed by others in the same zoning district; and
  - c. Such relief may be provided without substantial detriment to the public good and without substantially impairing the intent and purposes of the Zoning Ordinance.

This variance is granted with the following conditions:

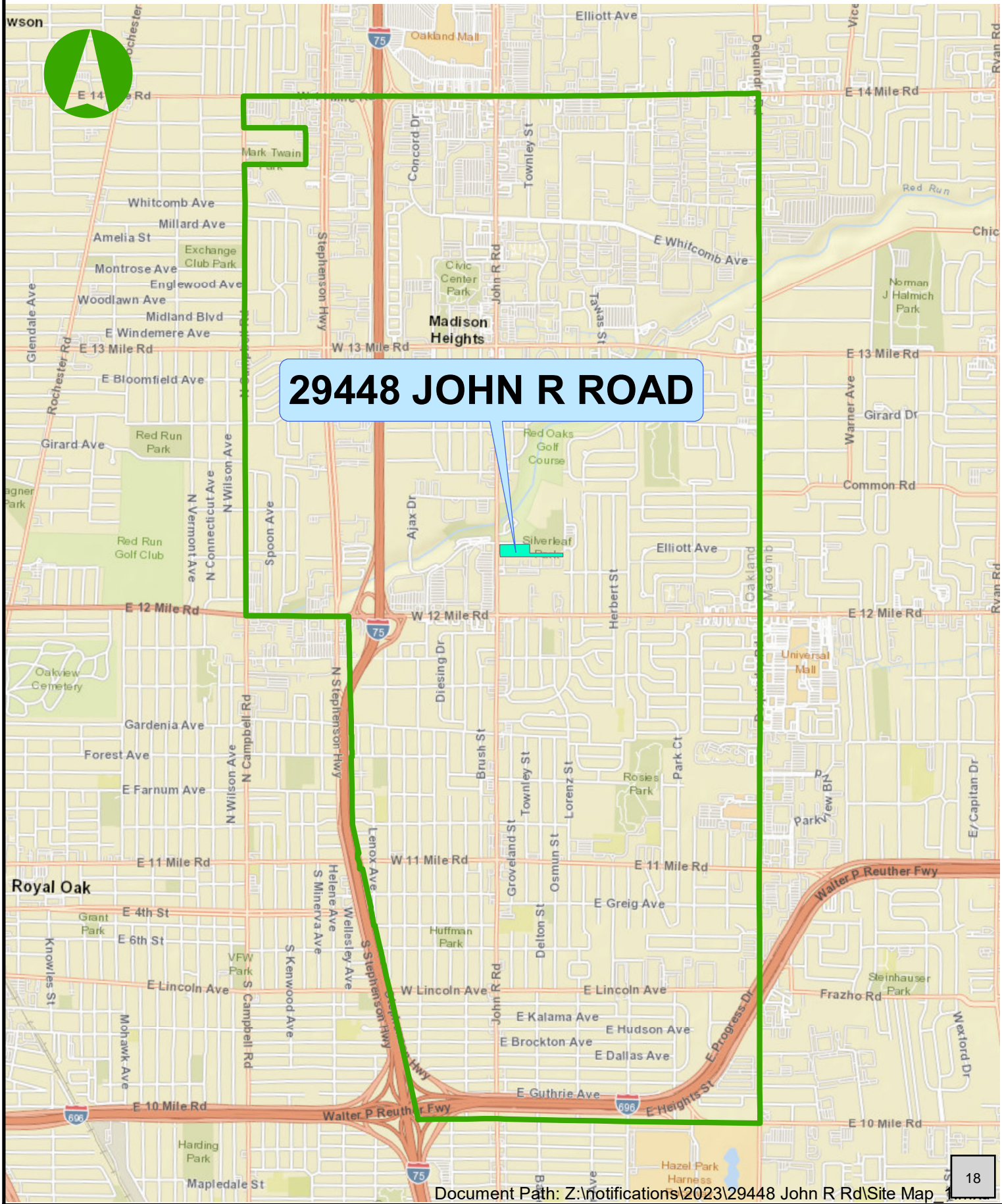
- 1) Vacuums shall be turned off no later than 10 p.m., consistent with the closure of the auto wash tunnel.
- 2) Motors and mechanical equipment for the outdoor vacuums shall be enclosed within the car wash building or an external masonry enclosure. Details of such enclosure shall be provided on the formal site plan, when submitted.

#### Denial

Move to DENY the variance application for outdoor vacuuming at the subject property, 29448 John R Road, after the required public hearing, based upon the following findings:

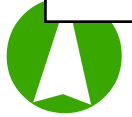
- 1) The variances request does not meet the criteria for approving a variance contained in Section 10.804 of the Zoning Ordinance. In particular:
  - a. The strict application of the regulations does not result in an exceptional practical difficulty for the business owner; and
  - b. The requested variance is not the minimum variance necessary; and
  - c. The requested variance results from the applicant's chosen site plan layout; and
  - d. The literal interpretation of the provisions of this ordinance does not deprive the applicant of rights commonly enjoyed by others in the same zoning district; and
  - e. In the absence of the requested variance, the property could be used in a manner permitted by the Zoning Ordinance.

PZBA CASE: 23 - 13

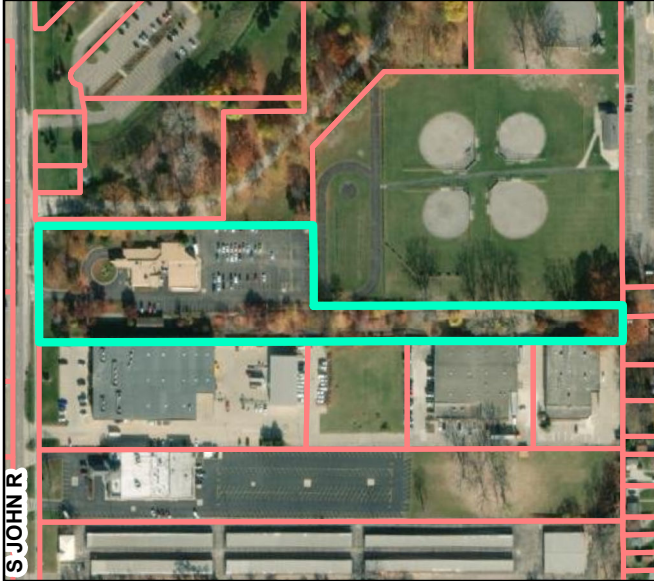


# Site Address: 29448 John R Road

[Click for maps](#)

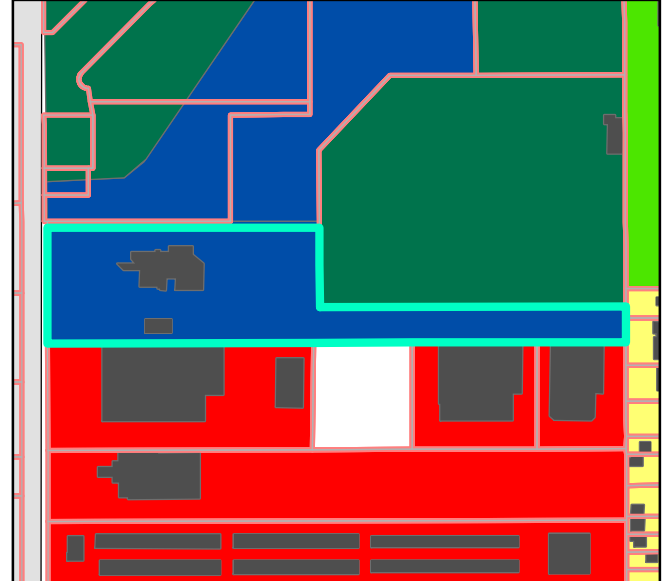


Aerial



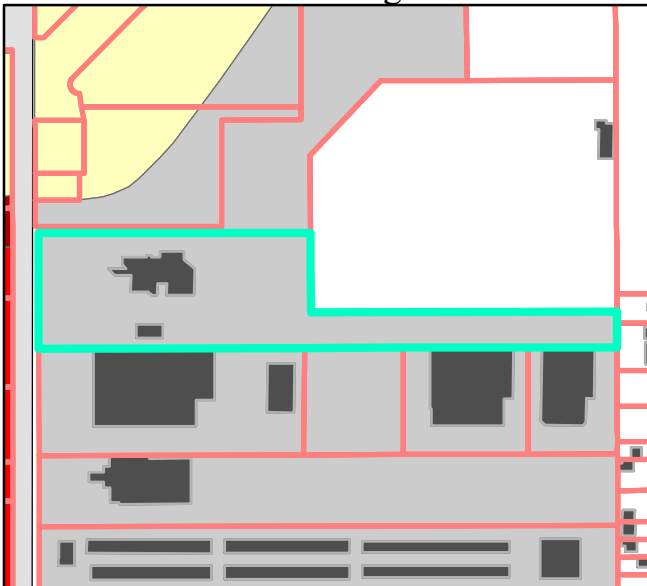
- 29448 John R Rd
- Parcels

Existing Land Use



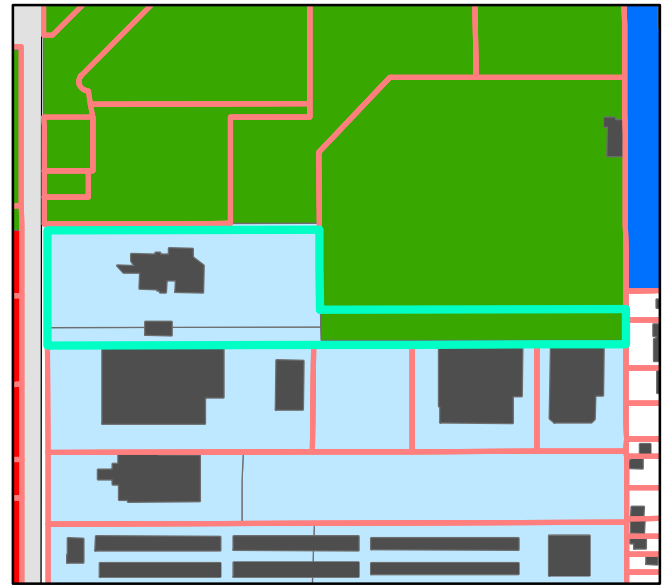
- 29448 John R Rd
- Commercial
- Buildings
- Public
- Recreation
- Single and Two Family
- Parcels
- School

Zoning



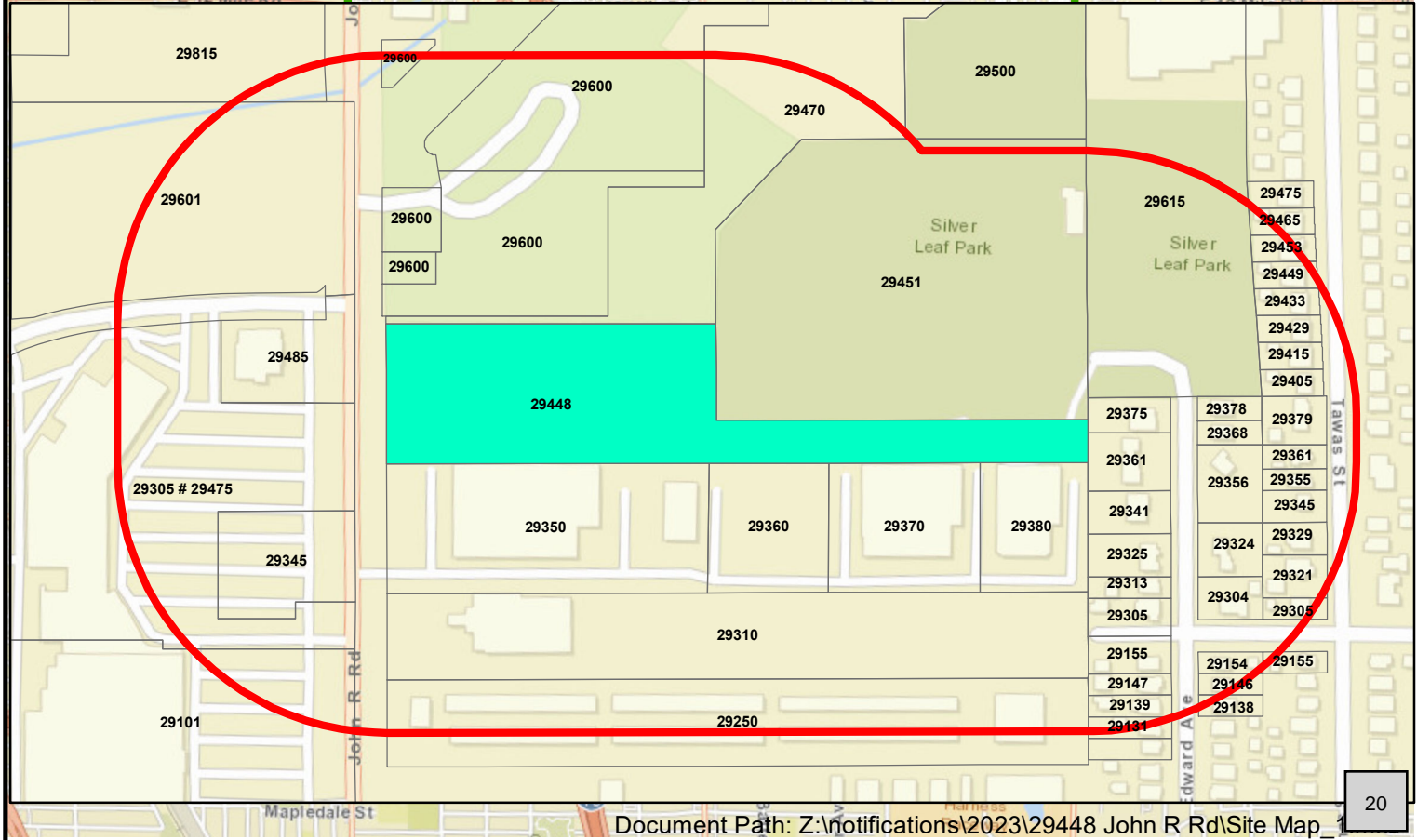
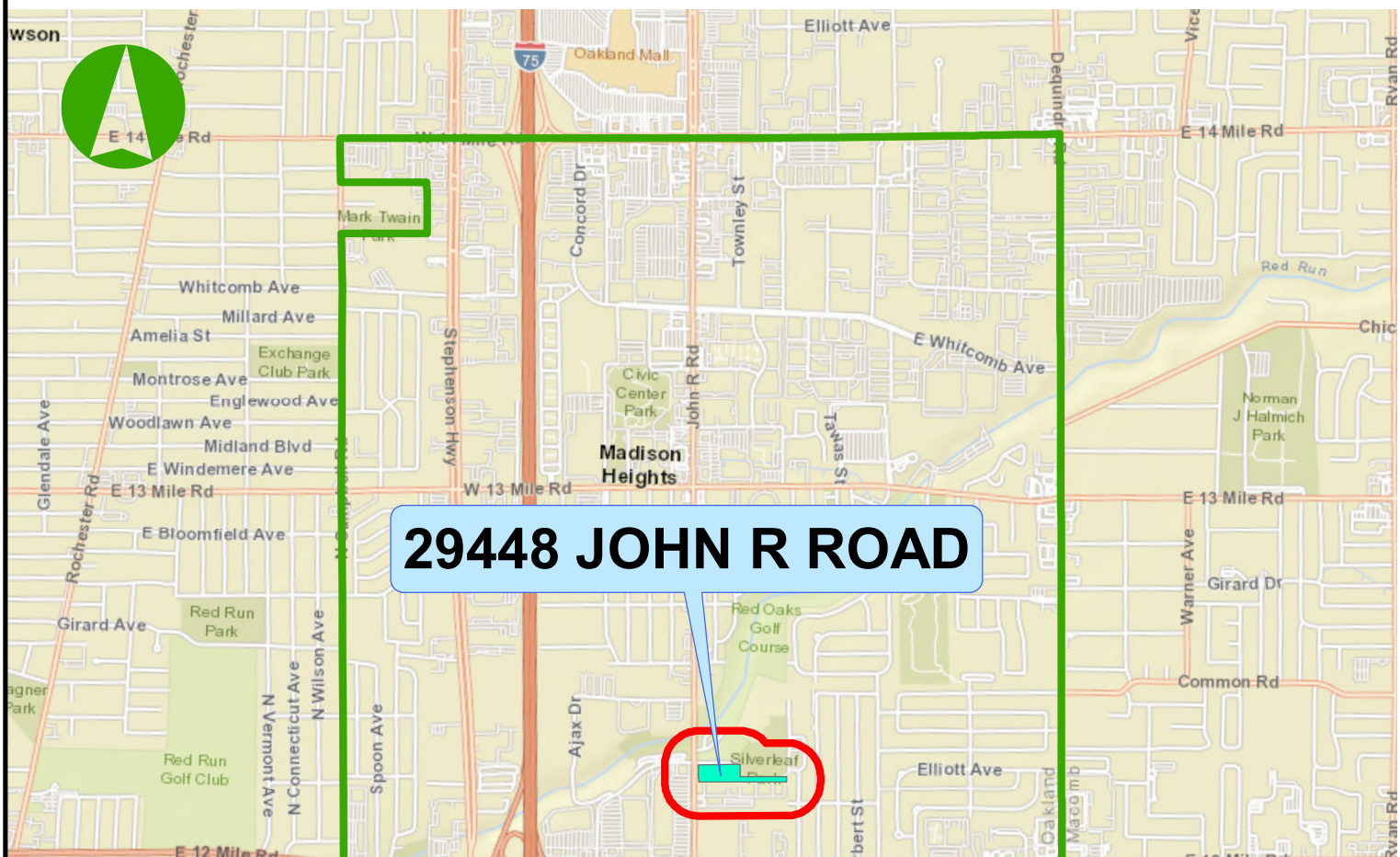
- 29448 John R Rd
- R-2 Residential
- Buildings
- M-1 Light Industrial
- Parcels

Future Land Use



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

ZBA CASE: 23 - 13  
BUFFER: 500 FT





## CITY OF MADISON HEIGHTS ZONING BOARD OF APPEALS APPLICATION

Application No.:

P2BA23-00B

Date Filed:

8-1-23

(This application must be typed)

SUBMIT TWO ORIGINAL COPIES

1. **Petitioner:** Name: Moschouris Management and Development (William Gershenson)  
Address: 876 Horace Brown Drive  
City: Madison Heights State: MI Zip: 48071  
Telephone: 248-417-3913 Fax: \_\_\_\_\_  
Email: wgershenson@mmdco.com
2. **Petitioner's Interest in Property:** Developer
3. **Property Owner:** (Attach list if more than one owner)  
Name: City of Madison Heights  
Address (Street): 300 West Thirteen Mile Road  
City: Madison Heights State: MI Zip: 48071  
Telephone: 248-588-1200  
Email: \_\_\_\_\_
4. **Property Description:** Address: 29448 John R Road  
Tax Parcel #: 44 - 25 - 12 - 304 - 010  
Legal Description - Attach if metes and bounds description.  
If in a subdivision: Lot #: \_\_\_\_\_  
Subdivision name: \_\_\_\_\_  
Lot size: 4.91  
Size of proposed building or addition: 4,625 SF
5. **Present Zoning of Property:** M-1 **Present Use:** Madison Heights Senior Center
6. **Action Requested:** (Check the appropriate section and attach response on separate sheets)

☐ **APPEAL OF AN ADMINISTRATIVE DECISION (Administrative Review)**

The applicant requests the Board of Appeals to reverse/modify the \_\_\_\_\_  
decision/interpretation of Article \_\_\_\_\_, Section \_\_\_\_\_. The decision should be  
reversed/modified because: (On a separate sheet describe in detail the nature of the problem, the  
reason for the request and the desired remedy)

PAGE 2

## ZONING BOARD OF APPEALS APPLICATION

6. **Action Requested:** (Continued) (Check the appropriate section and attach response on separate sheets)

☒ **VARIANCE**

Request is hereby made for permission to erect ☒ alter ☐ convert ☐ or use ☐ a

CARWASH FACILITY

Contrary to the requirements of Section(s) 10.326(8)(q) of the Zoning Ordinance  
10.326(8)(c) of the Zoning Ordinance  
10.326(8)(i) of the Zoning Ordinance

The following questions must be answered fully on a separate sheet of paper:

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.
- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. (Note: Your district includes all areas of the City sharing a zoning designation with your property. If your zoning classification were B-1 (Local Business) your district would include all City lands zoned B-1.)
- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.
- D. Did the special conditions and/or circumstances result from your actions?
- E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?
- F. Will granting the variance change the essential character of the area?

☐ **TEMPORARY PERMIT**

Applicant is requesting a Temporary Use ☐ and/or a Temporary Structure ☐

Describe in detail the proposed use or structure and the length of time requested.

☐ **INTERPRETATION OF ORDINANCE LANGUAGE IN SECTION** \_\_\_\_\_

Describe in detail the nature of the requested interpretation.

☐ **PUBLIC UTILITY BUILDING**

Describe in detail the proposed use or structure.

☐ **OTHER ACTION**

Describe in detail action requested.

7. **CASE HISTORY**

Have you been denied a permit for a building, sign or use on this property? Yes ☐ No ☐

Has there been any previous appeal involving these premises? Yes ☐ No ☐

(If yes, provide character and disposition of previous appeals.)

PAGE 3

# **ZONING BOARD OF APPEALS APPLICATION**

Application No.:

PZBA 23-0013

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 Name william gershenson  
 Date 8/31/2023

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

Signature B. A.  
 Printed Name william gershenson  
 Date 8/31/2023

Note: A notarized letter of authority or a power of attorney may be substituted for the original signature of the owner.

Notices are to be sent to the Applicant ☐ Owner ☐

**ATTACHED HERETO, AND MADE PART OF THIS APPLICATION, ARE THE FOLLOWING:** (All required items must be submitted with this application)

- ☐ 1. Two copies of drawings of Site Plan (no larger than 11"x 17") drawn to scale and containing all necessary dimensions and all features involved in this appeal, including measurements showing open space on abutting properties. PDF
- ☐ 2. Dimensioned elevations of all buildings involved in the requested variance.
- ☐ 3. All required responses to above items.
- ☐ 4. Building permit application if applicable.
- ☐ 5. Letter of authority if applicable
- ☐ 6. Applicable fees:
  - A. Variance Review (Single Family) \$300.00
  - B. Variance Review (Dimensional) \$400.00 plus \$300 per variance
  - C. Use Variance Review \$1,000.00
  - D. Appeal of Administrative Decision \$400.00

## **OFFICE USE ONLY**

**APPROVALS**

Approved for hearing by City Attorney \_\_\_\_\_

Approved for hearing by C.D.D. \_\_\_\_\_

Reviewed by Site Plan Committee \_\_\_\_\_

**INTER-DEPARTMENTAL NOTIFICATION**

Community Development Department \_\_\_\_\_

Fire Department \_\_\_\_\_

Department of Public Services \_\_\_\_\_

**ZONING BOARD OF APPEALS**

FEE: \$ 800

APPROVED: \_\_\_\_\_

PAID: 9-1-23

DENIED: \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_

# STONEFIELD

September 1, 2023

Matt Lonnerstater, AICP  
City Planner  
300 West Thirteen Mile Road  
Madison Heights, MI 48071

**RE: Zoning Board of Appeals  
Proposed Auto Wash  
Parcel ID: 25-12-304-010  
29448 John R Road  
Madison Heights, Oakland County Michigan**

Matt:

Our office is submitting documents on behalf of the Applicant for Zoning Board of Appeals Approval. Please find the following items enclosed:

ITEM DESCRIPTION	DATED	COPIES	PREPARED BY
Preliminary Site Plans	07-24-2023	2	Stonefield Engineering & Design
Variance Response Letter (Vacuums)	09-01-2023	2	Stonefield Engineering & Design
Variance Response Letter (Chain Link Fence)	09-01-2023	2	Stonefield Engineering & Design
Variance Response Letter (Hours of Operation)	09-01-2023	2	Stonefield Engineering & Design
ZBA Application	08-31-2023	1	MMD

Should you have any questions regarding the submission items or responses above please do not hesitate to contact our office.

Regards,



J. Reid Cooksey, PE  
jcooksey@stonefieldeng.com  
**Stonefield Engineering and Design, LLC**



Erin McMachen  
emcmachen@stonefieldeng.com  
**Stonefield Engineering and Design, LLC**

V:\DET\2022\DET-220036-MMD-29448 John R Road, Madison Heights, MI\Correspondence\Outgoing\Municipal\2023-09-01\_ZBA Submission Letter.docx

# STONEFIELD

September 1, 2023

Zoning Board of Appeals of Madison Heights  
300 W. 13 Mile Road  
Madison Heights, MI 48071

**RE: Tommy's Car Wash – Zoning Board of Appeals  
29448 John R Road  
Madison Heights, MI 48071**

City Councilmembers:

See below responses for the variance to allow outdoor vacuum stations (Section 10.326(8)(q)).

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.

**Tommy's Car Wash has received special use approval for its proposed operations from the City Council on August 28, 2023. Like many other car wash operations, outdoor vacuuming stations are proposed. Section 10.326(8)(q) is among a list of use standards only applicable to car washes that prohibits outdoor vacuuming stations.**

- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

**The zoning classification for the subject property is M-1 (Light Industrial). There are numerous other activities in the district that are not required to be indoors or within an enclosure. For example, coin-operated car washes in the same zoning district are not required to have vacuuming stations placed indoors.**

- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.

**As mentioned above in the response Paragraph B, there are many other outdoor activities of businesses that are not required to be indoors or within an enclosure. In addition, with respect to the proposed use of outdoor vacuum stations, to the best of our knowledge, all other vacuuming stations associated with car washes in Madison Heights are outdoors. In order to reduce noise, the motors for the vacuuming stations at the Tommy's Car Wash are encased in a masonry wall.**

- D. Did the special conditions and/or circumstances result from your actions?

**Tommy's Car Wash has not taken any action with respect to the property or constructing the outdoor vacuuming stations. The outdoor vacuuming stations are identified on the proposed on the Site Plan presented by the Planning Commission.**

- E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?

**No, Tommy's Car Wash could not use its property if the variance is not granted. The cost of enclosing the vacuuming stations or creating an enclosure would be prohibitive. Also, the car wash would be the only one in Madison Heights with vacuuming stations indoors or enclosed, which customers are not used to and would place Tommy's Car Wash at a competitive disadvantage. In addition, to bring vehicles indoors would require air quality control and other health and safety requirements. This is not merely a situation where the operation could easily be enclosed. Finally, Tommy's Car Wash believes a number of customers would feel unsafe in an enclosed building and would not utilize Tommy's Car Wash.**

- F. Will granting the variance change the essential character of the area?

**Granting the variance will not change the essential character of the area. 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.**

Best Regards,



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

V:\DET\2022\DET-220036-MMD-29448 John R Road, Madison Heights, MI\Correspondence\Outgoing\Municipal\ZBA Letter (Vacuums)\_Madison Heights, MI.docx

# STONEFIELD

September 1, 2023

Zoning Board of Appeals of Madison Heights  
300 W. 13 Mile Road  
Madison Heights, MI 48071

**RE: Tommy's Car Wash – Zoning Board of Appeals  
29448 John R Road  
Madison Heights, MI 48071**

City Councilmembers:

See below responses for the variance to modify time of operations (Section 10.326(8)(c)).

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.

**El Car Wash is seeking a variance from Section 10.326(8)(c), which restricts the time of operations from 8:00 a.m. to 10:00 p.m. El Car Wash is seeking a one-hour variance to be allowed to open at 7:00 a.m. El Car Wash has received special use approval from the City Council on August 28, 2023.**

- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

**Tommy's Car Wash is in a M-1 (Light Industrial) zoning district. Other businesses in the district do not have restrictions on the hours of operations and Tommy's would be treated differently and unfairly. For example, adjacent restaurant with drive-thru, which is proposed to be adjacent to the Tommy's Car Wash development, has no similar restrictions on its hours of operation. Finally, coin operated car washes in the M-1 zoning district are open 24 hours a day and have no hours of operation restrictions.**

- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.

**As mentioned above, Tommy's would be treated differently than other property owners in the M-1 zoning district. In addition, with respect to the car wash use, a review of websites for other car washes in Madison Heights indicate many open earlier than the restricted time of 8:00 a.m.**

D. Did the special conditions and/or circumstances result from your actions?

**Tommy's Car Wash has not taken any action with respect to hours of operation. The hours of operation are proposed, and the car wash is yet to be constructed.**

E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted? Is this the minimum variance you need to use the property in the way you want?

**Tommy's Car Wash is asking for the minimum variance of one-hour to be open at 7:00 a.m., consistent with other businesses in the area. The Ordinance does allow car washes to be permitted in the M-I zoning district, but Tommy's Car Wash would not be allowed to operate during the one restricted hour unless granted the variance.**

F. Will granting the variance change the essential character of the area?

**Granting the variance will not change the essential character of the area.**

Best Regards,



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

V:\DET\2022\DET-220036-MMD-29448 John R Road, Madison Heights, MI\Correspondence\Outgoing\Municipal\ZBA Letter (Vacuums)\_Madison Heights, MI.docx

# STONEFIELD

September 1, 2023

Zoning Board of Appeals of Madison Heights  
300 W. 13 Mile Road  
Madison Heights, MI 48071

**RE: Tommy's Car Wash – Zoning Board of Appeals  
29448 John R Road  
Madison Heights, MI 48071**

City Councilmembers:

See below responses for the variance to allow no chain link fence around the site (Section 10.326(8)(i)).

- A. Clearly explain the variance desired and how the proposed building and/or use is contrary to the Zoning Ordinance.

**Tommy's Car Wash has received special use approval for its proposed operations from the City Council on August 28, 2023. Section 10.326(8)(i) is among a list of use standards only applicable to car washes that requires the site to be fully surrounded by a chain-link fence.**

- B. Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

**The zoning classification for the subject property is M-1 (Light Industrial). There are numerous other commercial activities in the district that are not required to have the site enclosed by a chain link fence. For example, coin-operated car washes in the same zoning district are not required to have the site enclosed by a chain link fence. Lastly, a review of all other carwashes in the city show that none of their sites are fully surrounded by a chain-link fence.**

- C. Explain why the literal interpretation of the provisions of this ordinance deprives you of rights commonly enjoyed by others in the same zoning district.

**As mentioned above, Tommy's would be treated differently than other property owners in the M-1 zoning district. In addition, with respect to the car wash use, a review of the other properties, no other car wash has been required to be fully surrounded by a chain-link fence.**

- D. Did the special conditions and/or circumstances result from your actions?

**Tommy's Car Wash has not taken any action with respect to the property or construction of the facility or fence. The chain-link fence is not shown on the plans and instead increased landscape screening is identified on the proposed on the Site Plan presented by the Planning Commission.**

- E. Can you use the property in a manner permitted by the Ordinance if a variance is not granted?  
Is this the minimum variance you need to use the property in the way you want?

**No, Tommy's Car Wash could not use its property if the variance is not granted. The chain-link fence would provide a prohibitive look to the site which would negatively impact the ability to bring in customers. Also, the car wash would be the only one in Madison Heights with a chain link fence surrounding the site and would place Tommy's Car Wash at a competitive disadvantage.**

- F. Will granting the variance change the essential character of the area?

**Granting the variance will not change the essential character of the area. 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.**

Best Regards,



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

V:\DET\2022\DET-220036-MMD-29448 John R Road, Madison Heights, MI\Correspondence\Outgoing\Municipal\ZBA Letter (Vacuums)\_Madison Heights, MI.docx

LAND USE AND ZONING		
PID: 25-12-304-010		
LIGHT INDUSTRIAL DISTRICT (M-1)		
<b>PROPOSED USE</b>		
FAST FOOD RESTAURANT	PERMITTED USE	
AUTO WASH	SPECIAL LAND USE	
<b>ZONING REQUIREMENT</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
MINIMUM LOT AREA	N /A	214,240 SF (4.91 AC)
MINIMUM INTERIOR LANDSCAPING	5% OF IMPERVIOUS AREA	>5%
MAXIMUM BUILDING HEIGHT	40 FT	1 STORY, 28 FT
MINIMUM FRONT YARD SETBACK	50 FT	89.8 FT
MINIMUM AUTOWASH SETBACK	20 FT	89.8 FT
MINIMUM PARKING FRONT YARD SETBACK	50 FT	122.0 FT
MINIMUM SIDE YARD SETBACK	20 FT	37.1 FT
MINIMUM REAR YARD SETBACK	N/A	398.7 FT
MINIMUM RESIDENTIAL SETBACK	50 FT	398.7 FT
MINIMUM GREENBELT (ABUTTING ROW)	5 FT	40.6 FT
MINIMUM GREENBELT (PERIMETER)	5 FT	5.0 FT
CHAINLINK FENCE	PERIMETER <sup>(1)</sup>	NOT PROVIDED (W)
OPERATIONS WITHIN BUILDING	ALL <sup>(2)</sup>	NOT PROVIDED (V)

(V) VARIANCE

(W) WAIVER

(1) § 10.326 (8) j - 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

(2) § 10.326 (8) a - ALL OPERATIONS MUST BE CARRIED ON WITHIN THE BUILDING AREA, INCLUDING BUT NOT LIMITED TO, VACUUM, WASHING, AND DRYING

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

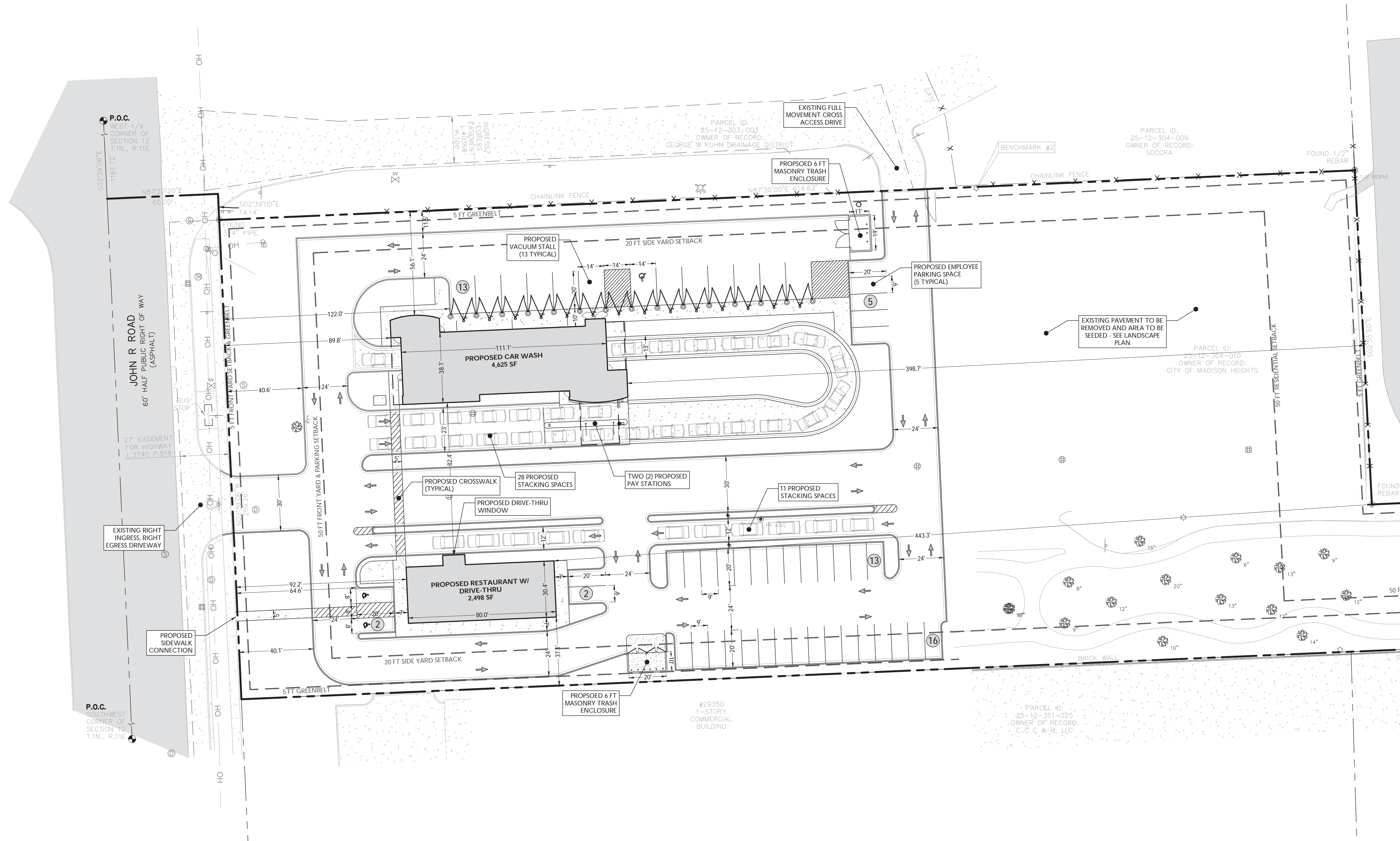
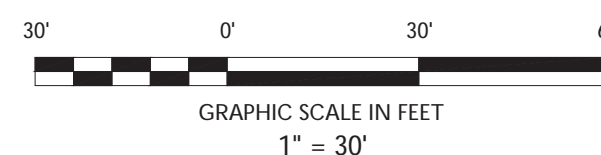
## SYMBOL

	PROPERTY LINE
	SETBACK LINE
	PROPOSED CURB
	PROPOSED FLUSH CURB
	PROPOSED SIGNS / BOLLARDS
	PROPOSED BUILDING
	PROPOSED CONCRETE
	PROPOSED BUILDING DOORS

## DESCRIPTION

## GENERAL NOTES

- THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK, THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC PRIOR TO THE START OF CONSTRUCTION.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING CONSTRUCTION.
- ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC, AND ITS SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
- THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN, LLC.
- THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
- THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
- THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO REMAIN ON THE PLAN SET. ALL REPAIRS SHALL USE NEW MATERIALS TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTOR'S EXPENSE.
- CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC, WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS REFLECTED WITHIN THE PLAN SET.
- THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
- THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
- THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION & DEMOLITION ACTIVITIES.
- SHOULD AN EMPLOYEE OF STONEFIELD ENGINEERING & DESIGN, LLC, BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT RELIEVE THE CONTRACTOR OF ANY OF THE RESPONSIBILITIES AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.



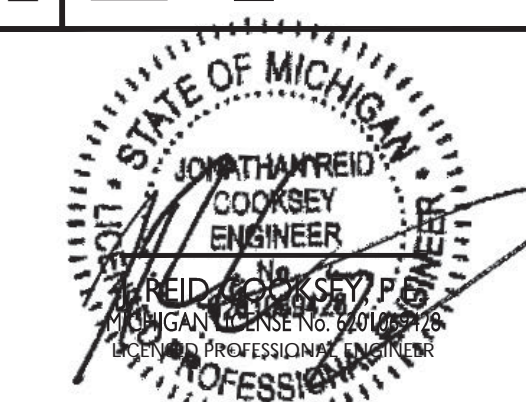
NOT APPROVED FOR CONSTRUCTION

**STONEFIELD**  
engineering & designDetroit, MI • New York, NY • Boston, MA  
Princeton, NJ • Tampa, FL • Rutherford, NJ  
www.stonefielddesign.com607 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:  
**PRELIMINARY  
SITE PLAN**

DRAWING:

**C-1**

**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**

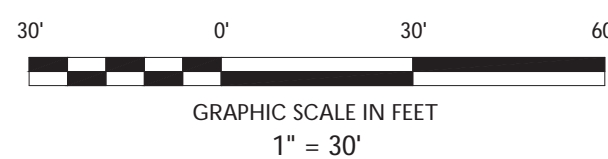
1. THE CONTRACTOR SHALL RESTORE ALL DISTURBED GRASS AND LANDSCAPED AREAS TO MATCH EXISTING CONDITIONS UNLESS INDICATED OTHERWISE WITHIN THE PLAN SET.
2. THE CONTRACTOR SHALL RESTORE ALL DISTURBED LAWN AREAS WITH A MINIMUM 4 INCH LAYER OF TOPSOIL AND SEED.
3. THE CONTRACTOR SHALL RESTORE MULCH AREAS WITH 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	GLEDITSIA 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 GREENBELT REQUIREMENTS	
§ 10.510.B.(2)b.4.	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.	NORTH PROPERTY LINE: 393 FT (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.	SOUTH PROPERTY LINE: 275 FT (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.	INTERIOR LANDSCAPING 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.	PARKING LOT LANDSCAPING 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.	SCREENING REQUIREMENTS 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.



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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**

City Council Regular Meeting  
Madison Heights, Michigan  
August 28, 2023

A City Council Regular Meeting was held on Monday, August 28, 2023 at 7:30 PM at City Hall  
- Council Chambers, 300 W. 13 Mile Rd.

**PRESENT**

Mayor Roslyn Grafstein  
Councilwoman Toya Aaron  
Mayor Pro Tem Mark Bliss  
Councilman Sean Fleming  
Councilor Emily Rohrbach  
Councilor Quinn Wright

**ABSENT**

Councilman David Soltis

**OTHERS PRESENT**

City Manager Melissa Marsh  
City Attorney Larry Sherman  
City Clerk Cheryl Rottmann

**CM-23-209. Excuse Councilmember.**

Motion to excuse Councilman Soltis from today's meeting.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,  
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Absent: Councilman Soltis

Motion carried.

Councilor Wright gave the invocation and the Pledge of Allegiance followed.

**Proclamation - Patriot's Day and National Day of Service and Remembrance.**

City Manager Marsh stated that Council is proclaiming September 11, 2023, and each September 11 thereafter, as Patriot Day and National Day of Service and Remembrance, and calls 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.

**CM-23-210. Special Approval PSP 23-04 - Tommy's Car Wash [Active Adult Center] - 29448 John R Road.**

Mayor Grafstein opened the public hearing at 7:37 p.m.

Loren Clift, resident, is opposed to turning the area into a car wash.

William Gershenson, developer, stated that his experience with Madison Heights has been fruitful; he developed Kmart, BJ's Wholesale and the rest of the shopping center and is continuing to develop the shopping experience in the City. His headquarters are in Madison Heights, and the opportunity to do another project is a privilege. This project is complicated; the site sits next to the SOCCRA station and makes development of the property difficult. The soils are contaminated, and this also poses challenges because residential and multi-family developments are not an opportunity at this location. It is currently zoned light industrial. The rear access to adjacent community will be maintained and will remain. He understands that variances are necessary to obtain for continuation of the project, and in terms of trees, we will be replanting trees that they are taking down. He noted that any development would require removal of trees. He stated that he understands the uncomfortableness with the proposed use, but the proposal is a best-in class car wash facility. He stated that it is not uncommon to have several car washes in a community. They are trying to do the best development they can on this property and one fitting into the community. If you have suggestions on how to make the plans better, they are open minded to suggestions.

Steve Gunn, owner of Wash Pointe car wash, asked if a planned unit development was sought after at any point? He noted that the ten-year master plan has this area as a recreational area and the current M-1 zoning doesn't fit a B-3 zoning criteria. He asked if any traffic studies from MDOT have been done at this site. He noted that Tommy's car wash processes up to 2000 cars a day, in addition to the proposed drive-thru restaurant that may increase the number of vehicles by another 500 per day. He stated that there is also a bus stop in front of proposed development. He referenced a memo dated August 16<sup>th</sup> with 7 items to be considered including being zoned light industrial, which is meant to be for other uses with low traffic patterns, possible remediation, and other options including green space and/or recreational use. He stated that the Master Plan deems this area as a park and asked why we need an additional car wash. He concluded by noting there also are other proposed sites for car washes nearby in Troy and Warren. This area is saturated with car washes and asked Council to consider these points.

Martha Covert, resident, asked about the memorial trees that are going to be removed. She asked if families have a say of where their memorial is going to go.

Jessica Tutt, resident, stated that she is a Madison Heights Veteran's Service Officer, and she was hoping to turn the former Active Adult Center into a location where our kids and veterans can go. If we are doing something for community, we can clean it up.

Steve Gunn, Wash Pointe car wash, noted when they located in the City in 2004, there used to be a car wash where the Texas Roadhouse is. Their establishment filled the void and didn't saturate the market; this proposal doesn't work well for anyone. How many car washes do we really need.

Resident 1 (no name given) stated that when you google car washes in the area, we are over saturated. None of them are over utilized. This could be a park, rezoned for small walkable

coffee shop while incorporating wildlife, or many other options that could bring the community together. We are living in an era that people are torn apart, and we could have a use that could bring people together. A car wash that produces a lot of rainwater runoff and emissions would be wasteful and have negative impact on the environment. Consider what kind of place we want to live in the future; something that we can all benefit from. One of the goals of this Council is more beautification, and this would undo a lot of that progress.

Donna Dalling, resident, stated that she has volunteered at AAC for over 30 years, and while she is not against improvements, we need another car wash like we need a hole in our head. She added the trees that are dedicated mean a lot to the people who put them there.

Rachel Isbell, resident, stated that she thinks the City is falling apart, but to take out the trees for a car wash? we do not need another car wash. Why do we need more car washes in our climate?

Brian Wacoal, resident, stated that there are 48 memorialized trees and 28 of them will be in the redevelopment area. The plaque isn't the memorial, the memorial is the tree. He asked if there are any remains on the memorial sites. He read two of the memorial plaques from the site. He concurred with other comments, and stated that some of the trees date back to the 70's. He asked if the donators were given any sort of contracts or are they notified of their rights?

Resident 2 (no name given) agrees with other comments. There should be another use such as for the veterans and or developed for something else. This proposal is not increasing living space, not increasing the number of homes, just increasing traffic.

Seeing no one further wishing to speak, Mayor Grafstein closed the public hearing at 8:06 p.m.

In response to Mayor Pro Tem Bliss, City Manager Marsh stated that the City is aware of the memorial tree issue at the Active Adult Center, Library and City Hall due to the Civic Center construction project. The City is having a memorial garden designed next to the Library, along with a memorial patio, which will be a peaceful place to reflect. Unfortunately, there are not spots for another 50 trees at the Civic Center complex. She added that the memorial garden monuments are currently being custom built. Mayor Pro Tem Bliss stated that the trees are significant to him as well, and he sympathizes with the audience comments, as he has a memorial tree as well.

City Manager Marsh noted that ashes are not permitted to be buried by the tree; but when a memorial tree is purchased, the legal agreement is that the City can replace tree or remove it should it become necessary. The original point of the memorial tree project was to have more trees in the City and residents could sponsor trees. City Manager Marsh continued that while construction would result in the removal of some trees, the City does have development standards and the developer will have to replace trees; albeit they will not be memorial trees.

Councilor Rohrbach noted that the City has done a ton of planting to populate the tree canopy, and she understands the emotional aspect of the removal. City Council is aggressively working on trees and sustainability in the City, and it would be a real shame to cut them down, but this is not the only factor we have to consider.

Mayor Grafstein commented that if the senior center wasn't falling apart this wouldn't be an issue. If someone wanted to redevelop the Active Adult Center site for another use, most

likely some trees would have to be removed. She continued that when the City initially started our discussion on redevelopment, it was her thought to put some lofts, condos, and coffee shops; however, we can't make a developer come and put in what we want. Mayor Grafstein stated that the development discussion has been ongoing for a year.

In response to Mayor Pro Tem Bliss, City Manager Marsh gave an overview of the history and process of why the Active Adult Center was sold. City Manager Marsh noted that in 2018, City Council had its first strategic planning session and she asked to do a feasibility study of Active Adult Center, Library and City Hall and compare the cost to building new versus renovating. The cost to fix the existing facilities came back at \$15 million dollars; the Active Adult Center has severe building issues, including the foundation is sinking. The cost to build a new Active Adult Center and renovate City Hall and the Library was estimated to be \$11 million. The cost increased to \$14.2 million due to inflation and the addition of renovating Fire Station 2 being added to the project. The Active Adult Center property sold for \$1.8 million and helped fund part of the Civic Center project. City Manager Marsh further explained how the City utilized phase funding for the project and where the money was obtained from, including several grants. She stated that the Grand Opening is scheduled for October 18<sup>th</sup>, and the project is under budget and on time. Without the sale of this property, we would have to come up with \$1.8 million dollars to replace funding that part of the project.

Motion to approve Special Approval PSP 23-04 for Tommy's Car Wash (Active Adult Center) located at 29448 John R Road the proposed use as follows:

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 consistent with the intent of the M-1 zoning district and is compatible with and is 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 compatible with adjacent land uses.
4. The proposed use is consistent with the site's "Mixed Use Innovation" future land use designation and is 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 demonstrated a need for the proposed use in the specified area of the city.
6. The proposed use does 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 generally satisfy/satisfies the special use approval review standards and criteria listed in Section 10.201(4).

And to further approve the following conditions:

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.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach.

Councilwoman Aaron stated that she has been advocating for a youth center since running for Council, however, when you look at contaminated ground, do we want to use a contaminated parcel? The City is updating MacGilvray park to be multigenerational, and she stated that she initially voted against the car wash; however, while it is disturbing to remove trees, when we look at developing the Active Adult Center property, whatever it will be, trees will be removed. We do not want the City to lose \$1.8 million and/or have vacant land. We need to develop the property and allow the City to grow. She stated that she wants to see everything everyone has suggested, and she wants Madison Heights to be a City that is growing. Will building another car wash bring competition? It most certainly will.

City Attorney Sherman noted that the City Manager did an excellent explanation and overview of the project and noted that the City is looking at a bigger picture. The project has created a renovated City Hall, Library, Fire Station, and a new Active Adult Center. The Active Adult Center could not be renovated due to the condition. There is a restaurant being proposed and there are ingress and egress issues at the site as well. This is part of the process of considering the Special Land Use. The property has been under contract for a long time and there are hoops that must be jumped through and hopefully that a bigger goal of the City may be accomplished should the development go forward.

Councilor Rohrbach noted that when looking at the overall site plan, she explained the property proposal includes maintaining the walkway and calls for the removal of existing parking area and reseeded this area. The City can't choose who purchases the land. We don't love the idea of a car wash, we have had discussions on what we would like, but it is private property, and they want to use the property to make money and we have no control over that. There are too many car washes, but we can't control private development only to a certain level. The project ideas brought forth today are great, but a private developer must make those choices.

Mayor Pro Tem Bliss thanked everyone for coming out. He stated that he thinks that this proposal is terrible, and it seems to be the thing that keeps coming to the City. When we first underwent this project, we had detailed discussions at the Planning level, and we wanted to have a mixed-use and businesses. We've had the sale, and the purchasers have done their due diligence and it doesn't necessarily shock him on how bad the reports came back. Not a single person wants to have a car wash, but we are in a tough predicament. He stated that he is not happy about it, but this is the reality of the site and the difficulty of building on it.

Mayor Grafstein stated that she also had grand plans for the redevelopment as well. When she initially heard about the car wash, she said no. This is one of the times you must put your head above your heart. If we don't do this, we will be forced to use tax revenue that we can put towards other projects. If we don't do this, we will have to come up with the \$2 million dollars for the project. This is a hard choice that is best for long-term. She stated that she will be voting yes. because it is best for the City.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,  
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Absent: Councilman Soltis

Motion carried.

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

There were no members of the public wishing to speak.

### **CONSENT AGENDA:**

Motion to approve the Consent Agenda as read.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,  
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Absent: Councilman Soltis

Motion carried.

### **CM-23-211. Martha Kehoe - Resignation from the Zoning Board of Appeals.**

Motion to accept the resignation of Martha Kehoe from the Zoning Board of Appeals and declare the seat vacant and send her a certificate of recognition for her service.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,  
Councilman Fleming, Councilor Rohrbach, Councilor Wright

Absent: Councilman Soltis

Motion carried.

### **CM-23-212. Special City Council Meeting Minutes of August 14, 2023.**

Motion to approve the Special City Council Meeting minutes of August 14, 2023, as printed.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

# NOTICE OF PUBLIC HEARING

Notice is hereby given that a Regular Meeting of the Madison Heights **Zoning Board of Appeals** will be held in the **City Council Chambers of the Municipal Building at 300 W. 13 Mile Road**, Madison Heights, Oakland County, Michigan 48071 on Thursday, October 5th, 2023 at 7:30 p.m. to consider the following requests:

*Item 2.*

## **(A) Case # PZBA 23-13: 29448 John R Road**

REQUEST: The petitioner, William Gershenson on behalf of Moschouris Management and Development, requests three (3) variances from Section 10.326(8) of the Zoning Ordinance, *use-specific standards for auto wash uses*, pertaining to hours of operation, fencing, and outdoor vacuuming stations. The subject property is located at 29448 John R Road (tax parcels # 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 & Economic Development Department. In addition, the agenda items can be viewed online at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center after 4:00 p.m. on the Friday before the meeting.

If you are unable to attend the meeting, you can send your comments via email to: [MattLonnerstater@madison-heights.org](mailto:MattLonnerstater@madison-heights.org) and your comment will be read into the record at the meeting. Written comments may also be mailed prior to the meeting to 300 West Thirteen Mile Road, Madison Heights, Michigan, 48071. All comments will be heard at the meeting.

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CITY CLERK'S OFFICE  
(248) 583-0826