



**CITY OF MADISON HEIGHTS**  
**FIRE STATION 1 TRAINING ROOM - 31313 BRUSH STREET**  
**CITY COUNCIL REGULAR MEETING AGENDA**  
**SEPTEMBER 12, 2022 AT 7:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**INVOCATION and PLEDGE OF ALLEGIANCE - MAYOR GRAFSTEIN**

**APPROVAL OF THE AGENDA:**

1. Additions/Deletions **#9 Approval of Revised 2023 Winter Maintenance with RCOC**

**PRESENTATIONS** **#10 TA between Fire Fighters Association and MH**

**#11 TA between Police Officers Union and MH**

**PUBLIC HEARINGS:** **#14 Communications - Roslyn Grafstein resignation from SEMCOG**

2. Special Approval Request PSP 22-09 'Costco Fuel Expansion' - 30550 Stephenson Hwy.

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

**MEETING OPEN TO THE PUBLIC:**

**CONSENT AGENDA:**

3. Cassia Jackson - Decline seat on the Library Advisory Board  
4. Lisa Lenart-Cynowa - Resignation from the Crime Commission  
5. Special City Council Meeting Minutes of August 22, 2022  
6. Regular City Council Minutes of August 22, 2022

**COMMUNICATIONS:**

**REPORTS:**

7. City Attorney - Resolution Regarding the Display and Placement of Flags on City Owned Flag Poles Outside and/or Inside of City Owned Buildings

**ITEMS FOR FUTURE PUBLIC HEARINGS:**

**BID AWARDS/PURCHASES:**

**ORDINANCES:**

8. CED Director - Rezoning Request PRZN 22-03 (Ordinance No. 2187) - 29022 Stephenson Hwy. - Removal from Primary Caregiver Marihuana Grow Overlay District, 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: September 2, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, September 12, 2022

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, September 12, 2022.

**PUBLIC HEARINGS:**

**SPECIAL APPROVAL EXPANSION OF AN EXISTING FUEL STATION 30550 STEPHENSON HIGHWAY**

The applicant, Costco Wholesale c/o Barghausen Consulting Engineers, has requested Special Approval for the expansion of an existing fuel station at Costco Wholesale, 30550 Stephenson Highway under Section 10.201 (4) of the Zoning Ordinance. The property is zoned M-1, Light Industrial.

The applicant is proposing to add six (6) new dispensers and twelve (12) new fueling positions, providing a new total of twenty-eight (28) fueling positions. In addition, the applicant proposes a 4,957-square-foot canopy expansion, a 40,000-gallon underground storage tank, a new controller enclosure, and improvements to site circulation and landscaping. The existing underground storage tank will be decommissioned and removed from the site. The proposed expansion/site improvements are depicted in the image below.

The Site Plan Review Committee has reviewed this special approval request and did not have any concerns regarding expanded use. Staff and I recommend that Council grant the special approval based upon the special approval review standards and criteria in section 10.201(4).

**REPORTS:**

**RESOLUTION REGARDING THE DISPLAY AND PLACEMENT OF FLAGS ON CITY OWNED FLAG POLES OUTSIDE AND/OR INSIDE OF CITY OWNED BUILDINGS**

Based on recent court rulings, the City Attorney has drafted a revised Flag Policy by resolution for Council's consideration.

**ORDINANCES:**

**ORDINANCE 2187: REZONING REQUEST 29022 STEPHENSON HIGHWAY**

Staff requests to remove three (3) parcels of land at 29022 Stephenson Highway from the Caregiver Marihuana Grow Overlay District.

In 2019 and 2020, the City of Madison Heights adopted the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances. These marihuana ordinances explicitly limit the establishment of medical and recreational marihuana facilities meeting distance guidelines in the M-1, Light Industrial, or M-2, Heavy Industrial. Following the adoption of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances, the applicable parcels were included in an Allowed Parcels Map that automatically changes when properties are rezoned and no longer meet the ordinance requirements. Under a separate ordinance, the City also created a new zoning for Caregivers which included a Caregiver Marihuana Grow Overlay District. While the boundaries of this Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. The Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district, but only that, “a registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.”

The subject site pertaining to this case consists of three (3) parcels which contain a total area of approximately 1.14 acres. The site is improved with an existing 3,285 sq. ft. commercial structure currently occupied by Col’s Place restaurant. At the property owner’s request, City Council recently rezoned the subject parcels from the M-1, Light Industrial, zoning district to the B-3, General Business zoning district. By rezoning the parcels to B-3, City Council effectively removed the properties from the Allowed Parcels Map associated with the Medical Marihuana and Adult-Use Marihuana Facilities Ordinances. However, the subject parcels still technically remain in the stand-alone Caregiver Overlay District.

City staff is requesting that the subject parcels be removed from the Caregiver Marihuana Grow Overlay District in order to reflect their new underlying B-3 zoning designation. Based on the Planning Commission’s findings and recommendation, staff recommends that City Council adopt Ordinance # 2187 (PRZN 22-03) upon first reading and schedule a public hearing for the October 10th, 2022 City Council meeting.



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 09/12/22

**PREPARED BY:** Matt Lonnerstater, AICP

**AGENDA ITEM CONTENT:** Special Approval Request PSP 22-09 'Costco Fuel Expansion' - 30550 Stephenson Hwy.

**AGENDA ITEM SECTION:** Public Hearings

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

The applicant, Costco Wholesale c/o Barghausen Consulting Engineers, requests special use approval for the expansion of an existing fuel station at Costco Wholesale, 30550 Stephenson Highway (PIN 44-25-11-127-024). The property is zoned M-1, Light Industrial.

**RECOMMENDATION:**

Staff recommends that City Council approve PSP 22-09 based on the findings listed within the staff report after the required public hearing.





## MEMORANDUM

Date: August 29<sup>th</sup>, 2022  
 CC Meeting: September 12<sup>th</sup>, 2022  
 To: City of Madison Heights City Council  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Special Approval Request PSP 22-09 – 30550 Stephenson Hwy. – ‘Costco Fuel Expansion’

### Introduction

The applicant, Costco Wholesale c/o Barghausen Consulting Engineers, requests special use approval for the expansion of an existing fuel station at Costco Wholesale, 30550 Stephenson Highway (PIN 44-25-11-127-024). The property is zoned M-1, Light Industrial.

### Background and Application

The applicant proposes an expansion to the existing Costco fuel station at 30550 Stephenson Highway. The existing fuel station is located at the northeast corner of the site and consists of four (4) islands which contain eight (8) fuel dispensers and a total of sixteen (16) fueling positions. The image below depicts the layout of the existing fuel station.

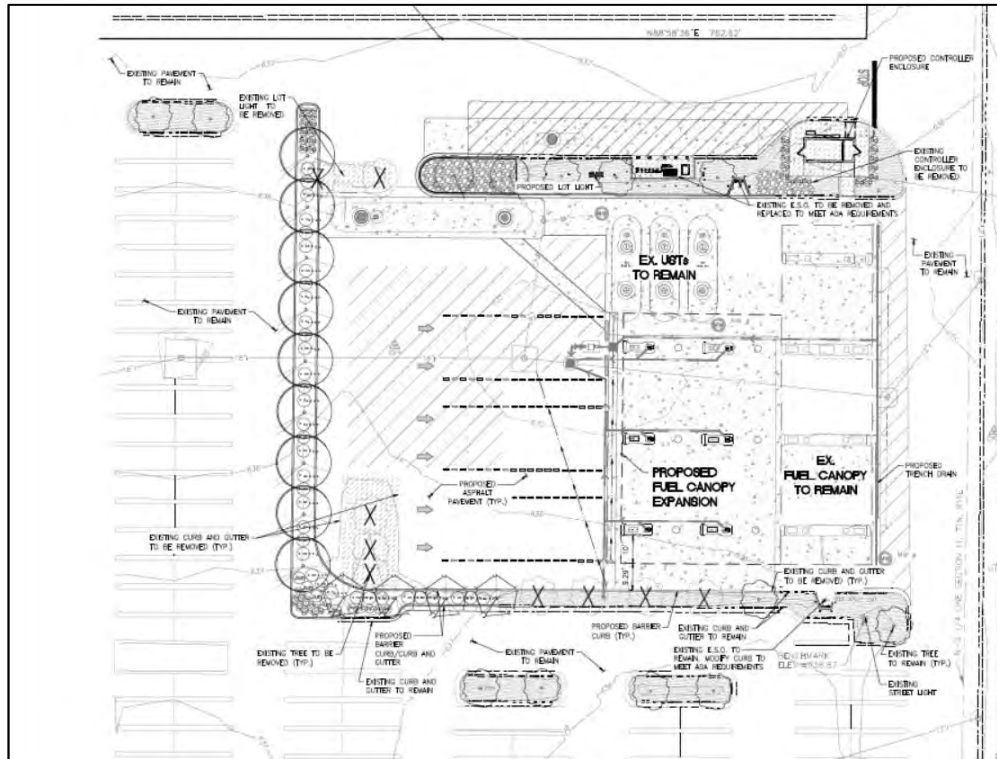
**Existing Costco Fuel Station**



The applicant proposes to add six (6) new dispensers and twelve (12) new fueling positions, providing a new total of twenty-eight (28) fueling positions. In addition, the applicant proposes a 4,957 square-foot

canopy expansion, a 40,000-gallon underground storage tank, a new controller enclosure, and improvements to site circulation and landscaping. The existing underground storage tank will be decommissioned and removed from the site. The proposed expansion/site improvements are depicted in the image below.

### Proposed Fuel Station Expansion



The subject property is zoned M-1, Light Industrial. Per Section **10.329(4)** fuel stations may be permitted as a special land use in the M-1 district as an *'other use of a similar and no more objectionable character.'* City Council granted special approval for the original fuel station on January 11<sup>th</sup>, 1999.

The applicant has submitted a preliminary site plan and concept color renderings for the project. In addition to the fuel canopy expansion, the applicant proposes to extend the existing southern curbed landscape island to the west and north to allow for proper circulation and vehicle queuing. The canopy expansion will match the design and appearance of the existing canopy.

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.

### Existing Zoning and Land Use

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

	Existing Land Use	Existing Zoning
<b>Site</b>	Costco Wholesale	M-1, Light Industrial
<b>North</b>	Industrial	M-1, Light Industrial
<b>South</b>	Industrial/Office	M-1, Light Industrial
<b>East</b>	I-75	-
<b>West (across Stephenson Hwy)</b>	Industrial/Office	M-1, Light Industrial

The subject site is zoned M-1, Light Industrial, which is, “*designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affects in a detrimental way any of the surrounding districts.*”

The site is located along the Stephenson Industrial corridor and immediately abuts I-75 to the east. Adjacent land uses primarily consist of light industrial and office uses.

### ***Existing Fuel Station (looking east)***



### Future Land Use and Master Plan

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

	Future Land Use
<b>Site</b>	Industrial
<b>North</b>	Industrial
<b>South</b>	Industrial
<b>East</b>	I-75
<b>West (across Stephenson Hwy)</b>	Industrial

The future land use designation of the subject site and adjacent properties is ‘Industrial.’ Per the Master Plan, the Industrial designation is intended to, “accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities [...]. Some ancillary commercial uses would help improve walkability in these areas and support workers in these industrial areas.”

### Staff Analysis

While a new stand-alone fuel station would likely not be an appropriate use along the Stephenson Highway industrial corridor, staff notes that the existing Costco fuel station has been in existence since 1999. The fuel station is tucked away toward the northeast corner of the site and is not easily visible from Stephenson Highway. The project narrative states that the improvements will result in shorter queue wait times for customers and will improve efficiency at the pumps. Further, staff believes that the proposed circulation improvements will eliminate vehicular conflict points in the parking lot, while the additional landscaping will help to break up the expanse of concrete.

### Findings and Recommendation

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval for the expansion of an existing fuel station at Costco, 30550 Stephenson Highway. The site is zoned M-1, Light Industrial.
2. The proposed fuel station expansion is compatible with existing adjacent uses, which include industrial and office uses. In the M-1 zoning district, the expanded use can be considered an “other use of a similar and no more objectionable character,” per section 10.329(4).
3. The proposed fuel station expansion can be considered an “ancillary commercial use” within the Industrial future land use classification.
4. The proposed fuel station expansion is consistent with the special use criteria of Section 10.201(4).
5. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their August 10<sup>th</sup>, 2022 meeting and did not cite concerns regarding the expanded use. Separate SPRC approval will be required for the site plan.

Based on these findings, staff recommends that City Council approve special use request PSP 22-09.

### 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).**

## Pertinent Zoning Ordinance Sections

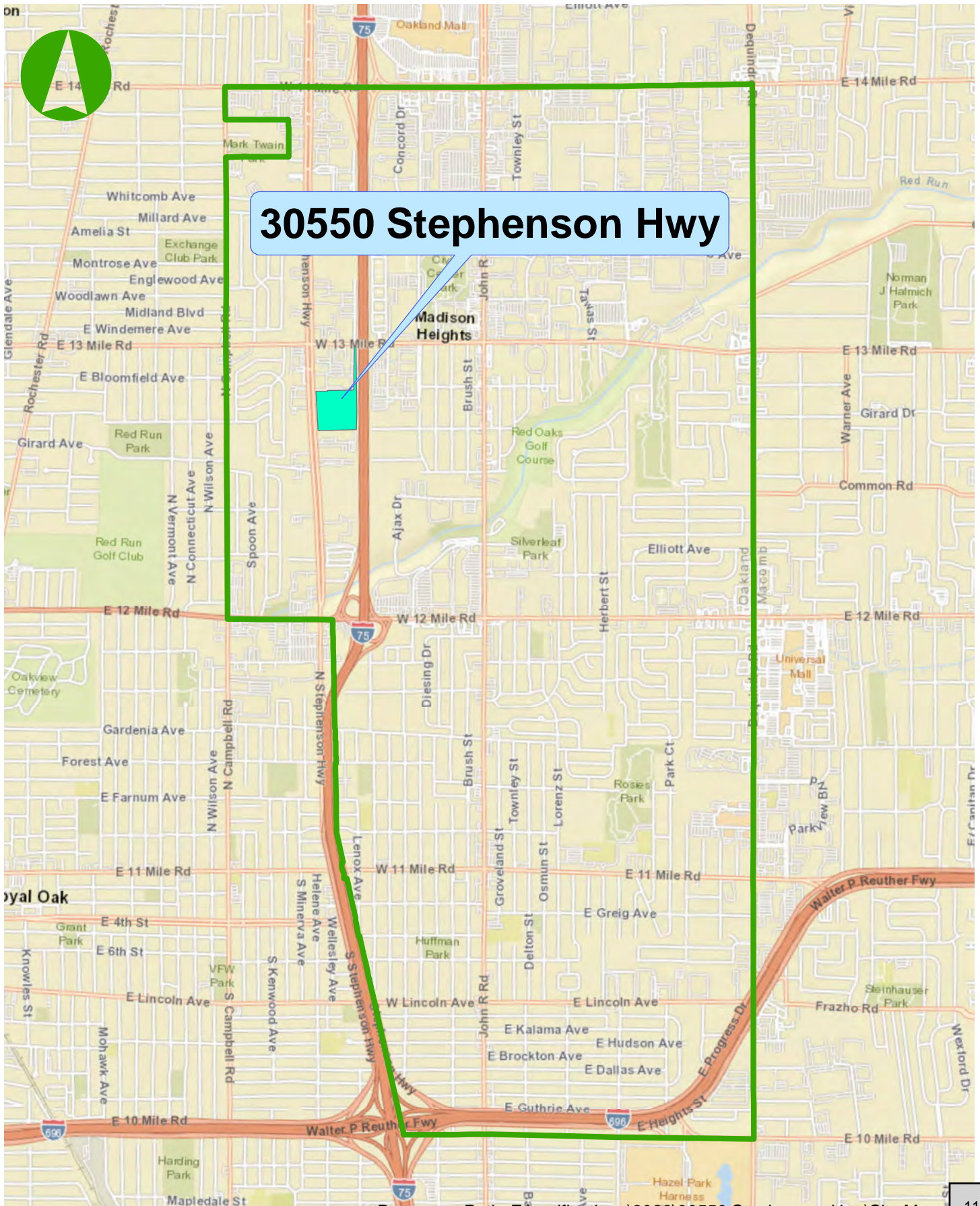
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### Section 10.201 – *Special Approval Use Review Procedures and Requirements*

- (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 effects 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.



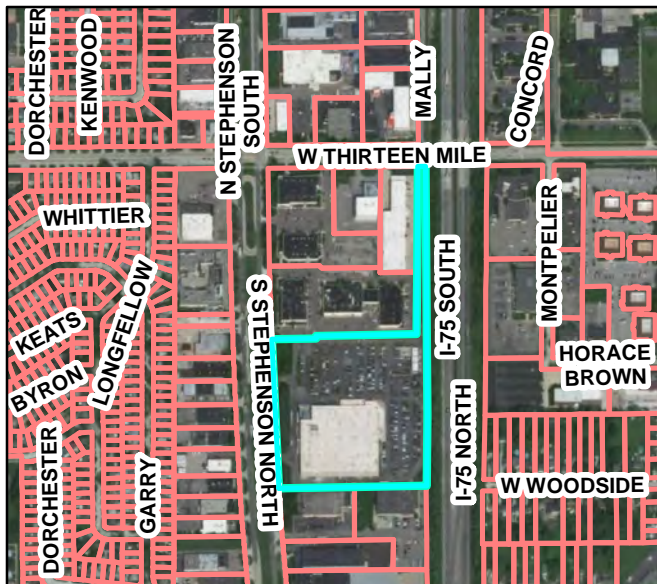


# Site Address: 30550 Stephenson Hwy

Click for maps

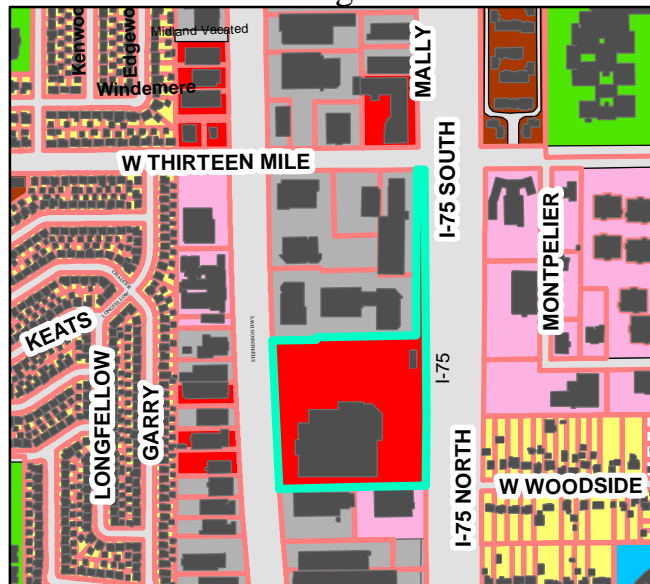


## Aerial



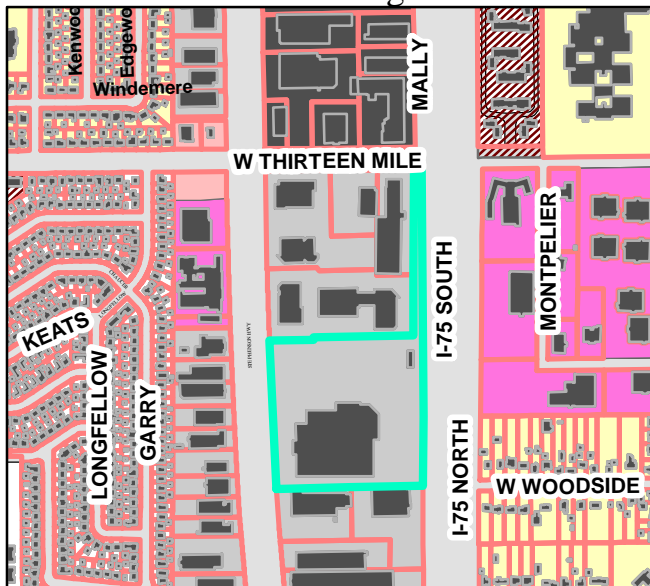
- 30550 Stephenson Hwy
- Parcels

## Existing Land Use



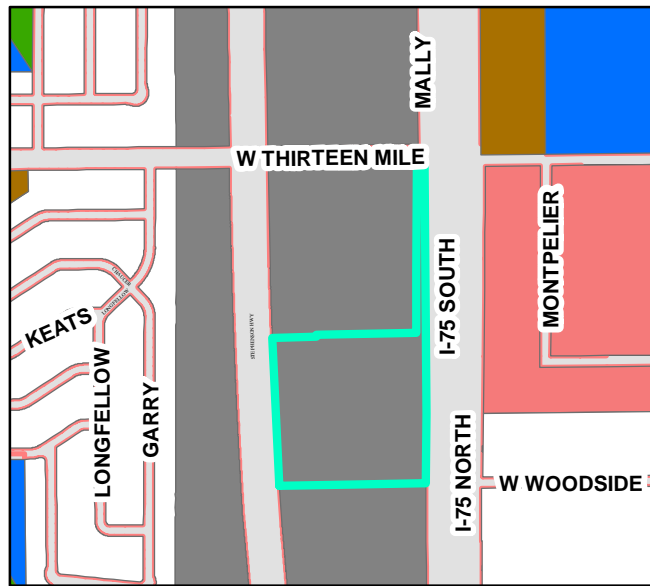
- 30550 Stephenson Hwy
- Buildings
- Parcels
- Single And Two Family
- Multiple Family
- Office
- Commercial
- Industrial
- School
- Quasi-public

## Zoning



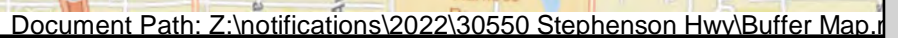
- 30550 Stephenson Hwy
- Buildings
- Parcels
- R-2 Residential
- R-3 Residential
- R-M Multiple Family Res.
- O-1 Office
- B-1 Local Business
- M-1 Light Industrial
- M-2 Heavy Industrial

## Future Land Use



- 30550 Stephenson Hwy
- Single Family
- Multiple Family
- Office
- Commercial
- Industrial
- Public and Schools
- Recreation
- Conservation
- Mixed Use Innovation





## 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, September 12<sup>th</sup>, 2022 at 7:30 p.m. in the Training Room at Fire Station #1 located at 31313 Brush Street, Madison Heights, Michigan 48071** to consider the following special approval request:

Case # PSP 22-09

The applicant, Costco Wholesale c/o Barghausen Consulting Engineers, Inc., requests Special Approval from City Council under Section 10.332A of the Madison Heights Zoning Ordinance for an expanded fuel facility (*'other uses of a similar and no more objectionable character'*) at 30550 Stephenson Highway, PIN 44-25-11-127-024. The property is currently zoned M-1, Light Industrial.

The application 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





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

<b>FOR OFFICE USE</b>		Item 2.
Request	<u>SP2007</u>	No.:
Date	<u>7-27-22</u>	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)

44-25-11-127-024

Building Address: 30550 Stephenson Highway Madison Heights, MI 48071 Tax ID No.: ~~44-25-511-127-001~~

**APPLICANT INFORMATION**

Name: Costco Wholesale, Kayleen Burnett c/o Barghausen Consulting Engineers, Inc., Julie Anderson  
Phone No.: 425-656-7403 Fax No.: \_\_\_\_\_  
Mailing Address: 18215 72nd Ave S City, State, Zip: Kent, WA 98032  
(Notices will be mailed to this address)  
Driver's License No.: n/a Date of Birth: n/a  
Interest in Property: Owner Representative

**BUILDING & BUSINESS INFORMATION**

Zoning District: M-1 Use Requested Pursuant to Section 10.328 of the Zoning Ordinance  
Explain Requested Use in Detail: Please see enclosed Project Narrative.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) 11 of Supervisor's Plat of Royal Acres  
Subdivision (if platted lot(s)) and is located on the N S E (W) (Circle One) side of I-75 Freeway Street/Road between  
Stephenson Hwy Street/Road and W 13 Mile Street / Road.

Hours of Operation: Same as existing.  
Property Frontage: 789' Width/Depth: 813' No. of Parking Spaces: 642 Private Lot X Shared Lot \_\_\_\_\_  
No. of Floors: 1 Max. No. of Employees: n/a Male n/a Female n/a No. on Largest Single Shift: n/a  
No. of Seats for Restaurant or Assembly Uses: n/a Capacity of Waiting Area: n/a  
Building: New \_\_\_\_\_ or Existing X Will Additions or Alterations to the Building be Required? Yes  
Explain: Please see enclosed Project Narrative.  
Describe Any Other Site Improvements to be Made: Please see enclosed Project Narrative.

Building Owner Name: Costco Wholesale c/o Kayleen Burnett Phone No.: 425-313-8100 Fax No.: \_\_\_\_\_  
Mailing Address: 999 Lake Drive City: Issaquah, WA Zip: 98027  
(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 Kayleen Burnett  
 Printed KAYLEEN BURNETT Name  
 Date 5/11/22

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

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

**NOTARY:**

On this 11 day of May, 2022  
 Before me personally appeared  
Kayleen Burnett 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 S. Gardner  
 Notary's  
 Printed Name S. Gardner

Notary public, State of Michigan, Washington  
 County of King

My commission expires 5-6-25  
 Acting in the County of King

**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 7-27-22 Receipt Number 111938 By JS Date: 7-27-22  
 One Site Plan Attached no larger than 11 x 17 inches ☒ Yes ☐ No  
 Site Plan Application: SPR22-0014 Date: 7-27-22  
 Copies to C.D.D. \_\_\_\_\_  
 Notices Mailed to Properties Within 500 Feet \_\_\_\_\_  
 Council Action \_\_\_\_\_  
 Meeting Date \_\_\_\_\_



May 27, 2022

Email: [MattLonnerstater@Madison-Heights.org](mailto:MattLonnerstater@Madison-Heights.org)

Mr. Matt Lonnerstater, City Planner  
City of Madison Heights  
Planning Division  
300 West Thirteen Mile Road  
Madison Heights, MI 48071

RE: **Special Use Permit and Site Plan Review**  
Costco Gasoline - Expansion  
30550 Stephenson Highway, Madison Heights, Michigan 48071  
Costco Loc. No. 393 / Our Job No. 6319

Dear Mr. Lonnerstater:

On behalf of Costco Wholesale (Costco), Barghausen Consulting Engineers Inc. is submitting the required application forms, plans, and supporting documents for a Special Use Permit and Site Plan Review for the above-referenced project.

The project includes a 4,957-square-foot canopy expansion (8,808 square feet total), the installation of six (6) new multi-product dispensers (MPDs), four (4) remote fills, one (1) 40,000-gallon underground storage tank, one (1) 1,500-gallon fuel additive UST, a new controller enclosure, and associated site improvements. Specific site improvements include directional ground painting and modifications to the surrounding drive lanes, landscaping, and parking areas. In addition, the existing additive tank will be decommissioned and removed from the site.

The following items are enclosed for your review:

1. One (1) PDF copy of the signed Special Approval Application Form
2. One (1) PDF copy of the signed Site Plan Review Application Form
3. One (1) PDF copy of the Project Narrative
4. One (1) PDF copy of the Trip Generation and Queueing Summary Memorandum prepared by Kittelson & Associates, Inc., dated May 2, 2022
5. One (1) check issued by Costco Wholesale in the amount of \$1,661 for the Special Use Permit (\$750) and Site Plan Review (\$911) Fee (to be submitted separately)
6. One (1) 24- by 36-inch PDF copy of the Site Plan package, including:
  - a. Overall Site Plan (Sheet DD-1) prepared by Barghausen Consulting Engineers, Inc. dated, May 26, 2022
  - b. Detailed Site Plan (Sheet DD-2) prepared by Barghausen Consulting Engineers, Inc. dated, May 26, 2022
  - c. Fuel Facility Elevations (Sheet PG:1) prepared by MG2, dated May 20, 2022
  - d. Preliminary Site Plan (Sheet C1) prepared by Barghausen Consulting Engineers, Inc. dated, May 24, 2022
  - e. Preliminary Grading and Utility Plan (Sheet C2) prepared by Barghausen Consulting Engineers, Inc., dated May 24, 2022

**BARGHAUSEN CONSULTING ENGINEERS, INC.**

18215 72ND AVENUE SOUTH KENT, WA 98032 P) 425.251.6222 F) 425.251.8782  
BRANCH OFFICES: CHEHALIS, WA KLAMATH FALLS, OR LONG BEACH, CA RICHLAND, WA ROSEVILLE, CA  
[barghausen.com](http://barghausen.com)

Mr. Matt Lonnerstater, City Planner  
City of Madison Heights  
Planning Division

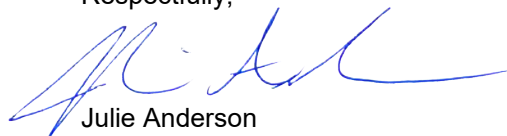
-2-

May 27, 2022

- f. Conceptual Landscape Exhibit (Sheets L-1 and L-2) prepared by Barghausen Consulting Engineers, Inc., dated May 10, 2022
- g. Site Lighting Plan (Sheet E-1) prepared by T.E., Inc., dated May 2022
- 7. One (1) 11- by 17-inch PDF copy of the Site Plan package

Should you have any questions or require any additional documentation, please contact me at (425) 656-7403 or by email at [janderson@barghausen.com](mailto:janderson@barghausen.com). Thank you for your assistance with this project.

Respectfully,



Julie Anderson  
Senior Planner

JA/ps

6319c.060.docx

enc: As Noted

cc: Ms. Kim Katz, Costco Wholesale (Costco Google Drive w/enc)  
Ms. Kayleen Burnett, Costco Wholesale (Costco Google Drive w/enc)  
Mr. Jared Bassetti, MG2 (email w/enc)  
Mr. Jay S. Grubb, Barghausen Consulting Engineers, Inc.  
Mr. Chris S. Ferko, Barghausen Consulting Engineers, Inc.  
Mr. Sean Anderson, Barghausen Consulting Engineers, Inc.  
Ms. Erin Bang, Barghausen Consulting Engineers, Inc.



# LAND USE NARRATIVE

## SPECIAL USE PERMIT & SITE PLAN REVIEW

---

### **Costco Wholesale Retail Fueling Facility Expansion**

30550 Stephenson Highway  
Madison Heights, MI 48071

CW No. 21-0597

Costco Loc. No. 393

Prepared for:  
Costco Wholesale  
999 Lake Drive  
Issaquah, Washington 98027

May 26, 2022  
Our Job No. 6319

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**Project Location:**

The project site for the fueling facility expansion includes the queue area for the existing fueling facility and the surrounding parking area. The overall project disturbance area is approximately 26,740 square feet. The subject site is zoned Light Industrial District (M-1), and the fueling facility is a specially allowed use. The existing fueling facility was previously approved under Site Plan Approval PSPR 13-0007.

**Project Description:**Overview

In consultation with City staff, Costco is seeking a Special Use Permit and Site Plan Review to allow for the expansion of the existing Costco Gasoline fueling facility. The project will include a 4,957 square-foot canopy expansion (8,808 square feet total), the installation of six (6) new multi-product dispensers (MPDs), four (4) remote fills, one (1) 40,000-gallon underground storage tank, one (1) 1,500-gallon fuel additive UST, a new controller enclosure, and associated site improvements. Specific site improvements include directional ground painting, and modifications to the surrounding drive lanes, landscaping, and parking areas. In addition, the existing underground fuel additive storage tank will be decommissioned and removed from the site. The expansion will result in shorter queue wait times and provide a more efficient fuel purchasing experience for Costco members.

Grading

Site grading will generally be limited to the vicinity of the existing fuel facility, and modified parking area adjacent to the fuel facility area. Site grading activities will include installation of canopy footings, fuel product piping, stormwater improvements associated with the under-canopy area, and new landscape islands. The project requires approximately 100 cubic yards of cut and 80 cubic yards of fill.

Parking and Circulation

The project will remove 23 parking spaces for an overall total of 642 parking spaces for the site. City parking standards require a minimum of one (1) parking space for every 250 square feet of gross retail floor area. The existing warehouse measures 135,622 square feet in size and, therefore, a minimum of 542 parking spaces is required for the Costco development. The site will continue to meet City minimum parking requirements after the fueling facility is expanded.

Transportation

The expansion is not anticipated to generate a significant number of new trips, and it will provide a more efficient fuel-purchasing experience for Costco members. Please see the attached Trip Generation and Queueing Summary Memorandum prepared by Kittelson & Associates, Inc. dated May 2, 2022, for additional information.

Architectural Design

The canopy expansion is designed to match the existing structure and includes a metal canopy fascia and metal wrapped canopy columns. The new controller enclosure is also designed to match the existing enclosure and includes a metal wrapped building with a flat roof.

Lighting and Signage

Under-canopy lighting fixtures and sign lighting fixtures will be updated to LED light fixtures for the existing canopy and expansion. Sign lighting will also be LED. The existing canopy signs are approximately 20 square-feet in size and will be replaced with in-kind 20 square-foot "Costco Wholesale" signs located and centered on each façade of the canopy.



### Landscaping

The project will add approximately 80 square feet of landscape area, for an overall total of 5.21% of interior landscaping for the site and approximately 22,900 square feet of landscape area for the parking lot. City landscape standards require a minimum of five percent (5%) of interior landscape area and five (5) square feet of parking lot landscaping for every parking stall. Based on this ratio, approximately 3,210 square feet of parking lot landscaping is required for the site. The overall Costco development will continue to meet the City's minimum landscape standards after the fuel facility is expanded.

### Construction

Construction of the fueling facility expansion and site improvements will be completed in a single phase and will commence after approval of the applicable permits. The existing fuel facility may remain open during construction, depending on construction sequencing.

### **Purpose of Request:**

#### Site Plan Review

Pursuant to Madison Heights Municipal Code of Ordinances No. 252 Sec. 10.514, the approving body shall consider and require compliance with the following:

1. *All application and site plan review submittal criteria have been met.*

**Response:** The enclosed Site Plan and application includes all required submittal information and criteria as outlined in City Code Section 10.514 - Site Plan Review.

2. *The final site plan is in full conformance with all applicable Zoning Ordinance requirements;*

**Response:** The project site is zoned Light Industrial (M-1), in which fueling facilities are a specially approved use. The project will comply with the development standards of the Zoning Ordinance, as indicated in the table below:

Development Standard	Requirement	Response
<b>Building Setback</b>	Min. Front Setback: 50ft Min. Rear Setback: 0ft Min. Side Yard Setback: 20ft	The project will not encroach within the setback area.
<b>Maximum Height</b>	Maximum Building Height: 40ft	The maximum fuel canopy height is 17 feet 6 inches.
<b>Landscaping</b>	Minimum of 5% landscaping for the parking lot area.  Minimum 5 square feet of parking lot landscaping for every parking stall (642 stalls x 5 sq. ft. = 3,210 sq. ft.).	The project will add approximately 80 square feet of landscape area, for an overall total of 5.21% of interior landscaping and approximately 22,900 square feet of landscape area for the development.
<b>Parking</b>	City Parking standards require a minimum of one (1) parking stall for every 250 square feet of retail space. (135,682/250 = 542 stalls)	The project will remove 23 parking stalls for a new total of 642 parking stalls for the site.

Development Standard	Requirement	Response
<b>Signs</b>	City sign standards allow a maximum sign area of 1 ½ square feet for each lineal foot of building frontage up to a maximum of 100 square feet. Based on this ratio, a maximum aggregate sign area of approximately 100 square feet is allowed for the fuel facility.	The project will include one (1) 20 square-foot "Costco Wholesale" sign located and centered on each façade of the canopy.
<b>Lighting</b>	City lighting standards require lighting to be recessed into the canopy and prevent glare.	The under-canopy lighting will be updated to LED lighting fixtures and will be directed so there is no direct glare source from the property.
<b>Design Criteria</b>	City design guidelines require the canopy design to be compatible with the Costco warehouse and adjacent properties.	The fuel canopy will be designed to match the existing Fuel Facility and includes a metal canopy fascia and metal wrapped canopy columns.

3. *The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.*

**Response:** The project will not impact any principal buildings, driveways, sidewalks, or pedestrian pathways, and will improve the processing capacity of the existing fuel facility and surrounding site circulation. As a result, the project will provide shorter queue wait times, a more efficient fuel purchasing experience for Costco members and the promotion of vehicular traffic safety. Please see the enclosed Trip Generation and Queueing Memorandum prepared by Kittelson & Associates, Inc. for further information.

4. *On-site and off-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.*

**Response:** The expansion will result in shorter fuel facility queues and will allow for the fuel truck to deliver fuel to the site outside of the queue area, resulting in a more efficient fuel purchasing experience for Costco members and improved on-site circulation. The project will not impact any off-site circulation and will achieve both safety and convenience of persons and vehicles using the site.

5. *Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development's impact on existing and future uses in the immediate area and vicinity and on residents and occupants is minimized and harmonious.*

**Response:** The project will not change the current use of the site and the nature of the expansion will remain consistent with the existing fueling facility. The new landscaping will be designed to match the surrounding site landscaping and the new canopy signs will remain consistent with the general design of the existing signage. The project will not provide or impact any earth berms, fencing, or obscuring walls. The fueling facility will continue to be compatible

with the existing and future land uses in the vicinity, which consist of a variety of retail and commercial uses.

6. *Utility service, including proposed water, sanitary sewer and the development and the recommendation of the city's consulting engineer. Approvals required from any state or county department having jurisdiction, such as the department of health, drain commission or road commission, are a prerequisite to approval.*

**Response:** The project does not require the provision of water or sanitary sewer and will not impact existing water or sanitary sewer service for the site. The project will comply with all local, state, and federal regulations and will obtain all required permits or approvals.

7. *Notwithstanding any other provisions of this Ordinance, the city may require as a condition of final site plan approval, landscaping, berming, fencing, walls, drives or other appurtenances as necessary to promote the health, safety, and welfare of the community and achieve compliance with the standards of this Ordinance.*

**Response:** The project will not change the existing use of the facility which was found to comply with the provisions of the Ordinance under Site Plan Approval PSPR 13-0007. In addition, the expansion will comply with all local, state, and federal permitting requirements required to protect the public health, safety, and welfare.

#### Special Use Approval

Pursuant to Madison Heights Municipal Code of Ordinances No. 252 Sec. 10.201, the approving body shall consider the following standards and criteria in their review of all special approval use requests:

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:** The enclosed Site Plan has been prepared in conformance with and contains all required, applicable information as outlined in City Code Section 10.514 - Site Plan Review.

2. *All design standards or criteria imposed on Special Approval uses elsewhere in this ordinance shall be met.*

**Response:** The canopy expansion is designed to match the existing fueling canopy which includes a metal wrapped canopy fascia with metal wrapped canopy columns. The canopy will continue to meet City Design Standards as indicated in the table above.

3. *The use shall be design and located so that it is compatible with the surrounding properties, neighborhood and vicinity.*

**Response:** The expansion will not change the current use of the site and the nature and design of the expansion will remain consistent with the existing fueling facility. The fueling facility will continue to be compatible with the existing and future land uses in the vicinity, which consist of a variety of retail and commercial uses.

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.*

**Response:** The project will not impact the existing ingress and egress to the site and is not anticipated to generate a significant increase in vehicle trips to the site. The project will reduce queue wait times and improve site circulation, resulting in a minimum traffic impact on adjacent

roads, drives, and uses. Please see the enclosed Trip Generation and Queueing Memorandum prepared by Kittelson and Associates, Inc. for further information.

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

**Response:** The project will not impact existing site screening and will remain compatible with surrounding development, which consists of a variety of commercial and retail uses.

6. *The use shall be properly served by utilities;*

**Response:** The project does not require any new water or sewer service and will not impact any existing water or sewer services for the site. The existing power service to the site will be upgraded to serve the expansion and the appropriate approvals will be obtained from the power purveyor prior to any utility work. The site will continue to be properly served by existing utilities after the expansion.

7. *The use shall not have an adverse effect on the environment beyond the normal effects 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 project will comply with all local, state, and federal regulations required to not have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district.

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

**Response:** The expansion will not change the existing use of the site and the site will continue to meet the performance standards outlined in Section 10.509 of the City Zoning Ordinance.

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.*

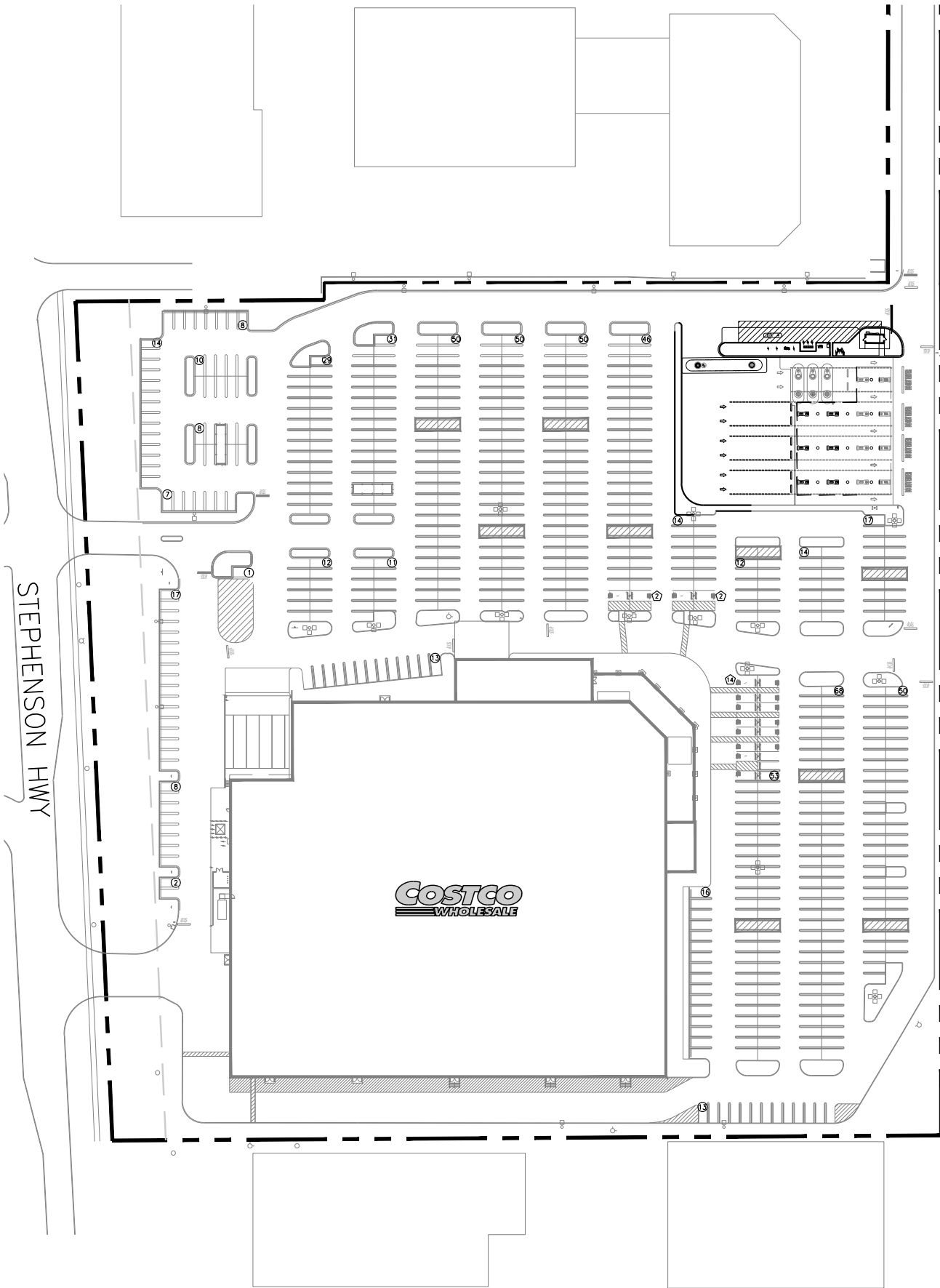
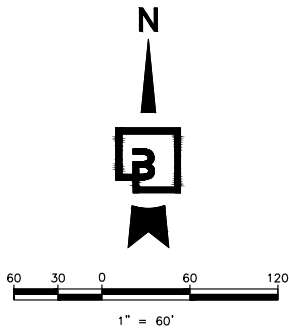
**Response:** The project will not change the existing use of the site, which was designed to avoid any nuisances to surrounding properties. The project will comply with all local, state, and federal regulations and permitting requirements required to protect persons, property or the general public welfare.

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

**Response:** The project will be adequately served by existing public services and utilities and does not require any new public services or utilities.

## Conclusion:

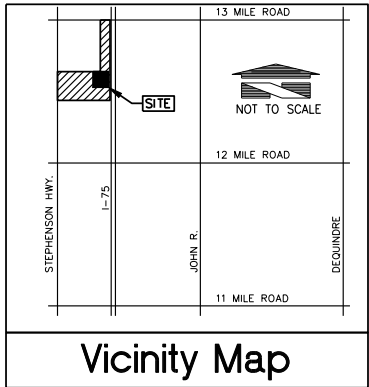
The responses above and application materials demonstrate that the expansion meets the approval criteria for a Special Use Permit and Site Plan Review. The City's approval of this application is respectfully requested.



NOTES

1. THIS PRELIMINARY SITE PLAN IS BASED ON A SITE PLAN BY MULVANNY G2 ARCHITECTURE DATED, 3/3/11. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT LAND SURVEY.
2. THE BUILDING SQUARE FOOTAGE AND PARKING SHOWN ON THIS PLAN IS BASED ON INFORMATION PROVIDED BY THE OWNER AND/OR OTHERS AND HAS NOT BEEN VERIFIED.

CHRYSLER FWY



PROJECT DATA

CLIENT:	COSTCO WHOLESALE 999 LAKE DRIVE ISSAQUAH, WA 98027
PROJECT ADDRESS:	30550 STEPHENSON HWY. MADISON HEIGHTS, MI 48071
ZONING:	TO BE DETERMINED
SITE AREA:	15.33 ACRES (667,579 S.F.)
BOUNDARIES INFORMATION:	THIS PLAN HAS BEEN PREPARED BY USING A SITE PLAN BY MULVANNY G2 ARCHITECTURE DATED 3/3/11.

BUILDING DATA:	
BUILDING AREA	130,422 S.F.
TIRE CENTER	5,200 S.F.
TOTAL BUILDING	135,622 S.F.

EXISTING PARKING DATA:	
EXISTING PARKING PROVIDED:	
① 10' WIDE STALLS	647 STALLS
①ac ACCESSIBLE STALLS	18 STALLS
TOTAL PROPOSED PARKING	665 STALLS
NO. OF STALLS PER 1000 S.F. OF BUILDING AREA:	4.90 STALLS

PROPOSED PARKING DATA:	
PROPOSED PARKING PROVIDED:	
① 10' WIDE STALLS	624 STALLS
①ac ACCESSIBLE STALLS	18 STALLS
TOTAL PROPOSED PARKING	642 STALLS
NO. OF STALLS PER 1000 S.F. OF BUILDING AREA:	4.73 STALLS

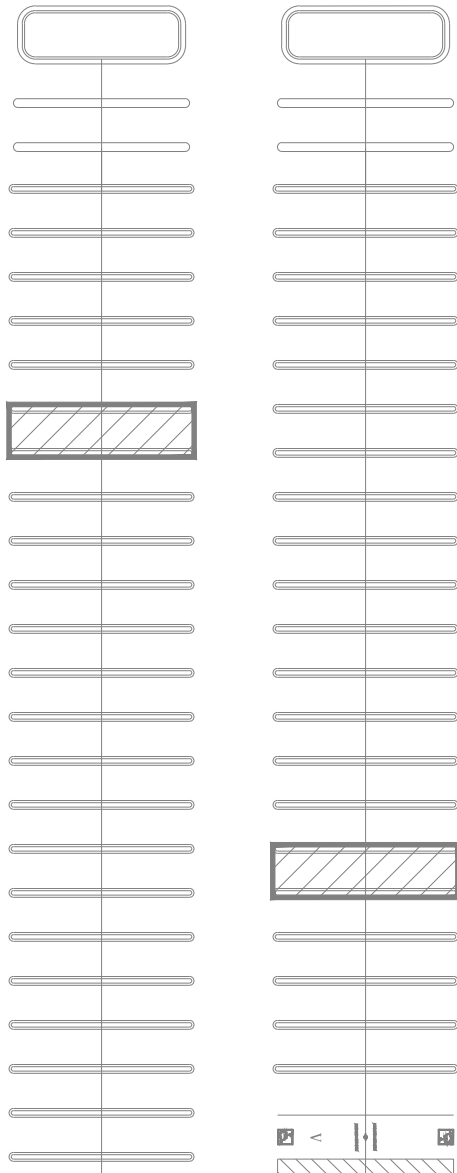
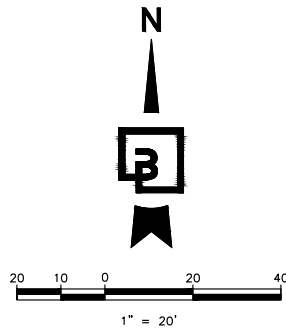
NOTES:  
EXISTING CONDITIONS TO BE FIELD VERIFIED.

**For:** **COSTCO GASOLINE**  
COSTCO WHOLESALE GAS STATION ADDITION  
999 LAKE DRIVE  
ISSAQUAH, WASHINGTON 98027

**Title:**  
OVERALL SITE PLAN  
30550 STEPHENSON HIGHWAY  
MADISON HEIGHTS, MI 48071  
LOCATION #393

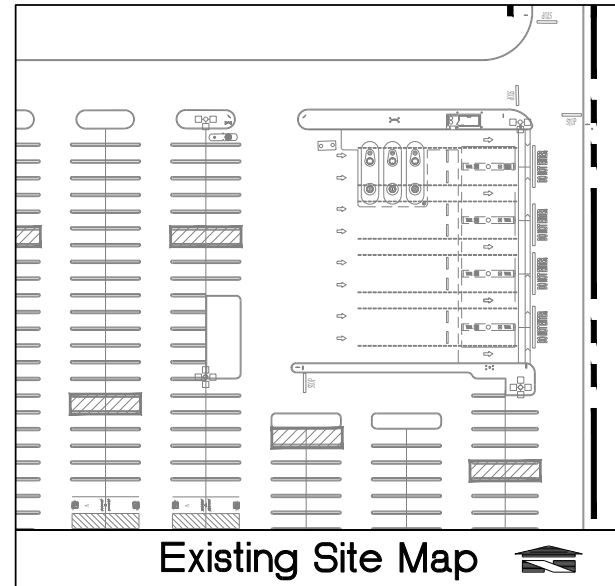
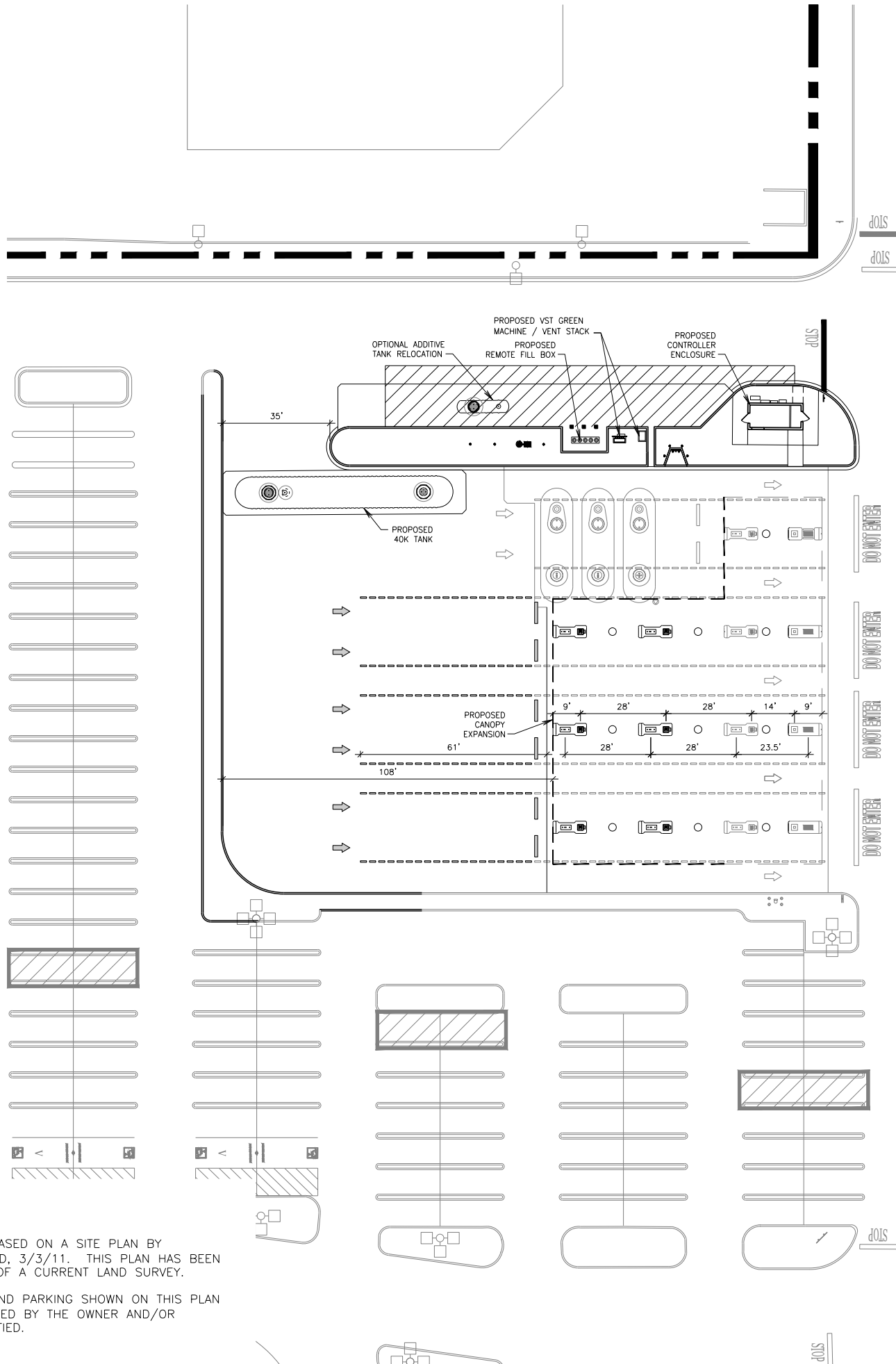
Job Number <b>6319</b>	Sheet <b>DD-1</b>	 <b>Barghausen Consulting Engineers, Inc.</b> 18215 72nd Avenue South Kent, WA 98032 425.251.6222 barghausen.com	Designed — Drawn — Checked — Approved — Date 04/26/22	Scale: Horizontal — Vertical —	Revision			
					No.	Date	By	Cd.

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## NOTES

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2. THE BUILDING SQUARE FOOTAGE AND PARKING SHOWN ON THIS PLAN IS BASED ON INFORMATION PROVIDED BY THE OWNER AND/OR OTHERS AND HAS NOT BEEN VERIFIED.



## PROJECT DATA

CLIENT:	COSTCO WHOLESALE 999 LAKE DRIVE ISSAQUAH, WA 98027
PROJECT ADDRESS:	30550 STEPHENSON HWY. MADISON HEIGHTS, MI 48071
ZONING:	TO BE DETERMINED
SITE AREA:	15.33 ACRES (667,579 S.F.)
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BUILDING DATA:	
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TIRE CENTER	5,200 S.F.
TOTAL BUILDING	135,622 S.F.

EXISTING PARKING DATA:	
EXISTING PARKING PROVIDED:	
① 10' WIDE STALLS	647 STALLS
① <sub>ac</sub> ACCESSIBLE STALLS	18 STALLS
TOTAL PROPOSED PARKING	665 STALLS
NO. OF STALLS PER 1000 S.F. OF BUILDING AREA:	4.90 STALLS

PROPOSED PARKING DATA:	
PROPOSED PARKING PROVIDED:	
① 10' WIDE STALLS	624 STALLS
① <sub>ac</sub> ACCESSIBLE STALLS	18 STALLS
TOTAL PROPOSED PARKING	642 STALLS
NO. OF STALLS PER 1000 S.F. OF BUILDING AREA:	4.73 STALLS

NOTES:  
EXISTING CONDITIONS TO BE FIELD VERIFIED.

DETAILED SITE PLAN  
30550 STEPHENSON HIGHWAY  
MADISON HEIGHTS, MI 48071  
LOCATION #393

**COSTCO GASOLINE**  
COSTCO WHOLESALE GAS STATION ADDITION  
999 LAKE DRIVE  
ISSAQUAH, WASHINGTON 98027

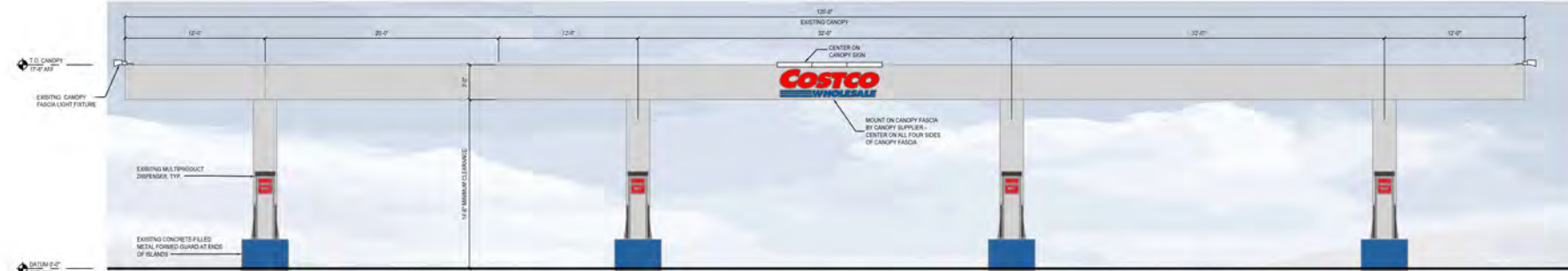
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-	-	-	-	04/26/22

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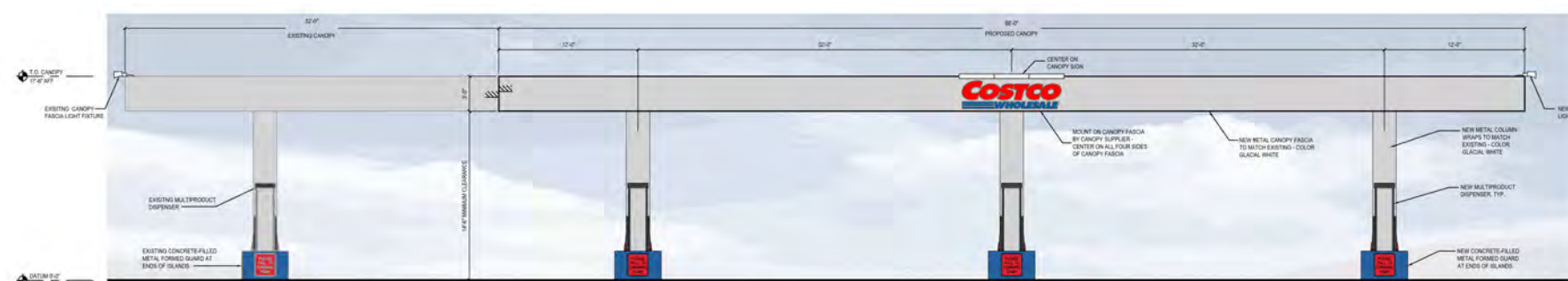
**Barghausen Consulting Engineers, Inc.**  
18215 72nd Avenue South  
Kent, WA 98032  
425.251.6222 [barghausen.com](http://barghausen.com)



Job Number  
**6319**  
Sheet  
**DD-2**



1 CANOPY & DISPENSER ISLANDS - EAST ELEVATION  
SCALE: 1/4" = 1'-0"



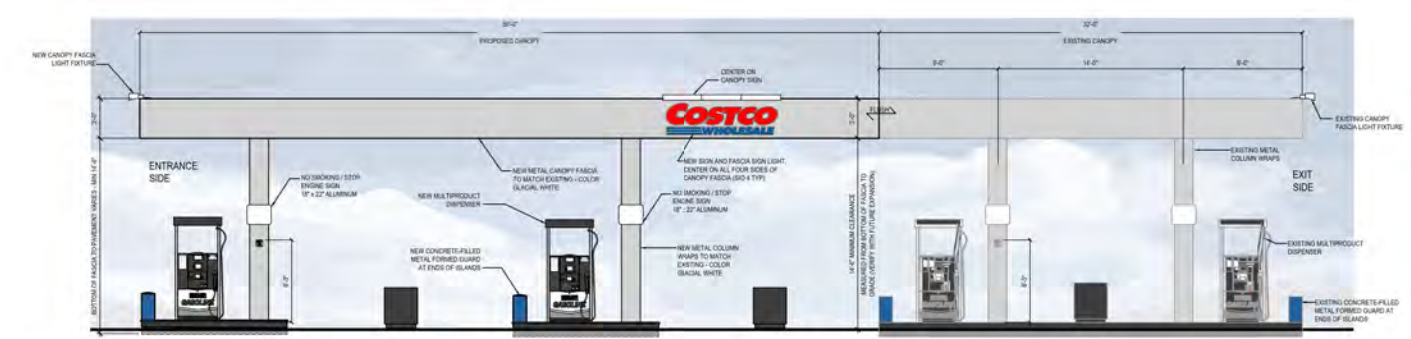
2 CANOPY & DISPENSER ISLANDS - WEST ELEVATION  
SCALE: 1/4" = 1'-0"

SIGNAGE AREA TABULATION (WALL SIGNS)			
SIGN	SIZE	AREA (S.F.) EA.	TOTAL S.F.
COSTCO WHOLESALE	2'-5 1/4" x 8'-6 5/8"	20.89 S.F.	82.32 S.F.
TOTAL SIGNAGE AREA		246.96 S.F.	



19 CANOPY SIGNAGE  
SCALE: 1/2" = 1'-0"

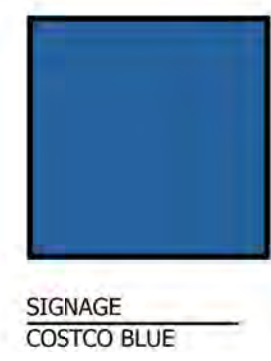
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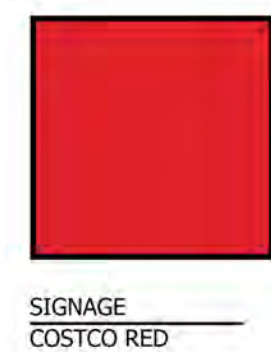
3 CANOPY & DISPENSER ISLANDS - SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



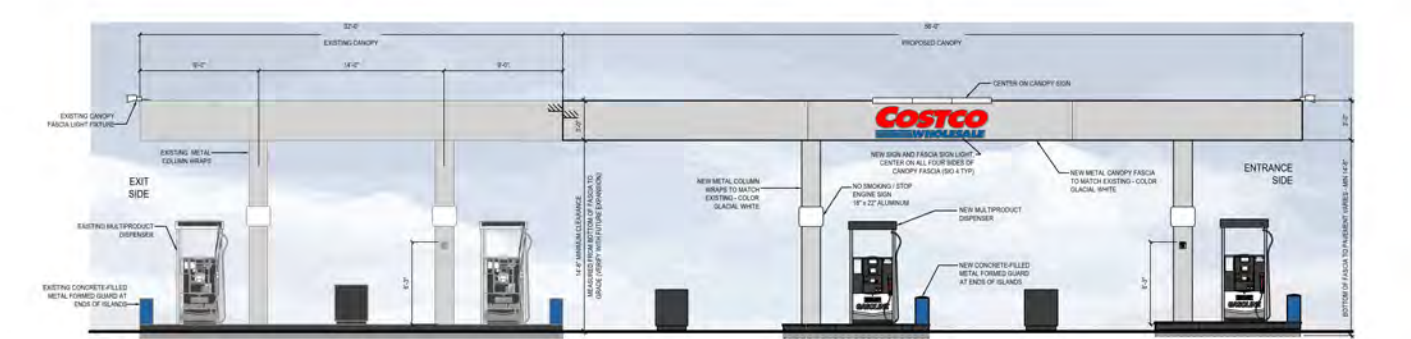
METAL FASCIA & COLUMNS  
GLACIAL WHITE



SIGNAGE  
COSTCO BLUE



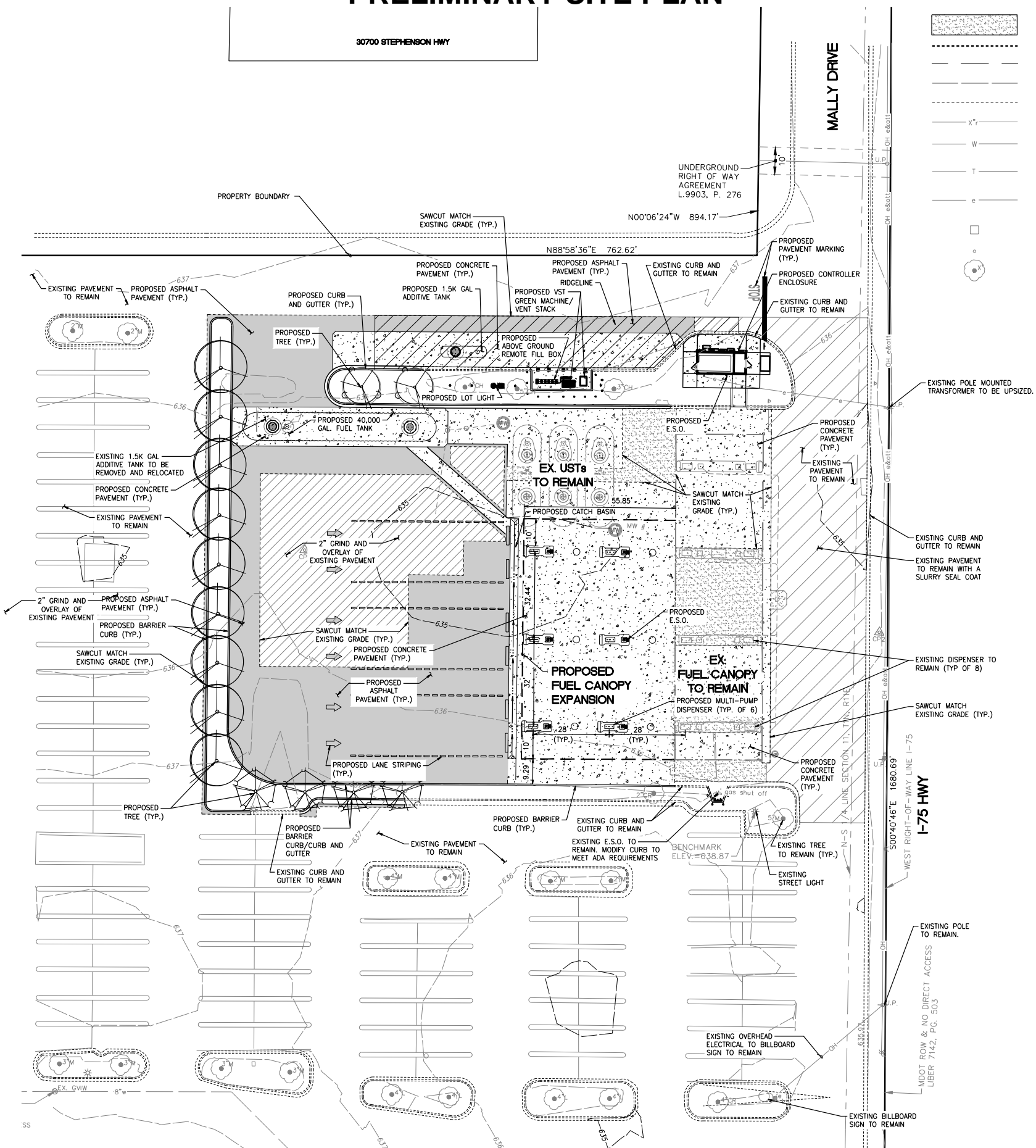
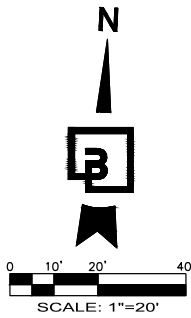
SIGNAGE  
COSTCO RED



4 CANOPY & DISPENSER ISLANDS - NORTH ELEVATION  
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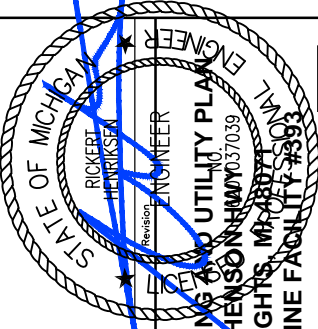
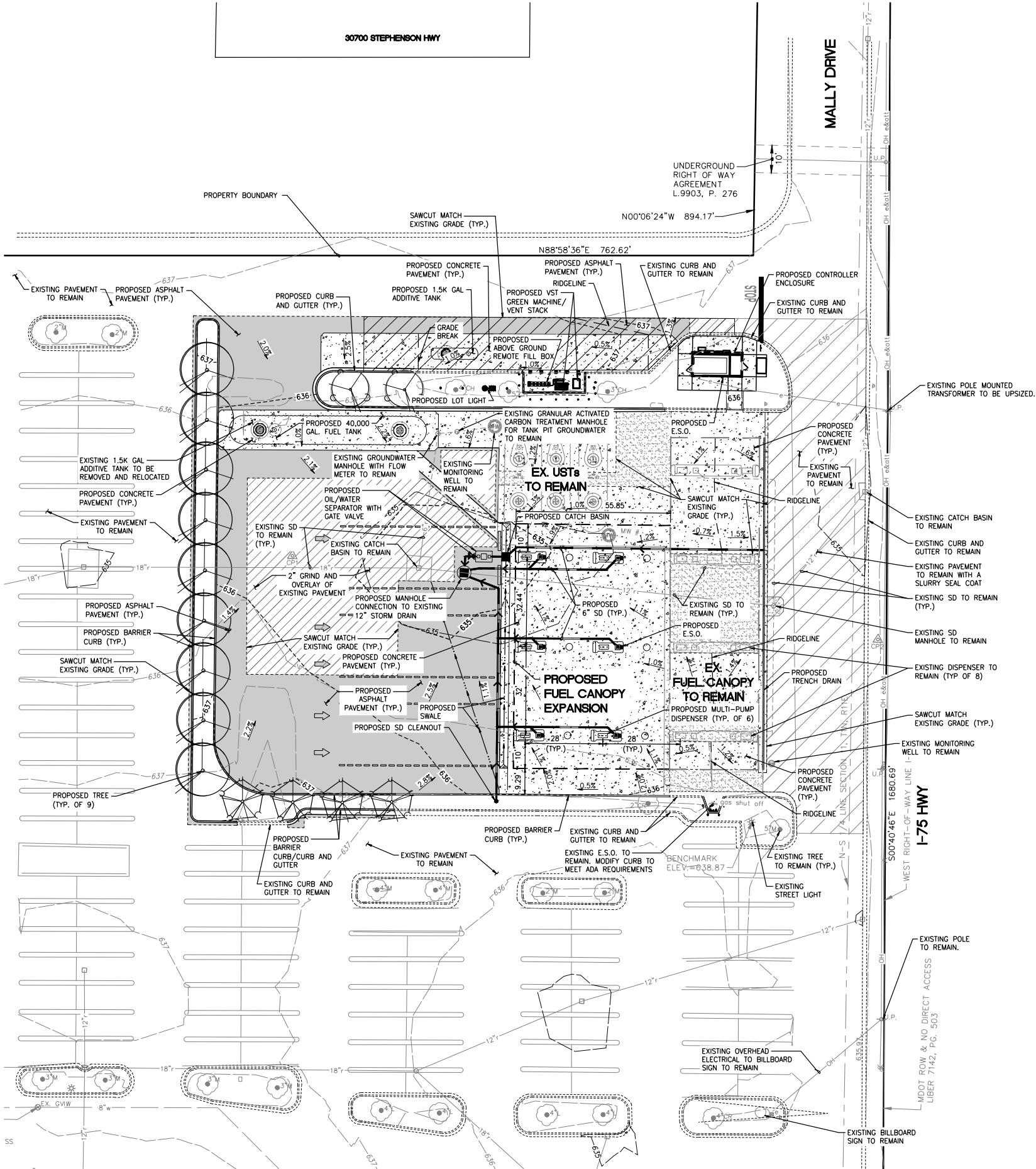
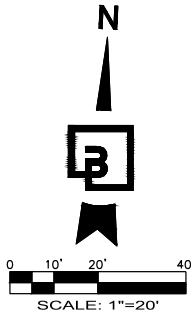


PRELIMINARY SITE PLAN





PRELIMINARY GRADING AND UTILITY PLAN



Title: PRELIMINARY GRADING AND UTILITY PLAN  
30550 STEPHENSON HWY  
MADISON HEIGHTS, MI 48061  
COSTCO GASOLINE FACILITY #393

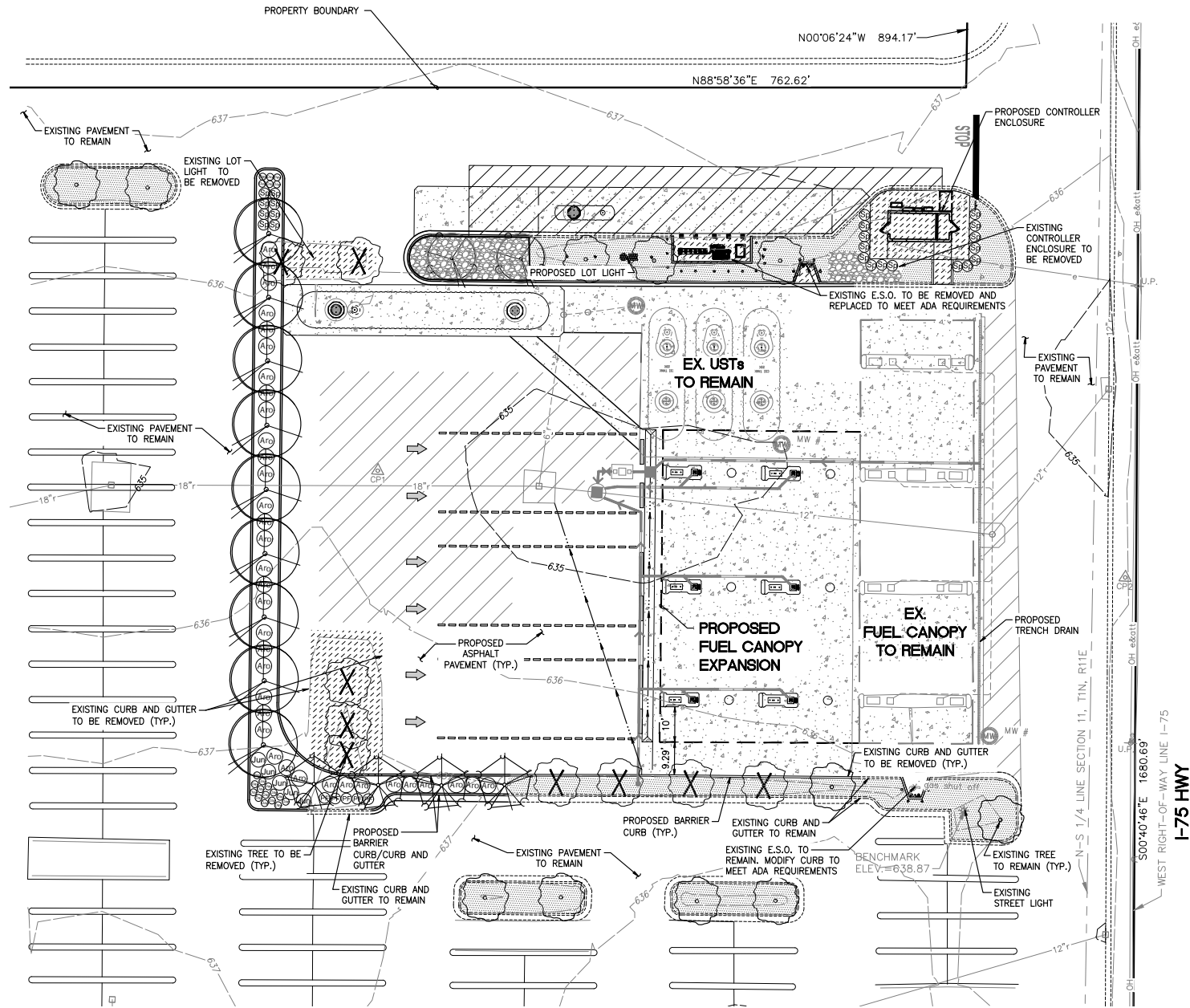
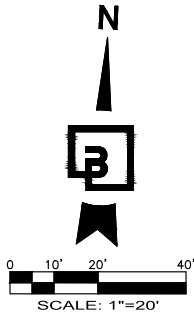
No. \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_ Cdd. \_\_\_\_\_ Appr. \_\_\_\_\_  
For: **COSTCO WHOLESALE**  
999 LAKE DRIVE  
ISSAQUAH, WA 98027

Scale: Horizontal 1" = 20' Vertical N/A  
Designed: SN Draw: SN Checked: MESP Approved: CEL Date: 12/17/21  
**PRELIMINARY**

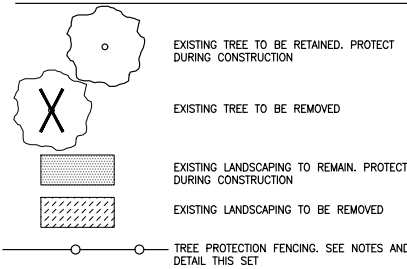
**Barghausen Consulting Engineers, Inc.**  
18215 72nd Avenue South  
Kent, WA 98032  
425.251.6222 [barghausen.com](http://barghausen.com)

Job Number: 6319  
Sheet: C2 of 2










CONCEPTUAL LANDSCAPE EXHIBIT



LEGEND



PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE CONDITION	SPACING	QTY.	REMARKS
TREES:					
	MALUS 'RED BARON' / FL. CRABAPPLE	2" CAL.	AS SHOWN	4	FULL, WELL-BRANCHED, SINGLE CENTRAL LEADER
	GLEDITSIA TRI. INERMIS 'SHADEMASTER' / THORNLESS HONEYLOCUST	3" CAL.	AS SHOWN	9	FULL, WELL-BRANCHED, SINGLE CENTRAL LEADER
	ACER x FREEMANII 'AUTUMN BLAZE' / RED MAPLE	3" CAL.	AS SHOWN	2	FULL, WELL-BRANCHED, SINGLE CENTRAL LEADER
SHRUBS and ORNAMENTAL GRASSES:					
	ARONIA MELANOCARPA AUMTUMN MAGIC' / CHOKEBERRY	5 GALLON	AS SHOWN	36	FULL & BUSHY
	POTENTILLA FRUITICOSA 'ABBOTSWOOD' / SHRUBBY CINQUEFOIL	5 GALLON	AS SHOWN	5	FULL & BUSHY
	HEMEROCALLIS 'STELLA D'ORO' / DAYLILY	1 GALLON	AS SHOWN	20	FULL & BUSHY
	JUNIPERUS SABINA 'SCANDIA' / LOW-GROWING JUNIPER	5 GALLON	AS SHOWN	5	FULL & BUSHY
	SPIRAEA JAPONICA 'LIMEMOUND' / SPIRAEA	5 GALLON	AS SHOWN	23	FULL & BUSHY
MULCH:					
	MATCH TYPE AND DEPTH BARK MULCH				

LANDSCAPE CONTRACTOR TO ADJUST EXISTING IRRIGATION SYSTEM AS NECESSARY IN ORDER TO REMOVE DEMOLISHED LANDSCAPE AREAS FROM EXISTING SYSTEM AND EXPAND IRRIGATION SYSTEM TO PROVIDE WATER TO ALL NEW PLANT MATERIAL

Revision

No. Date By Cdd. Appr.

Title:  
CONCEPTUAL LANDSCAPE EXHIBIT  
30550 STEPHENSON HWY  
MADISON HEIGHTS, MI 48071  
COSTCO GASOLINE FACILITY #393

For:  
**COSTCO WHOLESALE**  
999 LAKE DRIVE  
ISSAQUAH, WA 98027

PRELIMINARY

Scale:  
Horizontal 1"=20'  
Vertical N/A

Designed JMW  
Drawn JMW  
Checked JMW  
Approved JMW  
Date 5/10/22

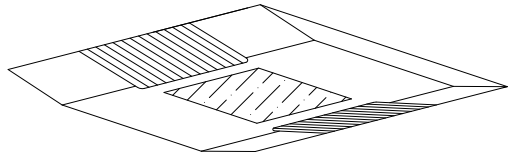
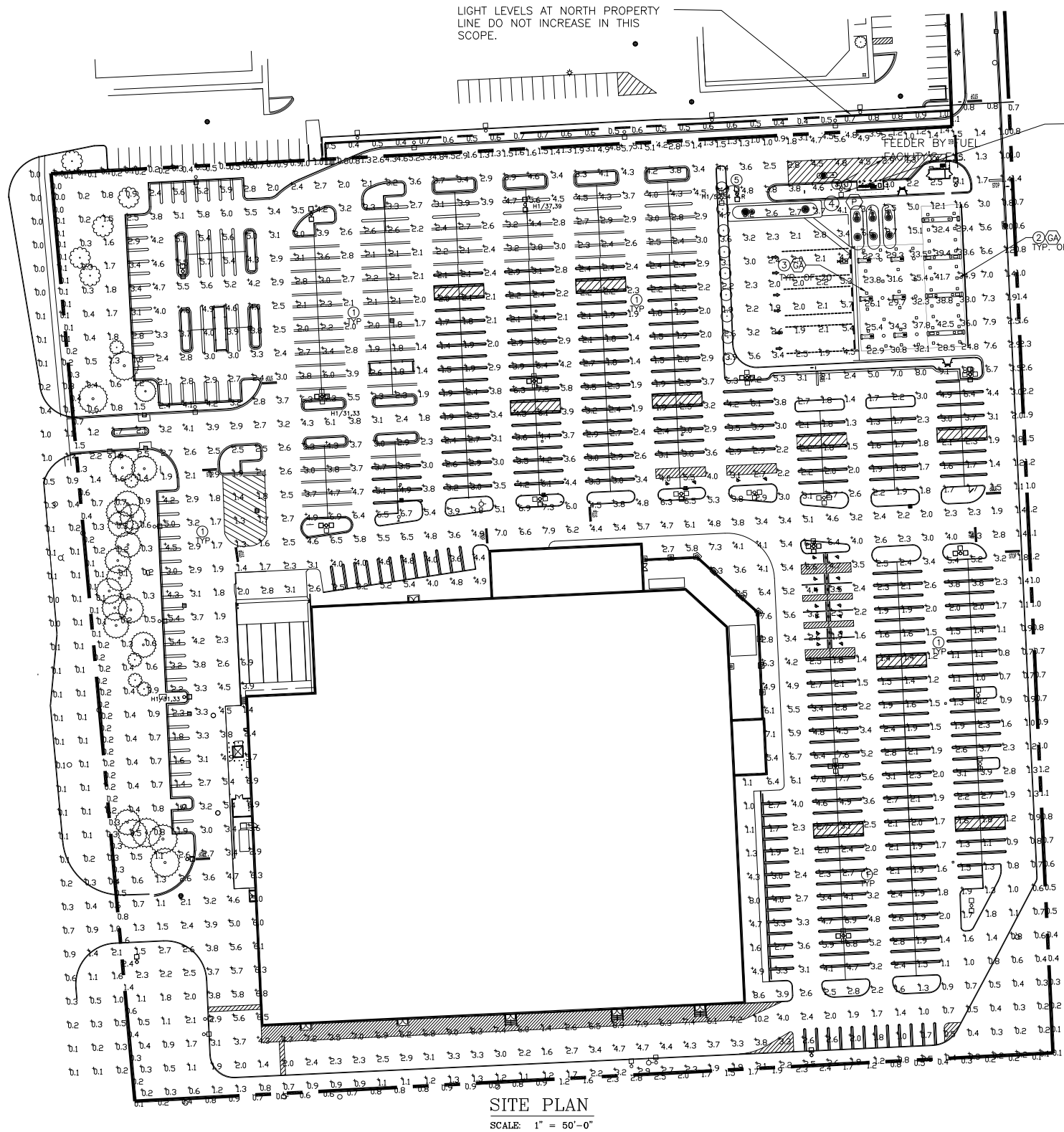
Barghausen  
Consulting Engineers, Inc.  
18215 72nd Avenue South  
Kent, WA 98032  
425.351.6222  
barghausen.com

Job Number  
6319

Sheet  
L-1 of 2





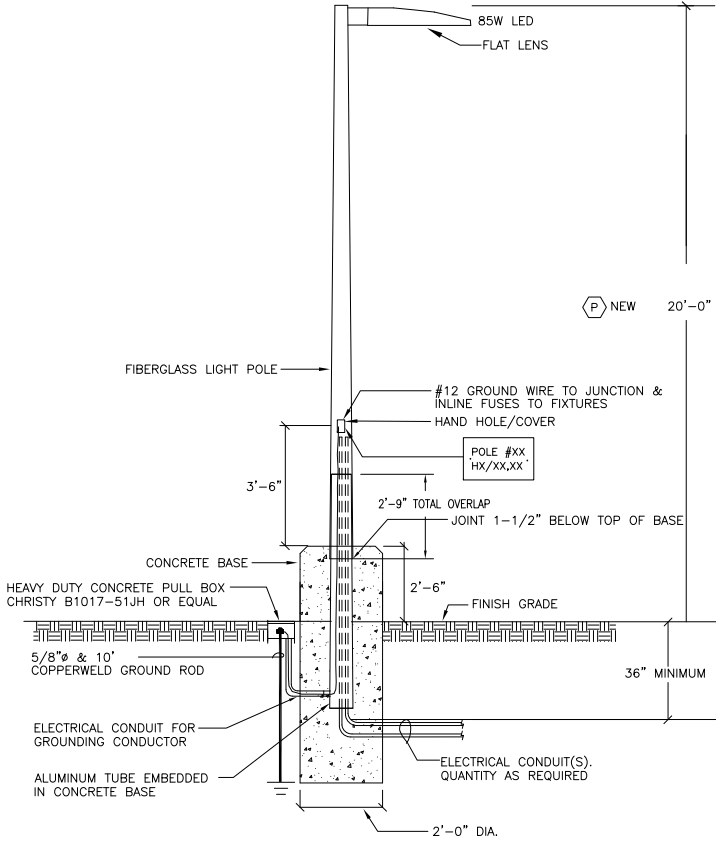


FUEL FACILITY -  
LED (GA)  
NO SCALE

FUEL FACILITY LIGHT W/ SECURITY CAMERA. E.C. TO PROVIDE AND INSTALL POLE & FIXTURE. PROVIDE (2) UNDERGROUND-RECESSED EXPLOSION-PROOF-RATED J-BOXES NEXT TO POLE BASE AND RUN (2) 1" C FROM J-BOXES INTO POLE SHAFT AT HANDHOLE'S HEIGHT. WIRING AND CONTROL ARE BY FUEL FACILITY'S E.C.

**SITE PLAN NOTES**

- 1. EXISTING POLE, BASE FIXTURE AND WIRING TO REMAIN.
- 2. E.C. TO REPLACE EXISTING (22) AT FUEL FACILITY CANOPY.
- 3. E.C. TO PROVIDE NEW (22) FIXTURES AT EXPANDED FUEL FACILITY CANOPY.
- 4. NEW POLE AND FIXTURE. E.C. TO SEAL UNDERGROUND CONDUITS WITHIN 10' OF ENTERING GROUND ON BOTH ENDS. SEAL POLE AND ASSOCIATED J-BOX. PROVIDE EXPLOSION-PROOF-RATED J-BOX AND OTHER ELECTRICAL DEVICES NEAR FUELING FACILITY. REFER TO NEC ARTICLE 514.
- 5. E.C. TO REMOVE AND RELOCATE EXISTING POLE AND FIXTURES. MATCH ROTATION AS SHOWN. DEMOLISH EXISTING BASE, PROVIDE HEAVY DUTY TRAFFIC RATED J-BOX AT EXISTING POLE LOCATION, EXTEND EXISTING FEEDER TO NEW LOCATION. PROVIDE NEW BASE AT NEW LOCATION TO MATCH EXISTING. REPULE WIRE AS REQUIRED.



**NEW POLE DETAIL**  
SCALE: NTS

**LIGHTING FIXTURE SCHEDULE**

ALL LIGHT FIXTURES SHALL HAVE FACTORY INSTALLED DISCONNECTED MEANS PER LATEST NEC CODE					
TYPE	MANUFACTURER	NUMBER	LAMPS	MOUNT	WATT
(P)	COOPER MCGRAW EDISON	GLEON-SA2B-750-U-5NQ-BZ(50K COLOR TEMP.)	LED	VALMONT FIBERGLASS/ FIBERGLASS POLE	85
			REMARKS		
			20'-0" ABOVE FINISHED GRADE. ROUND TAPERED FIBERGLASS/FIBERGLASS POLE (VALMONT COSTCO-100-10-20.0 POLE). NUMBER OF HEADS SHALL BE PER PLAN. SEE DETAIL SHEET SE-1. FIXTURE SHALL BE POWDER PAINTED. ELECTRO-STATIC APPLICATION POLE SHALL HAVE A MIN EPA=10 FOR 100 MPH WIND		

ISSUED FOR QA

CHECKED: ANT/JGM

DRAWN: NV

REVISION DATE:

ISSUE DATE: MAY 2022

ARCHITECT REFERENCE NO:

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PROJECT NO:22-355



**T.E., Inc.**  
830 N. RIVERSIDE DRIVE  
SUITE #200  
RENTON, WA 98057  
PHONE: 425-970-3753  
FAX: 425-970-3756



**FUEL FACILITY EXPANSION**  
WAREHOUSE #393  
30550 STEPHENSON HIGHWAY  
MADISON HEIGHTS, MI 48071



## MEMORANDUM

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Date: May 2, 2022

Project #: 27022

To: Therese Garcia – Costco Real Estate Development

From: Chris Tiesler, PTOE

Project: Madison Heights Costco Gas Expansion

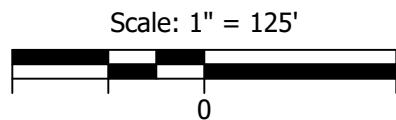
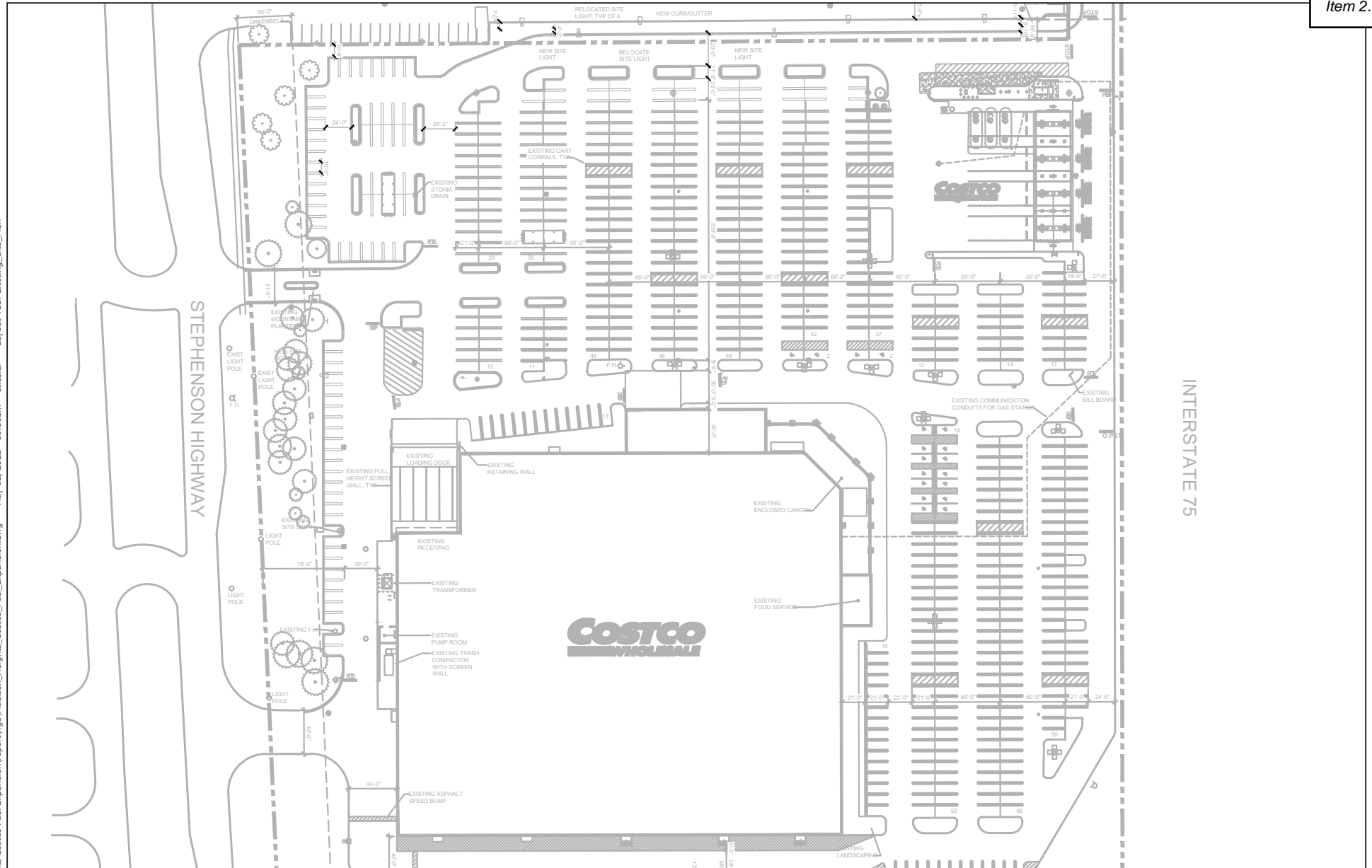
Subject: Trip Generation and Queueing Summary

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Kittelison & Associates, Inc. (Kittelison) has prepared transportation information for the on-site expansion of the existing Costco Gasoline fuel station located at 30550 Stephenson Highway in Madison Heights, Michigan. Of particular focus was the anticipated trip generation expected for the fuel station expansion and the anticipated vehicle circulation and queueing. The existing overall site plan for the Madison Heights Costco and fuel station is provided in **Figure 1**. **Figure 2** shows the proposed site plan for the fuel station expansion.

### PROJECT DESCRIPTION

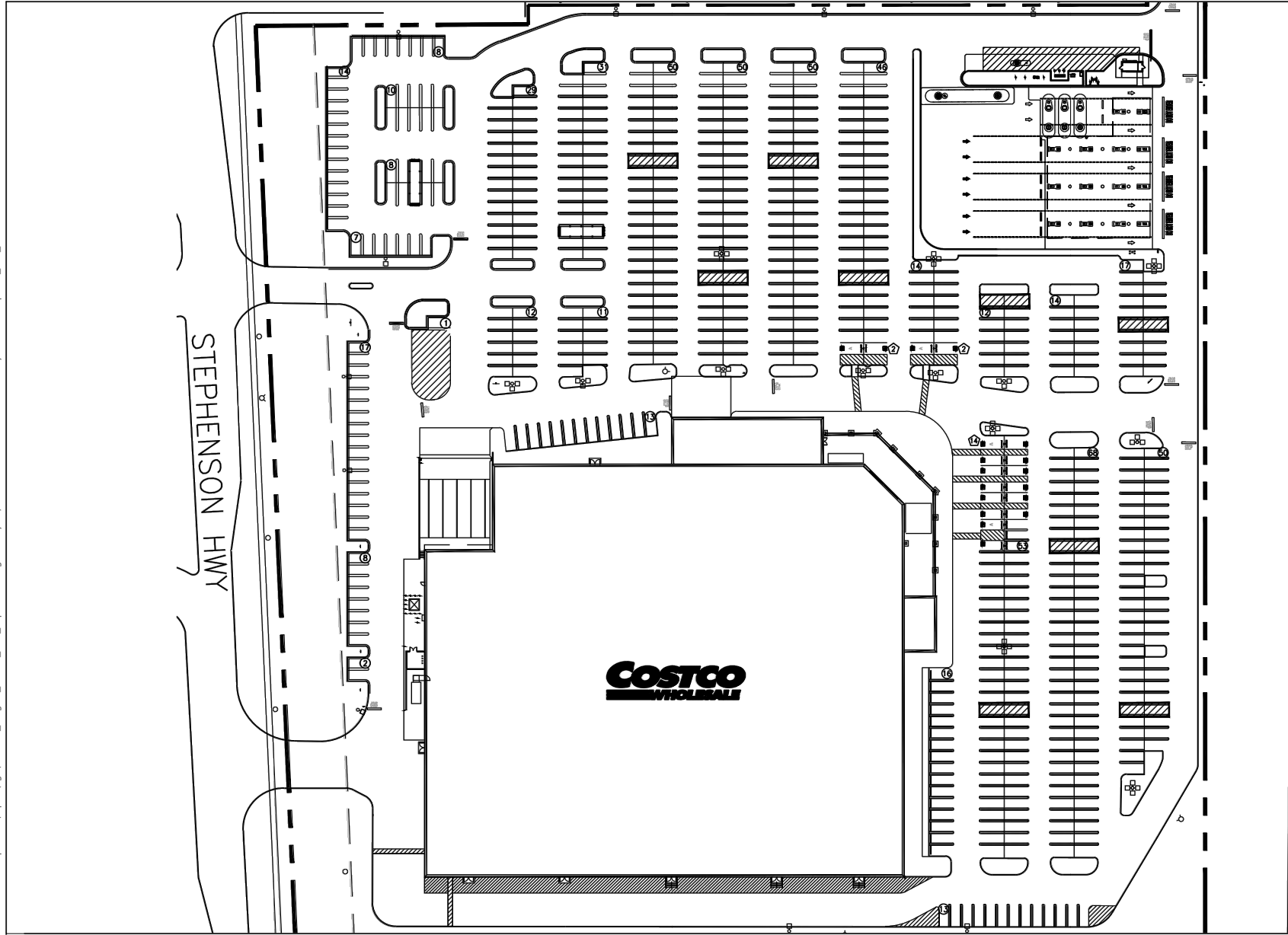
The existing Madison Heights Costco fuel station is in the northeast corner of the site. The fuel station is accessible via Mally Drive and Stephenson Highway. The existing fuel station consists of four islands (eight dispensers) with a total of sixteen (16) fueling positions. The expansion adds an additional two additional dispensers to three of the four islands, providing a new total of 28 vehicle fueling positions. It is anticipated that the expansion will improve the service provided to Costco members who can experience long queues and wait times during peak periods.



Plans dated January 15, 2021,  
from MG2.

Existing Site Plan  
Madison Heights, MI

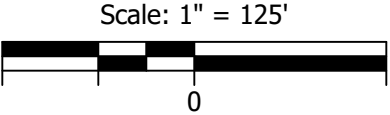
Figure  
1



CHRYSLER FWY

STEPHENSON HWY

**COSTCO**  
WHOLESALE



Plans dated August 19, 2021,  
from Barghausen.

**Proposed Site Plan  
Madison Heights, MI**

**Figure  
2**

## **COSTCO TRIP GENERATION DATABASE**

For more than 20 years, Kittelson has maintained a database of traffic data and travel characteristics for Costco Wholesale, including data about fuel stations. The database contains transportation information such as trip rates, trip type percentages, and parking demand for Costco locations throughout the United States as well as Canada and Mexico. The database is updated periodically each time new Costco traffic counts or other information become available to Kittelson. To best evaluate the anticipated transportation characteristics of the Madison Heights gasoline fuel station expansion, both related database data and data collected on site were used in this study.

The Costco transportation database contains a large quantity of data related to Costco fuel stations. Trip generation rates and trip type information for over 60 Costco Gasoline facilities located throughout the U.S. are included. Costco has invested significant time and effort into developing this use-specific trip generation database for both its warehouses and its fuel stations. Because of membership requirements and the nature of Costco sales, Costco members have unique travel characteristics and patterns which are different from customers of other supermarkets. These unique characteristics and patterns exist in the trip generation for Costco warehouses, Costco Gasoline facilities, and the interaction of trips between the two.

The Costco-specific trip generation data presented herein follows nationally-accepted practices for trip generation data collection as recommended by the Institute of Transportation Engineers (ITE) and presents a robust dataset upon which to confidently and accurately predict the trip generation of the expansion of the Madison Heights gasoline fuel station.

## **MADISON HEIGHTS FUEL STATION EXPANSION TRIP GENERATION ESTIMATE**

In developing a trip generation estimate for the fuel station expansion, it is important to recognize that the fuel station exists on site today and the project is an expansion to this existing use, not the addition of a new use. Since the membership of Costco does not change with the expansion of a fuel facility, the general demand for gas at the Madison Heights Costco would not change. Consequently, it is unlikely that the trip generation of the fuel station will increase directly in proportion to the increased number of fueling positions. Instead, the additional fueling positions will serve to more efficiently and effectively process the current peak demand at the fuel station, thus reducing wait times, vehicle queuing, and vehicle idling.

Kittelson reviewed before and after data from other comparable Costco Gasoline facility expansion sites to determine a representative relationship between new trip generation and the addition of fueling positions to an existing fuel station.



## Before and After Fuel Expansion Data Summary

Kittelson used trip generation counts at seven Costco Gasoline facility locations that have expanded in size to study the relationship between trip generation and the fuel station expansion. These locations include sites where fuel stations have expanded from 16 fueling positions to 22 or 24 fueling positions. The comparable expansion sites identified were:

- Rancho Del Ray, California
- NE San Jose, California
- Concord, California
- Rohnert Park, California
- Cypress, California
- Portland, Oregon
- Tustin II, California

While this expansion will provide 28 fueling positions, the analysis shows that there is not a direct correlation between number of fueling positions and trip generation. As such, using these selected facilities presents a reasonable and conservative comparison of anticipated changes.

To work with a representative sample size, Costco provided fuel transactions collected on an hourly basis for a period before and after the expansion at each of these locations. Only data collected during the same months of the year before and after the expansion were included in this summary (for example, fuel transactions for the months of March and April before the expansion were compared to fuel transactions for the months of March and April after the expansion). The total number of weekday PM peak hour and Saturday midday peak hour trip ends counted for the seven listed sites are provided in **Table 1** and **Table 2**, respectively. Note the total number of trip ends does not reflect any reductions due to internal capture, pass-by, or diverted trips.

**Table 1: Weekday PM Peak Hour Trip Growth**

Location	Average Weekday PM Peak Hour Trips Generated		
	Before Expansion	After Expansion	% Difference
Rancho Del Ray, CA	414	676	63.3%
NE San Jose, CA	474	458	-3.4%
Concord, CA	470	550	17.0%
Rohnert Park, CA	426	498	16.9%
Cypress, CA	472	654	38.6%
Portland, OR	N/A	404	--
Tustin II, CA <sup>1</sup>	N/A	662	--
<b>Average</b>			<b>26.5%</b>

Source: Kittelson & Associates, Inc. 2021

<sup>1</sup> Expansion of this gas stations is from 12 fueling positions to 22 fueling positions

All other examples are expanded from 16 to 24 fueling positions

**Table 2: Saturday Midday Peak Hour Trip Growth**

Location	Saturday Midday Peak Hour Trips Generated		
	Before Expansion	After Expansion	% Difference
Rancho Del Ray, CA	N/A	678	--
NE San Jose, CA	494	686	38.9%
Concord, CA	520	700	34.6%
Rohnert Park, CA	518	606	17.0%
Cypress, CA	514	740	44.0%
Portland, OR	462	616	33%
Tustin II, CA <sup>1</sup>	580	610	5.2%
<b>Average</b>			<b>28.8%</b>

Source: Kittelson & Associates, Inc. 2021

<sup>1</sup> Expansion of this gas stations is from 12 fueling positions to 22 fueling positions. All other examples are expanded from 16 to 24 fueling positions

As shown in **Table 1** and **Table 2**, each of the sites recorded some increase in the number of peak hour fuel transactions. However, the increase found in most situations is significantly less than what would be calculated from a direct linear relationship to the number of additional fueling positions. Using a linear relationship, expanding the fuel station from 16 to 24 fueling positions would equate to an increase in activity or trip generation of 50% and expanding from 16 to 28 positions would equate to an increase of 75%. However, the before and after data show an average increase of 26.5% and 28.8% in fuel transactions during the weekday PM peak hour and Saturday midday peak hour, respectively.

These data demonstrate that increasing the number of fueling positions at the Madison Heights fuel station will not result in a direct linear increase in trip generation. The before and after data capture the change in demand that results from reducing peak hour queues and wait times at the fuel stations due to latent demand and more efficient peak operations. In all cases, peak queues and wait times are significantly reduced. Those members who previously chose not to purchase fuel because of the wait times will likely do so after expansion when the operations are improved.

## Trip Type

The data collected at existing Costco Gasoline gas facilities indicate the trip generation characteristics described below for internal trip capture between the fuel station and the warehouse, as well as pass-by trips and diverted capture from the surrounding street system. The unique nature of Costco operations and its membership requirements result in different trip characteristics than those observed at typical fuel stations summarized in the standard reference *ITE Trip Generation*. The percentages of pass-by or diverted trips at Costco fuel stations is considerably lower than those documented in the *ITE Trip Generation* manual for typical fuel stations. In addition, membership requirements also have a substantial effect on trip internalization (or sharing of trips) between the warehouse and the fuel station. Fewer people exclusively visit a Costco fuel station (in comparison to a typical standalone fuel

station) because they have another primary purpose for visiting the site (that being a trip to the warehouse).

### ***Internal Trips***

A key finding from the studies conducted at Costco facilities is the fact that approximately 34% of the PM peak hour trips to and from Costco fuel stations and 35% of the Saturday midday trips are internal capture trips. Internal capture trips account for those members who patronize both the warehouse and the fuel station during a single visit to the Costco site. As such, although they account for a trip to both the warehouse and the fuel station, they only account for one overall vehicle trip to the site and on the surrounding transportation system. Based on studies including surveys at Costco fuel stations and membership card transaction data, on average 34% and 35% of the members buying gas during the weekday PM and Saturday midday peak hours, respectively, are members whose main purpose to the site is to visit the Costco warehouse. At some sites this number ranges as high as 75%. However, to remain conservative, the average rates are applied to this analysis.

### ***Pass-by Trips***

Another key trip characteristic that must be considered is that of pass-by trip capture. Pass-by trips represent members (and trips) that are currently traveling on the surrounding street network for some other primary purpose (such as a trip from work to home) and stop into the site en route during their normal travel. As such, pass-by trips do not result in a net increase in traffic on the surrounding transportation system and their only effect occurs at the immediate intersections and site access driveways where they become turning movements. Based on studies of customer surveys at Costco Gasoline fuel facilities, on average 37% and 33% of the members buying gas during the weekday PM and Saturday midday peak hours, respectively can be classified as pass-by trip capture from the surrounding street system. This is lower than the average pass-by rate quoted in the ITE *Trip Generation* manual for typical service stations (45%) and is attributable to the unique travel characteristics that result from Costco's membership requirements.

### ***Diverted Trips***

Diverted trips are similar to pass-by trips in that they represent members (and trips) that are currently traveling on the surrounding street network for some other primary purpose and stop into the site en route during their travel. However, as the name indicates, diverted trips divert from the normal roadways they would be traveling on to go to the Costco site. Based on studies of customer surveys at Costco Gasoline fuel facilities, on average 37% and 36% of the members buying gas during the weekday PM and Saturday midday peak hours, respectively, can be classified as diverted trip capture from the surrounding street system.

## Net New Trips

Net new trips represent members (and trips) that are exclusively traveling on the surrounding transportation system with the primary purpose to go to the Costco fuel station. As such, net new trips do affect the surrounding transportation system. The net new trips are calculated by deducting internal, pass-by, and diverted trips from total trips.

## Trip Generation Estimate

The peak hour for trip generation was defined as the analyzed hour during which the most vehicles entered the Madison Heights Costco gasoline fuel station. Arrival data were collected in late October/early November 2021 between 6:00 AM and 9:00 PM and on a typical weekday and Saturday. The weekday PM peak hour was found to occur from 5:20 – 6:20 PM and the Saturday midday peak hour from 1:00 – 2:00 PM. Under existing conditions, the Madison Heights fuel station generates approximately 466 total trip ends (or 233 vehicles) during the weekday PM peak hour, and 458 total trip ends (or 229 vehicles) during the Saturday midday peak hour. This information is included as **Attachment A**.

Kittelson applied the average changes in trip generation presented in **Table 1** and **Table 2** to estimate the expected number of additional total trips. The net new trip generation of the fuel station expansion for the weekday PM peak hour and the Saturday midday peak hour are summarized in **Table 3**.

**Table 3: Madison Heights Costco Gasoline Fuel Station Expansion Trip Generation Estimate**

Trip Type	Weekday PM Peak Hour Trip Ends		Saturday Midday Peak Hour Trip Ends	
	Existing	Expected Increase	Existing	Expected Increase
Total Trip Ends	466	123	458	132
Internal Trips	(158)	(42)	(160)	(46)
(34% PM, 35% SAT)				
Total External Trip Ends	308	81	298	86
Pass-By Trips	(114)	(30)	(98)	(28)
(37% PM, 33% SAT)				
Diverted Trips	(114)	(30)	(107)	(31)
(37% PM, 36% SAT)				
<b>Net New External Trip Ends</b>	<b>80</b>	<b>21</b>	<b>93</b>	<b>27</b>

Source: Kittelson & Associates, Inc. 2021

As can be seen from **Table 3**, the additional fueling positions are estimated to generate approximately 81 additional external weekday PM peak hour total trip ends (41 in, 40 out) and 86 additional external

Saturday midday peak hour total trip ends (43 in, 43 out). However, only 21 (11 in, 10 out) and 27 (14 in, 13 out) trip ends would be net new trips added to the surrounding transportation system during the weekday PM and Saturday midday peak hours, respectively.

## GAS STATION OPERATIONS & QUEUING

### Queueing

As outlined above, the primary purpose of the fuel station expansion is to improve upon the current operations and queuing that the existing facility experiences. While a minimal increase in trips is expected with the expansion, other Costco expansion locations show this increase in trips is greatly outweighed by the benefits of providing more pumps to expedite the processing of vehicles during peak times. All expansion locations were found to have more efficient processing of vehicles, shorter wait times, shorter queues, and less idling after the expansion. For example, average peak period queues have been observed at some Costco Gasoline fuel stations to decrease by 45-50% after expansion. By increasing the amount of fueling positions available to process the fuel station demand by ten (10), a similar reduction in peak period queues and wait times is anticipated at the Madison Heights location.

Existing queuing data were collected in late October/early November 2021 at the Madison Heights Costco Gasoline fuel station between 6:00 AM and 8:00 PM on a typical weekday and a typical Saturday. This information is included as **Attachment B**. For the queuing analysis, the peak hour was aligned with the identified peak hour of trip generation. The weekday PM peak hour was found to occur from 5:20 – 6:20 PM and the Saturday midday peak hour from 1:00 PM – 2:00 PM.

**Table 4** summarizes the existing observed queuing conditions at the fuel station. As shown in the table, similar vehicle queue lengths were observed in the typical weekday PM peak hour as compared to the Saturday midday peak hour. Note that queue lengths were recorded at one-minute intervals – the maximum queue represents the one minute during the peak hour when the queue was greatest.

**Table 4: Existing Peak Hour Queuing\***

	Minimum Queue	Maximum Queue	Average Queue	95 <sup>th</sup> Percentile Queue
Weekday PM Peak Hour	17	34	25	31
Saturday Midday Peak Hour	9	35	24	34

Source: Kittelson & Associates, Inc. 2021

\* Queue: Queued vehicles waiting in line behind the dispensers – do not include vehicles at fueling positions.

Weekday PM peak hour maximum queues from other similar fuel station expansions are compared in **Table 5**. Saturday midday peak hour maximum queues from other similar fuel station expansions are compared in **Table 6** to demonstrate the effect the fuel station expansion has on Saturday midday peak hour queuing.



**Table 5: Weekday PM Peak Hour Maximum Queue - Before & After Data Summary**

Location	Fueling Positions		Maximum Weekday PM Peak Hour Queue (vehicles)		
	Before	After	Before Expansion	After Expansion	% Difference
Rohnert Park, CA	16	24	28	8	-71.4%
Concord, CA	16	24	38	10	-73.7%
NE San Jose, CA	16	24	47	6	-87.2%
Wilsonville, OR	16	24	13	16	23.1%
Cypress, CA	16	24	35	17	-51.4%
<b>AVERAGE</b>					<b>-52.1%</b>

Source: Kittelson & Associates, Inc. 2021

**Table 6: Saturday Midday Peak Hour Maximum Queue - Before & After Data Summary**

Location	Fueling Positions		Maximum Saturday Midday Peak Hour Queue (vehicles)		
	Before	After	Before Expansion	After Expansion	% Difference
Rohnert Park, CA	16	24	39	22	-43.6%
Concord, CA	16	24	41	32	-22.0%
NE San Jose, CA	16	24	47	31	-34.0%
Portland, OR	16	24	35	20	-42.9%
Wilsonville, OR	16	24	35	33	-5.7%
Cypress, CA	16	24	52	19	-63.5%
<b>AVERAGE</b>					<b>-35.2%</b>

Source: Kittelson & Associates, Inc. 2021

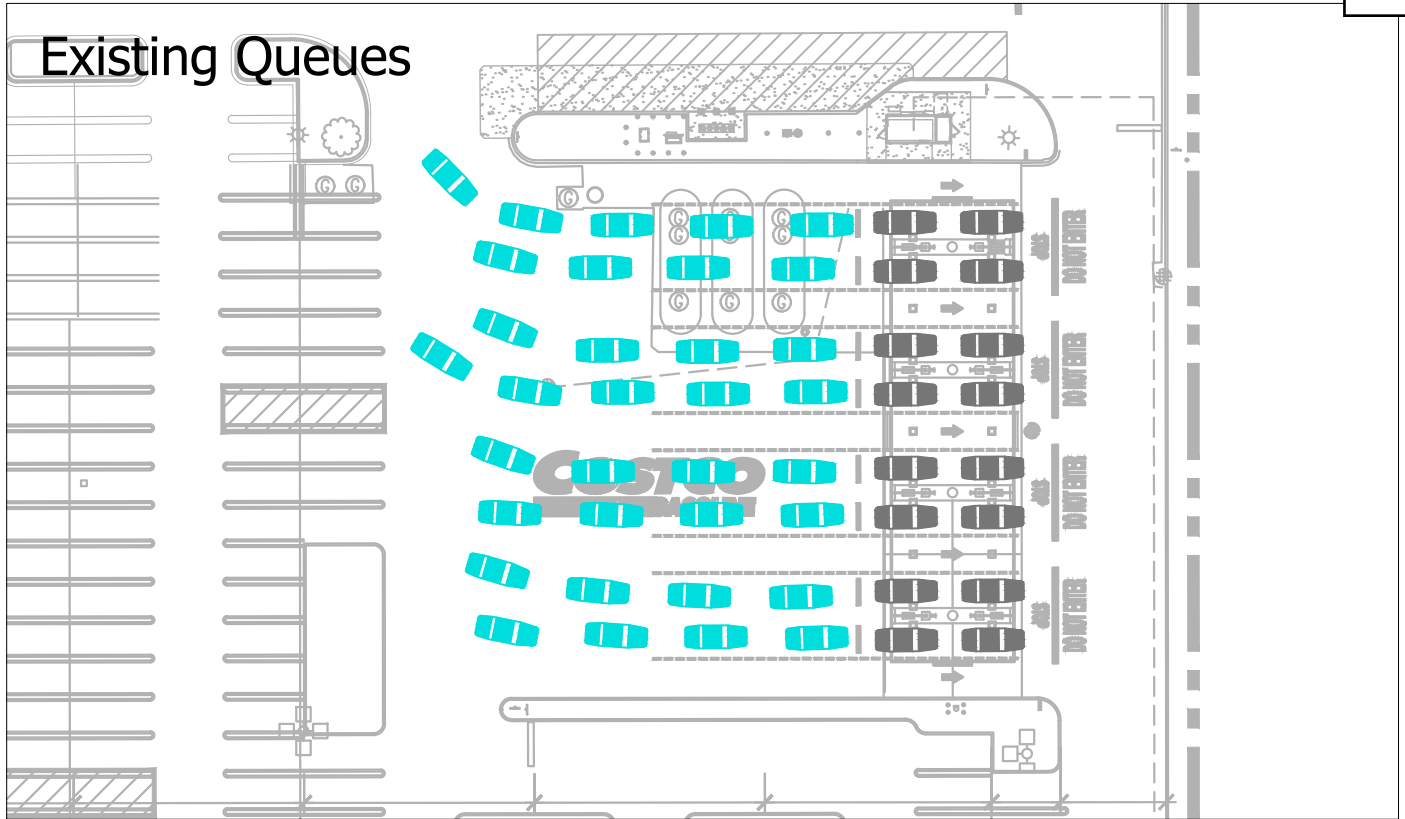
As shown in **Table 5** and **Table 6**, Costco fuel station expansions at similar sites demonstrate a substantial reduction in recorded maximum queues (queued vehicles recorded in one-minute increments) during the peak hours. During the weekday PM peak hour, these sites see a net average *reduction* of 52.1 percent, despite the noted increase in overall trips recorded in the same one-hour period. During the Saturday midday peak hour, these sites see a net average *reduction* of 35.2 percent following expansion.

Applying this average reduction to the observed weekday PM peak hour maximum queue at the Madison Heights fuel station would reduce the maximum observed one-minute queue from 34 vehicles to 16 vehicles. During the Saturday midday peak hour, the maximum queue would be reduced from 35 vehicles to 23 vehicles. These data underscore the fact that adding dispensers to the existing Costco fuel station will reduce wait times, queues, and idling at the Madison Heights fuel station once expanded.

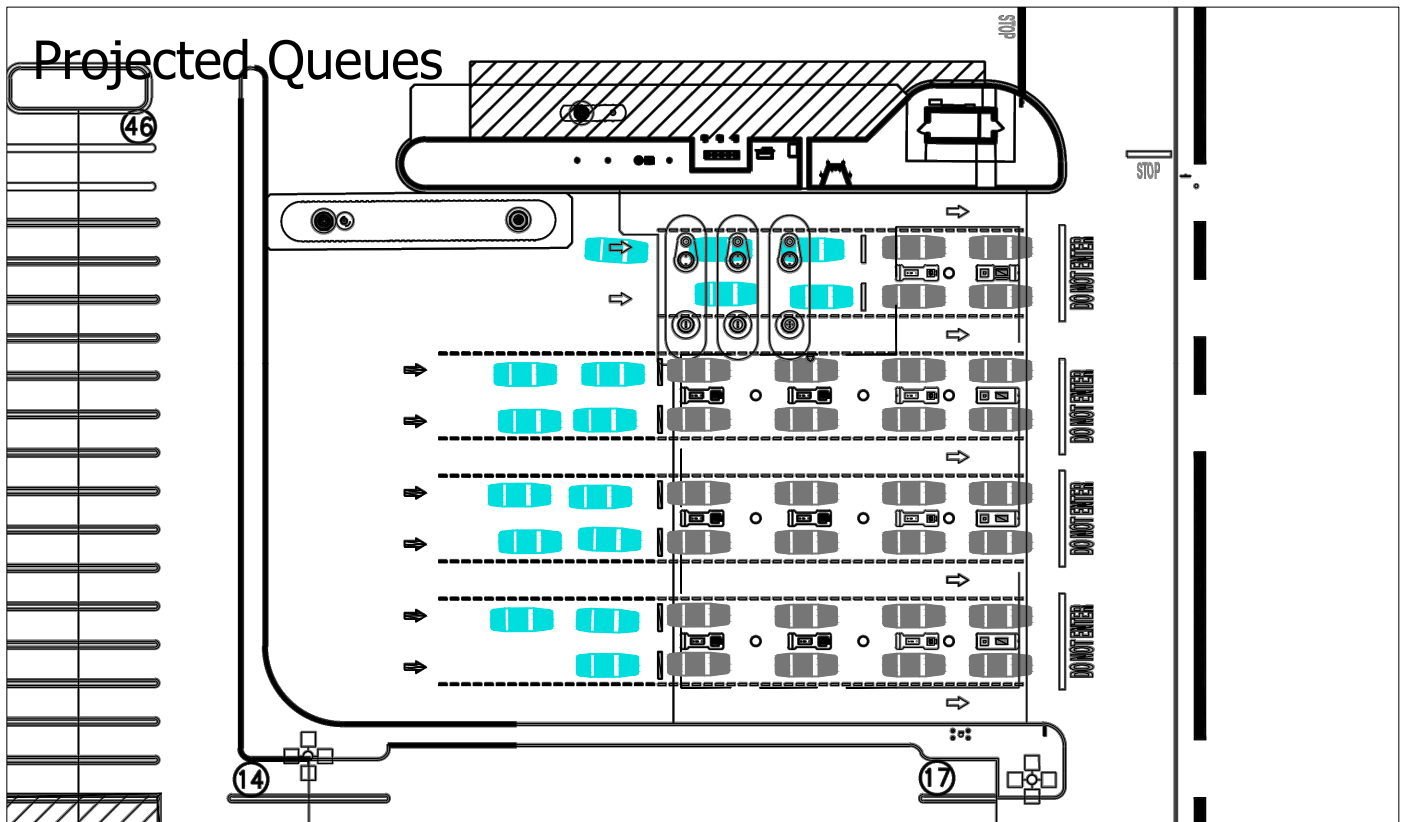
**Figure 3** presents the existing and projected maximum queue during the weekday PM peak hour. **Figure 4** presents the existing and projected maximum queue during the Saturday midday peak hour.

These data indicate adding dispensers to the existing fuel station will reduce wait times, queues, and idling once the station is expanded. As shown on **Figure 3** and **Figure 4**, the proposed maximum queues are projected to be contained well within the fuels station queue area post expansion.

## Existing Queues



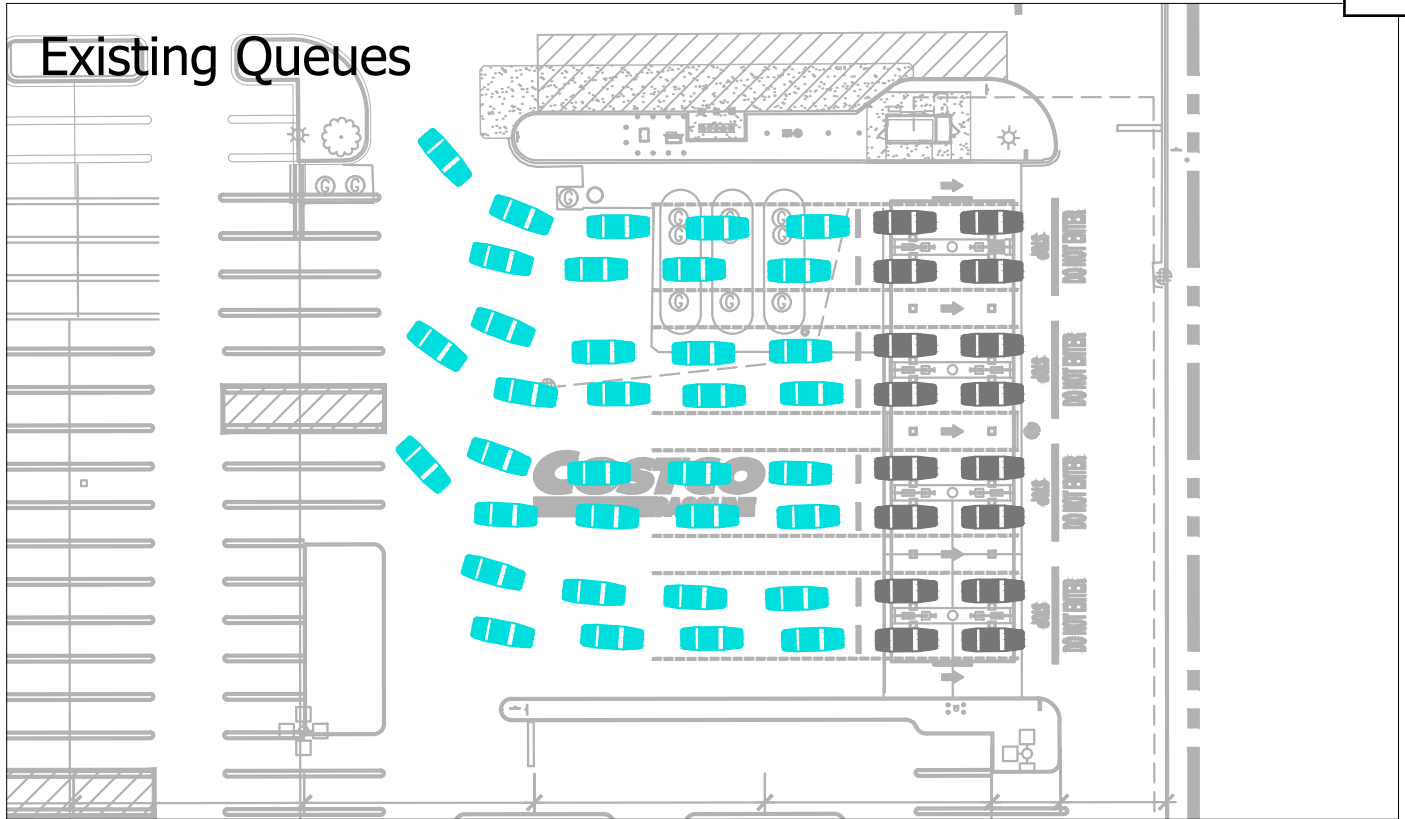
## Projected Queues



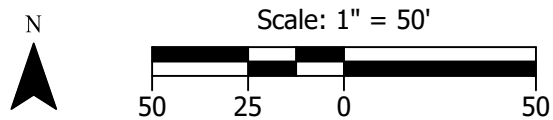
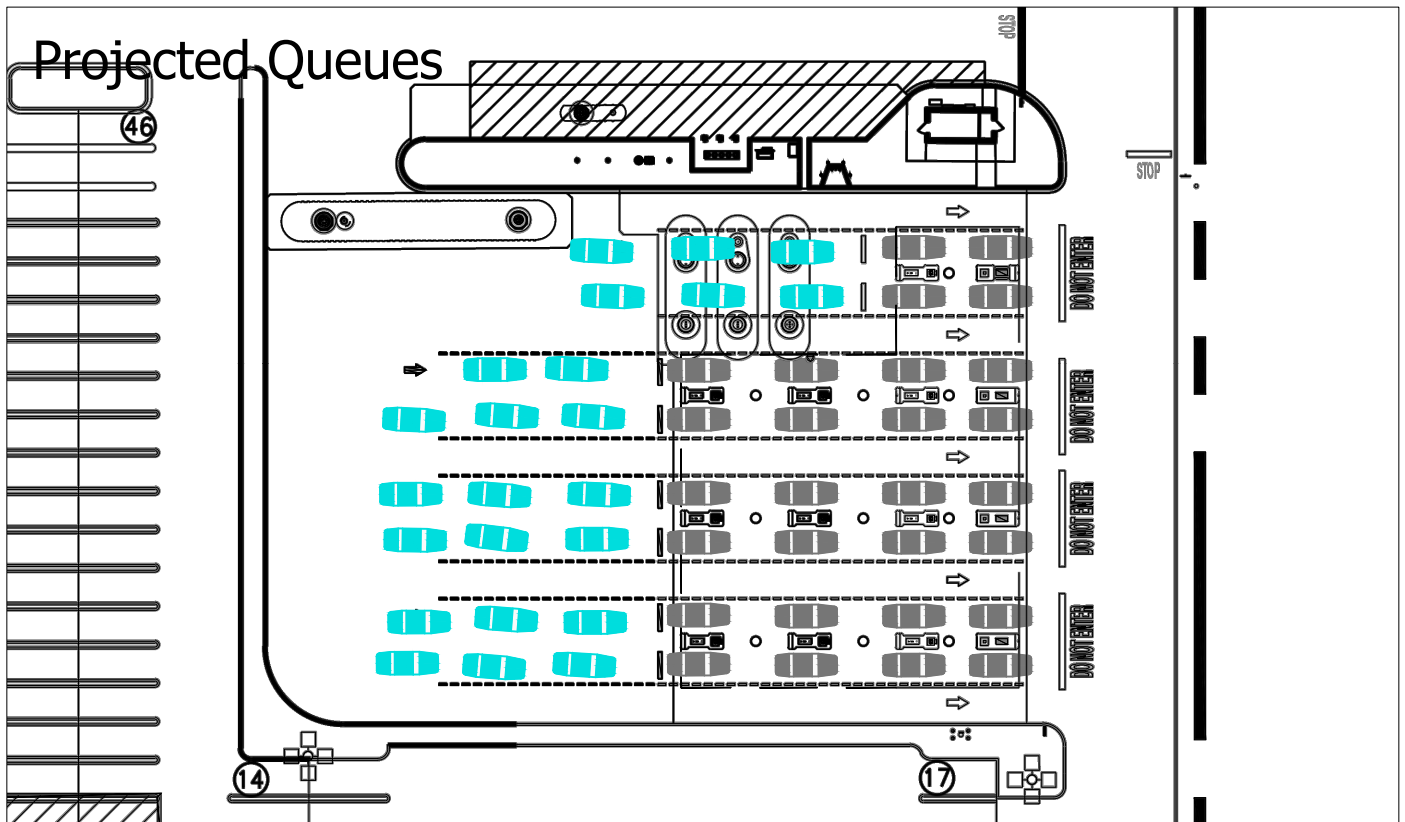
Weekday PM Peak Hour  
Maximum Queue  
Madison Heights, MI

Figure  
3

## Existing Queues



## Projected Queues



Saturday Midday Peak Hour  
Maximum Queue  
Madison Heights, MI

Figure  
4

Similar to opening more cashiers/check-out lanes at a supermarket, the additional “cashiers” available do not determine how many people wait in line but serve to process those waiting in line more efficiently and quickly. Reduced queues and wait times have been consistently observed at expanded Costco fuel stations constructed with a higher number of fueling positions. The average time it takes for a vehicle to fuel does not significantly change by the addition of more fueling positions but because there are more fueling positions available to process vehicles, all expansion locations were found to have overall more efficient processing of vehicles, shorter wait times, shorter queues, and less idling after the expansion.

## CONCLUSION

The Madison Heights Costco gasoline fuel station expansion is anticipated to reduce queues by expediting the processing of vehicles. As with similar Costco Gasoline fuel facility expansion locations, the expansion will process vehicles more efficiently, resulting in shorter wait times, shorter queues, and less vehicle idling time.

The Costco-specific trip generation data presented herein follow nationally-accepted practices for trip generation data collection as recommended by ITE and present a robust dataset upon which to confidently and accurately predict the trip generation of the fuel station expansion.

The analysis shows that queues can be contained within proposed available storage. Should additional information be necessary to understand the anticipated effects of the fuel station expansion, please contact us at [ctiesler@kittelsohn.com](mailto:ctiesler@kittelsohn.com), or 571-384-2943.

**Attachment A**  
Madison Heights Costco Gas Station  
Trip Generation & Queueing Data





Location: Madison Heights

Date: 10/30/2021

Site Code: 15578904

Start Time	Ins
6:00 AM	5
6:05 AM	6
6:10 AM	8
6:15 AM	2
6:20 AM	2
6:25 AM	7
6:30 AM	2
6:35 AM	1
6:40 AM	7
6:45 AM	8
6:50 AM	10
6:55 AM	8
7:00 AM	3
7:05 AM	9
7:10 AM	8
7:15 AM	4
7:20 AM	9
7:25 AM	6
7:30 AM	8
7:35 AM	15
7:40 AM	8
7:45 AM	8
7:50 AM	10
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9:00 AM	16
9:05 AM	18
9:10 AM	27
9:15 AM	23
9:20 AM	24
9:25 AM	19
9:30 AM	18

9:35 AM	20
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4:45 PM	17
4:50 PM	13
4:55 PM	19
5:00 PM	17
5:05 PM	19
5:10 PM	16
5:15 PM	14
5:20 PM	22
5:25 PM	14
5:30 PM	20
5:35 PM	14
5:40 PM	18
5:45 PM	15
5:50 PM	19
5:55 PM	20
6:00 PM	25
6:05 PM	25
6:10 PM	21
6:15 PM	17
6:20 PM	20
6:25 PM	19
6:30 PM	15
6:35 PM	9
6:40 PM	11
6:45 PM	17
6:50 PM	15

6:55 PM	10
7:00 PM	8
7:05 PM	10
7:10 PM	6
7:15 PM	12
7:20 PM	10
7:25 PM	7
7:30 PM	5
7:35 PM	9
7:40 PM	2
7:45 PM	7
7:50 PM	5
7:55 PM	2
<b>Total</b>	<b>2552</b>







**Site Code:** 15578902

**Location:** Madison Heights

**Date:** 10/30/2021

**Time:** 6:00 AM - 8:00 PM

Time	Queue	Time	Queue	Time	Queue	Time	Queue	Time	Queue	Time	Queue	Time	Queue
6:00 AM	0	8:00 AM	1	10:00 AM	21	12:00 PM	29	2:00 PM	24	4:00 PM	32	6:00 PM	35
6:01 AM	1	8:01 AM	1	10:01 AM	16	12:01 PM	31	2:01 PM	27	4:01 PM	31	6:01 PM	37
6:02 AM	0	8:02 AM	1	10:02 AM	16	12:02 PM	29	2:02 PM	28	4:02 PM	30	6:02 PM	31
6:03 AM	0	8:03 AM	0	10:03 AM	15	12:03 PM	27	2:03 PM	32	4:03 PM	32	6:03 PM	33
6:04 AM	0	8:04 AM	0	10:04 AM	13	12:04 PM	26	2:04 PM	30	4:04 PM	31	6:04 PM	35
6:05 AM	0	8:05 AM	1	10:05 AM	13	12:05 PM	28	2:05 PM	29	4:05 PM	33	6:05 PM	32
6:06 AM	0	8:06 AM	0	10:06 AM	9	12:06 PM	27	2:06 PM	25	4:06 PM	29	6:06 PM	28
6:07 AM	0	8:07 AM	0	10:07 AM	8	12:07 PM	29	2:07 PM	29	4:07 PM	28	6:07 PM	33
6:08 AM	0	8:08 AM	0	10:08 AM	8	12:08 PM	29	2:08 PM	31	4:08 PM	30	6:08 PM	31
6:09 AM	0	8:09 AM	2	10:09 AM	9	12:09 PM	31	2:09 PM	33	4:09 PM	33	6:09 PM	32
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6:11 AM	0	8:11 AM	2	10:11 AM	6	12:11 PM	34	2:11 PM	36	4:11 PM	31	6:11 PM	33
6:12 AM	0	8:12 AM	0	10:12 AM	5	12:12 PM	32	2:12 PM	35	4:12 PM	32	6:12 PM	36
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7:18 AM	0	9:18 AM	13	11:18 AM	34	1:18 PM	23	3:18 PM	26	5:18 PM	39	7:18 PM	0
7:19 AM	0	9:19 AM	16	11:19 AM	29	1:19 PM	20	3:19 PM	28	5:19 PM	38	7:19 PM	0
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7:41 AM	3	9:41 AM	26	11:41 AM	36	1:41 PM	21	3:41 PM	25	5:41 PM	34	7:41 PM	0
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7:45 AM	0	9:45 AM	19	11:45 AM	28	1:45 PM	26	3:45 PM	26	5:45 PM	42	7:45 PM	0
7:46 AM	0	9:46 AM	25	11:46 AM	31	1:46 PM	27	3:46 PM	32	5:46 PM	40	7:46 PM	0

7:47 AM	0	9:47 AM	25	11:47 AM	29	1:47 PM	28	3:47 PM	30	5:47 PM	38	7:47 PM	0
7:48 AM	0	9:48 AM	21	11:48 AM	26	1:48 PM	23	3:48 PM	30	5:48 PM	32	7:48 PM	0
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7:56 AM	1	9:56 AM	20	11:56 AM	31	1:56 PM	26	3:56 PM	29	5:56 PM	30	7:56 PM	0
7:57 AM	2	9:57 AM	20	11:57 AM	29	1:57 PM	20	3:57 PM	31	5:57 PM	38	7:57 PM	0
7:58 AM	3	9:58 AM	23	11:58 AM	33	1:58 PM	23	3:58 PM	32	5:58 PM	38	7:58 PM	0
7:59 AM	3	9:59 AM	21	11:59 AM	29	1:59 PM	23	3:59 PM	31	5:59 PM	35	7:59 PM	0



Location: Madison Heights

Date: 11/2/2021

Site Code: 15578903

Start Time	Ins
6:00 AM	8
6:05 AM	4
6:10 AM	9
6:15 AM	10
6:20 AM	7
6:25 AM	11
6:30 AM	6
6:35 AM	7
6:40 AM	11
6:45 AM	5
6:50 AM	14
6:55 AM	7
7:00 AM	8
7:05 AM	13
7:10 AM	10
7:15 AM	9
7:20 AM	14
7:25 AM	12
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8:45 AM	21
8:50 AM	17
8:55 AM	18
9:00 AM	25
9:05 AM	23
9:10 AM	14
9:15 AM	15
9:20 AM	20
9:25 AM	16
9:30 AM	9



9:35 AM	18
9:40 AM	20
9:45 AM	19
9:50 AM	18
9:55 AM	23
10:00 AM	17
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7:15 PM	14
7:20 PM	21
7:25 PM	21
7:30 PM	13
7:35 PM	21
7:40 PM	14
7:45 PM	14
7:50 PM	21
7:55 PM	14
<b>Total</b>	<b>2833</b>





**Site Code:** 15578901

**Location:** Madison Heights

**Date:** 11/2/2021

**Time:** 6:00 AM - 8:00 PM

Time	Queue	Time	Queue	Time	Queue	Time	Queue	Time	Queue	Time	Queue	Time	Queue
6:00 AM	1	8:00 AM	1	10:00 AM	8	12:00 PM	11	2:00 PM	28	4:00 PM	32	6:00 PM	28
6:01 AM	4	8:01 AM	2	10:01 AM	5	12:01 PM	11	2:01 PM	27	4:01 PM	33	6:01 PM	28
6:02 AM	2	8:02 AM	4	10:02 AM	7	12:02 PM	9	2:02 PM	31	4:02 PM	28	6:02 PM	28
6:03 AM	3	8:03 AM	2	10:03 AM	7	12:03 PM	12	2:03 PM	30	4:03 PM	24	6:03 PM	28
6:04 AM	4	8:04 AM	3	10:04 AM	4	12:04 PM	14	2:04 PM	31	4:04 PM	26	6:04 PM	27
6:05 AM	1	8:05 AM	4	10:05 AM	4	12:05 PM	16	2:05 PM	30	4:05 PM	32	6:05 PM	19
6:06 AM	0	8:06 AM	3	10:06 AM	4	12:06 PM	13	2:06 PM	34	4:06 PM	34	6:06 PM	18
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## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 9/12/22

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

**AGENDA ITEM CONTENT:** Cassia Jackson - Decline to fill Library Advisory Board Alternate Seat

**AGENDA ITEM SECTION:** Consent Agenda

**BUDGETED AMOUNT:**

**FUNDS REQUESTED:**

**FUND:**

**EXECUTIVE SUMMARY:**

At the August 22, 2022 Regular City Council meeting, City Council appointed Cassia Jackson as an Alternate on the Library Advisory Board with a term to expire 8/31/23. She has contacted the City to inform us that she has moved to Oak Park. She is no longer eligible to serve on this board and has declined the position. If Council chooses to make an alternate appointment, there are two applicants. Their applications are attached.

**RECOMMENDATION:**

Staff recommends declaring the Alternate position vacant on the Library Advisory Board.

**Cheryl Rottmann**

**From:** noreply@civicplus.com  
**Sent:** Wednesday, July 27, 2022 10:34 AM  
**To:** Clerk; Amy Mischak  
**Subject:** Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

## City of Madison Heights Application for Boards and/ or Commissions

### Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)

Downtown Development Authority / Brownfield Redevelopment Authority, Historical Commission, Library Advisory Board, Parks & Recreation Advisory Board

Indicate below why you wish to serve on this Board/Commission and your relevant experience:

I don't have any relevant experience, but I have a desire to serve my community and these boards/commissions best align with my passions.

Do you currently serve on any other Boards/Commissions?

No

Last Name Cobb

First Name Nicholas

Street Address 1836 Millard Ave

Email Address

Home Phone #

Business/Cell Phone #

Employer The Loan Store, Inc

Occupation Senior Mortgage Underwriter

Educational Background B.S. of Mathematics from Central Michigan University

Community Activities Senior Mortgage Underwriter at The Loan Store, Inc from Oct

and / or Work Experience

2020 to present

Senior Mortgage Underwriter at UWM from Aug 2017 to Oct  
2020

*Item 3.*



Cheryl Rottmann

**From:** noreply@civicplus.com  
**Sent:** Tuesday, February 15, 2022 6:31 PM  
**To:** Clerk; Amy Mischak  
**Subject:** Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

City of Madison Heights Application for Boards and/ or Commissions

Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)	Arts Board, Library Advisory Board
Indicate below why you wish to serve on this Board/Commission and your relevant experience:	As an ex-teacher who now works in IT, I miss being involved in a community that promotes learning and love of the arts and culture. I am an exceptional “cat herder,” organizer and administrator with a background in theatrical performance and design, cosplay, gardening, and want to see the brilliant creations of my neighbors make a splash in southeast Michigan. I am also interested in serving our public library, which has been a treasure to me over the last few years as I navigated a period of unemployment and retraining.
Do you currently serve on any other Boards/Commissions?	No
Last Name	Nagle

First Name	Jennifer Nagle
Street Address	30187 Alger Blvd
Email Address	[REDACTED]
Home Phone #	[REDACTED]
Business/Cell Phone #	[REDACTED]
Employer	MadDog Technology
Occupation	Business Analyst
Educational Background	Secondary Education Teacher, certified in History, English Literature, and Theater. Specializations included building reading comprehension, literary analysis, costume design, stage management, the Middle Ages, and the American Revolutionary Era.
Community Activities and / or Work Experience	Work Experience can be found here: <a href="https://www.linkedin.com/in/jrnagle1">https://www.linkedin.com/in/jrnagle1</a> I am also a member of the Makerspace at i3Detroit and volunteered extensively at a number of science fiction and fantasy literature conventions, something I would *love* to see brought to Madison Heights.



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 9/12/22

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

**AGENDA ITEM CONTENT:** Lisa Lenart-Cynowa - Resignation from the Crime Commission

**AGENDA ITEM SECTION:** Consent Agenda

**BUDGETED AMOUNT:** n/a

**FUNDS REQUESTED:**

**FUND:**

**EXECUTIVE SUMMARY:**

Lisa Lenart-Cynowa has submitted her resignation from the Crime Commission.

**RECOMMENDATION:**

Staff recommends Council accept the resignation and declare the seat vacant.

## Cheryl Rottmann

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**From:** Melissa Marsh  
**Sent:** Friday, September 9, 2022 9:14 AM  
**To:** Cheryl Rottmann  
**Subject:** Fwd: Letter of Resignation - August 24, 2022

See attached

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**From:** Melissa Marsh  
**Sent:** Wednesday, August 24, 2022 4:10:26 PM  
**To:** Corey Haines <CoreyHaines@madison-heights.org>  
**Subject:** FW: Letter of Resignation - August 24, 2022

FYI. We will be placing this on the upcoming City Council agenda to accept the resignation and declare the seat vacant.

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**From:** ed cynowa <edcynowa@yahoo.com>  
**Sent:** Wednesday, August 24, 2022 4:02 PM  
**To:** Roslyn Grafstein <RoslynGrafstein@Madison-Heights.org>; Mark Bliss <MarkBliss@Madison-Heights.org>; Sean Fleming <SeanFleming@Madison-Heights.org>; Toya Aaron <ToyaAaron@Madison-Heights.org>; Quinn Wright <QuinnWright@Madison-Heights.org>; Emily Rohrbach <EmilyRohrbach@Madison-Heights.org>; David Soltis <DavidSoltis@Madison-Heights.org>  
**Cc:** Melissa Marsh <MelissaMarsh@Madison-Heights.org>; edcynowa@yahoo.com  
**Subject:** Letter of Resignation - August 24, 2022

Dear Honorable Mayor Grafstein and Members of the City Council,

Please accept my resignation from the City of Madison Heights Crime Commission Board effective immediately. I have been honored to serve on the board from both 2019 - 2020, and again after its reincarnation on May 24, 2021. However, I no longer believe the Crime Commission Board is able to fulfill the entire scope of its purpose and function to the City Council or the residents of Madison Heights.

At our initial meeting of the new Crime Commission Board I was elected Chairperson for a period of one year, June 2021 to June 2022. I took this role very seriously and helped to create agendas that ensured common knowledge and understanding of our mission, goals and code of conduct as laid out by City Council. With that in mind, I initiated a motion to create and accept a strategic plan for the board. The board voted and accepted a plan that included:

- 1) Education
- 2) Communication
- 3) Community Collaboration

We held a brainstorming session for each of these three pillars and divided into smaller working groups to organize our thoughts and ideas, coming back to the group as a whole to suggest a starting point for the groups efforts.

The Board voted to begin our focus on our Mission Statement and how we will communicate with residents in order to educate, promote collaboration, hear concerns and build relationships between the PD and residents. We voted and accepted our written scope of purpose and function, as our Mission Statement. We then voted and agreed to utilize a Facebook page, community billboards and local newspapers to provide written communication with residents, including our Mission Statement, purpose & function. We also discussed making ourselves available at community programs and events, both hosted by the Crime Commission and other City groups.

However, at our most recent meeting, 8/23/22, the Chairperson reported that she had looked at the algorithms of the other city Boards facebook pages and did not feel an independent facebook page by the Crime Commission was

necessary. The Chair, and Chief of Police then advised the Crime Commission would be able give our written communications to the Police Department and City Clerk to put on thier Facebook pages. The group of 5 members present voted to this change in our plan, and before any discussion, it was passed, by a vote of 3 -2.

I expressed my concerns that the Crime Commission is not part of the Police Department, but works for the City Council and utilizes the Police Department/Chief as a resource and expertise as to thier needs and goals of thier department. I explained that without an independant form of communication with residents we are not likely to fulfill our scope that includes:

***(1) The purpose and function of the city crime commission is to serve in an advisory capacity to the City Council and to study crime in the city, to make recommendations for its prevention and elimination and to develop citizen cooperation in law enforcement.***

***(2) This purpose shall include periodic contacts by the commission with members of the community such as school,business and neighborhood leaders as well as police department personnel.***

***(3) The Commission shall serve to provide good communication and education within the community regarding law enforcement and crime prevention.***

***(4) The commission can recommend any changes to the City Council. The commission can also be available to receive citizen questions and complaints about crime.***

***(5) Advise on educational programs and events to promote crime prevention.***

***(6) To work with outside groups to build relationships between the Police Department and marginalized residents.***

Without an indepenant source of communication, I do not believe the Crime Commision will build the trust and respect of the residents of Madison Heights. We are asking our community to be honest and transparent about their questions/concerns and issues, as related to crime in our community and relationship with law enforcement. If we are to communicate under the scrutiny of the Police Department or City Clerk, we will not be perceived as an authentic entity appointed by City Council to perform our duties for growth and positive change.

I served in Federal Government and law enforcement for 28 years and have learned above all, communication, postitive reinforcement, transparncey and accountability are the only ways to effectively change behavior and attitudes.

Thank you for the opportunity to have served my community. I will continue to seek opportunities for future service.

Sincerely,

Lisa Lenart-Cynowa

City Council Special Meeting  
Madison Heights, Michigan  
August 22, 2022

A City Council Special Meeting was held on Monday, August 22, 2022 at 6:30 PM at Fire Station #1 Training Room, 31313 Brush St.

## **ROLL CALL**

### **PRESENT**

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

### **ABSENT**

Councilman Sean Fleming

### **OTHERS PRESENT**

City Manager Melissa Marsh  
Assistant City Attorney J. Sherman  
City Clerk Cheryl Rottmann

### **CM-22-251. Excuse Councilmember.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to excuse Councilman Fleming from tonight's meeting.

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

Absent: Councilman Fleming

Motion Carried.

## **MEETING OPEN TO THE PUBLIC**

There were no members of the public wishing to speak.

### **CM-22-252. Attorney Client Communication - which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.**

Mayor Grafstein asked for a motion to go into Closed Session at 6:33 p.m.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to enter into Closed Session to discuss an Attorney Client Communication - which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.



Roll Call Vote:

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

Absent: Councilman Fleming

Motion Carried.

## **ADJOURNMENT**

Mayor Grafstein adjourned the meeting at 7:25 p.m.

City Council Regular Meeting  
Madison Heights, Michigan  
August 22, 2022

A City Council Regular Meeting was held on Monday, August 22, 2022 at 7:30 PM at Fire Station 1 Training Room - 31313 Brush Street

**PRESENT**

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

**ABSENT**

Councilman Sean Fleming

**ALSO PRESENT**

Melissa Marsh, City Manager  
Assistant City Attorney J. Sherman  
City Clerk Cheryl Rottmann

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

**CM-22-253. Excuse Councilmember.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to excuse Councilman Fleming from tonight's meeting.

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

Absent: Councilman Fleming

Motion carried.

**CM-22-254. Madison Heights Community Coalition Update.**

Madison Heights Community Coalition Executive Director Kim Heisler and staff member Anthony Leverett provided a presentation to City Council regarding the MHCC vision, updates, and action plan for the upcoming school year.

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

Crime Commission Chairperson Martha Covert announced that Attorney General Nessel will be speaking on consumer fraud protection on September 6<sup>th</sup>. The Crime Commission is also planning a canine visit for the community and their goal is to bring the community and police together. She expressed her concern with the DTE outages. Mayor Grafstein stated that Council and staff are very aware of the DTE outages. We expect to have daily access to reliable electricity. Occasionally it is annoying, but it has become excessive; the outages are taking a toll financially, create health hazards, and even cause people to have to find alternate work environments. Staff is having a meeting with DTE this week to address the matter and the City is doing what they can.

### **CM-22-255. Sandra Quackenbush - Resignation from the Human Relations & Equity Commission and Parks & Recreation Advisory Board.**

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to accept the resignation of Sandra Quackenbush from the Human Relations & Equity Commission and Parks & Recreation Advisory Board, declare the seats vacant, and issue a Certificate of Appreciation for her service.

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

Absent: Councilman Fleming

Motion carried.

### **CM-22-256. Consent Agenda Policy.**

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to adopt the Consent Agenda Policy to be effective September 12, 2022, as presented.

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

Absent: Councilman Fleming

Motion carried.

### **CM-22-257. Special Event - Cyclocross Race.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to approve the Cyclocross Bike Race on September 29 - October 1, 2022; subject to compliance with the Policy on Uniform Insurance Requirements for Special Events, and authorize the Mayor and City Clerk to sign the Park Use Agreement on behalf of the City.

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

Absent: Councilman Fleming

Motion carried.

**CM-22-258. Boards and Commission Appointments.****Active Adult Center Advisory Board**

Motion by Councilor Wright, Seconded by Councilor Rohrbach, to appoint Margaret Topping as a Regular member to the Active Adult Center Advisory Board with a term to expire August 31, 2025.

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

Absent: Councilman Fleming

Motion carried.

**Arts Board**

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to appoint the following to the Arts Board:

Name:	Term Type:	Term Expiration:
Jennifer Nagle	Regular	08-31-25
Ahnalee Basler	Regular	08-31-25
Jennifer Zmarzlik	Regular	08-31-23
Jillian Sweet	Alternate	08-31-24
Amy Lewis	Alternate	08-31-23

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

Absent: Councilman Fleming

Motion carried.

**Construction Board of Appeals**

Motion by Mayor Pro Tem Bliss, Seconded by Councilman Soltis, to appoint Brad Brickel to the Construction Board of Appeals with a term to expire August 31, 2024.

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

Absent: Councilman Fleming

Motion carried.

**Crime Commission**

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Wright, to appoint Alexandra Iaquinto as an Alternate member to the Crime Commission with a term to expire August 31, 2024.

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

Absent: Councilman Fleming

Motion carried.

Elected Officials Compensation Commission

Motion by Mayor Pro Tem Bliss, Seconded by Councilman Soltis, to appoint Jennifer Zmarzlik to the Elected Officials Compensation Commission with a term to expire August 31, 2029.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss, Councilor Rohrbach, Councilman Soltis, Councilor Wright  
 Absent: Councilman Fleming  
 Motion carried.

Environmental Citizens Committee

Motion by Councilor Rohrbach, Seconded by Councilor Wright, to appoint Anthony Klepacki as a Regular member to the Environmental Citizens Committee with a term to expire February 28, 2024.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss, Councilor Rohrbach, Councilman Soltis, Councilor Wright  
 Absent: Councilman Fleming  
 Motion carried.

Historical Commission

Motion by Mayor Pro Tem Bliss, Seconded by Councilman Soltis, to appoint the following to the Historical Commission:

Name:	Term Type:	Term Expiration:
Nicholas Cobb	Regular	02-28-23
Kevin Wright	Regular	02-28-24

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss, Councilor Rohrbach, Councilman Soltis, Councilor Wright  
 Absent: Councilman Fleming  
 Motion carried.

Human Relations and Equity Commission

Motion by Councilor Rohrbach, Second by Councilor Wright to appoint the following to the Human Relations and Equity Commission:

Name:	Term Type:	Term Expiration:
Paige Szymanski	Regular	08-31-24
Amy Pugh	Regular	08-31-24
Marie Urban	Regular	08-31-23
Emily Reetz	Regular	08-31-23

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

Absent: Councilman Fleming

Motion carried.

Library Advisory Board

Motion by Councilwoman Aaron, Second by Mayor Pro Tem Bliss, to appoint the following to the Library Advisory Board:

Name:	Term Type:	Term Expiration:
Deborah Shepherd	Regular	08-31-24
Kristina Mentzer	Regular	08-31-24
Jeffrey Scott	Regular	08-31-23
William Meir	Regular	08-31-24
Anjela Freeman	Regular	08-31-24
Amanda May	Regular	08-31-23
Cassia Jackson	Alternate	08-31-23

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

Abstain: Councilor Rohrbach

Absent: Councilman Fleming

Motion carried.

Parks and Recreation Advisory Board

Motion by Councilor Rohrbach, Second by Councilwoman Aaron, to confirm the following Mayor's appointment to the Parks and Recreation Advisory Board:

Name:	Term Type:	Term Expiration:
Christopher Molencupp	Regular	02-28-24

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

Absent: Councilman Fleming

Motion carried.

Motion by Councilor Rohrbach, Second by Councilman Soltis, to confirm the following Mayor's appointments to the Parks and Recreation Advisory Board:

Name:	Term Type:	Term Expiration:
Vita Palazzolo	Regular	02-28-23
Deliza Lee	Alternate	02-28-23



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

Absent: Councilman Fleming

Motion carried.

Planning Commission

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Wright, to confirm the Mayor's appoint Melissa Kalnasy as a Regular member to the Planning Commission with a term to expire August 31, 2025.

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

Absent: Councilman Fleming

Motion carried.

Police and Fire Retirement System

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Wright, to appoint Anthony Roberts to the Police and Fire Retirement System with a term to expire August 31, 2026.

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

Absent: Councilman Fleming

Motion carried.

Zoning Board of Appeals

Motion by Councilwoman Aaron, Seconded by Councilor Wright, to appoint Del Loranger to the Zoning Board of Appeals with a term to expire February 28, 2025.

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

Absent: Councilman Fleming

Motion carried.

**CM-22-259. City Manager - Change Order - Basement Water Removal and Treatment 945 E. Ten Mile Road.**

Motion made by Councilor Wright, Seconded by Councilor Rohrbach, to approve the work plan change with an additional fee of \$93,057.40 for The Adams Group for basement water removal and treatment at 945 E. Ten Mile Road.

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

Absent: Councilman Fleming

Motion carried.

**CM-22-260. Scheduled Replacement of Forklift #320 – Budget Amendment.**

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve a Budget Amendment of \$9,001 to account 592-901-982-0000.

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

Absent: Councilman Fleming

Motion carried.

**CM-22-261. Scheduled Replacement of Forklift #320.**

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the purchase of one Toyota Model 40-8FGU30 Lift Truck from Bell Fork Lift, Inc., of Clinton Township, Michigan in the amount of \$49,001 under the sole source provision of the City's purchasing ordinance.

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

Absent: Councilman Fleming

Motion carried.

**CM-22-262. Scheduled Replacement of Street Sweeper #408.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to award the purchase of one Bucher CityCat 5006 to MTech, of Cleveland, Ohio for a total purchase price of \$258,190 under the Wayne County RESA CoPro+ Contract #2018-WR-060-M.

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

Absent: Councilman Fleming

Motion carried.

**CM-22-263. Regular City Council Meeting Minutes of August 8, 2022.**

Motion made by Councilwoman Aaron, Seconded by Councilor Wright, to approve the Regular City Council Meeting Minutes of August 8, 2022, as printed.

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

Absent: Councilman Fleming

Motion carried.

## **COUNCIL COMMENTS.**

Councilwoman Aaron stated that she was so proud of her son, Jordan for participating in the Madison Heights Community Coalition presentation this evening. She stated that she is proud that he participated in the conference in Orlando. She continued by stating Madison Heights Community Coalition staff member Anthony Leverett is goal driven, his passion for the youth of this community is incredible and she thanked him for his service. She asked about the possibility of cancelling the Council meeting during Rosh Hashanah out of respect for our Jewish community.

Mayor Pro Tem Bliss agrees with Councilman Aaron perspective on possibly cancelling meetings due to religious holidays as well as other meetings that have light agendas. We may want to explore amending Charter for more flexibility. He stated that he was incredibly disappointed in DTE. DTE was before Council previously and promised several improvements, but to his knowledge no improvements were made to the substation that failed. He also stated it may be time to have DTE before Council again or at the least have a resolution crafted to send to the regulatory agency.

Councilor Wright offered thanks and gratitude to the line workers at DTE, noting they work hard and often. Those who have electrical equipment and experience power failures could prove to be life-threatening. Please prepare for the power to go out; have a backup plan and prepare for things to go wrong. Kudos to the MHCC and agreed Mr. Leverett is a game-changer and stated that he is proud to be the Council representative on this board. He also noted that Jordan is impressive, and he will leave a great footprint in our community. Please remember to be kind.

Assistant City Attorney Sherman had no comments this evening.

City Manager Marsh had no comments this evening.

City Clerk Rottmann had no comments this evening.

Councilor Rohrbach stated that the Environmental Citizens Committee had a successful plant sale this month and she thanked Nickole Fox for making it go seamlessly. The HREC is having a native plant sale on September 18<sup>th</sup>. She concurs with Council's comments on DTE. School starts on Monday, good luck to all our kids as they head into their next year of schooling. She expressed thanks to everyone that applied to our boards and commissions, there are still some vacancies, so please if you are interested, apply. There will be a new round of appointments in February.

Councilman Soltis stated that he rides his bike daily and asked that dogs be kept on short leashes. He noted that it was about six years ago that DTE presented to Council, and they just kept saying they had to trim trees, the current situation is not acceptable. In the past he presented reports on child poverty as well as child maltreatment and abuse and stated that he is planning another one soon.

Mayor Grafstein thanked those that came to the meeting tonight. She expressed gratitude to all the board and commission applicants, and noted that if you haven't been appointed, please consider coming to a meeting and becoming active or joining a subcommittee. She concurred with Council's comments on DTE and stated that the City is meeting with DTE this week. Thank you to Council for acknowledging the two important Jewish holidays and agreed that perhaps a meeting could be cancelled or postponed. She recognized all the line workers from DTE; noting she is upset because outages keep happening, but she is not upset with the workers. It is not an acceptable situation and staff is working on the issue. The next Council meeting is September 12, 2022.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:02 p.m.

**RESOLUTION OF THE CITY OF MADISON HEIGHTS CITY COUNCIL  
REGARDING THE DISPLAY AND PLACEMENT OF FLAGS ON CITY  
OWNED FLAG POLES OUTSIDE AND/OR INSIDE OF CITY  
OWNED BUILDINGS**

Adopted by City Council on \_\_\_\_\_.

The Madison Heights City Council determines that the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings, constitutes government speech, only and is not designated or intended as a public forum or limited public forum; and,

The Madison Heights City Council determines that the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings conveys the policies and values of the City government and has the potential to affect the image and perception of the City;

**NOW, THEREFORE BE IT RESOLVED** that the City of Madison Heights City Council determines:

1. This is the policy governing the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings and shall supersede all other policies related to flags previously adopted by City Council.
2. The City of Madison Heights may display the United States flag, the State of Michigan flag, the City of Madison Heights flag, and City Departmental flags on City owned flag poles, outside and/or inside of City owned buildings.
3. The City of Madison Heights may also display any flag that, within the last five (5) years from the date of this Resolution, the City has flown on City owned flag poles, outside and/or inside of City owned buildings, any flag that Oakland County has flown on the flag poles outside of the Oakland County Executive and Courthouse Complex in Pontiac, Michigan, any flag that the State of Michigan has flown on the flag poles outside of the State Capitol Building in Lansing, Michigan, or any flag that the U.S. Government has flown on the flag poles on or outside of the White House in Washington, D.C., including but not limited to the POW/MIA flag, the Juneteenth flag and the Pride or Progressive Pride flag.
4. Other governmental flags meeting the above criteria, but not specifically named in paragraph three (3), shall be considered for approval by a committee consisting of the City Manager, Chief of Police, Fire Chief and City Attorney with a right of appeal to City Council, if not approved by the committee.

5. The City of Madison Heights shall honor all the flags, displayed or placed on City owned flag poles, outside and/or inside of City owned buildings, in compliance with national and state protocols for flag display and etiquette.
6. This policy pertains to the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings, and constitutes government speech, only and is not designated or intended as a public forum or limited public forum.
7. Further, nothing herein is intended to prohibit or prevent people, groups, or organizations from bringing, using, and waving their own flags at events held at City owned parks or on City owned property.
8. If any section or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this Resolution.



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 9/12/22

**PREPARED BY:** City Attorney

**AGENDA ITEM CONTENT:** Resolution Regarding the Display and Placement of Flags on City Owned Flag Poles Outside and/or Inside of City Owned Buildings

**AGENDA ITEM SECTION:** Reports

**BUDGETED AMOUNT:** n/a

**FUNDS REQUESTED:**

**FUND:**

**EXECUTIVE SUMMARY:**

Based on recent court rulings, the City Attorney has drafted a revised Flag Policy by resolution for Council's consideration.

**RECOMMENDATION:**

If it is the prerogative of Council to consider the revised policy, the appropriate motion would be "to adopt the Resolution Regarding the Display and Placement of Flags on City Owned Flag Poles Outside and/or Inside of City Owned Buildings."





## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 09/12/22

**PREPARED BY:** Matt Lonnerstater, AICP

**AGENDA ITEM CONTENT:** Rezoning PRZN 22-03 (Ordinance 2187): 29022 Stephenson Hwy.- Removal from Primary Caregiver Marihuana Grow Overlay District, First Reading

**AGENDA ITEM SECTION:** Ordinances

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

The applicant, The City of Madison Heights, requests to remove three (3) parcels of land at 29022 Stephenson Highway (PIN Numbers 44-25-11-377-015, 44-25-11-377-016, and 44-25-11-377-019) from the Primary Caregiver Marihuana Grow Overlay District. The subject properties are located at the northeast corner of Stephenson Highway and E. 12 Mile Road, immediately to the west of the I-75 interchange, and currently have an underlying zoning designation of B-3, General Business.

**RECOMMENDATION:**

Staff recommends that City Council adopt Ordinance # 2187 (PRZN 22-03) upon first reading and schedule a public hearing for the October 10th, 2022 City Council meeting.





# MEMORANDUM

Date: August 25<sup>th</sup>, 2022  
 CC Meeting: September 12<sup>th</sup>, 2022  
 To: City of Madison Heights City Council  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Rezoning Request PRZN 22-03 – 29022 Stephenson Hwy. – First Reading

## Introduction

The applicant, The City of Madison Heights, requests to remove three (3) parcels of land at **29022 Stephenson Highway** (PIN Numbers 44-25-11-377-015, 44-25-11-377-016, and 44-25-11-377-019) from the Caregiver Marihuana Grow Overlay District. The subject properties are located at the northeast corner of Stephenson Highway and E. 12 Mile Road, immediately to the west of the I-75 interchange, and currently have an underlying zoning designation of B-3, General Business.

## Background

In 2019 and 2020, the City of Madison Heights adopted the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances. These marihuana ordinances explicitly limit the establishment of medical and recreational marihuana facilities (Class C growers, processors, provisioning centers and retailers) to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial and identified by an official map published by the city (referred to herein as the 'Allowed Parcels Map'). The Allowed Parcels Map, therefore, only includes parcels that have a base zoning district of M-1 or M-2.

Following the adoption of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances and the associated Allowed Parcels Map, Madison Heights created a new zoning overlay district known as the Caregiver Marihuana Grow Overlay District (referred to herein as the 'Caregiver Overlay District'). The Caregiver Overlay District allows for the establishment of individual registered medical marihuana caregivers on parcels identified within the associated Overlay District map. While the boundaries of the Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. The Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district, but only that, "*a registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.*"

The subject site pertaining to this case consists of three (3) parcels which contain a total area of approximately 1.14 acres. The site is improved with an existing 3,285 sq. ft. commercial structure currently occupied by Col's Place restaurant. At the property owner's request, City Council recently rezoned the subject parcels from the M-1, Light Industrial, zoning district to the B-3, General Business zoning district. By rezoning the parcels to B-3, City Council effectively removed the properties from the Allowed Parcels Map associated with the Medical Marihuana and Adult-Use Marihuana Facilities Ordinances. However, the subject parcels still technically remain in the stand-alone Caregiver Overlay District. City staff is requesting that the subject parcels be removed from the Caregiver Marihuana Grow Overlay District in

order to reflect their new underlying B-3 zoning designation and the fact that they are now ineligible for the establishment of Medical Marihuana and/or Adult-Use Marihuana facilities.

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

#### Existing Land Use

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

	Existing Land Use	Existing Zoning
<b>Site</b>	Restaurant	B-3, General Business
<b>North</b>	Oakland County Water	M-1, Light Industrial
<b>South (across 12 Mile)</b>	Retail	General Business (City of Royal Oak)
<b>East</b>	--	I-75
<b>West (across Stephenson)</b>	Gas Station	M-1, Light Industrial

The subject site is located immediately to the west of the 12 Mile Road/I-75 interchange. Adjacent land uses consist primarily of auto-oriented uses, including a gas station across Stephenson Highway, an auto repair shop across 12 Mile Road, and a new drive-through fast food restaurant kitty-corner at the intersection of 12 Mile Road and Stephenson Highway (in Royal Oak).

#### Future Land Use

Adjacent future land uses, as envisioned by the 2021 Madison Heights Master Plan, are denoted in the table below:

	Future Land Use
<b>Site</b>	Industrial
<b>North</b>	Industrial
<b>South (across 12 Mile)</b>	General Commercial (City of Royal Oak)
<b>East</b>	I-75
<b>West (across Stephenson)</b>	Industrial

The future land use designation of the subject site is “Industrial.” Per the Master Plan, the Industrial designation is intended to accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities.

#### **Staff Analysis**

Based on the Planning Commission staff report from May 15<sup>th</sup>, 2020, the Caregiver Overlay District map was intended to be, *“identical to the map approved by City Council for Medical Marihuana Facilities and identical to the map that will be presented to City Council in defining where Adult-Use Marihuana Establishments can be located in the city.”* Further, per the Zoning Ordinance, *“the purpose and intent of [the Primary Caregiver Marihuana Grow Overlay District] is to identify suitable locations for primary caregivers to cultivate medical marihuana, in compliance with the MMMA and this article, to mitigate the potential adverse and detrimental effects on neighboring properties to protect the public health, safety and welfare.”*

While the Caregiver Overlay District is technically separate from the Allowed Parcels Map associated with the Adult-Use/Medical Marihuana ordinances, it is, for all intents and purposes, intended to match that of the Allowed Parcels Map. Staff also finds that the external effects of a 72-plant caregiver operation (e.g. odor) are not appropriate for, nor aligned with, the uses permitted within the B-3 General Business Zoning District. Staff finds that primary caregiver operations should be restricted to properties with underlying industrial zoning designations to match that of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances and to ensure that the permitted uses in the B-3 zoning district are not negatively impacted by caregiver operations.

The Planning Commission also instructed staff to explore a text amendment to the Primary Caregiver Marihuana Grow Overlay District to require an underlying zoning designation of M-1 or M-2 to match the language of the Medical Marihuana Facilities and Marihuana Establishments Ordinances.

### Planning Commission Action

At their August 16<sup>th</sup>, 2022 meeting, the Planning Commission **recommended approval** of the requested rezoning based upon the following findings:

1. City staff requests that the three (3) subject parcels be rezoned to remove them from the Primary Caregiver Marihuana Grow Overlay District.
2. City Council recently rezoned the underlying districts of the subject parcels from M-1, Light Industrial, to B-3, General Business, but did not remove them from the Caregiver Overlay District.
3. Per the Medical Marihuana Facilities and Adult-Use Marihuana Establishment ordinances and the associated Allowed Parcels Map, B-3-zoned parcels are not eligible for the establishment of medical marihuana or adult-use marihuana facilities. However, the Primary Caregiver Marihuana Grow Overlay District contains a stand-alone map and the associated district text does not refer to underlying zoning districts.
4. Upon its adoption, the Primary Caregiver Marihuana Grow Overlay District map was intended to be identical to the Allowed Parcels Map, and therefore was intended to only apply to M-1 and M-2-zoned parcels.
5. Primary medical marihuana caregivers are not aligned with the intent of the B-3, General Business, zoning district nor compatible with uses permitted in the B-3 district.

The Planning Commission has directed staff to develop a zoning text amendment to limit medical marihuana caregivers to parcels that are denoted on the Overlay District Map and contain an underlying M-1 or M-2 zoning designation.

### Next Step

Based on the Planning Commission's findings and recommendation, staff recommends that City Council adopt Ordinance # 2187 (PRZN 22-03) upon first reading and schedule a public hearing for the October 10<sup>th</sup>, 2022 City Council meeting.

## ORDINANCE NO. 2187

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

**SECTION 1.** That the Zoning Map in connection with the Zoning Ordinance of the City of Madison Heights shall be amended so that the zoning on the following described properties, to-wit:

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 267.10 FT FROM S 1/4 COR, TH N 01-48-25 W 60.00 FT, TH N 87-11-21 E 191.48 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT TO BEG 0.26 A

*PIN 44-25-11-377-015. 29022 STEPHENSON HWY.*

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT, TH S 01-4.

*PIN 44-25-11-377-016. 29022 STEPHENSON HWY.*

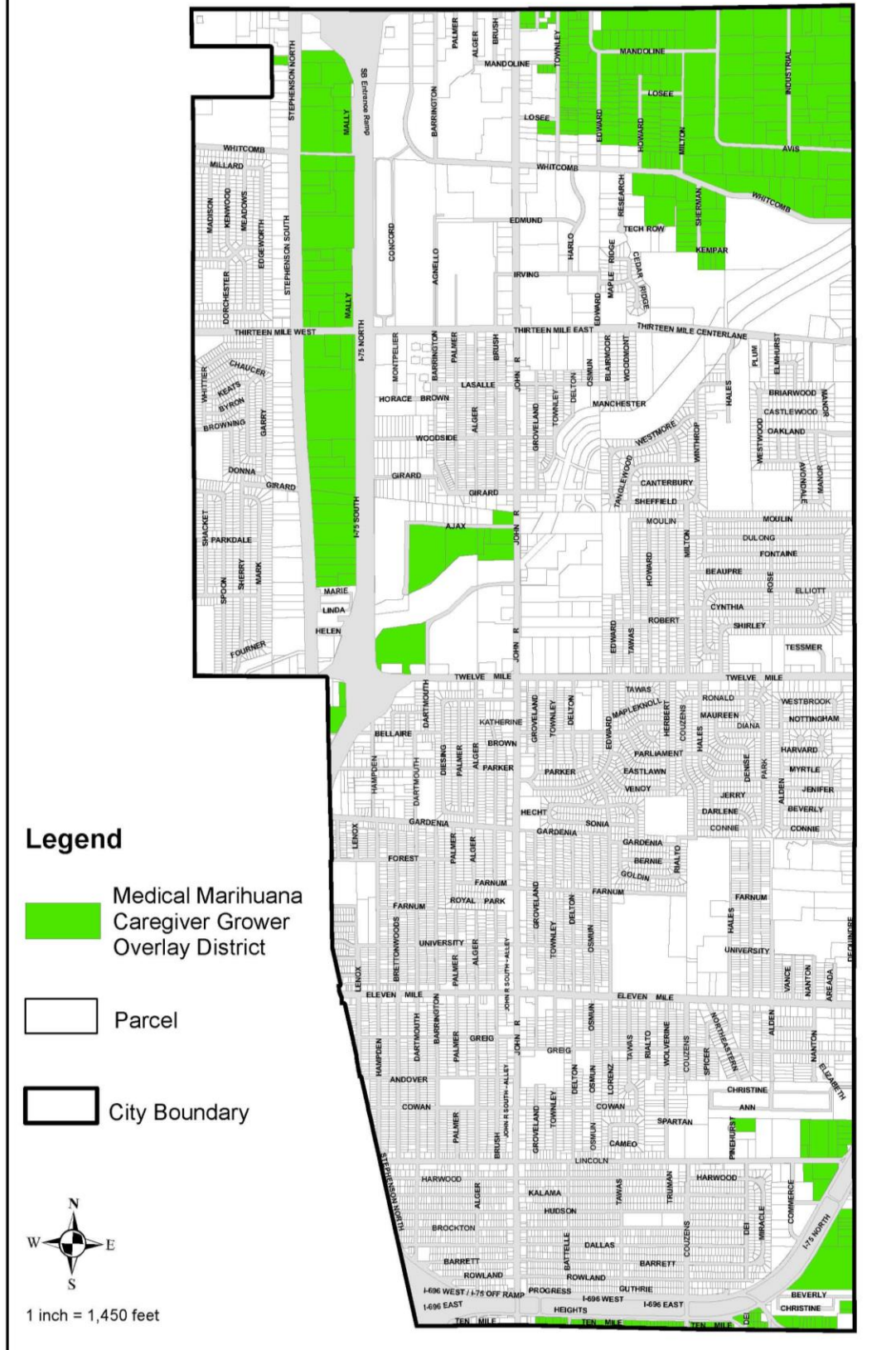
T1N, R11E, SEC 11 ELY 40 FT OF STEPHENSON HWY R/W ADJ TO THAT PART OF SW 1/4 DESC AS BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02

*PIN 44-25-11-377-019. 29022 STEPHENSON HWY.*

Shall be removed from the Primary Caregiver Marihuana Grow Overlay District as contained within Section 10.349 of the Zoning Ordinance.

**SECTION 2.** It was the original intent of City Council in designating the Primary Caregiver Marihuana Grow Overlay District that parcels within said district would only consist of those with an underlying zoning of M-1 or M-2. The map of the Primary Caregiver Marihuana Grow Overlay District as contained within Section 10.349 of the Zoning Ordinance shall thus be amended as provided for and shown within this Ordinance:

# Medical Marihuana Caregiver Grower Overlay District



SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. This ordinance shall take effect ten (10) days after its adoption and upon publication.

---

Roslyn Grafstein  
Mayor

---

Cheryl E. Rottmann  
City Clerk

CERTIFICATION:

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on \_\_\_\_\_, 2022.

---

Cheryl E. Rottmann  
City Clerk

FIRST READING: September 12<sup>th</sup>, 2022

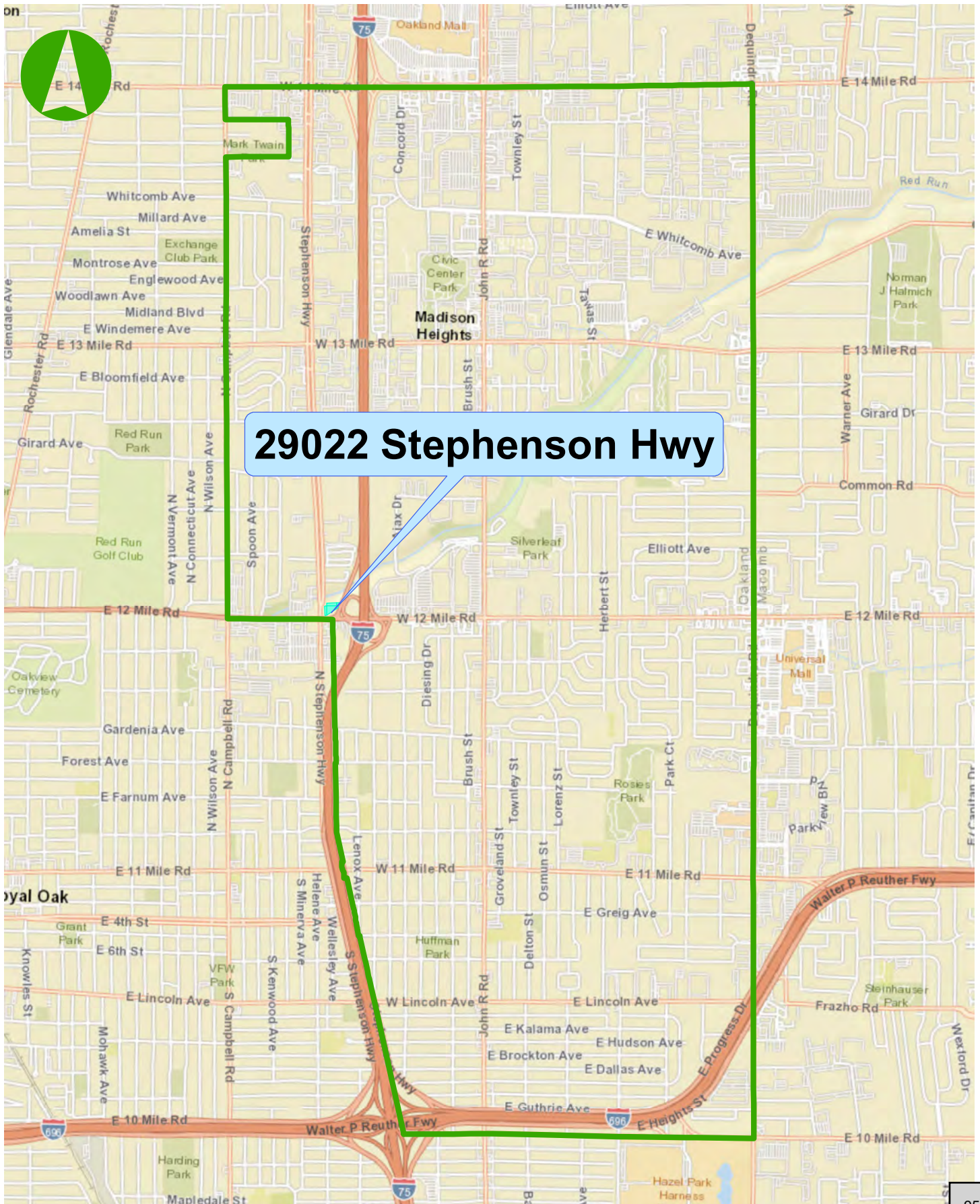
PUBLIC HEARING: ,2022

ADOPTED: ,2022

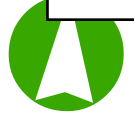
PUBLISHED: ,2022

EFFECTIVE: ,2022





# Site Address: 29022 Stephenson Hwy



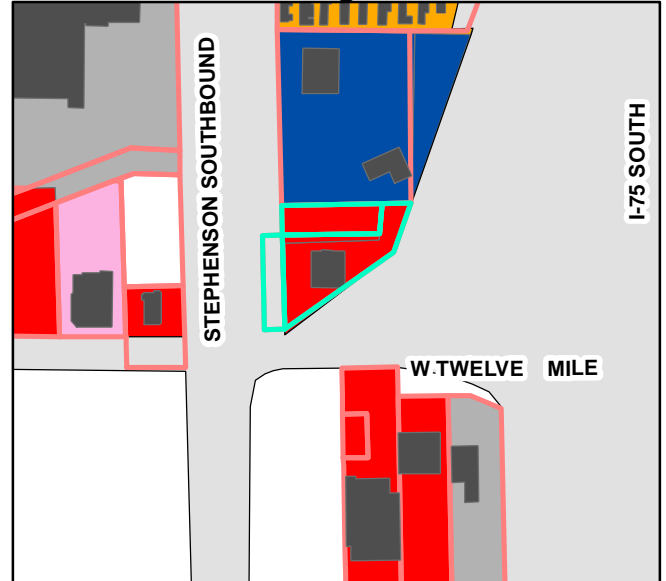
Click for maps

Aerial



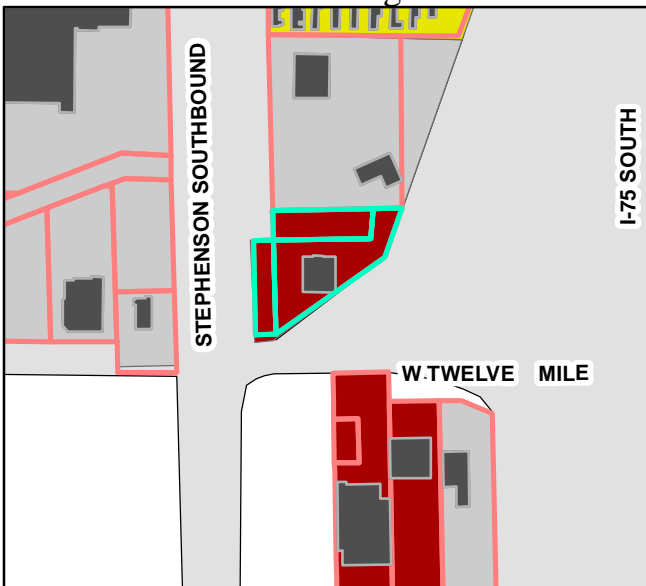
- 29022 Stephenson Hwy
- Parcels

Existing Land Use



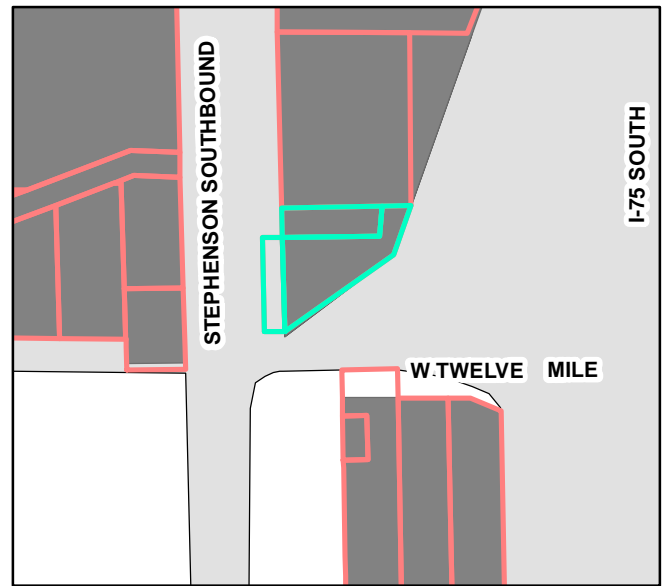
- 29022 Stephenson Hwy
- Mobile Home Park
- Buildings
- Office
- Parcels
- Commercial
- Industrial
- Public
- Vacant

Zoning



- 29022 Stephenson Hwy
- B-3 General Business
- Buildings
- M-1 Light Industrial
- Parcels
- H-M Mobile Homes

Future Land Use

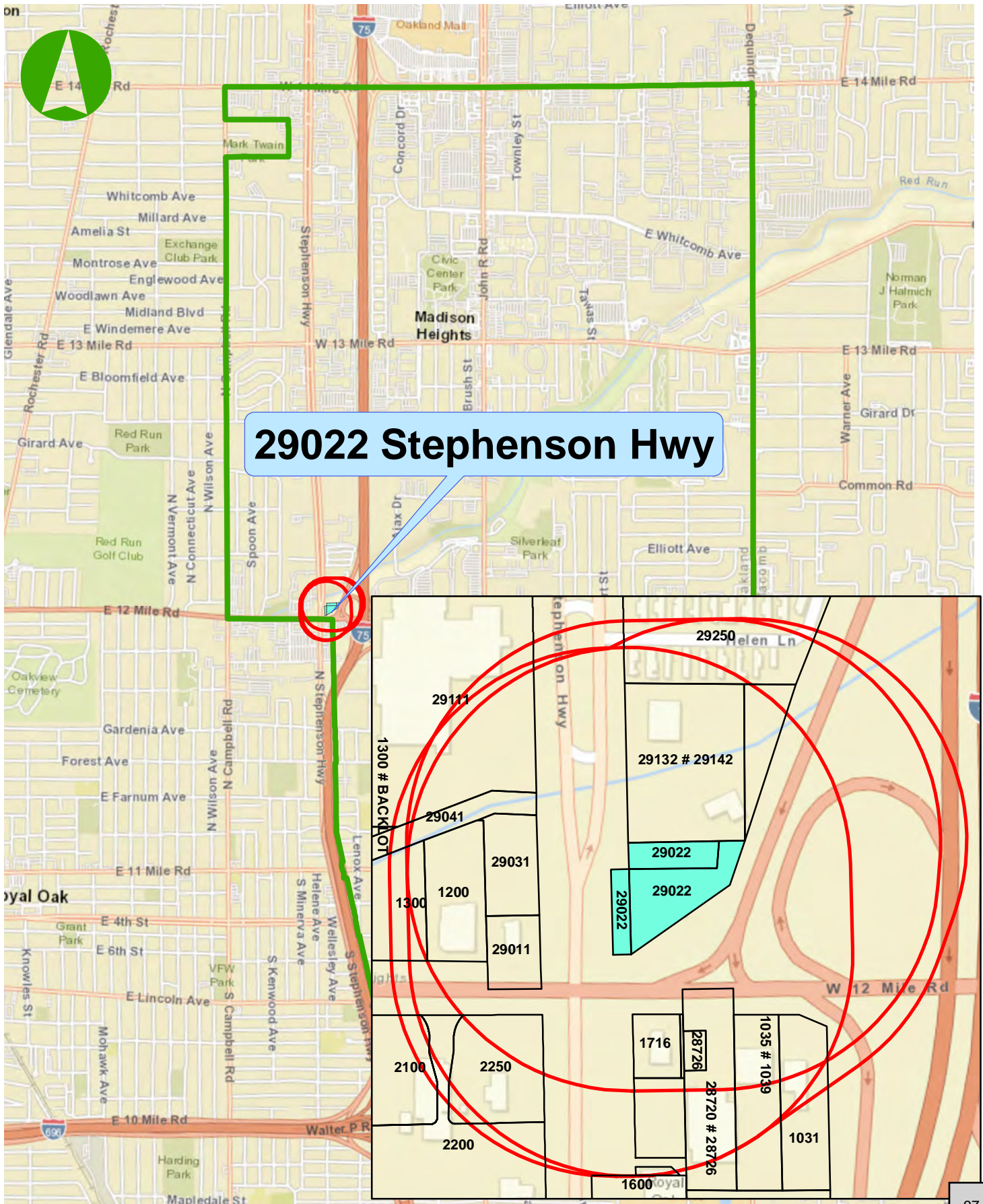


- 29022 Stephenson Hwy
- Industrial
- Single Family
- Public and Schools
- Multiple Family
- Recreation
- Office
- Conservation
- Commercial
- Mixed Use Innovation



**~~ZBA~~ CASE: 22 - 03**  
**BUFFER 500 FT**

Item 8.



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Madison Heights Planning Commission will hold a public hearing on **Tuesday, August 16<sup>th</sup>, 2022 at 5:30 p.m.** in the **Training Room at Fire Station #1 located at 31313 Brush Street, Madison Heights, Michigan 48071** to consider the following rezoning requests:

**Rezoning Request No. PRZN 22-0003** by the City of Madison Heights to rezone three (3) parcels of land described as 29022 Stephenson Hwy (TMs: 44-25-11-377-015; 44-25-11-377-016; and 44-25-11-377-019). The request is to remove the subject parcels from the Primary Caregiver Marihuana Grow Overlay District.

The application 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 after 4:00 p.m. on Friday, August 12<sup>th</sup>, 2022 online at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center.

For further information, please contact the Community & Economic Development Department at (248) 583-0831 or [MattLonnerstater@madison-heights.org](mailto:MattLonnerstater@madison-heights.org).

**CITY OF MADISON HEIGHTS**





COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
300 W. THIRTEEN MILE RD.  
MADISON HEIGHTS, MI 48071  
(248) 583-0831

Item 8.

Application to Rezone Land

I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

1. Request is hereby made that the following property be rezoned from: REMOVAL FROM PRIMARY CAREGIVER MARIJUANA GROW OVERLAY DISTRICT
2. The property address is 29022 STEPHENSON HIGHWAY and the parcel is located on the EAST side of STEPHENSON HIGHWAY between E. TWELVE MILE ROAD and E. THIRTEEN MILE ROAD.
3. The legal description of said property is as follows: (attach separately if necessary)  
SEE SEPARATE SHEET.
4. The sidwell numbers for the property are: 44-25-11-377-015; 44-25-11-377-016; and 44-25-11-377-019
5. The owner of said property is:  
Name: SOKOL AND ANGJELINA NDREJAJ  
Street Address: 29022 STEPHENSON HIGHWAY  
City, State, Zip: MADISON HEIGHTS, MI 48071  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_
6. The Applicant is:  
Name: CITY OF MADISON HEIGHTS, MICHIGAN  
Street Address: 300 W. THIRTEEN MILE ROAD  
City, State, Zip: MADISON HEIGHTS, MI 48071  
Phone: (248) 583-0829 Email: MELISSAMARSH@MADISON-HEIGHTS.ORG
7. The applicant is the:  
☐ Owner ☐ Legal Representative ☐ Purchaser ☒ Other MUNICIPALITY
8. Description of proposed use: N/A
9. Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the \$1,500.00 application fee.

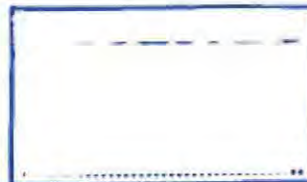
Signature of Owner: MUNICIPALITY-INITIATED REZONING

Signature of Applicant: Melissa Marsh

Date: 7-20-22

Notary's Signature: Amy L. Bessler  
Notary's Print Name: AMY L. BESSLER  
Notary Public, State of Michigan, County of: OAKLAND  
My Commission Expires on: 9/27/28  
Acting in the County of: OAKLAND

Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached. MUNICIPALITY-INITIATED REZONING





COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
300 W. THIRTEEN MILE RD.  
MADISON HEIGHTS, MI 48071  
(248) 583-0831

Item 8.

PARCEL 1

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 267.10 FT FROM S 1/4 COR, TH N 01-48-25 W 60.00 FT, TH N 87-11-21 E 191.48 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT TO BEG 0.26 A  
*PIN 44-25-11-377-015. 29022 STEPHENSON HWY.*

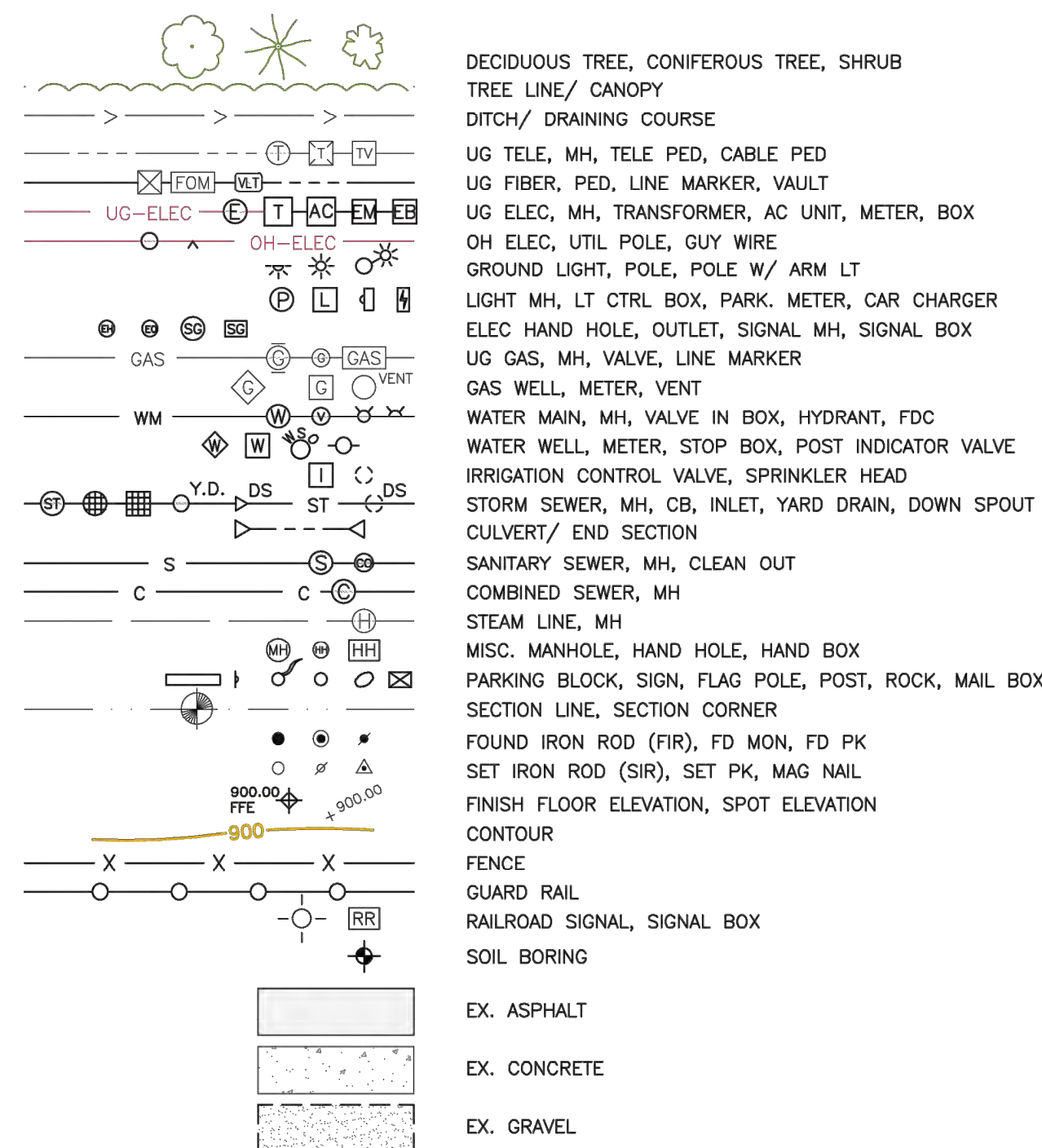
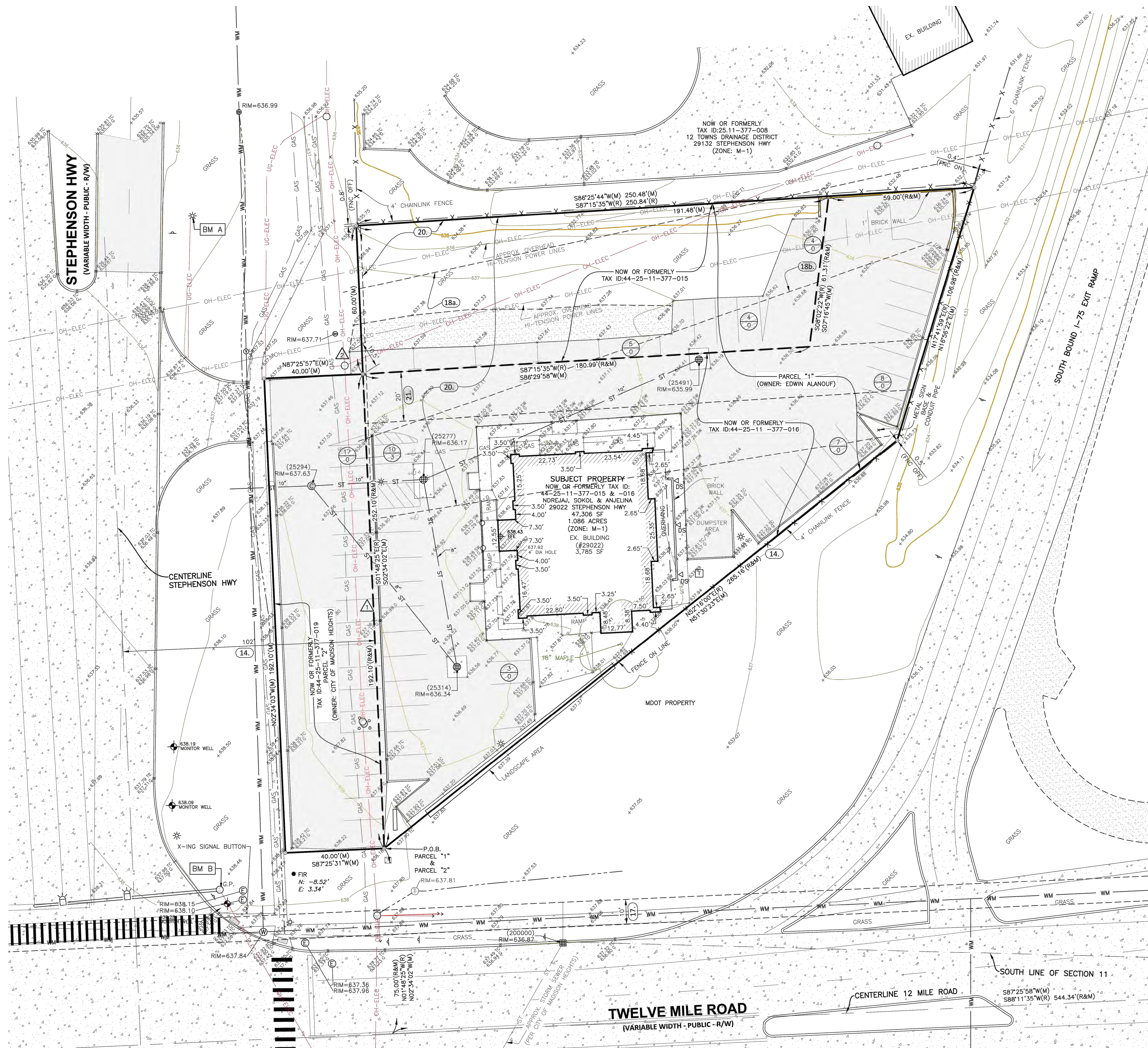
PARCEL 2

T1N, R11E, SEC 11 ELY 40 FT OF STEPHENSON HWY R/W ADJ TO THAT PART OF SW 1/4 DESC AS BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02  
*PIN 44-25-11-377-019. 29022 STEPHENSON HWY.*

PARCEL 3

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT, TH S 01-4.  
*PIN 44-25-11-377-016. 29022 STEPHENSON HWY.*





DATUM: NAVD88

**BM A:**  
TOP OF SOUTHEAST ANCHOR BOLT OF LIGHT POLE, 324± NORTH OF CENTERLINE TWELVE MILE ROAD & 48± EAST OF CENTERLINE STEPHENSON HIGHWAY.  
ELEV = 636.75

**BM B:**  
TOP OF NORTHEAST ANCHOR BOLT OF LIGHT POLE, 54± NORTH OF CENTERLINE TWELVE MILE ROAD & 51± EAST OF CENTERLINE STEPHENSON HIGHWAY.  
ELEV = 639.21

AT THE TIME OF THIS SURVEY, EVIDENCE WAS OBSERVED OF POTENTIAL ENCROACHMENTS. OTHER ENCROACHMENTS MAY OR MAY NOT STILL EXIST ON OR OFF THE SUBJECT PROPERTY.

THE FOLLOWING OBSERVATIONS WERE MADE AT THE TIME OF SURVEY:

- 1 PAVING AND PARKING FOR PARCEL "1" LIES ON TO PARCEL "2".
- 2 CORNER OF PARKING LOT LIES UP TO 10.5' OFF THE PARCEL.

EX. STORM SEWER		
STRUCTURE	RIM ELEV.	PIPES
(25277) CBR	636.17	10" W IE= 626.15 10" NE IE= 626.16 8" SE IE= 630.29
(25294) COMH	637.63	10" W IE= 625.24 10" E IE= 625.26 8" SE IE= 625.68
(25314) CBR	636.34	NO PIPES SEDIMENT =633.14
(25491) CBR	635.99	10" SW IE= 631.71
(200000) CBS	636.87	NOT INVENTORIED AT TIME OF SURVEY

EX. STORM SEWER		
STRUCTURE	RIM ELEV.	PIPES
(25277) CBR	636.17	10" W IE= 626.15 10" NE IE= 626.16 8" S IE= 630.29
(25294) COMH	637.63	10" W IE= 625.24 10" E IE= 625.26 8" SE IE= 625.88
(25314) CBR	636.34	NO PIPES OBSERVED SEDIMENT =633.14
(25491) CBR	635.99	10" SW IE= 631.71
(200000) CBS	636.87	NOT INVENTORIED AT TIME OF SURVEY

S 1/4 COR.  
SEC. 11  
T1N-R11E  
J-05  
(L.17933-P.78)



PART II - CODE OF ORDINANCES  
 APPENDIX A - ZONING ORDINANCE  
 ARTICLE XII. PRIMARY CAREGIVER MARIHUANA GROW OVERLAY DISTRICT

## **ARTICLE XII. PRIMARY CAREGIVER MARIHUANA GROW OVERLAY DISTRICT**

### **Sec. 10.346. Findings, purpose and intent.**

The Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended, does not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZE), MCL 125.3101 et seq. as long as (1) the municipality does not prohibit or penalize the cultivation of medical marihuana and (2) the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law. MCL 333.26424(b)(2) states that primary caregivers and qualifying patients must keep their plants in an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections in MCL 333.26424(a) and (b). Because an enclosed, locked facility may be found in various locations on various types of property, this ordinance, limiting where a primary caregiver can cultivate medical marihuana within the city, does not directly conflict with the MMMA's requirement that marihuana plants be kept in an enclosed, locked facility. The city finds that the average residence in the city is not aptly suited to the safe and favorable cultivation of 72 marihuana plants that a primary caregiver is permitted to grow under the MMMA. The city further finds that the cultivation of 72 marihuana plants by primary caregivers in residential districts creates potential hazards and potential adverse and detrimental effects on the neighboring properties that endanger the public health, safety and welfare. The purpose and intent of this ordinance is to identify suitable locations for primary caregivers to cultivate medical marihuana, in compliance with the MMMA and this article, to mitigate the potential adverse and detrimental effects on neighboring properties to protect the public health, safety and welfare.

( Ord. No. 2158 , § 1, 7-13-20)

### **Sec. 10.347. Definitions.**

For the purpose of the provisions of this article, all words and phrases herein shall be construed to have the meanings as provided for in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended.

( Ord. No. 2158 , § 1, 7-13-20)

### **Sec. 10.348. No effect on patients.**

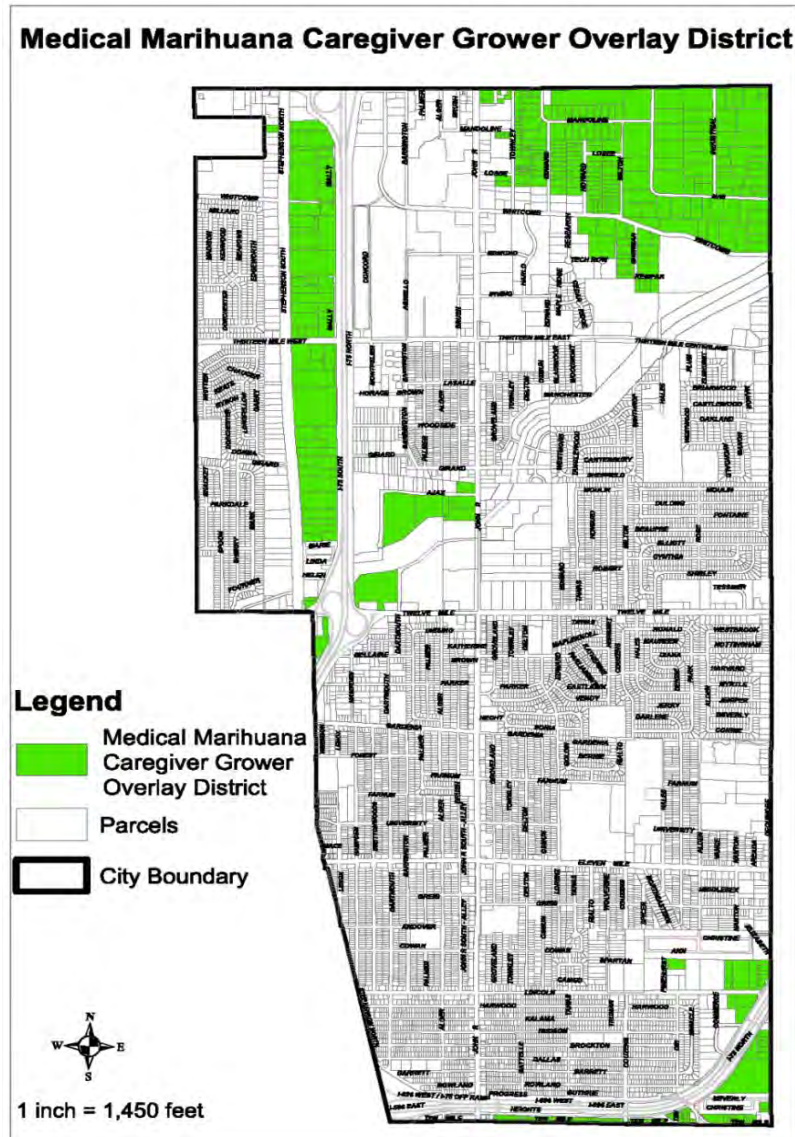
This article does not apply to or regulate any qualifying MMMA patient activities or conduct that is in compliance with the MMMA. A qualifying patient, operating in compliance with the MMMA, shall be permitted to cultivate, at the patient's primary residence, who shall also be full-time resident of the dwelling, no more than the 12 allowed marihuana plants as permitted by the MMMA for the patient's personal use to treat their debilitating medical condition.

( Ord. No. 2158 , § 1, 7-13-20)

### **Sec. 10.349. Caregiver Marihuana Grow Overlay District.**

The Caregiver Marihuana Grow Overlay District boundaries shall be the parcels indicated as established in the following overlay district map:





( Ord. No. 2158 , § 1, 7-13-20)

### **Sec. 10.350. Caregiver Marihuana Grow Overlay District requirements.**

The following standards and requirements shall apply to any location at which the cultivation of medical marihuana is conducted by a primary caregiver.

- (a) A registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.
- (b) The cultivation of medical marihuana by a caregiver shall comply at all times with the MMMA and the MMMA General Rules, as amended.
- (c) Not more than one registered primary caregiver shall be permitted to operate at any one parcel located with the Caregiver Marihuana Grow Overlay District.

- (d) The cultivation of medical marihuana by a primary caregiver shall be conducted entirely within an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA. The number of marihuana plants shall not exceed the number of marihuana plants permitted by the MMMA in total aggregate at any location or multiple locations whether located in the city or outside of the city.
- (e) No sign identifying the location by word, image or otherwise, or indicating that the cultivation of medical marihuana is taking place on the premises, shall be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
- (f) Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the parcel where medical marihuana is cultivated. A qualifying patient shall not visit, come to, or be present at the parcel where medical marihuana is cultivated to purchase, smoke, consume, obtain or receive possession of any marihuana.
- (g) No on-site consumption or smoking of marihuana shall be permitted within the parcel (or on the property) where medical marihuana is cultivated, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- (h) Medical marihuana shall not be grown, processed, handled or possessed at the location where medical marihuana is cultivated beyond that which is permitted by law.
- (i) A certificate of occupancy, together with a required site plan review, shall be obtained from the city and all necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
- (j) If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- (k) Related merchandise or products shall not be sold or distributed from the property.
- (l) There shall be no exterior storage or parking of materials or equipment.
- (m) No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time.
- (n) The entire parcel and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official, fire official or law enforcement official during reasonable business hours.

( Ord. No. 2158 , § 1, 7-13-20)

### **Sec. 10.351. Principal uses permitted.**

All principal uses permitted in the Underlying Zoning District(s) are permitted by right in the Overlay Districts, provided they comply with all applicable requirements of the Underlying Zoning District.

( Ord. No. 2158 , § 1, 7-13-20)

## MEMO

TO: Madison Heights Planning Commission

FROM: Niccolas Grochowski, Assistant City Attorney

RE: Planning Commission Agenda Packet Comments Regarding Proposed Zoning Ordinance Amendment for Caregiver Marihuana Grow Overlay District

DATE: May 15, 2020

---

**Discussion of Proposed Zoning Ordinance Amendment relating to the creation of a Caregiver Marihuana Grow Overlay District.**

On April 27, 2020, the Michigan Supreme Court issued a decision in the case of *DeRuiter v Township of Byron*, (attached) and held that municipalities may lawfully establish locations where medical marihuana "caregivers" must be located in a municipality. Prior to this decision, the relevant case law in Michigan had been that a municipality could not regulate or dictate where medical marihuana caregivers could establish a grow operation within a municipality. Thus, prior to this recent Michigan Supreme Court decision, registered Michigan medical marihuana caregivers could essentially operate from any location they desired in any municipality in the state.

Because the Michigan Supreme Court has ruled that municipalities can place limitations on where a medical marihuana caregiver can cultivate marijuana within a municipality, we are presenting for your consideration a proposed zoning ordinance that restricts the locations of medical marihuana caregiver grows to the already established "green zones" in the City. The "green zone" map takes into consideration and is based on maintaining adequate separation distances of these areas from school buildings, churches, family child care homes, group child care homes and Residential Districts where residential units are located. This map is identical to the map approved by City Council for Medical Marihuana Facilities and is identical to the map that will be presented to City Council in defining where Adult-Use Marihuana Establishments can be located in the City.

The proposed zoning ordinance amendment presented for your deliberation, utilizes a common planning tool of an "overlay district" to restrict the locations of where a medical marihuana caregiver can be located in the City. The overlay district is simply a map that overlays a current zoning district that imposes additional or different zoning regulations that are particular to that overlay. The underlying, or original, zoning provisions and uses are still applicable to each zoning district, with the addition of the overlay provisions. In this proposed zoning ordinance amendment, the overlay defines, parcel by parcel, the only locations that a caregiver can establish a medical marihuana grow operation in the

City. In addition, the proposed amendment adds several other conditions that must be adhered to by caregivers if they locate to one of the approved parcels. These conditions are consistent with and complement the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421, et. seq., as amended, and are thus permissible conditions pursuant to the decision in *DeRuiter v Township of Byron*.

Following initial discussion of the proposed *zoning* ordinance amendment, the next step would be for the Planning Commission to schedule a Public Hearing. The Public Hearing will be at a Special Meeting set by the Planning Commission and would be scheduled for Tuesday, June 16, 2020 at 5:30 via ZOOM video conference. To set a Special Meeting to conduct the required Public Hearing on the proposed *zoning* ordinance amendment, State Law and the Planning Commission By-Laws both provide that a Special Meeting of the Planning Commission may be called by the Chairperson or two (2) or more commission members. In addition, because the Public Hearing requires 15 day's notice, under the law, a Special Meeting could take place no sooner than June 12, 2020. Thus, a motion by the Planning Commission to set the public hearing on Tuesday, June 16, 2020 at 5:30 via ZOOM video conference would be appropriate to provide sufficient time for the required notice.

Pursuant to State Law, City Ordinance and Charter, the Planning commission makes a recommendation to the City Council regarding any *zoning* ordinance amendment and ultimately, City Council then determines whether or not to adopt the proposed *zoning* ordinance. Thus, once the Planning Commission holds the public hearing on the proposed *zoning* ordinance amendment, the Planning Commission would then vote on a motion containing a recommendation to City Council on the adoption of the proposed amendments.

# Medical Marihuana Caregiver Grower Overlay District

## Legend



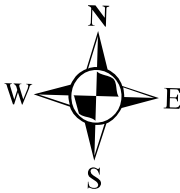
Medical Marihuana  
Caregiver Grower  
Overlay District



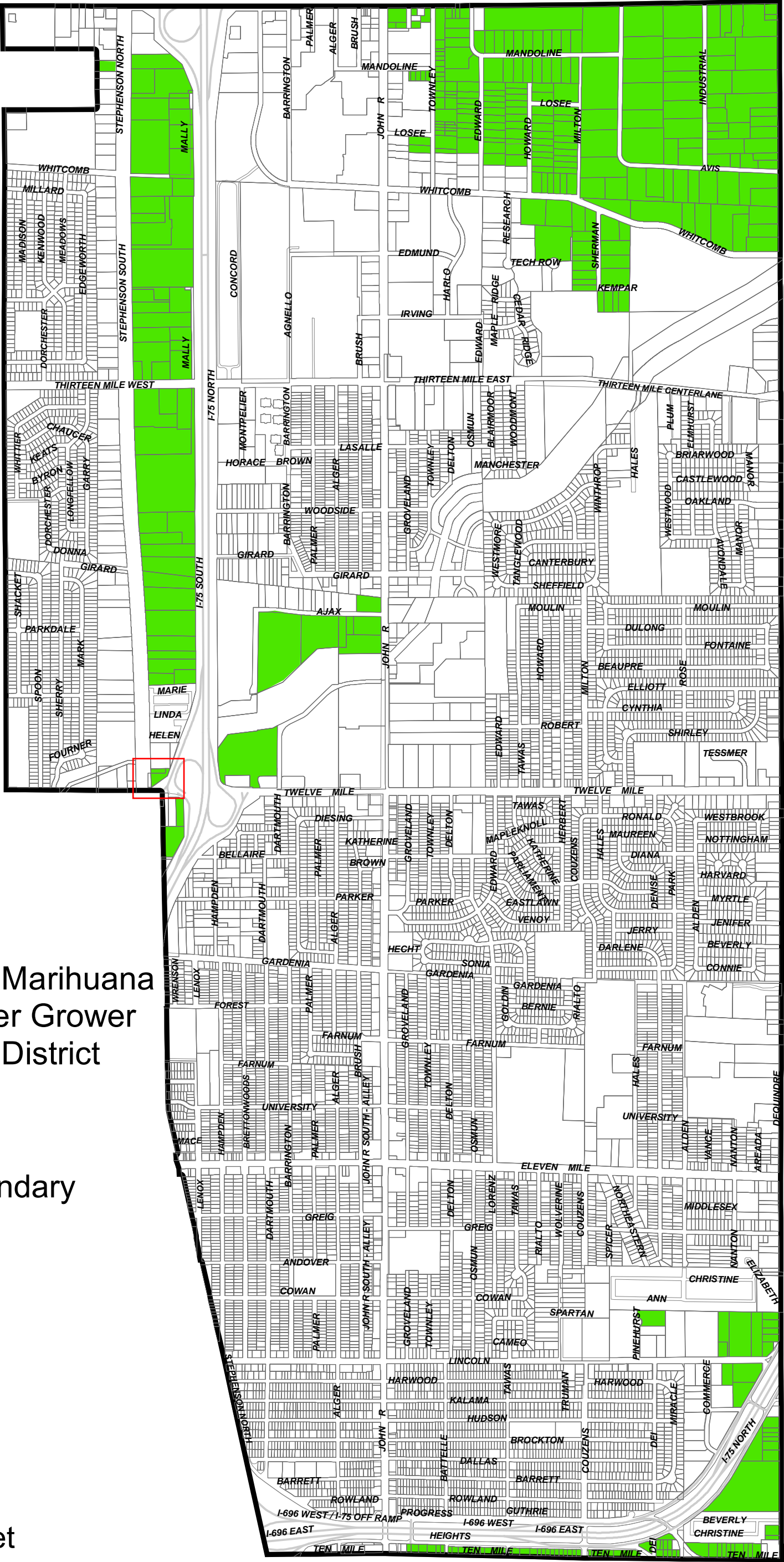
Parcels



City Boundary



1 inch = 1,450 feet





# Medical Marihuana Caregiver Grower Overlay District

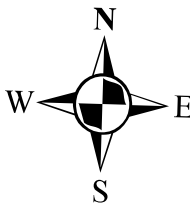
PROPOSED AMENDMENT PRZN- 22-03 DRAFT

## Legend

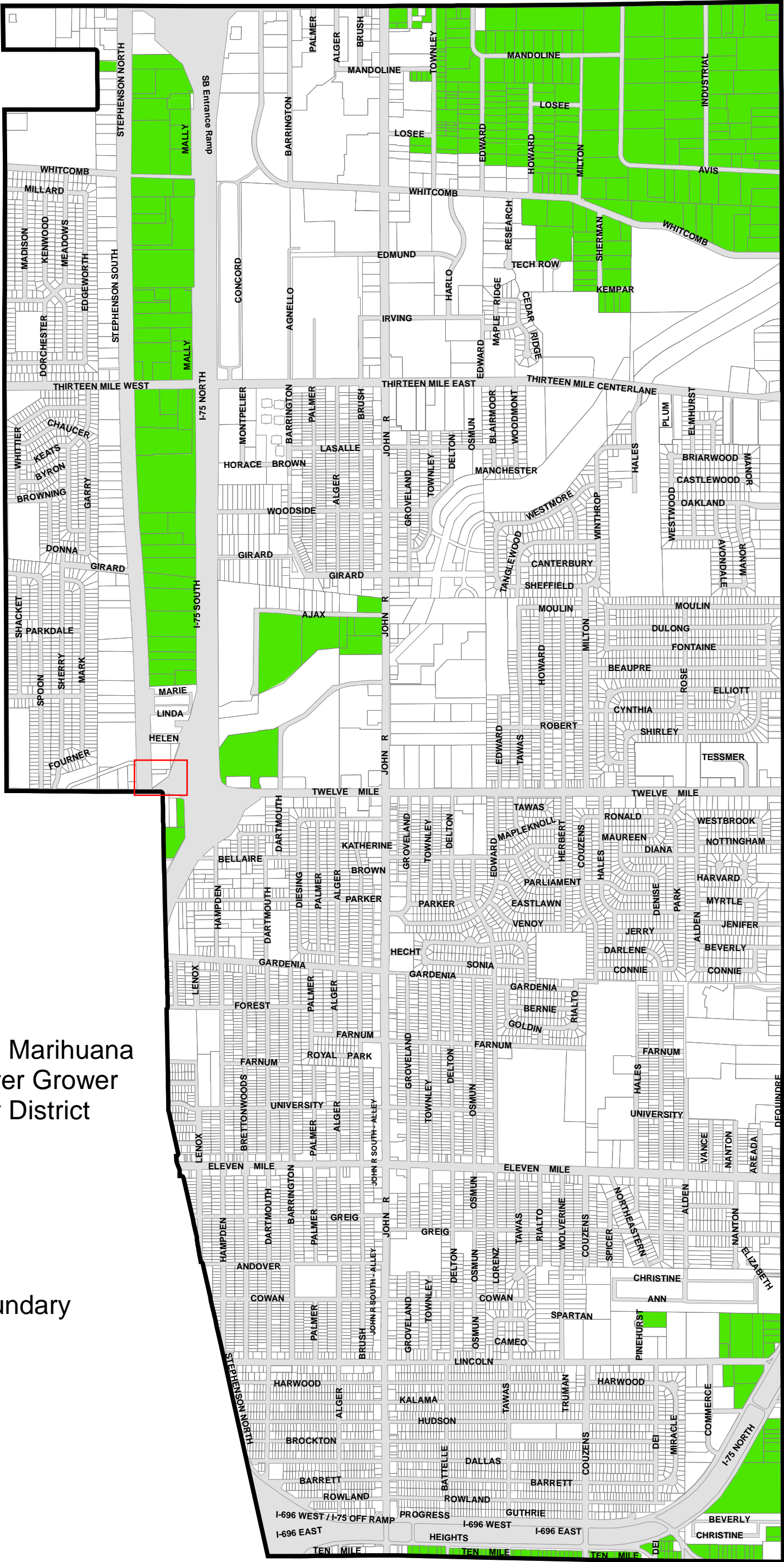
 Medical Marihuana  
Caregiver Grower  
Overlay District

 Parcel

 City Boundary



1 inch = 1,450 feet



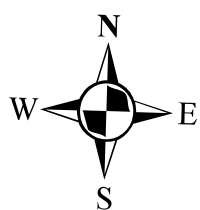
# Allowed Parcels For Medical Marihuana Updated For Rezoning Approved 7/11/22



## Allowed parcels Medical Marihuana

## Parcel

## City Boundary



1 inch = 1,450 feet







QUALITY LIFE THROUGH GOOD ROADS:  
ROAD COMMISSION FOR OAKLAND COUNTY  
"WE CARE."

**Board of Road Commissioners**

**Ronald J. Fowkes**  
Commissioner

**Andrea LaLonde**  
Commissioner

**Nancy Quarles**  
Commissioner

**Dennis G. Kolar, P.E.**  
Managing Director

**Gary Piotrowicz, P.E., P.T.O.E.**  
Deputy Managing Director  
County Highway Engineer

Highway Maintenance  
Department

2420 Pontiac Lake Road  
Waterford, MI 48328

248-858-4881

FAX  
248-858-7607

[www.rcocweb.org](http://www.rcocweb.org)

August 18, 2022

Melissa R. Marsh  
City Manager  
City of Madison Heights  
300 West Thirteen Mile Road  
Madison Heights, Michigan 48071

RE: 2022-2023 Winter Maintenance Agreement

Dear Ms. Marsh:

Attached are two copies of a Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Madison Heights.

This 2022-2023 agreement has an increase of 3%, which increases the amount from \$41,790.54 to \$43,044.27.

If this agreement is satisfactory, please electronically send one signed copy of the agreement and the resolution of approval by your City Council to my secretary Gloria Greenwood, email, [ggreenwood@rcoc.org](mailto:ggreenwood@rcoc.org). One fully signed copy will be returned to you upon approval by the Board of Road Commissioners.

Please furnish proof that your liability insurance covers this agreement, and particularly covers your personnel and equipment working on county roads under the jurisdiction of the Board of Road Commissioners. If there are any changes in this coverage during the term of this agreement, we must be notified of these changes. We will also need a current certificate of membership in the Michigan Municipal Workers Compensation Fund.

The Board of Road Commissioners and I extend our appreciation to you, the City Council, and your personnel for the fine work that has been done. We will continue to cooperate in any way to provide our citizens with the best road system possible.

We request that your signed agreement be returned to us no later than the end of November, so that we may present the agreement to our Board prior to the end of the year, which will allow RCOC to make payments per the agreement.

Sincerely,

Darryl M. Heid, P.E.  
Director of Highway Maintenance

/gg  
Attachment



2022-2023 WINTER MAINTENANCE AGREEMENT  
CITY OF MADISON HEIGHTS

Under 1951 PA 51, As Amended

This Winter Maintenance Agreement (“Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2022 between the Board of County Road Commissioners of the County of Oakland, State of Michigan, a public body corporate, hereinafter referred to as the “Board,” and the City of Madison Heights, Oakland County Michigan, a Michigan municipal corporation hereinafter referred to as the “City.”

WHEREAS, certain county primary and local roads more specifically set forth in Exhibit A, attached hereto, are under the jurisdiction and control of the Board and are located within or adjacent to the City; and

WHEREAS, The City desires to be responsible for certain winter maintenance of said roads under the terms of this Agreement, and the Board is willing to participate in the cost thereof as provided in Section III of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein as provided, it is hereby agreed as follows:

I

The City shall perform Winter Maintenance of certain roads under the terms of this Agreement, and the Board will participate in the cost thereof as provided in Section III of this Agreement. “Winter Maintenance,” herein required to be performed by the City, shall mean snow removal and ice control, on all roads listed in Exhibit A, as follows: Snow removal by blading, plowing and other methods necessary to make the roads reasonably safe for public travel, and ice control by salting, sanding, scraping and other methods necessary to make the roads reasonably safe for public travel, together with such other work and services, such as recordkeeping and insurance, required by this Agreement. All Winter Maintenance work and services performed by the City shall be in accordance with the Board’s maintenance guidelines, including the Board adopted Winter Maintenance Guidelines, the Board’s standard practices and this Agreement.

II

The City shall keep accurate and uniform records of all Winter Maintenance work performed pursuant to this Agreement. The Board shall have the right to audit City accounts and records insofar as such documents concern this Agreement and the work and services performed and to be performed hereunder.

III

In consideration of the assumption of Winter Maintenance by the City, the Board hereby agrees to pay to the City the sum of \$43,044.27 as set forth in Exhibit A, attached hereto and made a part hereof. Such amounts are to be used by the City for Winter Maintenance. Payments are to be made by the Board to the City as follows:

50% in December 2022  
50% in March 2023

The making of said payments shall constitute the Board’s entire obligation in reference to Winter Maintenance.

#### IV

The City hereby agrees to hold harmless, represent, defend and indemnify the Board, the Road Commission for Oakland County, its officers, and employees; the County of Oakland; the Office of the Oakland County Water Resources Commissioner and applicable drainage districts(s); the Michigan State Department of Transportation and the Transportation Commission; and any and all local units(s) of government within which the roads subject to this Agreement are located, against any and all claims, charges, complaints, damages, or causes of action for (a) public or private property damage, (b) injuries to persons (including death), or (c) other claims, charges, complaints, damages or causes of action arising out of the performance or non-performance of the activities which are the subject matter of this Agreement, specifically those activities set out in Section I, both known and unknown, whether during the progress or after the completion thereof. However, this hold harmless provision does not apply in so far as any claim or suit is alleged to be, or demonstrated to be, the result of a defect in highway design or condition and not related to the Winter Maintenance activities set out in Section I. Further, since the Board has the statutory responsibility for maintenance of the roads under this Agreement, it is the intent of the parties that the delegation by this Agreement of those maintenance responsibilities to the City provide immunity to the City as an agent of the Board. Therefore, the City falls within the governmental immunity protection of the Board.

During that part of the year that the City is providing Winter Maintenance under Section I, the City agrees to promptly notify the Board as soon as possible, but not longer than 5 days, should it become aware of defects or maintenance requirements in the roads set forth in Exhibit A, if said defects or maintenance requirements are not Winter Maintenance subject to this Agreement.

#### V

The City shall acquire and maintain, during the term of the Agreement, statutory worker's compensation insurance, employer's liability insurance, automobile and comprehensive general liability insurance coverages, as more fully described in Exhibit B attached hereto, covering the Board's liability for any and all claims arising out of the City's performance or non-performance of the activities which are the subject matter of this Agreement.

#### VI

The City further agrees to comply with all applicable laws and regulations, including without limitation, laws and regulations of the State of Michigan for safeguarding the air and waters of the State. In particular, City facilities and operations must meet the provisions of Part 5 (Spillage of Oil and Polluting Materials) rules promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. (Rules R324.2001 through R324.2009 address release prevention planning, secondary containment, surveillance, and release reporting requirements).

#### VII

In accordance with Michigan 1976 Public Acts No. 220 and 453, being MCLA §§37.1209 and 37.2209, as the same may be amended, the City and its subcontractors shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status; or because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of this covenant may be regarded as a material breach of this Agreement.

VIII

It is the intention of the parties hereto that this Agreement is not made for the benefit of any third party.

It is anticipated that subsequent agreements regarding Winter Maintenance activities will be executed annually by the Parties hereto.

The terms and conditions of this Agreement shall become effective on October 1, 2022 and shall continue in full force and effect until a subsequent Winter Maintenance agreement has been executed by the parties hereto or until this Agreement is terminated, as set forth below.

In the event that a subsequent Winter Maintenance agreement has not been executed by the parties hereto on or before September 1, 2023, either party may terminate this Agreement by providing the other party hereto with written notice of intent to terminate, at least thirty (30) days prior to the date of termination.

This Agreement is executed by the Board at its meeting of \_\_\_\_\_,  
and by the City by authority of a resolution of its governing body, adopted \_\_\_\_\_,  
(copy attached as Exhibit C).

Witnesses:

CITY OF MADISON HEIGHTS  
A Municipal Corporation

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Witnesses:

BOARD OF COUNTY ROAD COMMISSIONERS  
OF THE COUNTY OF OAKLAND,  
A Public Body Corporate

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

WINTER MAINTENANCE  
2022-2023

CITY OF MADISON HEIGHTS

EXHIBIT A

John R Road

Extending from the Red Run Drain to Fourteen Mile Road

<u>Miles</u>	<u>Cost Per Mile</u>	
1.70	\$7,334.54	\$ 12,468.72

Twelve Mile Road

Extending from Campbell Road to Dequindre Road

<u>Miles</u>	<u>Cost Per Mile</u>	
2.01	\$7,334.54	\$ 14,742.43

Fourteen Mile Road

Extending from Campbell to Stephenson Highway

<u>Miles</u>	<u>Cost Per Mile</u>	
0.32	\$7,334.54	\$ 2,347.05

Extending from John R to Dequindre

<u>Miles</u>	<u>Cost Per Mile</u>	
1.00	\$7,334.54	\$ 7,334.54

Extending from Stephenson Highway to John R

<u>Miles</u>	<u>Cost Per Mile</u>	
0.68	\$9,046.38	\$ 6,151.54

Total Miles

5.71

TOTAL \$ 43,044.27

FOUR OR FIVE LANES (\$7,334.54 per mile)

<u>Miles</u>	<u>Cost Per Mile</u>	
1.70	\$7,334.54	\$ 12,468.72
2.01	\$7,334.54	\$ 14,742.43
0.32	\$7,334.54	\$ 2,347.05
<u>1.00</u>	<u>\$7,334.54</u>	<u>\$ 7,334.54</u>
5.03		\$ 36,892.74

SIX OR MORE LANES (\$9,046.38 per mile)

<u>Miles</u>	<u>Cost Per Mile</u>	
<u>0.68</u>	<u>\$9,046.38</u>	<u>\$ 6,151.54</u>
0.68		\$ 6,151.54

Total Miles

5.71

TOTAL \$ 43,044.27

50% in December, 2022

\$ 21,522.14

50% in March, 2023

\$ 21,522.14

\$ 43,044.27

**EXHIBIT B**  
**2022-2023 WINTER MAINTENANCE AGREEMENT**

**CITY OF MADISON HEIGHTS**  
**SPECIAL PROVISION**  
**FOR**  
**INDEMNIFICATION, DAMAGE LIABILITY AND INSURANCE**

**SPECIAL PROVISION**  
**FOR**  
**INDEMNIFICATION, DAMAGE LIABILITY AND INSURANCE**

Indemnification and Damage Liability

See provisions of the maintenance agreement to which this Exhibit B is attached.

Insurance Coverage:

The City, prior to execution of the maintenance agreement, shall file with the Board of County Road Commissioners of the County of Oakland ("Board"), copies of completed certificates of insurance as evidence that it carries adequate insurance satisfactory to the Board; and, without the prior written consent of the Board, the City shall not cancel, reduce, or fail to renew the insurance coverage required by this Agreement. The City shall immediately notify the Board and cease operations upon the occurrence of any cancellation, reduction, modification or termination of insurance required hereunder, and shall not resume operations under this Agreement until all insurance as required by this Agreement is in full force and effect. The City shall provide in a form and substance acceptable to the Board an underwriter's endorsement to its comprehensive general liability insurance and auto liability insurance, including any excess umbrella insurance, in the amounts set forth on Exhibit B, naming the Board and the Office of the Oakland County Water Resources Commissioner as additional named insureds. The City shall obtain and deliver to the Board a notice of cancellation and non-renewal endorsement, acceptable to the Board, for the general liability, auto liability, and worker's compensation and employer's liability policies. Prior to commencing the work, the City shall provide to the Board evidence satisfactory to the Board of payment of the current premium for the required insurance and endorsements and shall also obtain certificates of insurance for each policy, providing for thirty (30) days actual (not "endeavor to") prior, written notice to the Board by the insurance carrier of any cancellation, termination reduction or material change of the policy. The City shall make sure that each of its subcontractors, if any, providing any of the work and services under this contract, shall obtain and maintain insurance as set forth in this Agreement.

The City shall provide the following insurance coverages which shall be primary and non-contributory:

- a. **Workmen's Compensation Insurance:** The insurance shall provide protection for the City's employees, to the statutory limits of the State of Michigan and \$500,000 employer's liability. The indemnification obligation under this section shall not be limited in any ways by any limitation on the amount or type of damages, compensation or benefits payable by or for the City under worker's disability compensation coverage established by law.
- b. **Bodily Injury and Property Damage Other than Automobile:** The insurance shall provide protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operations for one year after completion of the work.

Bodily Injury Liability Each Person: \$1,000,000 Each Occurrence: \$1,000,000 Aggregate: \$2,000,000 -and- Property Damage Liability: Each Occurrence: \$250,000 Aggregate: \$250,000	Or: Single Limit: Bodily injury and Property Damage Each Occurrence: \$1,000,000 Aggregate: \$2,000,000
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Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations; (3) contractual liability; and (4) independent contractors' coverages.

- c. Bodily Injury Liability and Property Damage Liability - Automobiles (Comprehensive Auto Liability) The minimum limits of bodily injury liability and property damage liability shall be:

Bodily Injury Liability Each Person: \$500,000 Each Occurrence: \$1,000,000 -and- Property Damage Liability: Each Occurrence: \$1,000,000	Or: Single Limit: Bodily Injury and Property Damage Each Occurrence: \$2,000,000
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Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

- d. Excess and Umbrellas Insurance – The City may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.
- e. The City shall provide for and in behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner's Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the City's General Liability Insurance. This requirement for Owner's Protective Public Liability Insurance is waived, if the City provides a certificate of coverage designating the Road Commission for Oakland County and the maintenance agreement as included in the scope of liability coverage for general liability, automobile, law enforcement, and public officials liability issued by the Michigan Municipal Risk Management Authority in the sum of \$15,000,000 each occurrence inclusive of loss adjustment and defense costs, with no aggregate limit.

Reports – The City or his insurance carrier shall immediately report all claims received which relate to the Contract, and shall also report claims investigations made, and disposition of claims to the County Highway Engineer.

## TENTATIVE AGREEMENT

The City of Madison Heights (hereinafter “City”) and the Madison Heights Fire Fighters Union (hereinafter “Union”) hereby agree, subject to ratification, to a new successor collective bargaining agreement for the term July 1, 2022 through June 30, 2025 consisting of all terms, provisions, and appendices of the prior 2018-2021 and 2021-2022 collective bargaining agreements, except for the modifications set forth below:

### 1) Term of Agreement:

In Article XXIX, Section 1, replace “2018” with “2022”, and replace “2021” with “2025”.

### 2) Wages:

Modify the wage table set forth in Article XX, Section 1 to incorporate the following:

a) Increase each wage step within all ranks, except for the rank of Fire Marshal, by \$3,500.00 (fully retroactive to July 1, 2022), prior to application of the first year percentage wage increase of 3%.

b) For the rank of Fire Marshal, increase the start wage step to \$89,676 and increase the 6-month wage step to \$92,450 (fully retroactive to July 1, 2022), prior to application of the first year percentage wage increase of 3%.

c) Effective fully retroactive to July 1, 2022, increase wages for all ranks and all steps by 3%.

d) Effective July 1, 2023, increase wages for all ranks and all steps by 2.5%.

e) Effective July 1, 2024, increase wages for all ranks and all steps by 2.25%

3) Retirement for Employees Hired on or after July 1, 2009:

Add the following at the end of Article XXII:

“THE FOLLOWING PROVISION WAS AGREED TO PURSUANT TO THE PARTIES’ RATIFIED TENTATIVE AGREEMENT OF 2022:

Employees hired on or after July 1, 2009 shall be eligible for full retirement benefits at 52 years of age with 25 years of service. The parties acknowledge that should an employee hired on or after July 1, 2009 leave prior to age 52 but with 10 or more years of service, the employee will not be eligible to draw his/her pension until age 60.”

4) ALS Bonus:

Replace (C) of Article XXVII, Section 2 with the following, to be effective upon ratification:

“C. All members assigned to the ALS program, regardless of rank and regardless of date of hire, shall receive premium pay equal to 7.5% of base wage and overtime.”



5) Kelly Time:

Add the following at the end of Article VIII, Section 1:

“The above-referenced additional 144 hours of vacation time is for the purpose of complying with the Fair Labor Standards Act, in place of the former Super Kelly days. The additional 144 hours of vacation time shall be credited upon date of hire, and annually on the member’s anniversary date, until employment is terminated. Upon termination of employment for any reason, the member will be paid for these unused vacation hours, pro-rated on the basis of 1/12th for each month of service from the member’s anniversary date to the date employment is terminated.”

6) Promotion LOA

The City and Union will execute and attach to the collective bargaining agreement a Letter of Agreement providing as follows:

“The City and Union agree to utilize a new promotional process on a trial basis, as set forth below, to take effect upon ratification and terminating on June 30, 2025 unless the parties mutually agree to extend beyond June 30, 2025. Upon termination of the new promotional process set forth herein, the promotion provisions as set forth in Article XXVI shall automatically and immediately be restored. While the provisions of this Letter of Agreement are in effect, they supercede any conflicting provisions of Article XXVI.

- An assessment center conducted by an outside agency will count 50% toward the overall test score, followed by an oral board which will count 50% toward the overall test score. The maximum points on the assessment center:  $100 \times 50\% = 50$  points maximum. The maximum points on the oral board:  $100 \times 50\% = 50$  points maximum. The sum of the two is the overall test score.
- The oral board panels shall be comprised as follows -
  - a) Lieutenant: Fire Chief and two (2) MHFD Captains.
  - b) Captain: Fire Chief, Human Resources Director, and Senior MHFD Captain or a Fire Chief from another jurisdiction.
  - c) Fire Marshal: Fire Chief, Human Resources Director, and Fire Marshal from another jurisdiction.
- Upon completion of the entire Assessment Center and oral board processes, individual scores shall be provided.
- Seniority points shall be awarded as additional points on the basis of 0.25 point for each full year since date of hire, up to a maximum of five (5) points for twenty (20) years of service. The overall test score + seniority points = total score.
- In order to be placed on the promotional eligibility list, the applicant must have a total score of at least 70. Successful candidates will be placed on the

promotional eligibility list in the order of the total scores, with the top scoring candidate listed first.

- The top candidate shall be promoted first, and the remaining names on the list shall be eligible for future promotions. Eligibility lists shall remain in effect for two years from date of certification by the Civil Service Commission or until the list is exhausted, whichever comes first; this applies notwithstanding termination of the trial period.
- The provisions of this Letter of Agreement apply to all vacancies which arise after the date of ratification, and all flow-through vacancies resulting from same, even if the trial period terminates before those vacancies are actually filled.”

7) Military Leave:

Add the following as new Section 3 to Article XXV -

“Section 3. In the event a bargaining unit member is deployed to active service, the City shall provide supplemental wages to provide the member with their regular base wages during the tenure of their active deployment, in accordance with Council Resolution dated September 14, 2020. The member shall be required to provide his or her military orders prior to deployment so that the supplemental wages can be calculated. Members shall accrue seniority and pension service credit while on the active service deployment leave.”

8) Tuition Reimbursement & Higher Education:

Effective immediately upon ratification, modify Article XXIII to provide as follows:

“ARTICLE XXIII - TUITION REFUND AND HIGHER EDUCATION ATTAINMENT

SECTION 1. The City shall assume the full cost of tuition not to exceed four hundred (\$400.00) dollars per employee per fiscal year, for any employee who pursues a course in order to obtain a job-related degree, or attends a work-related seminar, or pursues other schooling approved by the Fire Chief and/or City Manager. If such tuition is granted to an employee and that employee terminates employment with the City within twelve (12) months after completion of the course, the amount of tuition paid by the City will be deducted from the employee’s final pay.

SECTION 2. The maximum tuition reimbursement shall be four hundred (\$400.00) dollars per employee per fiscal year. Tuition is provided in accordance with the following schedule:

Grade of “B” or better . . . . .	400% (up to \$400 annual maximum)
Grade of “C” to “B” . . . . .	75% (up to \$400 annual maximum)
Grade below “C” . . . . .	No reimbursement

For courses which are otherwise eligible for reimbursement and are only offered on a pass/fail basis, an individual who passes will receive the 100% reimbursement, up to the \$400 annual maximum.

SECTION 3. In addition to the above, an employee who completes the necessary education for a Fire Science certificate shall receive a prorated increase of \$150.00 which shall be paid in a lump sum at the end of each fiscal year. Furthermore, an employee who receives a job-related Associate Degree will also receive an additional prorated \$150.00 paid in the same manner. An employee who receives a job-related Bachelor's Degree will also receive an additional prorated \$100.00 paid in the same manner.

SECTION 4. The taxability of the education incentive pay is covered by Internal Revenue Service rules.

SECTION 5. For purposes of this article, job-related degrees include but are not limited to: Fire Science, Fire Administration, Public Administration, Emergency Medical, Emergency Management, and Public Safety. If a class is not for a degree on the approved list the member shall see approval prior to enrollment. Should this not occur the member shall be ineligible for reimbursement.

9) Overtime/Staffing:

The City and Union agree to execute and attach to the collective bargaining agreement a Letter of Agreement providing as follows:

“The City and Union agree to the provisions set forth in Administrative Order Number 1.18 issued on 08/4/2021 (attached hereto). The City and Union may, during the term of the collective bargaining agreement, mutually agree to modify the provisions set forth in said Administrative Order.”

10) Fire Marshal:

Add a new Article to the contract entitled “Fire Marshal” providing as follows, to be effective upon ratification:

“ARTICLE \_\_\_\_\_ - FIRE MARSHAL

The Fire Marshal shall be provided with a City vehicle to use for travel between the station and home, and for any other travel which is for Fire Department purposes.

The Fire Marshal shall not be eligible for ALS bonus pay at any time.”

11) Maternity/Paternity Leave:

- Change heading of Section L of Article X from “Maternity Leave and FMLA” to “FMLA”
- Add a new Section N to Article X entitled “Maternity/Paternity Leave” providing as follows:

“N. The City shall provide seventy-two (72) hours of paid maternity/paternity leave for 24-Hour bargaining unit members on approved maternity or paternity leave. The City shall provide forty (40) hours of paid maternity/paternity leave for 8- or 10-Hour bargaining unit members on approved maternity or paternity leave.

This bank shall be awarded only upon birth or adoption of a child, and shall be separate from any other type of leave bank.”

12) Sick Bank Maximum:

Effective upon ratification, the maximum sick leave hours for 24-Hour employees shall be increased from 528 to 708, and the maximum sick leave hours for 8- or 10-Hour employees shall be increased from 384 to 514.

Accordingly -

- In the first sentence of Article X(C), "528" shall be replaced with "708", and "384" will be replaced with "514".
- The second paragraph of Article X(C)(1) shall be modified to provide:  
"All sick leave hours accumulated during each contract year in excess of 708 shall be bought back by the City between July 15 and July 30 of each year at 50% of value."
- The first two sentences of Article X(C)(2) shall be modified to provide:  
"All sick leave hours accumulated during each contract year in excess of 514 shall be bought back by the City between July 15 and July 30 of each year at 50% of value."

13) Vacation Bank Maximum:

Effective upon ratification, the cumulative maximum of vacation time shall be increased from 216 hours to 288 hours for 24-hour employees, and shall be increased from 280 hours to 375 hours for 8- or 10-Hour employees. Accordingly:

- Throughout Article VIII, Section 6, replace “216” with “288”.
- Throughout Article VIII, Section 6, replace “280” with “375”.

14) Light Duty:

Effective upon ratification, add a new Article \_\_\_\_ to the contract entitled “Light Duty” and providing as follows:

“ARTICLE \_\_\_\_ - LIGHT DUTY

A bargaining unit member having received medical clearance from his/her physician may request a light duty assignment, which shall be approved at the discretion of the Fire Chief and Human Resources Director, and continue while light duty work is available at the discretion of the Fire Chief and Human Resources Director. While an employee is on light duty, he/she shall work a 40-hour per week assignment. A light duty assignment is not intended as a permanent assignment and may be rescinded at any time at the sole discretion of the City.”

15) Article III Section (1) (B) Medical Opt-Out Incentive Payment:

Effective July 1, 2022 the opt-out payment shall be increased to \$4,000 paid annually with the same twelve (12) month proration methodology and other provisions as listed above.

FOR THE CITY:



Amy Mischak, HR Director

FOR THE UNION:



Ray Gilson, Union President



**MADISON HEIGHTS PATROL OFFICERS UNION  
AND  
THE CITY OF MADISON HEIGHTS PROPOSED TENTATIVE  
AGREEMENT  
AND CONTRACT EXTENSION  
August 24, 2022**

---

**1. Duration:**

Contract Extension Period:

A. July 1, 2024 to June 30, 2025

**2. Wages:**

A. 7/1/22: Patrol Officers and Police Service assistants shall receive a \$3,500 addition into base wage plus additional 1% increase. With equivalent of wages retroactive to July 1, 2022.

B. 7/1/23: Patrol Officers and Police Service Assistants 2.5% (a .5% increase from the currently scheduled wage increase.)

C. 7/1/24: Patrol Officers and Police Service Assistants 2.25%

D. The proposed wage increases stated herein shall be the exhaustive terms of wage increases. Any previous wage increases scheduled shall be assumed into the wage increases herein stated if not previously provided, expressly superseding and replacing the Tentative Agreement (July 1, 2021-June 30, 2023) year for July 1, 2023-June 30, 2024.

**3. Pension:**

Patrol Officers hired on or after July 1, 2009 shall be eligible for full retirement benefits at 52 years of age with 25 years of service. The parties acknowledge that should a Patrol Officer hired on or after July 1, 2009 leave prior to age 52 but with 10 or more years of service, the Patrol Officer would not be eligible to draw his/her pension until age 60.

**MADISON HEIGHTS PATROL OFFICERS UNION  
AND  
THE CITY OF MADISON HEIGHTS PROPOSED TENTATIVE  
AGREEMENT  
AND CONTRACT EXTENSION  
August 24, 2022**

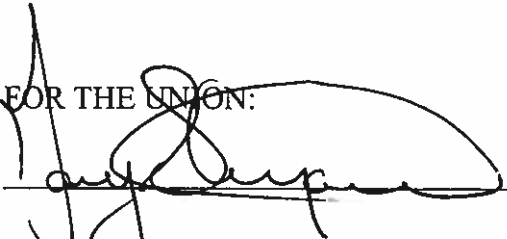

4. All other provisions will be carried forward from the current collective bargaining agreement, which includes the negotiated benefits as set forth in the July 1, 2021-June 30, 2024 Tentative Agreement.

FOR THE CITY:


Date: 9/2/22

FOR THE UNION:

Date: 9/2/22

The wage rates for July 1, 2021 through June 30, 2025 shall be as follows:

**POLICE OFFICER**

<b>YEAR</b>	<b>START</b>	<b>12 MONTHS</b>	<b>24 MONTHS</b>	<b>36 MONTHS</b>
July 1, 2021 – June 30, 2022	\$47,716	\$53,423	\$59,121	\$69,348
July 1, 2022 – June 30, 2023	\$52,692	\$58,571	\$64,441	\$74,977
July 1, 2023 – June 30, 2024	\$54,009	\$60,035	\$66,052	\$76,852
July 1, 2024 – June 30, 2025	\$55,224	\$61,386	\$67,538	\$78,581

**POLICE SERVICE ASSISTANTS (DISPATCHERS)**

<b>YEAR</b>	<b>START</b>	<b>12 MONTHS</b>	<b>24 MONTHS</b>
July 1, 2021 – June 30, 2022	\$41,029	\$43,827	\$46,824
July 1, 2022 – June 30, 2023	\$45,803	\$48,686	\$51,773
July 1, 2023 – June 30, 2024	\$46,948	\$49,903	\$53,068
July 1, 2024 – June 30, 2025	\$48,004	\$51,026	\$54,262