



CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.
PLANNING COMMISSION MEETING AGENDA
JUNE 20, 2023 AT 5:30 PM

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

- [1.](#) May 16th, 2023 Meeting Minutes

PUBLIC HEARING

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

NEW BUSINESS

- [2.](#) Initial Discussion - Regulated Uses - Section 10.502[A]

PLANNER UPDATES

- [3.](#) Zoning Ordinance Rewrite Update
- [4.](#) Development Update

MEMBER UPDATES

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 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES

May 16, 2023
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:31 p.m.

2. ROLL CALL

Present: Chair Josh Champagne
Mayor Roslyn Grafstein
Mayor Pro Tem Mark Bliss
Commissioner Eric Graettinger
Commissioner Melissa Kalnasy
City Manager Melissa Marsh
Commissioner Cliff Oglesby
Commissioner Grant Sylvester arrived at 5:39 p.m.

Absent: none

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

3. EXCUSE ABSENT MEMBERS

None

4. APPROVAL OF THE MINUTES

Motion by Bliss, seconded by Grafstein to approve the minutes of the regular Planning Commission meeting of February 21, 2023.

Motion carries unanimously.

5. PUBLIC HEARING

No public hearing scheduled.

6. PUBLIC COMMENT - For items not listed on the agenda

Matthew Savaya, owner of Victoria Jewels, located at 28731 Dequindre addressed the Commission. Mr. Savaya is interested in converting his jewelry store into a pawn shop and he gives the following reasons:

- It will provide essential services to the community
- Provide a safe place for people to buy and sell items of value
- Provide a place for people to obtain loans to those who may not have any other resources
- It would allow his business to grow and stay in the same location

7. UNFINISHED BUSINESS

Planner Lonnerstater gave an update on the zoning ordinance rewrite. Recently, the Ordinance Rewrite Steering Committee met with City staff to discuss the zoning rewrite project and felt the following topics should be discussed in detail by the Planning Commission as a whole:

- “Missing Middle Housing” and housing unit diversity
- Accessory dwelling units
- Mixed-use building height
- List of Regulated Uses

Missing Middle housing – The Master Plan adopted in 2021 has a section that specifically discusses Lincoln Ave and its potential future development.

[...] Lincoln Avenue presents an opportunity to add higher density housing adjacent to the single family uses. This housing, known as missing middle housing, is essential to providing affordability to neighborhoods. This housing should be compatible with the surrounding neighborhoods in scale. Duplex, triplex, and quadplex dwellings in structures that look like single family homes are envisioned.

The Steering committee felt that “missing middle” housing types such as triplexes and quadplexes could be appropriate within the R-T district. Discussion amongst the Planning Commission as a whole followed.

Commissioner Grafstein, Commissioner Bliss, Commissioner Oglesby, Commissioner Grant, Commissioner Kalnasy and Chair Champagne all spoke favorably in support of adding more middle housing. Reasons given include:

- critical to bring more affordable housing options
- will appeal to all types of people and families
- encourage reinvestment in existing neighborhood

Accessory dwelling units or ADU’s – Discussion was had amongst the Commissioners regarding accessory dwelling units such as: interior ADU, detached ADU, attached ADU. These are sometimes referred to as “granny flats” or “in-law suites.” This is usually a dwelling unit that is much smaller than the main unit and typically not visible from the road.

Planner Lonnerstater directed the discussion. Some items to address further includes lots sizes, non-conforming garages, parking, and short-term rental situations. Attorney Burns mentioned that because accessory dwelling units can attract air b-n-b style short-term rentals, he strongly suggests the commission develop a detailed strategy for addressing the potential air b-n-b aspect.

Mixed-Use Innovation District 2 (MUI-2) Building Height - As currently proposed, building height in the MUI-2 zoning district is capped at 50 ft., which would permit a four or five story building. The Steering Committee discussed the potential for increasing the permitted building height in the MUI-2 district to encourage greater residential density. Planner Lonnerstater led the discussion with the Planning Commission as a whole to explore the possibility of raising the cap on the building height within the MUI-2 zoning district and also discussed various heights.

After some discussion, a suggestion was made in favor of raising the cap but not to exceed 100 feet. Another member suggested from a developer's standpoint to cap it at 55 feet to the lowest occupied floor because it would then be considered a high-rise which adds additional requirements such as a fire command center.

Regulated Uses – In our current ordinance we have current regulated uses, in order to control or limit where certain uses can be placed. Regulated uses are only permitted in the B-2 and B-3 zoning districts as a special use and are subject to strict standards. The ordinance has two categories of regulated uses: 1. Adult oriented uses and 2. Other uses added as amendments not traditionally classified as “adult” businesses. City Council asked the Planning Commission to discuss the topic of regulated uses to ensure the list is up-to-date and only restricting those uses that truly have “objectionable operational characteristics”. Per Planner Lonnerstater, we have three parcels in the entire City that allow these uses. The Commission continued discussion on the following:

1. Should non-adult-oriented businesses, such as tattoo parlors, used good uses, billiard halls, pawnbrokers, and massage parlors/spas, continue to be classified as Regulated Uses?
2. If certain uses should be removed from the list of Regulated Uses, in which zoning districts should they be permitted (either by-right or as a special land use)?
3. Should certain uses currently permitted by-right, including firearm stores, firearm ranges, tobacco/vape shops, and smoking lounges, be added to the list of Regulated Uses? Alternatively, should these types of uses be subject to standalone use-specific standards or siting restrictions?

There was some question by Commissioners as to why some of these uses are listed as regulated such as pool halls, pawn shops, massage parlors, and tattoo parlors since they are no longer viewed as “taboo” and perhaps add value. After lengthy discussion, Planner Lonnerstater will draft new language and bring it to the Planning Commission for review at the next meeting.

8. MEMBER UPDATES

No member updates.

9. PLANNER UPDATES

Planner Lonnerstater briefly updates the Commission on the current RFP in the DDA for streetscaping on 11 Mile Road focused on general design and actual engineering plans to redesign the street.

10. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:50 pm.



MEMORANDUM

Date: June 15th, 2023
 To: City of Madison Heights Planning Commission
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Regulated Uses – Initial Discussion

City Council has directed the Planning Commission and staff to review the list of Regulated Uses contained within the Zoning Ordinance and determine if updates to the list are needed. Per the Zoning Ordinance, Regulated Uses are deemed to have a “*deleterious effect upon the use and enjoyment of adjacent areas*” and are typically associated with “*blight and increased crime.*” Initially, the list of Regulated Uses included sexually-oriented businesses such as cabarets, adult theaters, adult retail and book stores. Throughout the years, however, the list has been expanded to include non-sexually-oriented businesses such as tattoo parlors, pawnbrokers, used goods sales, massage parlors, and billiard halls. Regulated Uses are subject to strict siting, approval, and licensing requirements and are also regulated separately under the Business Regulations and Licenses Ordinance. This memo primarily discusses the non-sexually-oriented businesses listed as Regulated Uses.

If the Planning Commission determines that changes to the Regulated Uses zoning section are warranted, the Commission may either:

- 1) Direct staff to proceed immediately with a stand-alone zoning text amendment under the current Zoning Ordinance; or
- 2) Direct staff to incorporate changes to Regulated Uses as part of the ongoing comprehensive Zoning Ordinance rewrite project.

Examples of Regulated Uses: Sexually-Oriented (top) and Non-Sexually-Oriented (bottom)



A Brief History of Regulated Uses in Madison Heights

Section 10.502[A] – Regulated Uses – first appeared in the Madison Heights Zoning Ordinance in or around 1973. At this time, the only uses listed under the section were adult bookstores, adult motion picture theaters, and cabarets. However, separate regulations were on the books for pool and billiard halls under the Amusements Ordinance, adopted in 1958. Per the Zoning Ordinance in 1973, regulated uses required City Council approval and had to be separated from residential uses by at least 1,000 feet.

In 1999, Section 10.502[A] was replaced in its entirety. The new section expanded the list of sexually-oriented businesses and added the following into the list of Regulated Uses: massage parlors, pawnbrokers, pool/billiard halls, tattoo parlors, and used goods uses. The revised section introduced more stringent separation and location requirements, restricted Regulated Uses to the B-2 and B-3 zoning districts, and required Special Use Approval through City Council. On or around this same time, City Council adopted concurrent amendments to the Business Regulations and Licenses Ordinance pertaining to Regulated Uses.

In 2009, the definition of “massage parlor, sauna and/or spa” was modified to match that in the Business Regulations and Licenses Ordinance.

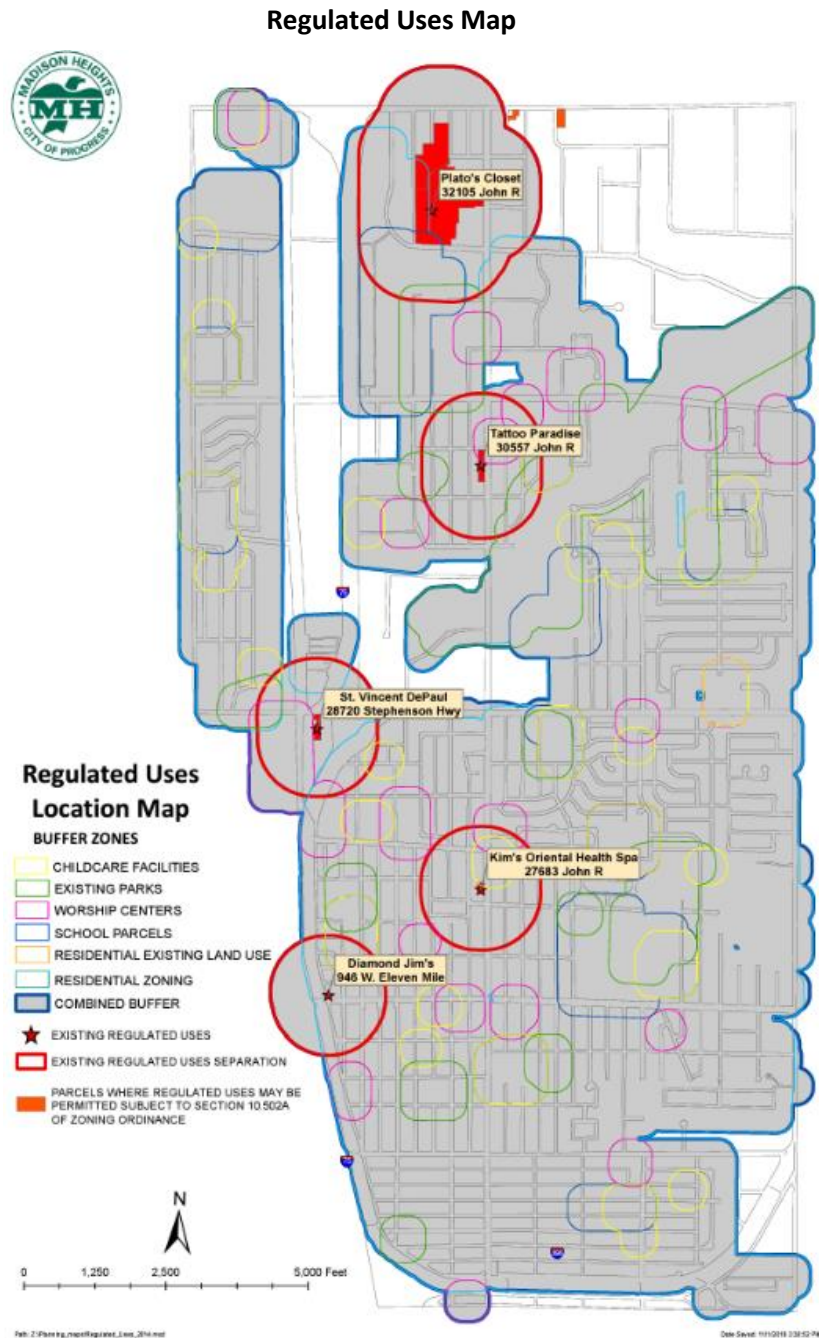
Requirements and Approval Process for Regulated Uses

As it stands today, Section 10.502[A] of the current Zoning Ordinance contains requirements and siting standards for Regulated Uses. Per the Zoning Ordinance, Regulated uses are only permitted in the B-2 (Planned Business) and B-3 (General Business) zoning districts with Special Approval through City Council, which requires a public hearing. Further, Regulated Uses shall be located at least 1,000 feet from another existing Regulated Use and at least 300 feet from any of the following: a church; a public or private elementary or secondary school; a residential zoning district; a public park; a property in residential use; or a child care facility.

The following business types are currently listed as Regulated Uses in the Zoning Ordinance:

- Adult Arcades
- Adult bookstores and adult video stores
- Adult cabarets
- Adult motels
- Adult motion picture theaters
- Adult retail stores
- Adult theaters
- Escort agencies
- Massage parlors, saunas or spas
- Nude model studios
- Pawnbrokers
- Pool and/or billiard halls
- Sexual encounter centers
- Tattoo parlors
- Used goods uses
- Any establishment that permits patrons to be filmed or photographed performing “sexually explicit activities” or displaying “specific anatomical areas” for transmission over the World Wide Web.
- Other sexually oriented business as determined by City Council

The map below depicts properties where Regulated Uses can be established (in orange). The map depicts a total of three (3) properties legally available for Regulated Uses, all near E. 14 Mile Road.



In addition to reviewing and acting upon Special Approval requests for Regulated Uses, City Council is tasked with approving the business license for each individual Regulated Use establishment. Several uses are also regulated separately under the Business Regulations and Licenses Ordinance and Amusements Ordinance.

Regulated Uses are discussed individually on the following pages.

Adult/Sexually-Oriented Businesses

All sexually-oriented businesses, such as escort agencies, adult theaters, and adult retail stores and bookstores, are classified as Regulated Uses. As part of the Zoning Ordinance rewrite, staff does not intend to modify or remove any of the sexually-oriented businesses from the list of Regulated Uses. However, staff is happy to discuss these types of uses with the Planning Commission.

Tattoo Parlors

- Ordinance Definition: *A business or commercial establishment offering for sale or otherwise tattoos. A tattoo is defined as a permanent mark or design made on the skin by puncture, pricking and/or engraving with pigment or by raising scars.*

Tattoo parlors were added to the list of Regulated Uses in 1999. While not adult or sexually-oriented in nature, tattoo parlors were likely added to the list due to their historical connotation of being located in “gritty” areas and the general public opinion about the clientele. However, staff believes that the image of tattoo parlors has improved dramatically over the past several decades and is now more closely tied to personal service uses, such as piercing studios or hair salons, than adult/sexually-oriented businesses. Boutique tattoo parlors are common and popular in many downtown and neighborhood-scaled business districts and typically add, rather than detract, from streetscapes through unique and lively storefronts.

Over the past two years, staff has received over a half-dozen inquiries for business owners looking to open tattoo parlors within Madison Heights, with staff informing them of the Regulated Use requirements. Tattoo parlors are subject to approval from the Oakland County Health Services Department and the State of Michigan.

Tattoo Parlor Storefronts



Guiding Questions for Planning Commission:

- *Should tattoo parlors remain as a Regulated Use, or should they be removed?*
- *If removed, should tattoo parlors be classified as a “personal service” use, similar to barber shops, beauty salons, and piercing studios, or should they be regulated separately?*
- *If regulated separately, in which zoning districts should they be permitted? Should there be any supplemental regulations (e.g. separation requirements)? By Right or Special Use?*

Pool and Billiard Halls

- Ordinance Definition: *A commercial establishment where pool or billiard tables are provided for use on the premises by the public.*

Similar to tattoo parlors, pool/billiard halls were added as a Regulated Use in 1999. However, pool and billiard halls have been regulated under the City's Amusements Ordinance since 1958. The Amusements Ordinance limits the hours of operation for pool/billiards halls to between 9 a.m. and midnight and prohibits anyone under the age of 17 from entering. Also similar to tattoo parlors, staff believes that billiard halls were added to the list of Regulated Uses due to their public image as being "rough around the edges." While stand-alone billiard halls still operate in Metro Detroit, pool tables are often found as a secondary use inside restaurants, bars, arcades, bowling alleys, and other amusement uses. Similar amusement uses, such as bowling alleys and indoor recreational uses, are permitted either by right or through special approval in the City's commercial zoning districts.

Guiding Questions for Planning Commission:

- *Should pool/billiard halls remain as a Regulated Use, or should they be removed?*
- *If removed, should pool/billiard halls be classified as an "indoor recreational" use, or should they be treated separately?*
- *If regulated separately, in which zoning districts should they be permitted? Should there be any supplemental regulations (e.g. separation requirements)? By Right or Special Use?*

Used Goods Uses

- Ordinance Definition: *Businesses engaged with a substantial portion of their business comprising the sale of used goods, including, but not limited to, secondhand and junk dealers, as defined pursuant to Public Act 1970, No. 350, as amended, MCL 445.401 et seq., and persons engaged in substantially similar uses. Not included shall be the occasional resale of goods which is not a principal business purpose.*

Used goods uses were added as a Regulated use in 1999. While this category of uses includes so called "junk dealers" which typically invokes an image of a junk yard or scrap metal sales, it also includes any business in which secondhand sales is the primary use; this would include thrift stores, consignment shops, antique shops, and boutique "vintage" shops. Note that this classification does not include pawnshops or junkyards, which are both listed as separate uses in the Zoning Ordinance and regulated separately. In addition to the Regulated Use zoning standards, secondhand dealers and junk dealers are subject to a specific section of the City's Business Regulations and Licenses Ordinance and a state licensing act which was originally adopted in 1917.

A primary question for the Planning Commission is whether or not secondhand or used goods stores should be treated and classified differently from general retail businesses, which are permitted by right in the City's business districts. Boutique and eclectic resale, antique, and "vintage" shops are common in many American downtowns and business districts. While donation drop-off areas at larger thrift stores can be a concern from an aesthetic and traffic standpoint, zoning standards can be put in place to address site planning and external impacts.

Please refer to the *Strong Towns* editorial article attached to this memorandum which overviews a particular case of a thrift store that attempted to open in a suburban Maryland community, and the hurdles they had to overcome.

Used Goods/Secondhand Sales Storefronts



Guiding Questions for Planning Commission:

- Should Used Goods Uses/Secondhand Shops remain as a Regulated Use, or should they be removed?
- If removed, should Used Goods Uses be classified as general retail, or should they be treated separately?
- If regulated separately, in which zoning districts should they be permitted? Should there be any supplemental regulations (e.g. separation requirements, donation/sales drop-offs)? By Right or Special Use?

Pawnbrokers

- Ordinance Definition: Any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Pawnbrokers were added as a Regulated Use in 1999. While pawnbrokers and pawnshops are similar to Used Goods Uses in that they offer secondhand sales of used items, pawnbrokers also offer loans, with interest, for personal property. Some municipalities classify pawnbrokers as “alternative financial services” similar to check-cashing and payday lender businesses.

The Madison Heights Police Department has provided a brief response, summarized below, on the question of removing pawnbrokers from the list of Regulated Uses:

The Police Department is not in favor of allowing pawnshops to be removed from regulated use status or zoning requirements. Pawnshops are not the same as resale shops. Pawnshops either buy items directly from a consumer, mark them up based on their profit margins and resell the items similar to that of resale shops; unfortunately, this is not the majority of their business. Pawn Shops are well known for purchasing stolen items. Criminals that steal items go to the Pawn Shops to get their quickest pay off for the stolen items. The pawn shops, unfortunately, don't question where the merchandise came from, and the police department has had serious problems getting them to comply with requirements such as reporting all their purchases to Leads Online. Further, the pawnshops that we have had here in the past were taking merchandise that was stolen and were selling this property without notifying the police department or using the required Leads Online reporting system. Further, one business was eventually closed for failing to disclose stolen property and having property melted down without retaining it for the required amount of time under the law in case the merchandise was indeed stolen.

Further, pawnshops allow property to be pawned for loans with very high interest rates and eventually foreclose on the property that was pawned if the person is unable to repay the loan in a certain amount of time. This can be said to be similar in nature to loan advance stores but is really completely different in the fact that you are putting your personal property up as collateral for instant cash. Pawnshops are known to give very low amounts in comparison to the value of the property pawned. What we have seen is that people are addicted to drugs pawn some of their last heirlooms in order to purchase drugs and are unfortunately never able to recover them.

The police department is highly concerned that having pawnshops in our city will increase crime, it will directly bring crime into our city by having a location for stolen goods to be sold, and will increase the police department's duties to investigate more of the type of property crimes that are associated with pawnshops. Pawnshops are not like what is seen on TV in any way, shape or form. The shows are highly sensationalized and are not a true indication of what pawnshops are like.

Pawnshops are also regulated under the City's Business Regulations and Licenses Ordinance and a State licensing act, originally adopted in 1917.

Guiding Questions for Planning Commission:

- *Should Pawnshops remain as a Regulated Use, or should they be removed?*
- *If removed, should Pawnshops be classified as general retail, or should they be treated separately? Should they be classified as “alternative financial services”?*
- *If regulated separately, in which zoning districts should they be permitted? Should there be any supplemental regulations (e.g. separation requirements, hours of operation, etc.)?*

Massage Parlors

- Ordinance Definition (summarized): *Any business establishment whose principal business is the practice of massage and which has a fixed place of business where any person, firm, association or corporation carries on massage as the principal use. Does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of ultrasound; or prescription of medicines.*

Massage parlors were added as a Regulated Use in 1999. However, business licensing regulations appear to have been on the books since at least 1996. Additionally, massage therapists are required to obtain a license through the State of Michigan. While official boutique massage parlors often operate in a similar manner to personal service uses such as salons and barbers, the Madison Heights Police Department has concerns regarding massage parlors in the City. The Madison Heights Police Department has provided a brief response, summarized below, on the question of removing massage parlors from the list of Regulated Uses:

Since the reopening of the Special Investigations Unit (SIU) in 2019, detectives investigated approximately 15 advertised massage businesses (apartments/houses) and 5 massage parlors (store front) after receiving tips that illicit acts were occurring at these establishments. SIU was asked to investigate massage parlors that fell outside of the Madison Heights area due to our experience in handling these types of cases.

Through these investigations, it was discovered that 3 out of the 5 massage parlors offered illicit acts and were involved in the sex trafficking industry. All the massage businesses being ran out of an apartment/house offered an illicit act as part of the massage service. In almost all cases, the subjects arrested during these investigations ended up being victims of the sex trafficking trade.

Not all massage parlors are houses of ill fame, but our ordinances may need to be revised prior to any future approvals as an extra layer of protection. Even a legitimate professional masseuse will most likely be propositioned by an aggressive client leading to the need for additional police services.

Note that a health spa, salon or fitness establishment may offer massages as an incidental use without being classified as a “Massage Parlor” if the area used for massage does not exceed 10% of the floor area and not exceed three work areas.

Massage Parlors: Franchise Chains and Individually-Owned Establishments



Guiding Questions for Planning Commission:

- *Should massage parlors remain as a Regulated Use, or should they be removed?*
- *If removed, should massage parlors be classified as a “personal service” use, similar to barber shops, beauty salons, and piercing studios, or should they be regulated separately?*
- *If regulated separately, in which zoning districts should they be permitted? Should there be any supplemental regulations (e.g. separation requirements)? By Right or Special Use?*

Next Steps

Following the discussion at the meeting, staff will look to the Planning Commissions for guidance as to which uses, if any, should be modified or removed from the list of Regulated Uses. Further, if changes are warranted, the Planning Commission should determine if staff should proceed immediately with a stand-alone zoning text amendment under the current Zoning Ordinance. Alternatively, changes may be folded into the ongoing comprehensive Zoning Ordinance rewrite project.

If the Planning Commission elects a stand-alone amendment, staff recommends introducing the text amendment at the July 18th Planning Commission meeting and scheduling a public hearing for the August 15th meeting. Staff will also coordinate with the City Clerk for concurrent amendments to the Business Regulations and Licenses Ordinance.

Sec. 10.502[A]. Regulated uses.

1. *Purpose of Ordinance.* In the development and execution of the amendment to this Ordinance, it is recognized that certain uses as a result of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this Ordinance, the planning commission and city council has received information from the community development department, the city assessor, and the police department, including information associating blight and increased crime with sexually-oriented businesses, including studies done in a number of cities. In connection with the adoption of this Ordinance, council has received further information that certain types of adult businesses, including tattoo parlors, pawnbrokers, and used goods businesses have, through studies, been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.

The regulations in this Ordinance are designed for locating these uses in areas where the adverse impact of their operation may be minimized by the separation of such uses from one another and from places of public congregation.

2. *Definitions.* As used in this section:

- (a) *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, internet, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas."
- (b) *Adult book store or adult video store* means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form of consideration, any one or more of the following:
 - (1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or
 - (2) Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."

Commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specific anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book store or adult video store as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing "specified sexual activities" or "specified anatomical areas". For purposes of this section, video cassettes or films which are x-rated or unrelated but of substantially equivalent content as x-rated films, shall be considered to depict or describe "specified sexual activities" or "specified anatomical areas" notwithstanding any more restrictive definition set forth herein.

- (c) *Adult cabaret* means a nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:

- (1) Persons who appear in a state of nudity, or
 - (2) Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
 - (3) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of "specified sexual activities" or specified anatomical areas."
- (d) *Adult motel* means a hotel, motel, or similar commercial establishment which:
- (1) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (2) Permit patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web; or
 - (3) Advertises in any way sleeping room(s) for rent for a period of time that is less than ten hours; or
 - (4) Allow a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.
- (e) *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."
- (f) *Adult retail store* means an establishment which sells or offers for sale any types of items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged, as "sexually explicit activities" or "specified anatomical areas."
- (g) *Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."
- (h) *Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.
- (i) *Escort agency* means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (j) *Establishment* means and includes any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
 - (4) The relocation of any sexually oriented business.
- (k) *Massage parlor, sauna and/or spa* means a massage parlor as defined in Chapter 7 of the Madison Heights Code of Ordinances.

- (l) *Nude model studio* means any place where a person appears in the state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form or consideration.
- (m) *Nudity or state of nudity* means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.
- (n) *Pawnbroker* means pawnbroker businesses as defined in Chapter 7 of the Madison Heights Code of Ordinances.
- (o) *Person* means any individual, proprietorship, partnership, corporation, association or any other legal entity.
- (p) *Pool or billiard hall* means a place providing pool or billiard tables for use on the premises to the public as defined in Chapter 4 of the Madison Heights Code of Ordinances.
- (q) *Semi-nude* means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.
- (r) *Sexual encounter center* means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - (1) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex or any activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web or any other media.
- (s) *Specified sexual activities* means and includes any of the following:
 - (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (3) Masturbation, actual or simulated; or
 - (4) Excretory functions as part of or in connection with any of the activities set forth in i. through iii. above.
 - (5) Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.
- (t) *Regulated uses* means any of the following:
 - (1) "Adult arcades";
 - (2) "Adult book stores and adult video stores";
 - (3) "Adult cabarets";
 - (4) "Adult motels";
 - (5) "Adult motion picture theaters";
 - (6) "Adult retail store";
 - (7) "Adult theaters";
 - (8) "Escort agencies";

- (9) "Massage parlors, saunas or spas";
 - (10) "Nude model studios";
 - (11) "Pawnbrokers";
 - (12) "Pool and/or billiard halls";
 - (13) "Sexual encounter centers".
 - (14) "Tattoo parlors or uses";
 - (15) "Used good uses";
 - (16) "Any establishment that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specific anatomical areas" for transmission over the World Wide Web;
 - (17) Other sexually oriented business described herein or as determined by city council.
- (u) *Specified anatomical areas* means and includes any of the following:
- (1) Less than completely and opaquely covered human genitals, pubic region or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or
 - (2) Human genitals in a state of sexual arousal, even if opaquely and completely covered.
- (v) *Tattoo parlors or uses* means a business or commercial establishment offering for sale or otherwise tattoos. A tattoo is defined as a permanent mark or design made on the skin by puncture, pricking and/or engraving with pigment or by raising scars.
- (w) *Used good uses* means businesses engaged with a substantial portion of their business comprising the sale of used goods, including, but not limited to, secondhand and junk dealers, as defined pursuant to Public Act 1970, No. 350, as amended, MCL 445.401 et seq., and persons engaged in substantially similar uses. Not included shall be the occasional resale of goods which is not a principal business purpose.
3. *Location of regulated uses:*
- (a) The establishment of a regulated use as defined under this section within 1,000 feet of another regulated use, measured from property line to property line, is prohibited.
 - (b) Regulated uses shall be permitted in B-2 and B-3 Districts after special approval by city council, site plan review, if applicable, and obtaining a business license under Chapter 7, if and only if, it is determined that the regulated use meets all other criteria of B-2 and B-3 Districts under the Code of Ordinances and will not be located within 300 feet of the following:
 - (1) A church;
 - (2) A public or private elementary or secondary school;
 - (3) The boundary of a residential zoning district;
 - (4) A public park;
 - (5) The property line of a lot in residential use;
 - (6) A child care facility.
4. *Miscellaneous requirements.*
- (a) No person shall reside in, or permit any person to reside in, the premises of a regulated use.

-
- (b) All regulated uses shall be subject to all the same requirements of the Zoning Ordinance for the designated zoning district.

(Ord. No. 504, § 1, 6-25-73; Ord. No. 1064, §§ 4, 5, 10-12-09)



Regulated Uses Location Map

BUFFER ZONES

- CHILD CARE FACILITIES
- EXISTING PARKS
- WORSHIP CENTERS
- SCHOOL PARCELS
- RESIDENTIAL EXISTING LAND USE
- RESIDENTIAL ZONING
- COMBINED BUFFER

★ EXISTING REGULATED USES

EXISTING REGULATED USES SEPARATION

PARCELS WHERE REGULATED USES MAY BE PERMITTED SUBJECT TO SECTION 10.502A OF ZONING ORDINANCE



0 1,250 2,500 5,000 Feet

ARTICLE VII. REGULATED USES¹

Sec. 7-111. Definitions.

For the purpose of the provisions of this article, the following words and phrases shall be construed to have the meanings herein set forth:

Pawnbroker means any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Person means any individual, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

Pool or billiard hall means a commercial establishment where pool or billiard tables are provided for use on the premises by the public.

Regulated uses means any business which is classified as such under section 10.502[A] of the City of Madison Heights Code of Ordinances for Zoning.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-112. License required.

- (a) *Business license required.* No person shall engage in a regulated use without a valid business license issued by the City of Madison Heights pursuant to the provisions of this article for each and every separate office or place of business conducted by such person. Massage establishments, massage parlors, massagists, masseurs and masseuses shall comply with the provisions of article XII of this chapter. Pool and billiard halls shall also comply with the provisions under chapter 4, article II. Adult arcades shall also comply with chapter 4, article III.
- (b) *Validity of current licenses.* Licenses currently in existence shall remain valid until renewal of said licenses at which time said license shall be subject to compliance with initial license procedures specified herein.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-113. Application for regulated use establishment license; fees.

Every applicant for a regulated use establishment license shall file an application under oath with the city clerk's upon a form provided by the City of Madison Heights and pay a nonrefundable application investigation fee.

¹Editor's note(s)—Ord. No. 984, § 1, adopted April 12, 1999, amended Ch. 7 by repealing the provisions of Art. VII, §§ 7-111—7-128, in their entirety, which provisions pertained to barbershops and which derived from Code 1958, §§ 3-119, and 3-601—3-607; and from Ord. No. 95, adopted May 28, 1958. In addition, § 2 of said Ord. No. 984 enacted provisions designated and included herein as a new Art. VII, §§ 7-111—7-127.

Such fee shall be set by a city council Resolution and shall be renewed annually. The application shall contain the following information:

- (1) A detailed description of service(s), activities or nature of the businesses to be provided and/or conducted.
- (2) The location, mailing address and all telephone numbers where the business is to be conducted.
- (3) The name and residence address of each applicant.
 - a. If the applicant is a corporation, the names and residence address of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation, the address of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation, the address of the corporation itself, if different from the address of the regulated use establishment, and the name and address of a resident agent in Oakland County, Michigan.
 - b. If the applicant is a partnership, the name and residence address of each of the partners and the partnership itself, if different from the address of the regulated use establishment, and the name and address of a resident agent in Oakland County, Michigan.
- (4) The two previous addresses immediately prior to the present address of the applicant as stated in subsection (3) a. and b.
- (5) Individual or partnership applicant's height, weight, sex, date of birth, color of eyes and hair.
- (6) Social Security number, driver's license number, if any, and date of birth of each applicant.
- (7) One portrait photograph of the applicant at least two inches by two inches and a complete set of applicant's fingerprints which shall be taken by the chief of police or his agent. If the applicant is a corporation, one portrait photograph at least two inches by two inches of all officers and managing agents of said corporation and a complete set of the same officers' and agents' fingerprints which shall be taken by the chief of police or his agent. If the applicant is a partnership, one front-face portrait photograph at least two inches by two inches in size of each partner, including a limited partner in said partnership, and a complete set of each partner or limited partner's fingerprints which shall be taken by the chief of police or his agents.
- (8) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application, including the name, address and telephone number of any and all employers.
- (9) The business history of the applicant whether such person has previously operated in this or another city or state, has had a business license revoked, suspended or denied, the reason therefore, and the business activity or occupation subsequent to such action of suspension, revocation, or denial.
- (10) All criminal convictions other than traffic violations, including the dates of convictions, nature of the crime and place convicted.
- (11) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
- (12) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
- (13) All information required by this section shall be provided at the applicant's expense. Upon completion of the above provided form and the furnishing of all foregoing information, the City of Madison Heights shall accept the application for the necessary investigations. The holder of a regulated use

establishment license shall notify the City of Madison Heights of each change in any of the data required to be furnished by this section within ten days after such change occurs.

(14) Regulated use establishment licenses shall be renewed annually.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-114. License procedures.

- (a) Any applicant for a license pursuant to this article shall present to the city clerk's office the application containing the aforementioned and described information. Upon receipt of such application; the city clerk will refer same to the chief of police, fire chief, community development department and such other city officers or employees as he or she may desire, who shall cause a thorough investigation, including a complete history of past business experience and state or local law violations, if any, to be made of the persons and/or premises which must meet or exceed codes. The findings resulting from such investigations shall be reported to the city manager who will then report same to the city council.
- (b) The chief of police shall recommend denial or approval of an application for license within 30 days unless such recommendation is delayed for a reason not attributable to the police department. In making his determination hereunder, the chief of police shall consider:
 - (i) All applicant's convictions, the reasons therefor, and the demeanor of the applicant subsequent to his or her release;
 - (ii) The license history of the applicant and his or her employees; whether such person has previously operated in this city or state or in another state under a license and has had such license revoked or suspended, the reasons therefore, and the demeanor of the applicant subsequent to such action.
- (c) In the case of a license application, the divisions of inspection, including, but not limited to, the building inspector, electrical inspector, plumbing inspector, zoning official, the police department and the fire department, shall inspect the premises proposed to be devoted to the regulated use establishment and shall make recommendations to the city manager concerning compliance with the requirements of this article, and all other applicable city ordinances and regulations.
- (d) Prior to submission of an application for business license for a regulated use establishment to city council for approval, an applicant shall be required to enter into a development plan agreement with the City of Madison Heights. As part of the license procedure, the community development department shall prepare a development plan agreement to be signed by the applicant prior to submission of the license for approval to city council. Included in that development plan agreement shall be specific conditions concerning signage, including, but not limited to, size, color, land use, location on the building, window displays, if applicable, physical layout of the facility, indoor and outdoor lighting, entrances and exits, operating conditions, including, but not limited to, hours of operation, and any other matters of concern to the city concerning physical layout or appearance of said business establishment.
- (e) An applicant for a license will be required to appear before the city council for presentation of the development plan agreement and business license for his or her establishment, and answer any questions pertaining to such plans.
- (f) If the city council is satisfied that all the criteria set forth herein for a license has been met, it will adopt a resolution granting approval, subject to satisfaction of the development plan agreement and any conditions stated in the resolution. If a license is approved and it is subsequently determined that the project was not completed as required by the development plan agreement and conditions of the resolution presented to the city or in compliance with representations made to the city, the city may take action to revoke the

business licenses and/or the license for the following year shall be denied on the basis of this incompleteness and/or noncompliance.

- (g) Applicants for regulated use establishment licenses shall continue to comply with all applicable state and city regulations, including the development plan agreement and any conditions which must be approved, and will operate the premises consistent with any representations made to the city council in obtaining the license. Failure of such compliance shall result in the refusal by the city council to renew a license or in revocation of the license.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-115. Issuance of license.

The city clerk shall direct a license be issued for a regulated use establishment if all requirements for the regulated use establishment described in this article are met, unless he or she finds:

- (1) The correct permit or license fee has not been tendered to the city and in the case of a check, or bank draft, honored with payment upon representation.
- (2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health regulations.
- (3) The applicant, if an individual, or any of the stockholders holding more than ten percent of the stock of the corporation; or any of the officers or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses within or without the State of Michigan:
 - a. An offense involving the use of force and violence upon the person of another that amounts to a felony.
 - b. An offense involving sexual misconduct, including, but not limited to, criminal sexual conduct, prostitution, lewdness, pandering, accepting of the earnings of a prostitute, sodomy, gross indecency, indecent exposure, distribution of pornography by any media, or any crime of a similar nature.
 - c. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony. A license may be issued to any person convicted of any crimes described in subparagraphs a., b., or c. of this subsection if it is found that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent misdemeanor convictions for crimes mentioned in this section.
- (4) The applicant has knowingly made any false or fraudulent statement of fact in the application or in any document required by the city in conjunction therewith.
- (5) The applicant has had a regulated use establishment or similar use license denied, revoked or suspended by the city or any other local, county or state agency within five years prior to the date of the application.
- (6) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.
- (7) The location proposed and/or methods of operation have or will detrimentally and unreasonably impact nearby property owners, businesses and residents.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-116. Approval or denial of application.

The term of the license shall be for a period of one year as set out in section 7-22 of this chapter unless otherwise specified under this article. An applicant denied a license pursuant to these provisions, may appeal as set out in article III.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-117. Posting of license.

Every regulated use establishment shall post the license required by this article in a clearly visible area at the premises.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-118. Renewal of license.

Application to renew a license to operate a regulated use establishment shall be filed at least 45 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee to be set by city council resolution.

- (1) The applicant shall present to the city clerk's office a sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes which have occurred.
- (2) The application shall be referred to the chief of police who shall investigate the criminal history of the applicant.
- (3) The city council or a hearing officer appointed by the city council may undertake a review of any license regarding renewal of said license. The council or hearing officer shall consider whether a licensed establishment has been operated during the existing license year in a manner consistent with the provisions of this article, the development plan agreement and any conditions set out in the council resolution and all other applicable laws and regulations of the City of Madison Heights and the State of Michigan.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-119. Revocation or suspension of license.

Each establishment within the city for which a regulated use establishment license is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Madison Heights and the State of Michigan. Upon any violation of this article, pursuant to sections 7-22 and 7-27, a city official as designated in sections 7-27 and 7-36 may revoke such license.

(Ord. No. 984, § 2, 4-12-99; Ord. No. 2171, § 7, 10-25-21)

Sec. 7-120. Facilities necessary.

No license to conduct a regulated use establishment shall be issued unless inspectors of the City of Madison Heights reveal that the establishment complies with each of the following minimum requirements:

- (1) All provisions of the city building, plumbing, fire, electrical and health codes have been fulfilled.
- (2) A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a regulated use establishment; all signs shall comply with the sign permit requirements of the City of Madison Heights.
- (3) There shall be no entrance or exit way which provides direct access to another type of business, residence or living quarters.
- (4) During business hours no exits shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.
- (5) Minimum ventilation shall be provided in accordance with the building codes.
- (6) Minimum lighting shall be provided in accordance with the building codes, and in addition at least artificial light of not less than 60 watts shall be provided in each enclosed room or booth.
- (7) The facility shall be in compliance with any and all requirements for facilities as set out in the development plan agreement and/or conditions of the council resolution.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-121. Operating requirements.

- (a) No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises except for adult motels.
- (b) No regulated use establishment granted a license under the provisions of this article shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any facilities.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-122. Persons under age eighteen prohibited on premises.

No person shall permit any person under the age of 18 years to come or remain on the premises as employer, patron or accompanying a patron of any regulated use except pawnbrokers, tattoo parlors or used goods uses.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-123. Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any regulated use establishment except for those regulated use establishments with appropriate liquor licenses.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-124. Hours.

No regulated use establishment shall be kept open for any purposes between the hours of 1:00 a.m. and 8:00 a.m.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-125. Unlawful acts.

- (a) It shall be unlawful for any person owning, operating or managing a regulated use establishment to permit any agent, employee, or any other person under his or her control or supervision to fail to conceal the sexual or genital parts of his or her body with a fully opaque covering.
- (b) It shall be unlawful for any employee, while in the presence of any other person in a regulated use establishment to fail to conceal the sexual or genital parts of his or her body with a fully opaque covering.
- (c) It shall be unlawful for any person owning, operating or managing a regulated use establishment to permit any agent, employee, or any other person under his or her control or supervision to expose, touch, fondle or massage any sexual or genital parts of another person or themselves.
- (d) It shall be unlawful for any employee, while in the presence of any other person in a regulated use establishment to expose, touch, fondle or massage any sexual or genital parts of another person or themselves.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-126. Sale, transfer or change of location.

Upon sale, transfer or relocation of a regulated use establishment, the license therefor shall be null and void unless approved as provided by this article. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of the regulated use establishment, to immediately report such sale, transfer or relocation to the city clerk's office. The failure to do so shall result in an immediate suspension of all business.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-127. Name and place.

No person granted a license pursuant to this article shall operate the regulated use establishment under a name not specified in their license, nor shall they conduct business under any designation or location not specified in their license.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-128. Reserved.

ARTICLE V. PAWNBROKERS¹

Sec. 7-82. License required.

No person shall operate a business of a pawnbroker in the city without obtaining a general business license from the city in accordance with this chapter and a pawnbroker license issued by the mayor pursuant to this article and 1917 PA 273, MCL 446.201 et seq.

(Ord. No. 2171 , § 5, 10-25-21)

Sec. 7-83. License application and issuance.

An application for a license under this article must be filed and a license will be issued in accordance with 1917 PA 273, MCL 445.201 et seq.

(Ord. No. 2171 , § 5, 10-25-21)

Sec. 7-84. Records and business practices.

A licensee under this article must comply with the recordkeeping and other requirements of 1917 PA 273, MCL 446.201 et seq.

(Ord. No. 2171 , § 5, 10-25-21)

Secs. 7-85—7-95. Reserved.

¹Editor's note(s)—Ord. No. 2171 , § 5, adopted Oct. 25, 2021, amended Art. V in its entirety to read as herein set out. Former Art. V, §§ 7-82—7-92, pertained to similar subject matter, and derived from Ord. No. 1099, § 1, adopted Dec. 26, 2013.

ARTICLE VI. SECONDHAND DEALERS AND JUNK DEALERS¹

Sec. 7-96. Secondhand dealer and junk dealer license required.

Secondhand dealers and junk dealers may only operate in the city with a general business license as provided in this chapter and after also obtaining a license issued by the mayor pursuant to this article and 1917 PA 350, MCL 445.401 et seq.

(Ord. No. 2171 , § 6, 10-25-21)

Sec. 7-97. License application and issuance.

An application for a license under this article must be filed and a license will be issued in accordance with 1917 PA 350, MCL 445.401 et seq.

(Ord. No. 2171 , § 6, 10-25-21)

Sec. 7-98. Records and business practices.

A licensee under this article must comply with the recordkeeping and other requirements of 1917 PA 350, MCL 445.401 et seq.

(Ord. No. 2171 , § 6, 10-25-21)

Secs. 7-99—7-110. Reserved.

¹Editor's note(s)—Ord. No. 2171 , § 6, adopted Oct. 25, 2021, amended Art. VI in its entirety to read as herein set out. Former Art. VI, §§ 7-96—7-104, pertained to similar subject matter, and derived from Ord. No. 2101, § 1, adopted Dec. 26, 2013.

ARTICLE XII. MASSAGE PARLORS AND MASSAGE ESTABLISHMENTS¹

Sec. 7-211. Definitions.

For the purpose of the provisions of this chapter, the following words and phrases shall be construed to have the meanings herein set forth:

Customer: Any person who receives services at a massage parlor or massage establishment with or without cost.

Employee: Any person who renders any service in connection with the operation of a massage parlor or massage establishment.

Licensee: The person or entity to whom a business license has been issued to own or operate a massage parlor or massage establishment as defined herein.

Massage: The application of a system of structured touch, pressure, movement, and holding of the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client. Massage also includes complementary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. Massage does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of ultrasound; or prescription of medicines.

Massage parlor/sauna/spa: Any business establishment whose principal business is the practice of massage as defined in this section, and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined in this section, as the principal use or as an incidental or accessory use, in excess of the limits provided in the definition of massage establishment. A massage parlor is a regulated use pursuant to Section 10.502A of the Madison Heights Zoning Ordinance and requires a special approval use permit from city council.

Massage establishment: Any business where the practice of massage is performed incidental or accessory to a permitted principal use. The area used for massage may not exceed ten percent of the businesses' total floor area and may not exceed three work areas. This includes uses such as a health club, health spa, physical fitness club, hair salon or other business that customarily offers massage on occasion and incidental or accessory to its principal operation.

Massage therapist: Any person who engages in the practice of massage as defined in, and licensed under, P.A. 471 of the Public Acts of 2008, MCL 333.16334 et seq.

Outcall massage service: Any service, the function of which is to engage in, or carry on, massage at a location designated by the customer or client other than a licensed massage parlor or massage establishment as defined in this section.

Person: Any person, partnership, corporation, company or other entity of whatever form or character.

¹Editor's note(s)—Ord. No. 1063, § 1, adopted Oct. 12, 2009, amended Art. XII in its entirety to read as herein set out. Former Art. XII, §§ 7-211—7-235, pertained to massage establishments, massage parlors, massagists, masseurs, and masseuses, and derived from Ord. No. 934, § 2, adopted April 22, 1996.

Sexual or genital area: Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-212. License required.

- (a) *Business license required.* Each massage parlor or massage establishment shall have in effect at all times a valid business license issued by the City of Madison Heights pursuant to the provisions of this article for each business location operated by such business. The application, and the license, shall clearly state that the business is a massage parlor or massage establishment.
- (b) *Massage therapist license required.* No person shall be employed as, or practice massage unless he or she has a valid massage therapist license issued by the State of Michigan.
- (c) *Responsibility of owner, etc.* It shall be the responsibility of an owner, operator, manager or licensee hereunder to ensure that each person employed or engaged by him or her in said business as a massage therapist shall have a valid State of Michigan massage therapist license. It is understood that the owner, operator, manager or licensee is deemed aware of, and responsible for, all activities and the actions of all employees.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-213. Exemptions.

This article shall not apply to:

- (1) Medical practitioners licensed by the State of Michigan Board of Medicine.
- (2) Barbers and cosmetologists who are licensed by the State of Michigan Board of Barber Examiners or Board of Cosmetologists except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.
- (3) An athletic trainer licensed by the State of Michigan under P.A. 54 of the Public Acts of 2006, MCL 333.16336 et seq.
- (4) The practice of massage that is an integral part of a program of study by students enrolled in a school, provided that they are identified as students and provide massage services only while under the supervision of a licensed massage therapist.

In any prosecution for a violation of this article, the foregoing exemptions shall constitute affirmative defenses and it shall be incumbent upon the defendant to show that he or she or the place involved are not subject to the provisions of this article. Nothing herein contained shall be deemed to shift the burden of proof of the violation to the defendant.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-214. Application for massage parlor or massage establishment license; fees.

Every applicant for a license to maintain, operate or conduct a massage parlor or massage establishment shall file an application under oath with the city clerk's office upon a form provided by the city clerk and pay a nonrefundable application and background investigation fee. The application shall contain the following information:

- (1) A definition of service(s) to be provided.
- (2) The location, mailing address and all telephone numbers where the business is to be conducted.
- (3) The name and residence address of each applicant for the past ten years.
 - a. If the applicant is a corporation, the names and residence address of each of the officers and directors of said corporation, the address of the corporation itself, if different from the address of the massage establishment, and the name and the business and residence address of the resident agent.
 - b. If the applicant is a partnership, the name and residence address of each of the partners and the partnership itself, if different from the address of the massage establishment.
- (4) Individual or partnership applicant's height, weight, sex, date of birth, color of eyes and hair.
- (5) Either a Social Security number, driver's license number or State I.D. number, and the date of birth for each applicant.
- (6) Two portrait photographs of the applicant at least two inches by two inches. If the applicant is a corporation provide photographs of the president and if a partnership provide photographs of each partner, including a limited partner in said partnership.
- (7) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application, including the name, address and telephone number of any and all employers.
- (8) The massage or similar business history of the applicant; whether such person has previously operated in this or another city or state, has had a business license revoked, suspended or denied, the reason therefore, and the business activity or occupation subsequent to such action of suspension, revocation, or denial.
- (9) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crime and place convicted; including those outside of the State of Michigan.
- (10) A copy of a valid State of Michigan massage therapist license for each person who is, or will be, employed in said establishment.
- (11) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (3) above, wherein the business or profession of massage is carried on.
- (12) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
- (13) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.
- (14) All information required by this section, including any background investigation, shall be provided at the applicant's expense. Upon completion of the above provided form and the furnishing of all foregoing information, the City of Madison Heights shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the City of Madison Heights of any change in any of the dates required to be furnished by this section within ten days after such change occurs.
- (15) Massage parlor or massage establishment licenses shall be renewed annually.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-215. Fees.

City council shall establish massage parlor and massage establishment initial and renewal license fees by resolution. All fees shall be paid in full prior to the issuance of a license.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-216. License procedures.

- (a) *Investigation.* Any applicant for a license pursuant to this article shall present to the city clerk's office the application packet containing the aforementioned and described information. Upon receipt of such application; the city clerk will refer same to the chief of police, fire marshal, community development department, treasurer and such other city officers or employees as he or she may desire, who shall cause a thorough investigation, including a complete history of past business experience and state or local law violations, if any, to be made of the persons or premises which must meet or exceed codes. The building official and the fire marshal shall inspect the premises proposed to be devoted to the massage parlor, message establishment or similar business and shall notice all violations of this article, and all other applicable city ordinances and regulations to the applicant. All said violations shall be corrected and inspected prior to issuance of a license. The findings resulting from such investigations shall be reported to the city clerk. If the application is approved by all departments the clerk shall forward the application to the city council for its consideration.
- (b) *License approval.* An applicant for a license will be required to appear before the city council and answer any questions pertaining to such plans. If the city council is satisfied that all the criteria set forth herein for a license have been met, it may grant approval of the license, subject to any conditions contained in the approval.
- (c) *Denial.* In the event that an initial application is denied by a department based on grounds contained in sections 7-27, 7-32 and 7-218, the clerk shall notify the applicant of the denial and advise the applicant of the right to appeal pursuant to section 7-33.
- (d) *Continued compliance.* Applicants for massage parlor or massage establishment licenses shall continue to comply with all applicable state and city regulations, including any conditions of the business license, and will operate premises consistent with any representations made to the city council in obtaining the license. Failure of such compliance may result in the refusal by the city council to renew a license or in revocation of the licenses.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-217. Issuance of license.

Upon compliance with the terms and provisions of this article, and upon payment in full of the required fee, the city clerk shall issue a license. Evidence of the license shall bear the signature of the city clerk.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-218. Grounds for denial.

- (a) *Grounds for mandatory denial.* No license for the operation of a massage parlor or massage establishment shall be issued if any department of the city determines that one or more of the following conditions exists:
 - (1) Any mandatory cause or grounds for denial contained in section 7-27.

- (2) The correct license fee has not been tendered to the city and in the case of a check, or bank draft, honored with payment upon representation.
 - (3) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health regulations.
- (b) *Grounds for permissive denial.* The city may deny a massage parlor or massage establishment license if any of the following conditions exist. Applicants may appeal such denial pursuant to section 7-33.
- (1) Any permissive cause or grounds for denial contained in sections 7-27.
 - (2) The applicant has knowingly made any false or fraudulent statement of fact in the license application or in any document required by the city in conjunction therewith.
 - (3) The applicant has had any massage related business, massage therapist, or other similar permit or license denied, revoked or suspended by the city or any other local, county or state agency within ten years prior to the date of the application.
 - (4) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.
 - (5) The location proposed or methods of operation have, or will, detrimentally and unreasonably impact nearby property owners, businesses and residents.

(Ord. No. 1063, § 1, 10-12-09; Ord. No. 2171 , § 10, 10-25-21)

Sec. 7-219. Posting of license.

Every individual, corporation, partnership or association licensed under this article shall display the city license, and the state massage therapist license for every therapist, in a conspicuous location visible to the general public.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-220. Records of employees and customers.

The licensee, or the person designated by the licensee, of a massage parlor or massage establishment, shall maintain a register of all persons employed or engaged as massage therapist. Included in the register will be a copy of each massage therapist license and the start and termination date of the employment. Such register shall be available at the massage parlor or massage establishment for inspection by representatives of the City of Madison Heights or county or state departments during regular business hours.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-221. Renewal of license.

Application to renew a license to operate a massage parlor or massage establishment or similar business shall be filed at least 45 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.

- (1) The applicant shall present all of the following information to the city clerk's office at the time of application including a sworn affidavit by the applicant stating that the matters contained in the

original application have not changed, or if they have changed, specifically stating the changes which have occurred. Incomplete application packets will not be accepted.

- (2) The application shall be referred to the chief of police who shall investigate the criminal history of the applicant. Failure to submit an application or failure to submit a complete application shall result in the non-renewal of the license.
- (3) In the event the renewal is denied, the applicant may appeal pursuant to section 7-33. The hearing officer shall consider whether a licensed establishment has been operated during the existing license years in a manner consistent with the provisions of this article and all other applicable laws and regulations of the City of Madison Heights and the State of Michigan.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-222. Revocation or suspension of license.

Each establishment within the city for which a massage parlor or massage establishment license is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Madison Heights and the State of Michigan. Upon any violation of this article, pursuant to sections 7-27 and 7-218, the hearing officer, may, after notice and hearing, revoke such license pursuant to the procedure in section 7-33.

(Ord. No. 1063, § 1, 10-12-09; Ord. No. 2171 , § 10, 10-25-21)

Sec. 7-223. Reserved.

Sec. 7-224. Facilities necessary.

No license to conduct a massage parlor or massage establishment shall be issued unless inspectors of the City of Madison Heights certify that the establishment complies with each of the following minimum requirements:

- (1) All provisions of the applicable building, fire, property maintenance and health codes have been fulfilled.
- (2) A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a massage parlor or massage establishment; all signs shall comply with the sign permit requirements of the City of Madison Heights.
- (3) There shall be no entrance or exit way which provides direct access to another type of business, residence or living quarters.
- (4) During business hours no exits shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.
- (5) Adequate bathing, dressing, locker, and toilet facilities shall be provided for customers. A minimum of one tub or shower, and if clothing and personal property is not kept with the customer, a separate locker for each customer to be served, which shall be capable of being locked, If male and female customers are to be served simultaneously at the establishment, separate bathing, dressing, locker, toilet facilities and massage rooms shall be provided.
- (6) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each customer.

- (7) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from the clean storage areas. No common use of towels or linens shall be permitted.
- (8) A minimum of one separate wash basin shall be provided in each massage parlor for the use of employees of any such establishment, the basin shall provide soap or detergent and hot and cold water and all times, and shall be located within or as close as practical to the area devoted to the performing of massage services. In addition, there shall be provided at each wash basin sanitary towels placed in permanently installed dispensers.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-225. Operating requirements.

- (a) Every portion of the massage parlor or massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- (c) The premises shall not be made available for accommodating any person as sleeping quarters. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises.
- (d) No massage shall be performed in a private room which is completely closed off to the view of other persons nor fitted with a door capable of being locked or barred. Measures may be used to offer privacy to customers such as partitions, walls and curtains.
- (e) All employees attending customers shall be clean and wear clean uniforms covering the torso. Such uniforms shall be nontransparent and of washable material and shall be kept in a clean condition. Such clothing shall cover the human genitals, pubic region or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing.
- (f) All massage parlor or massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- (g) No massage parlor or massage establishment granted a license under the provisions of this article shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-226. Persons under age eighteen prohibited on premises.

No person shall permit any person under the age of 18 years to come or remain on the premises of any massage parlor or massage establishment, as a massage therapist, employee, or customer.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-227. Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage parlor or massage establishment.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-228. Hours.

No massage parlor or massage establishment shall be kept open for any purposes between the hours of 2:00 a.m. and 8:00 a.m.

(Ord. No. 1063, § 1, 10-12-09)

Secs. 7-229, 7-230. Reserved.

Sec. 7-231. Unlawful acts.

- (a) It shall be unlawful for any person in a massage parlor or massage establishment to touch, fondle or massage the sexual or genital area of another person, or any portion thereof.
- (b) It shall be unlawful for any person in a massage parlor or massage establishment to touch, fondle or massage his or her sexual or genital area, or any portion thereof.
- (c) It shall be unlawful for any person in a massage parlor or massage establishment to expose his or her sexual or genital area, or any portion thereof.
- (d) It shall be unlawful for any employee, while in the presence of any other person in a massage parlor or massage establishment, to fail to conceal the sexual or genital area of his or her body with a fully opaque covering.
- (e) It shall be unlawful for any person owning, operating or managing a massage parlor or massage establishment to permit any agent, employee, or any other person under his control or supervision to perform such acts prohibited in this section.
- (f) It shall be further unlawful for any licensee under this article to administer massage on an outcall basis as defined. Such person shall administer massage solely within an establishment licensed to carry on such business under this article. Any violation of these provisions shall be deemed grounds for revocation of the license granted hereunder. The restriction on outcall massage shall not apply to a licensee who performs outcall massage as defined herein upon a customer or client who because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage parlor or massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of this article or of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosures or use of such information shall be unlawful.
- (g) It shall be unlawful for any massage service to be carried on within any cubical, room, booth, or any area within a massage parlor or massage establishment which is fitted with a door capable of being locked.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-232. Location.

A massage parlor shall be located as provided in Section 10.502(A) of the Madison Heights Zoning Ordinance being Appendix A of the Madison Heights City Code.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-233. Sale, transfer or change of location.

Upon sale, change of any of the owners, transfer or relocation of a massage parlor or massage establishment, the license therefore shall be null and void. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of the massage parlor or massage establishment, to immediately report such sale, transfer or relocation to the city clerk's office and apply for a new license. The failure to do so shall result in an immediate suspension of the license.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-234. Name and place.

No person granted a license pursuant to this article shall operate or advertise the massage parlor or massage establishment under a name not specified in their license, nor shall they conduct business under any designation or at any location not specified in their license.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-235. Penalty.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not less than \$100.00, nor more than \$500.00, and/or 90 days in jail. Each day the violation continues shall be deemed a separate offense.

(Ord. No. 1063, § 1, 10-12-09)

Secs. 7-236—7-239. Reserved.

ARTICLE II. POOL AND BILLIARD HALLS

Sec. 4-17. License required; approval of certain officials; restriction as to licensee.

No person shall conduct, maintain or operate any place open to the public for playing pool or billiards without first obtaining a license. No such license shall be granted except upon approval of the police chief, the fire chief and the health officer. No person shall be granted a license under this section unless he be an American citizen over 18 years of age.

(Code 1958, § 3-129)

Cross reference(s)—Licenses generally, Ch. 7, Art. II.

Sec. 4-18. Closing hours.

No person shall keep open any room, hall or building licensed under this article for a pool or billiard establishment between the hours of 12:00 midnight and 9:00 a.m.

(Code 1958, § 3-130)

Sec. 4-19. Persons under seventeen prohibited.

No person who is less than 17 years of age may remain or loiter in or about any pool or billiard room unless accompanied by a parent or guardian; nor shall the licensee thereof permit any such minor to remain or loiter therein.

(Code 1958, § 3-131)

Cross reference(s)—Minors, Ch. 16.

Sec. 4-20. Obstruction to public view prohibited.

No licensee shall permit on the licensed premises any obstruction of the public view by the use of drawn shades or blinds or screens, either permanent or movable.

(Code 1958, § 3-132)

Secs. 4-21—4-31. Reserved.

Does a Thrift Store Really Need a 40-Page Zoning Decision?

Addison Del Mastro – March 15th, 2022

Strong Towns



Back when I was in graduate school at the University of Maryland, College Park, I used to shop at [the area's thrift stores](#) on a pretty regular basis. My occasional retro finds elevated my tiny apartment, and sifting through lots of old stuff in a former [big-box store](#)—these were massive thrift stores!—was a great diversion from (or alternative to) studying.

I never thought very much about my favorite thrift store, an old anchor space in the Hillandale Shopping Center in suburban Silver Spring, Maryland. It's kind of neat—technically it's two stores under one roof, each one a different brand within the thrift chain, and it has a “bazaar” in the middle and a little built-in restaurant. There's a Safeway supermarket in the plaza, too, where I used to do some basic food shopping. A dollar store, liquor store, fantastic Indian restaurant, old-school sew-and-vac shop (now closed), and a few other businesses round it out. It's a pretty standard strip plaza out in a pretty standard stretch of post-war suburbia.

...Which is why I was shocked when I came across a [document from 2007](#), detailing a big zoning and permitting fight that preceded the store's opening. Eileen Finnegan of the [Hillandale Citizens Association](#)—who, an area planner told me, is a well-known “professional [NIMBY](#)”—filed an appeal against the store's permitting, arguing that a thrift store should not have been permitted under the strip plaza's C-1 (neighborhood commercial) zoning.

The document reads like a dispatch from a country without a system of free enterprise. It goes to show just how many hoops developers and business owners have to jump through to get anything done. And paradoxically, there's a good argument to be made that [the more complexity and red tape there is, the more relative advantage the largest developers have in the process](#). A land-use lawyer loves a document like this; a homeowner or small business owner's eyes glaze over. This document is a perfect encapsulation of the byzantine development process, as well as a window into the emotions and arguments that arise as places change.

In this article, I've included a few pictures I took of the thrift store in question. These are just to demonstrate that this store is quite ordinary, which is very important for what's to follow.

[View fullsize](#)



On to the appeal document, from which all of the following quotes are drawn. Early on, in the board's summary of findings, we learn that in addition to the zoning/permitting issue, the Safeway in the plaza has raised an objection as well. “Safeway's standard lease prohibits the location of flea markets, used goods or thrift stores in any shopping center in which a Safeway is located,” the document reports. (This does not actually apply to the vacant space/thrift store, because the former

tenant's lease predated the Safeway.) However, the agent for Safeway "stated that this type of use [thrift store] draws 'people looking for opportunities that can [lead to some unsavory associations](#), all of which may ... make our customers apprehensive in general.'"

That's not an auspicious introduction, but it gets worse. At one point, the document details an argument over whether *individual goods sold within the thrift store* are permissible under the definition of C-1 zoning. (This is a silly thing to analyze too much, because thrift stores mostly sell whatever they receive as donations.) Eileen Finnegan even had to clarify that she was not arguing that her understanding of the zoning code prohibited the sale of used goods anywhere in the county.

This is a good illustration of why describing zoning as "separation of uses" glosses over an incredible amount of red tape and unnecessary [complication](#). A Montgomery County planning department official, for example, "testified that the C-2 zone allows shopping malls, department stores, auto dealers, and delicatessens, which he testified are not allowed in the C-1 zone." Neither, apparently, are flea markets, and while a thrift store is not a flea market, the appellants tried to argue that, for the purposes of zoning, it was.

Now it's worth noting that Ames, the former big-box tenant in the thrift store building, was absolutely a discount department store, though a state senator calls it a "convenience store." (One reason so many mid-sized structures sit vacant now is that this retail segment has largely gone extinct, having given way to larger competitors like Walmart.) It's also worth noting that in many neighborhoods, delicatessens are practically the definition of [local neighborhood businesses](#). But perhaps the bigger question is why any of this is regulated at all.

Here's a little bit more on C-1 zoning: "When asked from a planning standpoint whether uses that are geared to attract from the metropolitan area rather than the neighborhood would meet the goals of the C-1 zone, he confirmed that that was not the purpose of the C-1 zone. He stated that the facility in question was larger than they would normally find in the C-1 zone, and that as a planner, he would like to see it broken into smaller stores."

Buried deep in here is the idea of using these arcane land-use regulations to create some kind of simulacra of towns or neighborhoods, in an environment where that is [no longer allowed to happen un-self-consciously](#).

View fullsize



Later in the document, a community member is quoted as saying she would “prefer a bookstore” to the thrift store, and another member of the Hillandale Citizens’ Association points out that there are no gyms, hardware stores, or arts and crafts stores in the immediate neighborhood.

Zoning can permit or not permit these types of businesses, and sometimes local governments can lure businesses with incentives (not that they should). But it’s almost as if the appellants think that the desired businesses can be conjured into existence. There are much larger economic and demographic factors that determine what businesses locate where.

There's also the issue of what "community" or "neighborhood" means. Another appellant, for example, "stated that she likes to be a patron of her community, and that in her opinion it is important to have neighborhood-friendly shops and retailers. She testified that in her opinion, the proposed use [thrift store] serves a different type of community and has a different draw." Huh.

A representative for the thrift store company pushed back on this characterization. He expected 80 percent of the thrift store's customers to come from within three miles—importantly, the general expected or intended range for C-1 retail—and that there are 200,000 people within that range. He also noted how few of those 200,000 locals live under the community association that filed the appeal.

Then, of course, there's traffic. After the exchange over what the trade area of the thrift store would be and how much traffic it would bring into the immediate area, a state senator proposed a [traffic study](#).

All of this is to determine whether an unremarkable chain thrift store was allowed to open up shop in a defunct big-box store that had been sitting empty in a major area shopping center for about five years. In other words, something that to most people should require virtually no deliberation, planning, or regulation at all.

This is how buildings deteriorate until they cannot be reused at all, without major renovation. It also means that *no* business fills that spot, which is not good for local residents or for the rest of the stores in the plaza. There's no indication in almost 40 pages of hairsplitting legalese that any of these actual, concrete costs and opportunity costs are being considered.

If this is making your head swim or your eyes glaze over, well, that's the point.

It's also a lesson in how the [dry, arcane, technocratic language of zoning](#) and permitting conceals values and assumptions about what people and activities belong where. Do the people who shop in a thrift store not belong in the neighborhood? What does it mean to say that a store selling used, heavily discounted goods, in an area that has a large working-class immigrant population, is not, as Eileen Finnegan put it, "community-oriented"?

The Hillandale community is no longer a newly built, mostly white, middle-class neighborhood. The types of stores that older residents would like—a replacement for Ames, a small hardware store, a bookstore—have largely ceased to exist for reasons far above anything at the neighborhood level. "The neighborhood" is not a constant thing over time, but the sum of the people who live in the area. These suburban

communities will change in ways nobody can fully predict, with or without the approval of the old guard.

If this sounds dismissive of the people who have lived there the longest and perhaps are the most invested in their place, remember what the thrift store's spokesman said. Very few locals belong to any of these neighborhood associations, and even fewer took any time to protest the arrival of this new store. And the only thing the land-use regime did was to introduce choke points and veto points, and delay a reasonable and unobjectionable adaptation in a place that is evolving, to the extent that its development pattern allows it to do so.

Madison Heights Development Overview
Special Use and Site Plan Submittals – February to June, 2023

Item 4.

SPECIAL USE (PSP) APPLICATIONS

PSP CASE	ADDRESS	PROJECT DESCRIPTION	DATE APPROVED/DENIED (Council Meeting)	STATUS
23-01	700 E. 14 Mile Rd.	Golling Kia Expansion – Auto Repair	Approved 6/12/23	Awaiting Site Plan approval
23-02	201 W. Girard Ave.	Detroit Chiavari – Event and Banquet Center	Approved 6/12/23	Awaiting Certificate of Occupancy approval
23-03	31010 John R Rd.	Goodwill Detroit	Upcoming 7/10/23	Awaiting City Council action
23-04	29448 John R Rd.	Auto Wash – Former Active Adult Center	Upcoming 7/10/23	Awaiting City Council action
23-05	29022 Stephenson Hwy.	Jax Auto Wash	Upcoming 7/10/23	Awaiting City Council action

Highlighted applications are attached.

CITY OF TROY
COMMERCIAL TONER

14 MILE ROAD

120' PAU

LOCATION MAP NO SCALE



LEGAL DESCRIPTION

LOTS 8 THROUGH 10, INCLUSIVE, TOGETHER WITH THE WEST 22 FEET OF LOT 7 OF THE "SHERMAN INDUSTRIAL VILLAGE", A SUBDIVISION OF PART OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 1, T.1N, R.1E, CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 124 OF PLATS, PAGES 35 & 36 OF O.C.R.

TAX ID: 44-29-01-126-026

SITE DATA

ZONING ORDINANCE	CITY OF MADISON HEIGHTS - CHAPTER 71		
ADDRESS	100 FOURTEEN 1/2 MI ROAD MADISON HEIGHTS, MICHIGAN		
PROJECT DESCRIPTION	CONSTRUCT A SERVICE ADDITION WITH CAR WASH TO THE EXISTING AUTOMOBILE SALES AND SERVICE FACILITY		
ZONING CLASSIFICATION	M-1	LIGHT INDUSTRIAL	
LAND USE DESCRIPTION	EXISTING: AUTO DEALERSHIP PROPOSED: AUTO DEALERSHIP		
LAND AREA - SPLIT PARCEL	TOTAL SQUARE FEET TOTAL ACRES	10,540 SF 0.24 ACRES	
RETBABS	YARD FRONT (NORTH) FRONT SIDE (EAST) LEFT SIDE (WEST) REAR (SOUTH)	REQUIRED 32 FT (AVERAGE) 50 FT 50 FT 50 FT	PROVIDED 60 FEET, 10 INCHES 40 FEET, 8 INCHES 240 FEET, 9 INCHES 50 FEET, 8 INCHES
BUILDING HEIGHT	MAXIMUM HEIGHT PROPOSED BUILDING HEIGHT	40 FT 28-30 FT	
GROSS BUILDING AREA	EXISTING FIRST FLOOR SALES-CHURCH EXISTING FIRST FLOOR SERVICE (10 BAYS) PROPOSED FIRST FLOOR SERVICE (10 BAYS) - CAR WASH	3,875 SF 2,437 SF 4,251 SF	
	TOTAL GROSS SF		10,563 SF
PARKING REQUIREMENTS	PARKING REQUIREMENTS: (A) SPACES PLUS 1/2 (B) MORE, 100 SF OF WAITING/STORAGE (2) 1/2 SPACES PER EACH SERVICE BAY PLUS 1/2 PER EMPLOYEE CALCULATION: 6 SPACES PLUS 1/2 (A) DIVIDED BY 100 = 36 SPACES PLUS 2 = 36 (B) + 20 SPACES PLUS 1/2 (B) ENTERED TOTAL PARKING SPACES REQUIRED = 6 + 35 + 40 = 25 = 10 SPACES		
PARKING PROVIDED	PARKING PROVIDED = SIZE = 80' X 20' BARRIER-FREE SPACES REQUIRED 4 PROVIDED, (4) SPACES SIZE = 80' X 20'		
LOADING REQUIREMENTS	LOADING ZONE REQUIRED: 80' X 40' LOADING ZONE PROVIDED: 80' X 40' + 4000'		
LANDSCAPE REQUIREMENTS	NO LANDSCAPE CHANGES		
LANDSCAPE PROVIDED	NO LANDSCAPE CHANGES		
LIGHTING	LOCATE TO AVOID GLARE TO ADJACENT PROPERTIES LOCATE TO LIGHT BUILDING TO VEHICULAR TRAFFIC ON PUBLIC STREETS SITE LIGHTING IS EXISTING - NEW BUILDING LIGHTS TO MATCH EXISTING		

issue / revision date
4-27-23 Owner Review
5-5-23 Special Use Submittal

drawn by	checked by
----------	------------

CITY of MADISON HEIGHTS - Requirements

1. FIRE SUPPRESSION IN THE BUILDING IS PROVIDED AND WILL BE EXPANDED TO ADDITIONAL BUILDING
2. FIRE HYDRANT IS PROVIDED IN FRONT OF BUILDING

INFORMATION SOURCE

THIS DRAWING WAS PRODUCED FROM INFORMATION OBTAINED FROM THE FOLLOWING SOURCES:
TOPOGRAPHIC SURVEY DRAWN BY ENVIRONMENTAL ENGINEERS, INC. 12/22/71
SITE PLAN BY DORCHENMARTIN ASSOCIATES, INC. 1/22/79

EXISTING AND GENERAL SITE NOTES

1. EXISTING CURB CUTS TO REMAIN - NO PROPOSED WORK IN OAKLAND COUNTY ROW
2. STORM WATER DETENTION IS PROVIDED IN AN UNDERGROUND STORAGE SYSTEM FROM ORIGINAL CONSTRUCTION.

Golling KIA Dealership Service Department Expansion 700 E. 14 Mile Road Madison Heights, MI	Site Plan Service Expansion
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dma
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Dorchen/Martin Associates, Inc.
Architects/Planners
29895 Greenfield Rd., Suite 107
Southfield, Michigan 48076
(248) 557-1062
www.dorchenmartin.com

job number	sheet number
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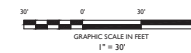
PSP 23-04

LAND USE AND ZONING		
PID: 25-12-304-010		
EXISTING ZONE: LIGHT INDUSTRIAL DISTRICT (M-1)		
PROPOSED RE-ZONE: GENERAL BUSINESS DISTRICT (B-3)		
PROPOSED USE	PERMITTED USE	
FAST FOOD RESTAURANT	SPECIAL LAND USE	
AUTO WASH		
ZONING REQUIREMENT	REQUIRED (B-3)	PROPOSED
MINIMUM LOT AREA	N/A	2.0 AC (87,120 SF)
MINIMUM INTERIOR LANDSCAPING	5% OF IMPERVIOUS AREA	>5%
MAXIMUM BUILDING HEIGHT	2 STORIES 30 FT	1 STORY 28 FT
MINIMUM FRONT YARD SETBACK	5 FT (1)	88.8 FT
MINIMUM AUTO WASH FRONT YARD SETBACK	20 FT	88.8 FT
MINIMUM SIDE YARD SETBACK	8 FT	56.1 FT
MINIMUM REAR YARD SETBACK	20 FT	285.7 FT
MINIMUM FRONT YARD PARKING SETBACK	20 FT	20.9 FT
MINIMUM RESIDENTIAL SETBACK	50 FT	285.7 FT
MINIMUM GREENBELT (ABUTTING M-1)	5 FT	111.1 FT
MINIMUM GREENBELT (ABUTTING KOW)	5 FT	20.9 FT

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 10.501	AUTO WASH 1 SPACE PER EMPLOYEE (5 EMPLOYEES) SPACES = 5 SPACES	5 SPACES 213 VACUUM 18 TOTAL
§ 10.514(b)	AUTO WASH STACKING 6 SPACES PER STALL	28 SPACES
§ 10.506	SLIP-RESISTANT 9 FT X 24 FT W/ 22 FT AISLE	9 FT X 24 FT W/ 24 FT AISLE
§ 10.516.7a	PARKING LOT LANDSCAPING 5 SF OF LANDSCAPING PER SPACE (18 SPACES) (36 SPACES) = 90 SF	>90 SF

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	SETBACK LINE
---	PROPOSED CURB
---	PROPOSED FLUSH CURB
---	PROPOSED SIGN / BOLLARDS
---	PROPOSED BUILDING
---	PROPOSED CONCRETE
---	PROPOSED BUILDING DOORS

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



NOT APPROVED FOR CONSTRUCTION

STONEFIELD
engineering & design

Detroit, MI - New York, NY - Boston, MA
Princeton, NJ - Tampa, FL - Raleigh, NC
www.stonefielddesign.com

607 Shady Side, Suite 200, Detroit, MI 48226
Phone 248.347.1115

PRELIMINARY SITE PLAN

MMD

PROPOSED CAR WASH

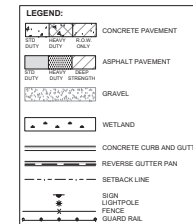
PARCEL ID: 25-12-304-010
CITY OF MADISON HEIGHTS
CLAYLARK COUNTY, MICHIGAN

STONEFIELD
engineering & design

SCALE: 1" = 30' PROJECT ID: DET-2303A

TITLE: **PRELIMINARY SITE PLAN**

DRAWING: **C-1**



GENERAL NOTES:

THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT.

1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING, PROPERTY LINE, CENTER OF MANHOLE/CATCH BASIN OR CENTERLINE PIPE UNLESS OTHERWISE NOTED.
2. "NO PARKING-FIRE LANE" SIGNS SHALL BE POSTED ALONG ALL FIRE LANES AT 100 INTERVALS OR AS DIRECTED BY THE FIRE OFFICIAL.
3. REFER TO NOTES & DETAILS SHEET FOR ON-SITE PAVING DETAILS.
4. REFER TO NOTES & DETAILS SHEET FOR ON-SITE SIDEWALK RAMP DETAILS.

SITE DATA TABLE:

SITE AREA: 1.89 ACRES (47,299 SF) / NET AND GROSS

ZONING: R-3 "GENERAL BUSINESS" DISTRICT

PROPOSED USE: CAR WASH (8,200 SF)

BUILDING INFORMATION:

MAXIMUM ALLOWABLE BUILDING HEIGHT: 40 FT (3 STORIES)

PROPOSED BUILDING HEIGHT: 1 STORY

BUILDING FOOTPRINT AREA: 8,200 SF.

BUILDING LOT COVERAGE = 13.1%

SETBACK REQUIREMENTS:	REQUIRED:	PROPOSED:
FRONT (WEST)	33'-0"	33'-0"
SIDE (NORTH)	0'	62'-26"
SIDE (EAST)	0'	58'-46"
REAR (SOUTH)	20'	10'-0"

"VARIANCE TO BE REQUESTED"

PARKING CALCULATIONS:

RETAIL = 1 SPACE PER EACH EMPLOYEE PLUS TWO SPACES

AUTO WASH = 3 EMPLOYEES * 1 SPACE PER EMPLOYEE + 2 SPACES






TOTAL REQUIRED PARKING SPACES = 5 SPACES

TOTAL PROPOSED PARKING SPACES = 6 SPACES INC. 1 HC SPACE

SITE SLOPE INFORMATION:

ACCORDING TO THE USGS NATURAL RESOURCES CONSERVATION SERVICE WEBC SITE SURVEY FOR OAKLAND COUNTY, THE SITE CONSISTS OF THE FOLLOWING SOIL TYPES:

UDORTENTS AND UDORPMENTS, NEARLY LEVEL TO HILLY

SIDEWALK RAMP LEGEND:	SIGN LEGEND:
SIDEWALK RAMP TYPE P 	'STOP' SIGN 
CURB DROP 	'BARRIER FREE PARKING' SIGN 
REFER TO LATEST MDOT R-28 STANDARD RAMP AND DETECTABLE WARNING DETAILS	'VAN ACCESSIBLE' SIGN 
	'DO NOT ENTER' SIGN 
	REFER TO DETAIL SHEET FOR SIGN DETAILS



CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERPASS UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE, AND NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPUTER DERIVED OR CALCULATED THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

CLIENT
**CUNNINGHAM LIMP
COMPANY**
28790 CABOT DRIVE SUITE 100
NOVI, MI 48377

PROJECT TITLE
JAX CAR WASH
25022 STEPHENSON HWY
MADISON HEIGHTS, MI 48071



REVISIONS

OWNER REVIEW	06/02

ORIGINAL ISSUE DATE:

ORIGINAL ISSUE DATE:

DRAWING TITLE
**PRELIMINARY
SITE PLAN**

PEA JOB NO 2023-0317

P.M.	JPB
DN.	JL
DES.	KM

DRAWING NUMBER:

NOT FOR CONSTRUCTION

C-3.0

Overview (Stephenson Hwy)

6-9-23



Proposed Exterior Renderings for:



Cunningham-Limp
Building Better Communities

F.A.studio

design to inspire

Madison Heights Development Overview
Special Use and Site Plan Submittals – February to June, 2023

Item 4.

SITE PLAN (PSPR) APPLICATION APPROVALS

[EXCLUDES ADMINISTRATIVE SITE PLANS AND MINOR PROJECTS]

PSPR CASE	ADDRESS	PROJECT DESCRIPTION	DATE APPROVED	STATUS
23-05	350 E. 14 Mile Rd. & 32832 Groveland St.	Quality Roots – Marihuana Retailer, Grow and Processing Center	5/30/23	Awaiting Engineering Plan approval
23-06	1275 & 131 W. 14 Mile Rd.	El Car Wash Auto Wash	5/24/23	Awaiting Engineering Plan approval
23-09	32751 Concord Dr.	Gas Station & Drive-Through Restaurant	6/8/23 (Conditional)	Awaiting revised plans to address conditions of approval

Highlighted applications are attached



0 10 20 40
SCALE: 1" = 20'



CAUTION!
This drawing is prepared for the use of the client and is not to be used for any other purpose without the written consent of the engineer. The engineer is not responsible for any errors or omissions in this drawing.

CLIENT

QUALITY ROOTS
355 E. 14 MILE ROAD
ANN ARBOR, MI 48106

PROJECT TITLE

QUALITY ROOTS
355 E. 14 MILE ROAD
ANN ARBOR, MI 48106

REVISIONS

SITE PLAN SUBMITTAL	05/15/23
SITE PLAN RESUBMITTAL	05/15/23
SITE PLAN RESUBMITTAL	05/15/23

ORIGINAL ISSUE DATE:

MARCH 15, 2023

DRAWING TITLE

**PRELIMINARY
SITE PLAN**

PEA JOB NO. 2019-197

P.M. TD

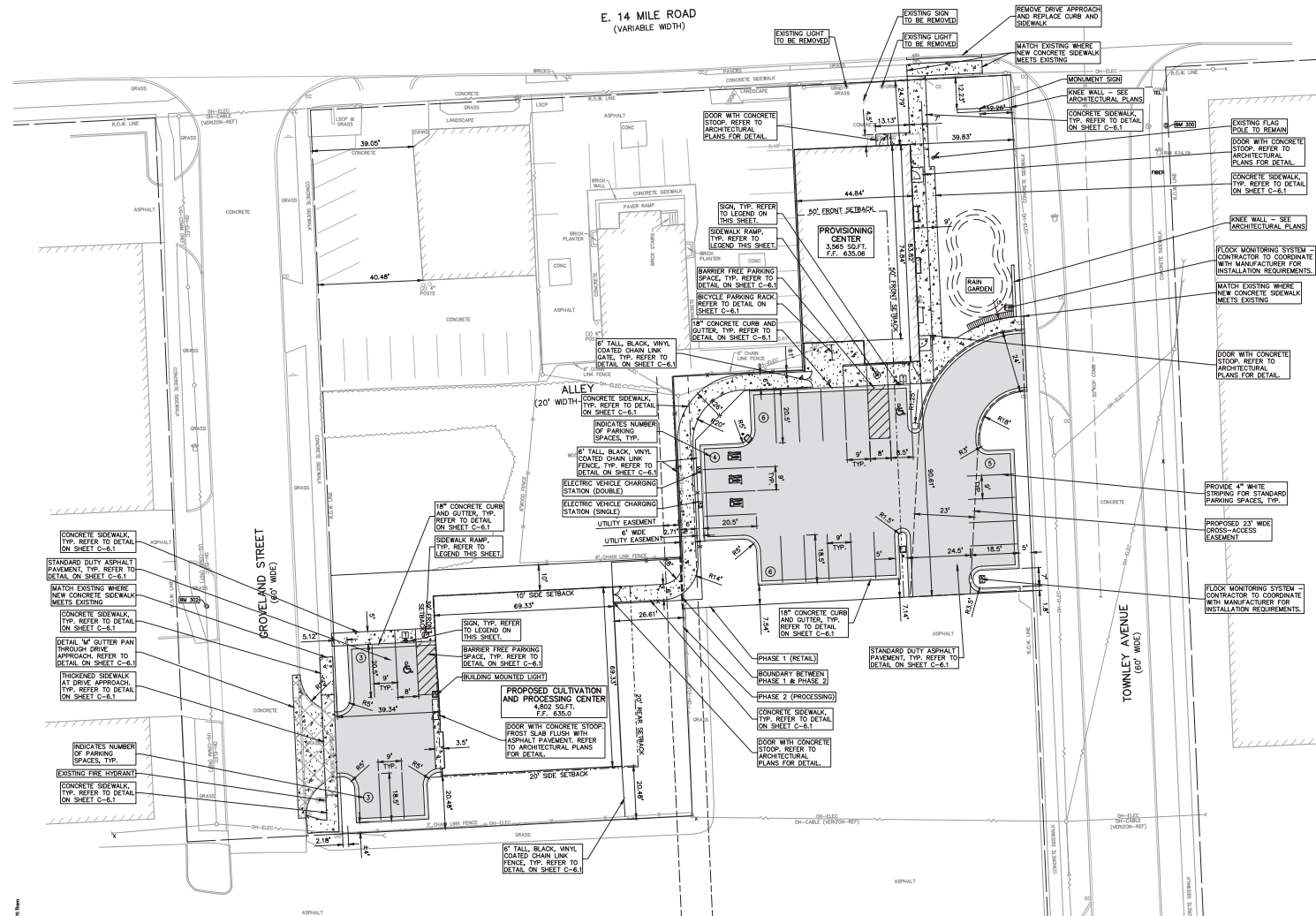
DN. JH

DES. JH

DRAWING NUMBER:

C-3.0

NOT FOR CONSTRUCTION



PSPR 23-05



1 CONCEPTUAL RENDERED ELEVATION - EAST (PROPOSED)
A302 1" = 1'-0"

SVA
STUCKY VITALE ARCHITECTS
27172 WOODWARD AVENUE
ROYAL OAK, MI 48067-0925
P. 248.546.6700
F. 248.546.8454
WWW.STUCKYVITALE.COM

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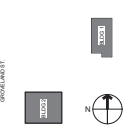
Seal of the State of Michigan
JOHN A. VITALE
ARCHITECT
No. 1301020006
Professional Architect

Project: *John Vitale*

QUALITY ROOTS MADISON
HEIGHTS, BUILDING
RENOVATION

350 E 14 MILE RD,
MADISON HEIGHTS, MI

Key Plan:



Issued for

SITE PLAN	03.20.23
APPROVAL	
SITE PLAN	05.05.23
RESUBMITTAL	
SITE PLAN	05.19.23
RESUBMITTAL	

Drawn by :
JSB
Checked by :
Checker
Sheet Title :
RENDERED ELEVATIONS

Project No. :
2022.134

Sheet No. :
A302

PSPR 23-05



1
A303 CONCEPTUAL RENDERED ELEVATION - NORTH (PROPOSED)
1" = 1'-0"

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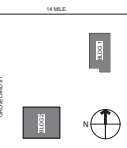
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JOHN A. VITALE
ARCHITECT
No. 1301020006
Project: *John Vitale*

QUALITY ROOTS MADISON
HEIGHTS, BUILDING
RENOVATION

350 E 14 MILE RD,
MADISON HEIGHTS, MI

Key Plan:



Issued for

SITE PLAN	03.20.23
APPROVAL	
SITE PLAN	05.05.23
RESUBMITTAL	
SITE PLAN	05.19.23
RESUBMITTAL	

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JGB
Checked by :
Checker
Sheet Title :
RENDERED ELEVATIONS

Project No. :
2022.134

Sheet No. :
A303

PSPR 23-05



1
A304
CONCEPTUAL RENDERED ELEVATION - SOUTH (PROPOSED)
1" = 1'-0"

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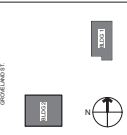
Seal of the State of Michigan
JOHN A. VITALE
ARCHITECT
No. 1301020006
REGISTERED ARCHITECT

Project: *John Vitale*

QUALITY ROOTS MADISON
HEIGHTS, BUILDING
RENOVATION

350 E 14 MILE RD,
MADISON HEIGHTS, MI

Key Plan:



Issued for

SITE PLAN APPROVAL	03.20.23
SITE PLAN RESUBMITTAL	05.05.23
SITE PLAN RESUBMITTAL	05.19.23

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RENDERED ELEVATIONS

Project No. :
2022.134

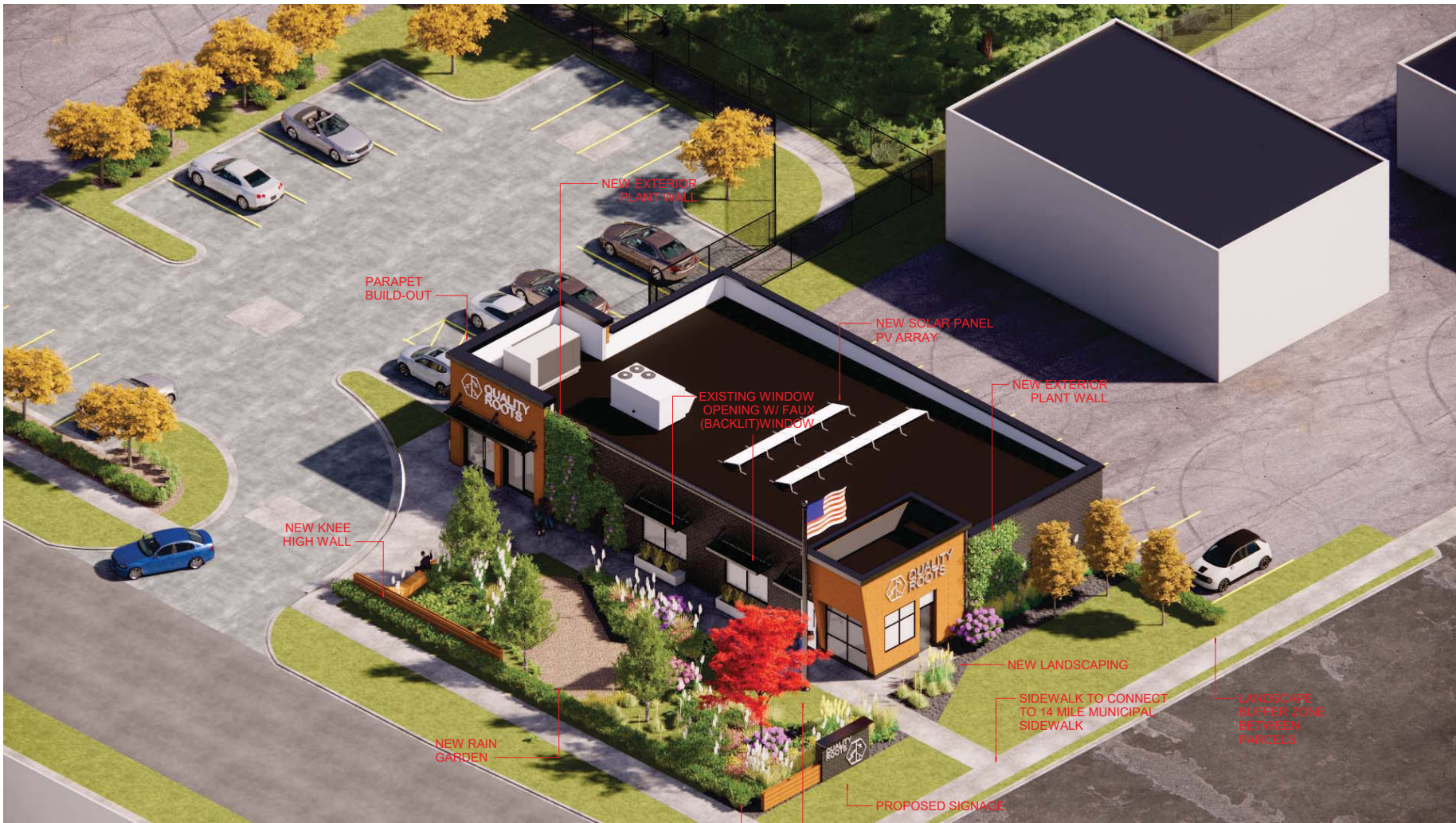
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Panorama 1



Panorama 2



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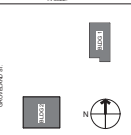
Project: *John Vitale*



QUALITY ROOTS MADISON
HEIGHTS, BUILDING
RENOVATION

350 E 14 MILE RD,
MADISON HEIGHTS, MI

Key Plan:



Issued for:
SITE PLAN
RESUBMITTAL 05.05.23
SITE PLAN
RESUBMITTAL 05.19.23

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EXTERIOR ISOMETRIC

Project No. :
2022.134

Sheet No. :
A305



1
A308
3/8" = 1'-0"

CONCEPT. EXTERIOR RENDER - ENTRY & BIKE RACK (PROPOSED)



4
A308
3/8" = 1'-0"

CONCEPT. EXTERIOR RENDERINGS - ENTRANCE (PROPOSED)



3
A308
1/2" = 1'-0"

CONCEPT. EXTERIOR RENDER - 14 MILE (PROPOSED)

SVA

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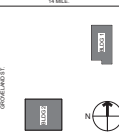
JOHN A. VITALE
ARCHITECT
No. 1301020006
REGISTERED ARCHITECT

Project: *John Vitale*

QUALITY ROOTS MADISON
HEIGHTS, BUILDING
RENOVATION

350 E 14 MILE RD,
MADISON HEIGHTS, MI

Key Plan:



Issued for

SITE PLAN	03.20.23
APPROVAL	05.05.23
RESUBMITTAL	05.19.23
SITE PLAN	05.19.23
RESUBMITTAL	

Drawn by :
JSB

Checked by :
AJO

Sheet Title :
EXTERIOR RENDERINGS

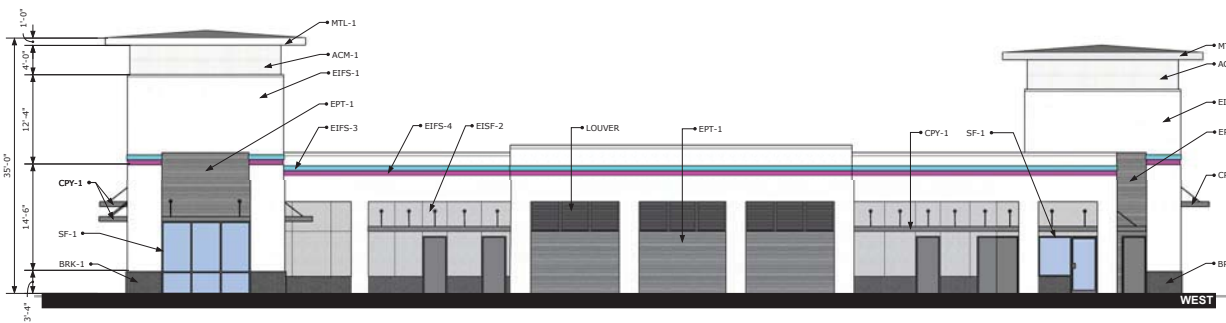
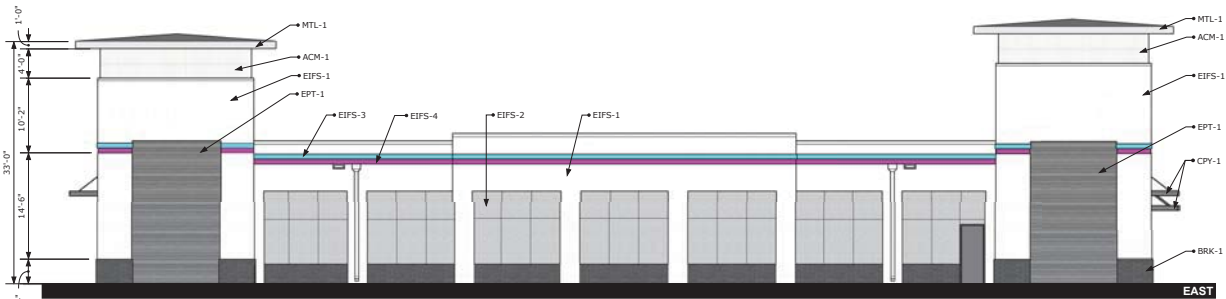
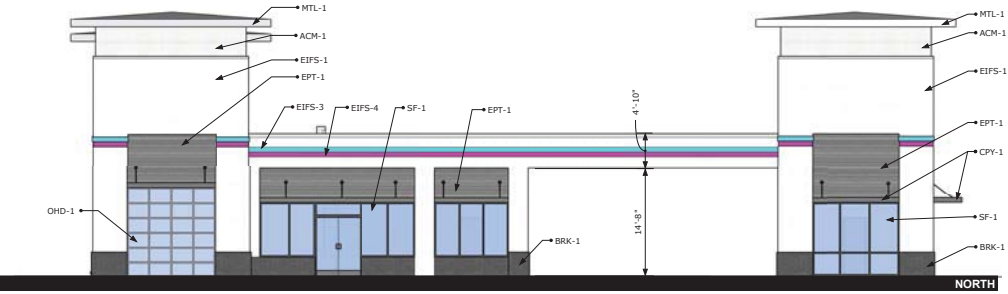
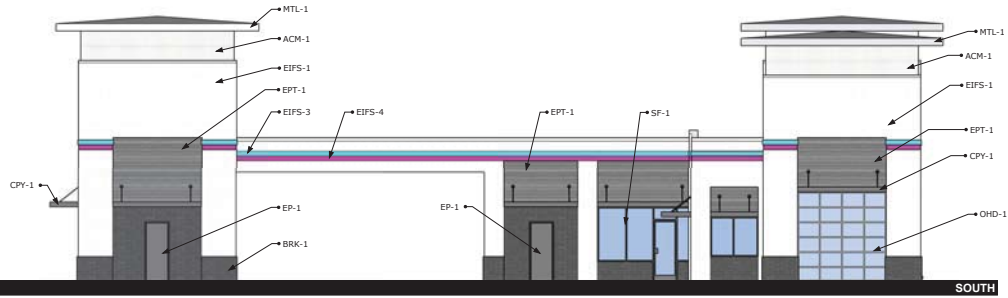
Project No. :
2022.134

Sheet No. :

A308



EXTERIOR FINISH SELECTIONS		
Masonry	BRK-1	STRUCTURAL BRICK, DARK GREY
EIFS	EIFS-1	2" DRYVIT SYSTEM, HIGH REFLECTIVE WHITE SW 7757 (WHITE)
	EIFS-2	2" DRYVIT SYSTEM, EVENING SHADOW SW 7862 (MEDIUM GREY)
	EIFS-3	3" DRYVIT SYSTEM, PANTONE 3252 (CYAN)
	EIFS-4	1.5" DRYVIT SYSTEM, PAINTED LOGO COLOR (MAGENTA)
METAL	MTL-1	PAC CLAD SILVER
	ACM-1	ALUCOBOND WHITE
PORCELAIN TILE	EPT-1	DALTILE RESEMBLANCE RB12 MEDIUM GREY
EXTERIOR PAINT	EP-1	SW 7019 GAUNTLET GREY
CANOPY	CPY-1	METAL CANOPY
STOREFRONT SYSTEM	SF-1	ALUMINUM STOREFRONT SYSTEM, CLEAR ANODIZED FINISH
OVERHEAD DOOR	OHD-1	AIRLIFT DOOR OR SIMILAR



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ARCHITECTURE
INTERIORS
CONSTRUCTION
972-724-4440
972-691-7731 FAX
APDG.US
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GROUP 2023

Trent Clark Architect
M. # 1301064125

PRELIMINARY
NOT FOR
CONSTRUCTION
These Drawings are
incomplete and may not be
used for regulatory approval,
permit, or construction

EL CAR WASH

A NEW FACILITY
FOR:

MADISON HEIGHTS, MI.

Project No. 23-0220
Date 03/01/2023

ELEVATIONS

PSPR 23-09

LEGEND

- OFF FOUND IRON PIPE
 OFF FOUND IRON BAR
 OFF FOUND CAPPED IRON
 OFF FOUND MAG NAL
 MEASURED
 (W) RECORD
 EX. CONDUIT
 EX. GAS MAIN
 EX. GUARD RAIL
 EX. OVERHEAD LINES
 EX. SANITARY SEWER
 EX. STORM SEWER
 EX. WALL
 EX. WATER MAIN
 EX. FENCE
 EX. AIR CONDITIONER
 EX. BOLLARD
 EX. CATCH BASIN
 EX. CLEANOUT
 EX. ELECTRIC METER
 EX. GAS METER
 EX. GATE VALVE
 EX. GUY ANCHOR
 EX. HYDRANT
 EX. SANITARY MANHOLE
 EX. SIGN
 EX. STORM MANHOLE
 EX. TRANSFORMER
 EX. WATER SHUT OFF
 EX. LIGHT POLE
 EX. UTILITY POLE
 EX. DECIDUOUS TREE
 EX. CONIFEROUS TREE
 PRO. PARKING SPACES COUNT
 PRO. SIGN
 PRO. AIR COMPRESSOR

HATCH LEGEND

- PROPOSED ASPHALT
 PROPOSED CONCRETE
 PROPOSED STAMPED CONCRETE

GENERAL NOTES:

- THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT.
 1. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING, PROPERTY LINE, CENTER OF MANHOLE/CATCH BASIN OR CENTERLINE OF PIPE UNLESS OTHERWISE NOTED.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF MADISON HEIGHTS AND OAKLAND COUNTY CURRENT STANDARDS AND REGULATIONS.
 3. THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER AND/OR THE AUTHORITY HAVING JURISDICTION 3 BUSINESS DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION.
 4. ANY WORK WITHIN THE STREET OR HIGHWAY RIGHT-OF-WAYS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE AGENCIES HAVING JURISDICTION AND SHALL NOT BEGIN UNTIL ALL NECESSARY PERMITS HAVE BEEN ISSUED FOR THE WORK.
 5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ADJUST THE TOP OF ALL EXISTING AND PROPOSED STRUCTURES (MANHOLES, CATCH BASINS, INLETS, GATE WELLS ETC.) WITHIN GRADED AND/OR PAVED AREAS TO FINAL GRADE SHOWN ON THE PLANS. ALL SUCH ADJUSTMENTS SHALL BE INCIDENTAL TO THE JOB AND WILL NOT BE PAID FOR SEPARATELY.
 6. CONTRACTOR TO PROVIDE ALL REQUIRED TRAFFIC CONTROL DEVICES AND PERSONNEL TO MAINTAIN A SAFE WORK ENVIRONMENT.

LEGAL DESCRIPTION (BY OTHERS):

PART OF LOT 1 OF "PLAZA SUBDIVISION", PART OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 1 NORTH, RANGE 11 EAST, CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 151 OF PLATS, PAGE 12 OF OAKLAND COUNTY RECORDS, ALSO PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 1 NORTH, RANGE 11 EAST, CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF 60 FEET WIDE CONCORD DRIVE, SAID POINT LOCATED N80°00'00"E ALONG THE NORTH LINE OF SAID SECTION 2 A DISTANCE OF 964.03 FEET AND S00°26'14"E ALONG SAID EAST LINE AND ITS EXTENSION 271.00 FEET FROM THE NORTH 1/4 CORNER OF SAID SECTION 2; THENCE CONTINUING S02°26'14"E 148.00 FEET; THENCE N80°00'00"E, 329.23 FEET TO THE WEST LINE OF 60 FEET WIDE BARRINGTON ROAD; THENCE N00°00'00"W ALONG SAID WEST LINE 189.00 FEET; THENCE N00°00'00"W, 183.00 FEET; THENCE S00°00'00"W, 18.00 FEET; THENCE N90°00'00"W, 104.53 FEET; THENCE S00°00'00"W, 23.00 FEET; THENCE N80°00'00"W, 42.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 1.347 ACRES - 58,677 SF. SUBJECT TO ANY PART USED, DEEDED OR TAKEN FOR ROADWAY PURPOSES NO OF RECORD.

NOTICE:

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

NOTE:

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE AGENCIES TO BE RELIABLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

SPECIAL APPROVAL REQUEST PSP #22-10, GRANTED ON DECEMBER 12, 2022, WITH FOLLOWING CONDITIONS:

1. TO REDUCE EXCESS IMPERVIOUS SURFACE ON THE SITE, A MINIMUM OF TWENTY-FIVE (25) OUT OF THE EXISTING EIGHTY-THREE (83) PARKING SPACES SHALL BE REMOVED AND REPLACED WITH GREENBELT AND INTERIOR LANDSCAPING.
2. A MINIMUM OF FOUR (4) ELECTRIC VEHICLE (EV) CHARGING STATIONS (LEVEL 2 OR LEVEL 3) SHALL BE PROVIDED. THE FINAL LOCATION OF WHICH SHALL BE DETERMINED DURING FINAL SITE PLAN REVIEW.
3. A MAXIMUM OF SIX (6) FUELING PUMPS (12 FUELING STATIONS) SHALL BE PERMITTED.
4. THE PEDESTRIAN CONNECTIONS TO CONCORD DRIVE AND BARRINGTON STREET SHALL BE IMPROVED WITH AN ALTERNATE PAVING MATERIAL (E.G. STAMPED CONCRETE/ASPHALT) WHERE THEY CROSS VEHICULAR ACCESS DRIVE AISLES. THE MATERIAL SHALL BE DIFFERENT FROM THE DRIVE AISLE AND SHALL NOT SIMPLY CONSIST OF A PAINTED SURFACE.
5. BUILDING ELEVATIONS SHALL BE DIFFERENT FROM THE DRIVE AISLE. BUILDING ELEVATIONS SHALL BE SUBSTANTIALLY CONSISTENT WITH THE RENDERINGS PROVIDED; THE CONTRACTOR SHALL NOTIFY THE CITY OF MADISON HEIGHTS COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT TO DEVELOP ALTERNATE ELEVATIONS THAT WOULD BE THE SPIRIT OF THE RENDERINGS.
6. THE GAS STATION, CONVENIENCE STORE, AND RESTAURANT SHALL NOT OPERATE PAST 12 AM MIDNIGHT.
7. THE USE SHALL COMPLY WITH ALL USE-SPECIFIC REQUIREMENTS OF SECTION 10.319(C), EXCLUSIVE OF ITEM (C).
8. ANY FUTURE MODIFICATION OF THE GAS STATION SITE THAT RESULTS IN AN INCREASE IN THE NUMBER OF FUEL PUMPS OR PUMPING STATIONS SHALL REQUIRE SPECIAL APPROVAL IN ACCORDANCE WITH THE ZONING ORDINANCE.
9. A TOTAL OF EIGHT (8) BIKE PARKING SPACES WILL BE PROVIDED.

PROPOSED BIKE CONCRETE PAD CROSS-SECTION

NO SCALE

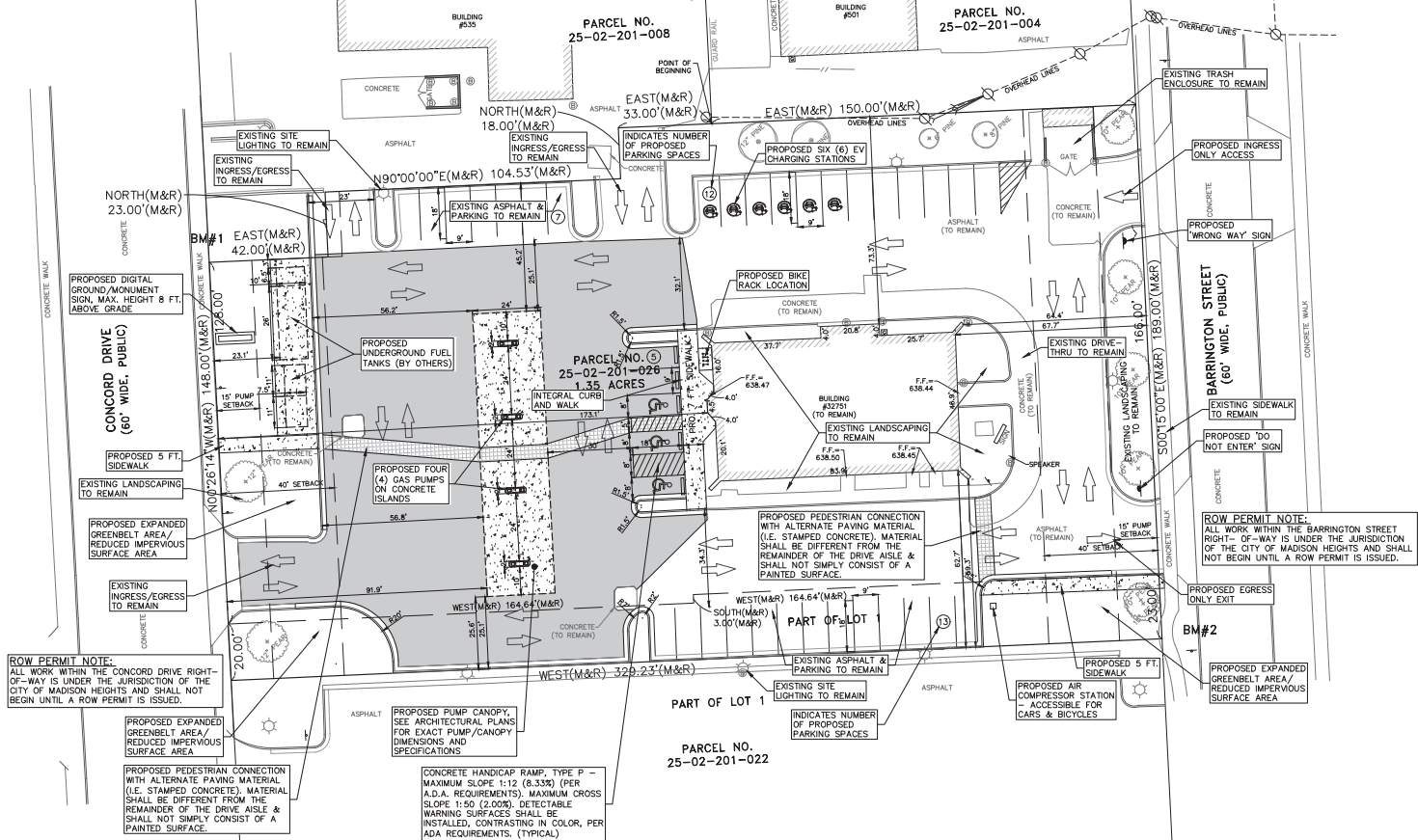
4" CONCRETE MDOT GRADE
 P1 (MIN. 4000 PSI)
 4" 21AA COMPACTED AGGREGATE
 (OR APPROVED EQUAL)

PROPOSED BIKE RACK DETAIL

NO SCALE

PROPOSED BIKE RACK DETAIL

NO SCALE



ALL BIKE PARKING SPACES SHALL BE PAVED AND ADJACENT TO A BIKE RACK OF THE INVERTED "U" DESIGN, THAT IS SOLID, CANNOT BE EASILY REMOVED WITH COMMON TOOLS, PROVIDES AT LEAST TWO (2) CONTACT POINTS FOR A BIKE, IS AT LEAST THREE (3) FEET IN HEIGHT, AND PERMITS THE LOCKING OF A BIKE THROUGH THE FRAME AND ONE (1) WHEEL WITH A STANDARD U-LOCK OR CABLE IN AN UPRIGHT POSITION. THE RACK SHALL BE SECURELY ANCHORED IN CONCRETE OR ASPHALT. ALTERNATE INSTALLATIONS AND DESIGNS MAY BE CONSIDERED IF THE PROPOSED RACK DESIGN FUNCTIONS SIMILAR TO THE INVERTED "U" DESIGN. ALL BIKE PARKING FACILITIES SHALL BE ACCESSIBLE FROM ADJACENT STREET(S) AND PATHWAY(S) VIA A PAVED ROUTE THAT HAS A MINIMUM WIDTH OF SIX (6) FEET.

GREENTECH ENGINEERING, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 811
 Know what's below
 Call before you dig.
 32751 CONCORD DRIVE - PARCEL NO. 25-02-201-026
 SECTION 2
 CITY OF MADISON HEIGHTS
 OAKLAND COUNTY
 MICHIGAN
 Phone: (248) 668-0700 Fax: (248) 668-0701

ANTOUN PROPERTY GROUP, LLC

CLIENT

DIMENSION AND LAYOUT PLAN

32751 CONCORD DRIVE - PARCEL NO. 25-02-201-026

SECTION 2

CITY OF MADISON HEIGHTS

OAKLAND COUNTY

MICHIGAN

2023-4-2 PER CITY REVIEW
 2023-6-9 PER CITY REVIEW

DATE: 5-12-2023

DRAWN BY: CDH

CHECKED BY: JPP/JDL

FBK: ---

CH-RC

SCALE HOR 1" = 25 FT

VER 1" = 10 FT

23-140