



**CITY OF MADISON HEIGHTS  
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.  
PLANNING COMMISSION MEETING AGENDA  
APRIL 20, 2026 AT 5:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

1. Additions/Deletions

**APPROVAL OF MINUTES**

2. February 17th, 2026 Meeting Minutes

**PUBLIC HEARING**

3. Rezoning Request PRZN #26-01 - 31075 John R Road [B-1 to B-2]

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

**UNFINISHED BUSINESS**

**NEW BUSINESS**

4. Street Right-of-Way Vacation Request PEE # 26-01 - GWK/WRC - Unimproved Rights-of-Way

**MEMBER UPDATES**

**PLANNER 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](mailto:clerks@madison-heights.org) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Planning Commission Meeting  
Madison Heights, Michigan  
February 17, 2026

A Planning Commission Meeting was held on Tuesday, February 17, 2026 at 5:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

**CALL TO ORDER**

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:30 p.m.

**ROLL CALL**

**PRESENT**

- Chair Josh Champagne
- Commissioner Sean Fleming
- Commissioner Ryan Fox
- Commissioner Eric Graettinger
- Commissioner Melissa Marsh
- Commissioner Clifford Oglesby
- Commissioner Matthew Olson

**ABSENT**

- Mayor Corey Haines
- Commissioner Grant Sylvester

**EXCUSE ABSENT MEMBERS**

**PC 26-04. Excuse Absent Members**

Motion by Commissioner Marsh, seconded by Commissioner Fox to excuse Mayor Corey Haines and Commissioner Sylvester.

Voting Yea: Chair Champagne, Commissioner Fleming, Commissioner Fox, Commissioner Graettinger, Commissioner Oglesby, Commissioner Marsh, Commissioner Olson

Motion carries unanimously.

**APPROVAL OF AGENDA**

**PC 26-05. Approval of Agenda.**

Motion by Marsh, seconded by Graettinger to add an item to the agenda pertaining to amending the Bylaws under Planner Updates.

Voting Yea: Chair Champagne, Commissioner Fleming, Commissioner Fox, Commissioner Graettinger, Commissioner Oglesby, Commissioner Marsh, Commissioner Olson

Motion carries unanimously.

## APPROVAL OF MINUTES

### PC 26-06. Minutes.

Motion to approve the Planning Commission meeting minutes of January 20, 2026, as printed.

Motion made by Commissioner Fox, Seconded by Commissioner Graettinger.  
Voting Yea: Chair Champagne, Commissioner Fleming, Commissioner Fox, Commissioner Graettinger, Commissioner Oglesby, Commissioner Marsh, Commissioner Olson

Motion carries unanimously.

### PUBLIC HEARING: SPECIAL LAND USE REQUEST PSP #26-01 - 32371 DEQUINDRE ROAD - MINOR AUTO REPAIR AND SERVICE

**Chair Champagne open the hearing up to the public for comment at 5:33 pm. Seeing no one wished to speak, the public comment was closed at 5:33 pm.**

**CED Director Giles Tucker summarized the special land use request** from applicant Imad Potres on behalf of the property owner, Sergio Basmajian. Mr. Potres is seeking approval from the Planning Commission and ultimately City Council to operate a Minor Auto Repair and Service at 32371 Dequindre, which is zoned M-1 Light Industrial. The building has been vacant for a few years but was most recently occupied by engineering and industrial offices. Per the project plan, the applicant intends to repurpose the building and site into an automotive repair use with six (6) service bays. Proposed services include oil change, brakes, and engine repair, collectively classified as "Minor Auto Repair" in the Zoning Ordinance. Minor Auto Repair requires Special Land Use approval in the M-1 zoning district.

CED Director Tucker reviews the history of the property and use specific standards for Auto Repair and service facilities.

Discussion among the Commissioners was held regarding prior uses and adjacent properties. Commissioner Marsh clarified that this particular property was intended to be a marijuana dispensary but that has fallen through since November.

The Commission debated several other issues:

- Consistency with the 2024 Zoning Ordinance: Several commissioners noted that the 2024 zoning update intentionally made auto repair a "special land use" to prevent further "autocentric" development and encourage pedestrian-friendly uses. It is argued that approving another auto use would contradict the city's goal of diversifying business types.
- Environmental Sustainability: A major point of discussion was the bio-retention/bio-swale system within the parking lot and in the front yard. Commissioners emphasized that the proposed ornamental plants (like Ginkgo and Dwarf Birch) would not survive road salt exposure and summer droughts. Some would like to see a revised plan using native, tolerant species to ensure long-term storm water infiltration.

- Questions were asked about waste removal, with the applicant clarifying that containment systems would be provided within the building.
- Economic Viability and Market Saturation: Commissioner Fox raised concerns about an oversaturated market for auto repair and whether it is economically feasible. The applicant stated that he may pursue an auto dealership component in future.
- Questions were asked about the bumper blocks along the northern edge of the driveway. The applicant is not opposed to curbing this in the future but it is a cost issue.
- Questions were asked about shared parking arrangement with the gun range to the north. A recorded easement or shared parking agreement is not known at this time.
- Property History and Maintenance: The building had been vacant for several years, partly due to a previously encumbered marijuana license that was only resolved in late 2025.
- An occupied, maintained building was preferable to continued vacancy and blight. Occupying the site ensures the property is maintained and utilized, preventing structural degradation and blight that could result from continued vacancy.
- Regarding the suitability of the location, the site is situated in a predominantly industrial area (M1) that already contains similar successful auto-related uses and has no residential properties in the immediate vicinity.
- Discussion regarding the future re-use of building.

Property owner Sergio Basmajian was in attendance and clarified the recent history of the property. The building had offices and warehousing. Not much work is needed inside to adapt it to auto repair. The property has recently sat vacant. All proposed activity will take place within the building or in the parking lot behind it. Improvements will beautify the building/area. Additional conversation regarding bioswale improvements. Hours of operation will be within regulations.

**PC 26-07 - special land use request PSP #26-01 - 32371 Dequindre road - minor auto repair and service**

Motion by Marsh, seconded by Olson to deny the special land use request PSP #26-01 located at 32371 Dequindre road - minor auto repair and service because it is not in compliance with the master plan and future land use goals of the City, specifically citing the following sections of the ordinance:

**Section 15.05.3 (D):** Regarding compatibility with permitted principal uses and consistency with the intent of the zoning district.

**Section 15.05.3 (F):** Regarding the use being consistent with the intended purpose of the zoning district in which it is proposed.

Voting Yea: Commissioner Fleming, Commissioner Marsh

Voting Nay: Chair Champagne, Commissioner Fox, Commissioner Graettinger, Commissioner Oglesby, Commissioner Olson

Motion fails 2-5.

**PC 26-08 - special land use request PSP #26-01 - 32371 Dequindre road - minor auto repair and service**

Motion by Olson, Seconded by Oglesby, that, following the required public hearing, the Planning Commission hereby **recommends that city council approve** special land use Request number PSP 26-01 for a minor auto repair and service facility at 32371 Dequindre Road based upon the following findings of fact indicated by the provided Staff report :

1. The applicant requests Special Land Use approval for a Minor Auto Repair and Service facility at 32371 Dequindre Road as permitted by Section 3.17 of the Zoning Ordinance, *M-1 Light Industrial District*
2. The Planning Commission held a public hearing for PSP 26-01 at their February 17, 2026 meeting.
3. The proposed Minor Auto Repair and Service use is consistent with the special land use review standards and criteria set forth in Section 15.05.3. In particular:
  - a. The use is designed, located, and proposed to be operated in a way that protects the public health, safety and welfare.
  - b. The use will not involve activities that will be detrimental to adjacent industrial land uses.
  - c. The use is designed and located so that it is compatible with the principal uses permitted in the M-1, Light Industrial district.
  - d. The use is designed and located so that it is compatible with the Madison Heights Master Plan and the Industrial future land use designation.
4. With modifications required as conditions of approval, the use satisfies the use-specific standards for Major Auto Repair and Service facilities as contained in 7.03.2 of the Madison Heights Zoning Ordinance and is in general compliance with site design standards contained within the Zoning Ordinance.

**APPROVAL IS GRANTED WITH THE FOLLOWING CONDITIONS:**

1. The Major Site Plan, when submitted, shall be substantially consistent with the concept plan approved with this Special Land Use submittal. However, the site plan shall be modified, as needed, to denote the following:
  - a. Provide a site demolition plan, including locations of asphalt removal and replacement. Given the state of disrepair, complete milling and repaving and new stormwater quality structures may be required; and
  - b. Include details of new concrete curbs and gutters; and
  - c. Add the required concrete dumpster pad; and
  - d. Revise the landscape plan for the bio-retention area to include plant species tolerant of periodic inundation, road salt exposure and summer drought conditions so that the stormwater feature maintains long term infiltration performance subject to the approval of the City Planner and engineer.
2. Given the adjacent industrial land uses and minimal buffer widths, the minimum perimeter parking lot landscaping requirements of Section 11.06.3 may be reduced along the northern, western and southern property lines as part of Major Site Plan review.
3. The final site plan and use shall satisfy the use-specific standards for auto repair and service facilities contained in Section 7.03.2 and attached to the staff report. The use-specific operating conditions shall be listed on the final Certificate of Occupancy.

Voting Yea: Chair Champagne, Commissioner Fox, Commissioner Graettinger, Commissioner Oglesby, Commissioner Olson

Voting Nay: Commissioner Fleming, Commissioner Marsh

Motion carries 5-2.

## **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT LISTED ON THE AGENDA**

Chair Champagne opened up public comment for items not listed on the agenda at 7:01 pm. Seeing none, public comment was closed at 7:01 p.m.

## **MEMBER UPDATES**

No member updates at this time.

## **PLANNER UPDATES**

4. Master Plan Update – Planner Lonnerstater will be sending an email out soon to those members serving on the Master Plan Subcommittee.
5. Continuing Education – Zoning Practice  
The Redevelopment Ready Community (RRC) program encourages Michigan municipalities to provide their boards and commissions with continuous opportunities for training and education. Planner Lonnerstater has shared a monthly publication put out by the American Planning Association (APA) with the Commissioners. Zoning Practice provides insights on current zoning issues and trends and provides guidelines and recommendations for municipalities to update their zoning codes.
6. Amendment to Planning Commission Bylaws - Discussion was held regarding changing the time of the Planning Commission meeting dates. This would require an amendment to the bylaws. Due to some conflicts among some current members, it was suggested to move the meetings from the 3<sup>rd</sup> Tuesdays of the month to the 3<sup>rd</sup> Mondays of the month.

### **PC 26-09 – Amendment to the Planning Commission bylaws**

Motion by Commissioner Marsh, seconded by Commissioner Graettinger to amend the bylaws of the Planning Commission to reflect that “meetings shall be scheduled on the third Monday of each month.”

Voting Yea: Chair Champagne, Commissioner Fleming, Commissioner Fox, Commissioner Graettinger, Commissioner Oglesby, Commissioner Marsh, Commissioner Olson

Motion carries unanimously.

## **ADJOURNMENT**

Seeing no further comments, Chair Champagne adjourned the meeting at 7:10 pm.



# MEMORANDUM

Date: April 15<sup>th</sup>, 2026  
To: City of Madison Heights Planning Commission  
Meeting Date: April 20<sup>th</sup>, 2026  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Rezoning Request PRZN 26-01 – 31075 John R Road – B-1 to B-2.

## Introduction

The applicant, Smokin' Bear Tobacco, on behalf of the property owner, South Lyon Company, LLC, requests to rezone one (1) parcel of land located at 31075 John R Road (TM# 44-25-02-478-021) from B-1, Neighborhood Business District, to B-2, Community Business District. The subject parcel is approximately 1.52 acres in size and is improved with a 17,000 square foot multi-unit retail commercial building. The property is located on the west side of John R Road just north of 13 Mile and is located just to the east of the Madison Heights City Hall/Library/Active Adult Center complex.

## Background and History

The applicant requests a rezoning to B-2, Community Business district, to allow for a tobacco/smoke shop to occupy one of the retail units. Per the newly adopted Madison Heights Zoning Ordinance, tobacco/smoke shops are permitted by-right within the requested B-2 zoning district **subject to use-specific conditions**, but are not permitted within the existing B-1 district. A rezoning to B-2 would enable an administrative review and approval process for the proposed use but would permit a wider range of commercial uses on the property than the current B-1 designation.

### *Street View of Property (Looking West)*



**Subject Parcel – Aerial View**



History

The applicant had previously applied for a Certificate of Occupancy to open the tobacco/smoke Shop at the subject location; this was denied as the proposed use is not permitted in the B-1 district. The applicant appealed this denial to the Zoning Board of Appeals. At their January 8<sup>th</sup>, 2026 meeting, the Zoning Board of Appeals upheld the City’s denial. A brief history is provided below:

- **March 19<sup>th</sup>, 2025:** The applicant applied for a building permit to split an existing retail suite into two white-box suites. The Building Official issued the building permit on March 21<sup>st</sup>, 2025.
- **July 23<sup>rd</sup>, 2025:** The applicant submitted revised building plans; one sheet denoted a “cigar display room”, which was subsequently approved by the Building Official.
- **November 24<sup>th</sup>, 2025:** The applicant submitted a Certificate of Occupancy application for “Smokin Bear Tobacco of John R, Inc.” at the subject site. Within the application, the applicant stated, *“the space will be used to operate a retail smoke shop. We sell tobacco, cigarettes, cigars, vapes, hookahs, lottery, ashtrays, lighters.”*
- **November 25<sup>th</sup>, 2025:** The Planning and Zoning Administrator (City Planner) denied the Certificate of Occupancy based on the following findings, as outlined in an email dated November 25<sup>th</sup>, 2025:
  - The proposed use is defined and classified as a “Tobacco/Smoke Shop” per Section 2.01 of the Zoning Ordinance.
  - Tobacco/Smoke Shops are not a permitted use in the B-1 zoning district, per Section 3.06 of the Zoning Ordinance.

- **November 26<sup>th</sup>, 2025:** The applicant formally appealed the decision within the 30-day window set for appeals by Section 15.06.
- **January 8<sup>th</sup>, 2026:** The Zoning Board of Appeals formally upheld the city’s decision to deny the Certificate of Occupancy.

The applicant has now applied to rezone the subject site to the B-2 district which allows for tobacco/smoke shops by right, subject to use-specific conditions.

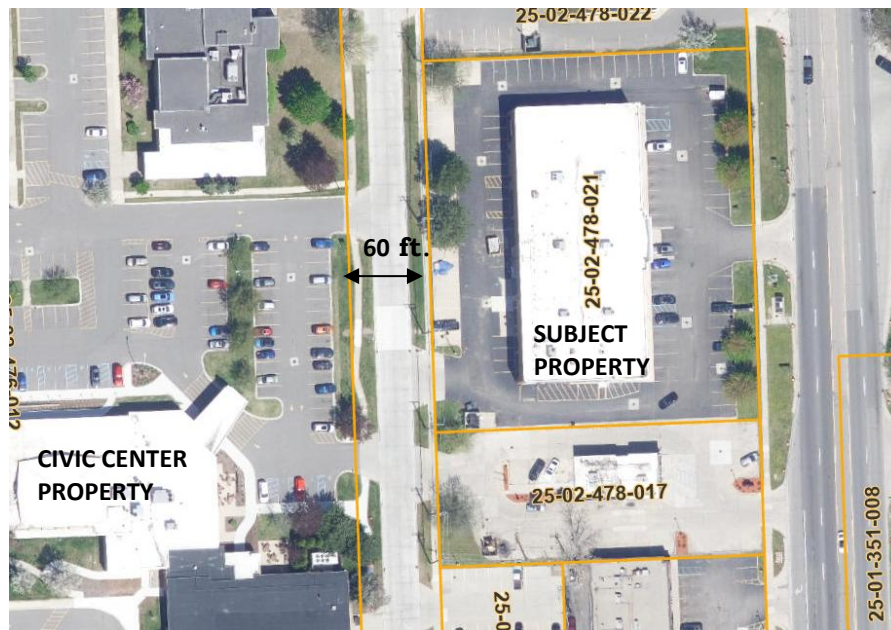
**Use-Specific Standards for Tobacco/Smoke Shops**

Tobacco/smoke shops are subject to the use-specific standards of Section 8.03.44, which are attached to this report. Section 8.03.44.A states:

*It shall be unlawful to operate or cause to be operated a tobacco/smoke shop or smoke lounge within 200 feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) of any of the following:*

- (1) A school or childcare facility.
- (2) A public park.
- (3) A public community center.

**Proximity of Subject Site to Civic Center Complex**



The subject property is located directly across Brush Street from the Madison Heights Civic Center complex, which comprises City Hall, the Active Adult Center, the Library, Civic Center Park as well the courthouse, police station, and fire station. The separation between the two properties is sixty (60) feet. As the Civic Center complex would be classified as a “public community center”, the applicant would need to seek a separate dimensional variance from the 200 ft. setback requirement stated above.

### Map Amendment (Rezoning) Review Standards

Section 15.07 of the Madison Heights Zoning Ordinance contains standards that the Planning Commission and City Council shall consider when reviewing and acting upon a rezoning request:

- (1) Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
- (2) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
- (3) Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan), and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistency with recent development trends in the area shall be considered.*
- (4) The boundaries of the requested zoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
- (5) The requested zoning district is considered to be more appropriate from the city's perspective than another zoning district.*
- (6) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
- (7) The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
- (8) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
- (9) That the amendment will not be expected to result in exclusionary zoning.*

These standards are touched upon throughout this memo.

### Zoning and Land Use Considerations

Per the Zoning Ordinance, the intent of the existing B-1, Neighborhood Business district is to, “meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The B-1 District shall encourage uses and design that are compatible with, and accessible to, nearby residential uses, thus reducing the number of vehicle trips required in these areas.”

The intent of the requested B-2, Community Business district is to, “cater the needs of a larger consumer population than is served by the Neighborhood Business District and may be characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The B-2 district is intended along, and at the intersections of, major arterial streets.”

While the applicant is asking for the rezoning to explicitly allow for a tobacco/smoke shop use within the existing strip retail center, the Planning Commission should consider all of the potential uses that could be developed on this site if it were to be rezoned to B-2. Some of these more intense uses and significant use departures are highlighted in the table below:

**Use Comparison – B-1 and B-2**

<b>USE</b>	<b>B-1 (existing)</b>	<b>B-2 (proposed)</b>
CURRENT USE: Multi-Tenant Retail	P	P
PROPOSED USE: Multi-Tenant Retail w/ a tobacco/smoke shop		P
<b>Residential Uses</b>		
Residential/Commercial Mixed-Use	P	P
Live/Work	P	
<b>Commercial Uses</b>		
Auto Repair and Service (Minor and Major)		S
Auto Sales		S
Banquet Halls (greater than 75 persons)		P
Bars and Taprooms	S	P
Commercial Kennels and Boarding Facilities		S
Drive-Through Facilities	S	P
Firearm Retail Sales		P
Gasoline/Recharging Stations		S
General Retail	P	P
Hotels and Lodging		S
Indoor Recreation Business	P	P
Medical Office	P	P
Microbreweries, wineries, and distilleries	S	P
Personal Service Establishments	P	P
Professional Office	P	P
Restaurants	P	P
Tobacco/Smoke Shop/Smoke Lounge		P
Veterinary Clinic or Animal Grooming	S	P
<b>Industrial Uses</b>		
Contractor’s Office	P	P
Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution		P

*P = Permitted by Right    S = Special Approval Required    Blank = Not Permitted*

The full Permitted Use Table is attached to this memorandum.

A rezoning to the B-2 district would permit a tobacco/smoke shop subject to the use-specific standards. Further, the B-2 district permits a wider range of auto-oriented uses than the B-1 district. For example, auto repair/service, auto sales, and gas stations would all be permitted as Special Land Uses in the B-2 district, whereas they are not permitted under the current B-1 designation. Drive-through uses (e.g. fast food restaurants) would be permitted by right in B-2, whereas they currently require Special Land Use approval. The Planning Commission should consider all of the uses permitted in the B-2 district when deliberating on this rezoning request.

Existing Land Use and Zoning

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

**Existing Land Uses and Zoning**

	Existing Land Use	Existing Zoning
<b>Site</b>	Multi-tenant Retail	B-1, Neighborhood Commercial
<b>North</b>	Funeral Home	B-1, Neighborhood Commercial
<b>South</b>	Drive-Through Restaurant	B-1, Neighborhood Commercial
<b>East</b>	Sam’s Club [Wholesale]	B-2, Community Business
<b>West</b>	Madison Heights Civic Center Complex	N-P, Natural Preservation and Recreation

Adjacent land uses on the west side of John R consist primarily of general retail, fast-food style restaurants, and the occasional small medical office. The east side of John R consists of general retail, including the large Sam’s Club warehouse and gas station site, auto-oriented commercial and multi-family residential. The subject parcel backs up to the Madison Heights Civic Center complex, including City Hall, the library, Active Adult Center, and Civic Center Park.

Future Land Use and Master Plan

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

**Future Land Use**

	Future Land Use
<b>Site</b>	Office
<b>North</b>	Office
<b>South</b>	Office
<b>East</b>	Commercial
<b>West</b>	Public

The future land use designation of the subject site is *Office*. Per the Master Plan, the Office designation is intended to accommodate integrated uses to promote walkability as well as encourage flexibility of building use; this suggests a blend of local service, professional and general office uses into traditional office developments, as well as commercial uses that serve office users. The Master Plan does not necessarily break down the adjacent commercial future land use category into more detailed sub-categories based on anticipated commercial intensity.

While there are a few small medical offices located along the west side of this stretch of John R Road, the existing land use pattern is better characterized as light commercial with the occasional office use rather than office. The Future Land Use designation of this area should be explored as part of the ongoing Master Plan update process.

Pertinent Goals & Objectives from the Master Plan include:

**Community Character:**

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

**Commercial & Industrial Development:**

- Encourage entrepreneurship and growth for diverse businesses of all sizes to promote a balanced local economy.
- Provide incentives and flexible zoning mechanisms for commercial and industrial property owners and tenants to upgrade existing commercial and industrial sites.
- Promote the mix of commercial, office, and industrial uses in a way that fosters collaboration and business growth, while creating a desirable environment for the local workforce.

Transportation

Per the 2021 Master Plan, this stretch of John R Road is designated as an “urban minor arterial” road which is intended to serve as routes for through traffic while providing access to abutting properties and minor intersecting streets. Minor arterials carry through-travel movements but carry trips of a shorter distance and to lesser traffic generators. Per SEMCOG, this stretch of John R Road accommodates approximately 25,472 vehicles per day, which is a fairly significant number of trips. As a comparison, 11 Mile Road between I-75 and John R Road accommodates approximately 15,000 vehicles per day.

**Staff Discussion and Policy Analysis**

The subject property is located mid-block along a fairly- busy section of John R Road. In Madison Heights, John R Road is primarily characterized by a mix of small-scale commercial, large-scale commercial, office, and auto-oriented uses. As one heads north on John R from the subject site towards 14 Mile Road, the commercial land uses generally transition from smaller-scale, locally-oriented businesses (with the exception of Sam’s Club) to big-box, regional uses such as Target and Best Buy near Oakland Mall. This transition is reflected through the change in zoning designation, which shifts from B-1 (Neighborhood Commercial) at the southwest corner of John R/13 Mile to MUI-2 (Mixed Use Innovation-2) to B-3 (Regional Commercial). The Sam’s Club property already has a B-2 designation.

While this rezoning request is tied to a specific business plan (tobacco/smoke shop), the Planning Commission should take into consideration the new uses which would be permitted in a B-2 zoning district. Uses like auto repair/service, auto sales, and gas stations would all be permitted as Special Land Uses in a B-2 district, whereas they are not permitted under the current B-1. The proximity to the Civic Center complex, including the Active Adult Center, City Hall, the Library, and Civic Center Park should also be explored, especially in relation to the uses that would be permitted in the B-2 district.

With the exception of the Sam’s Club property at the northeast corner of 13 and John R (zoned B-2), the stretch of John R Road between Whitcomb and Ajax is primarily zoned B-1, with portions zoned MUI-2, O-1, and Multi-Family Residential.

Expanded Zoning Map



If the rezoning request is approved, any major redevelopment on the subject parcel would be subject to site plan approval through the administrative Technical Review Committee (TRC) and, if applicable, Special Land Use approval through the Planning Commission and City Council. As previously noted, a dimensional variance would be required through the Zoning Board of Appeals for the tobacco/smoke shop due to its proximity to the Civic Center complex.

### Next Step

After the public hearing and discussion, the Planning Commission may make a recommendation on the proposed rezoning to City Council. **Any motion which includes a recommendation to City Council shall include concise findings of facts.**

### Template Motions | Findings and Recommendations to City Council

Template motions for recommendations of approval and denial, including findings of fact, are provided below. Staff has provided an alternate motion to recommend approval of a rezoning to B-2 in lieu of B-3.

#### APPROVAL:

*I move to recommend that City Council approve the rezoning of 31075 John R Road (parcel #44-25-02-478-021) from B-1, Neighborhood Business district, to B-2, Community Business district, after the required public hearing, based upon the following findings:*

*A rezoning to B-2 satisfies the map amendment review standards contained in Section 15.07 of the Zoning Ordinance. In particular, the Planning Commission finds that a rezoning to B-2 satisfactorily addresses the following standards [ELABORATE AS NEEDED]:*

- *Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
- *Compatibility of all the potential uses allowed in the proposed B-2 district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
- *Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan).*
- *The boundaries of the B-2 district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
- *The requested B-2 district is considered to be more appropriate from the city's perspective than the existing B-1 district.*
- *Rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
- *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
- *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
- *The amendment will not be expected to result in exclusionary zoning.*

**DENIAL:**

*I move to recommend that City Council deny the rezoning of 31075 John R Road (parcel #44-25-02-478-021) from B-1, Neighborhood Business district, to B-2, Community Business district, after the required public hearing, based upon the following findings:*

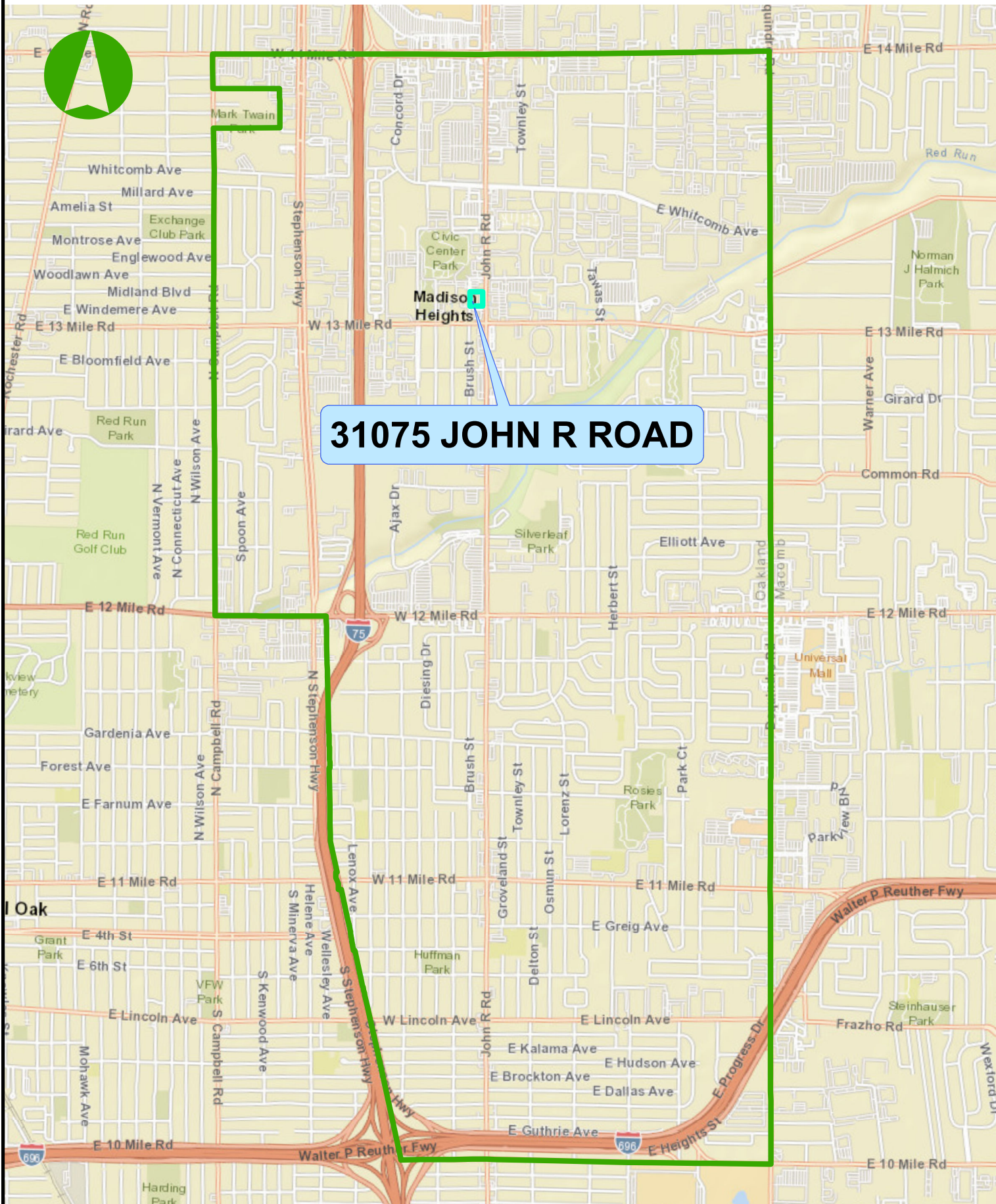
*A rezoning to B-2 does not satisfy the map amendment review standards contained in Section 15.07 of the Zoning Ordinance. In particular, the Planning Commission finds that a rezoning to B-2 fails to satisfactorily address the following standards [ELABORATE AS NEEDED]:*

- *Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
- *Compatibility of all the potential uses allowed in the proposed B-2 district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
- *Consistency with the goals, policies, and objectives of the Master Plan (including the Future Land Use Plan).*
- *The boundaries of the B-2 district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
- *The requested B-2 district is considered to be more appropriate from the city's perspective than the existing B-1 district.*
- *Rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
- *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
- *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
- *The amendment will not be expected to result in exclusionary zoning.*

**Attachments**

- *Rezoning Application PRZN 24-02*
- *Compiled Maps*
- *Public Hearing Notice*
- *Section 15.07 – Zoning Ordinance Amendments (Map and Text)*
- *Section 3.06 – Permitted Use Table*
- *Section 3.14 – B-1 Neighborhood Business District*
- *Section 3.15 – B-2 Community Business District*
- *Minutes from January 8<sup>th</sup>, 2026 Zoning Board of Appeals meeting*

# PRZN 26-01 : 31075 JOHN R ROAD

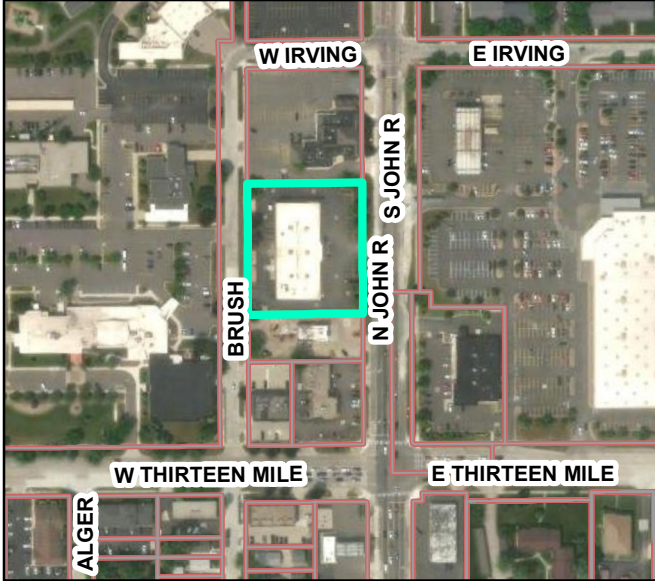


# Site Address: 31075 John R Road



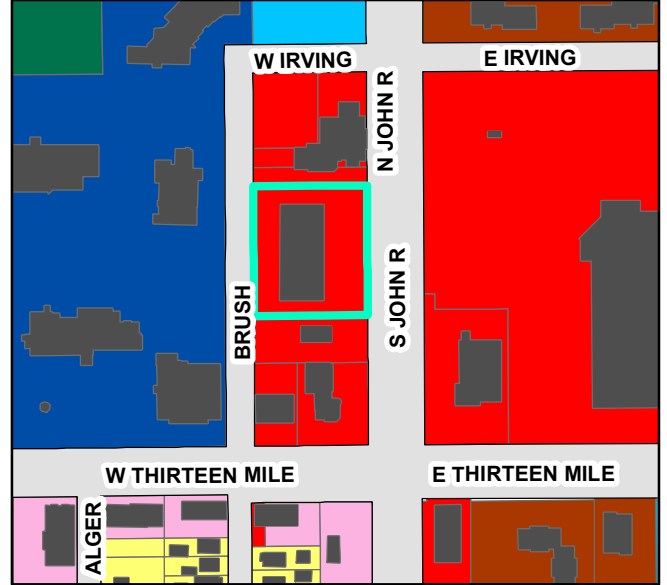
Click for map







Aerial



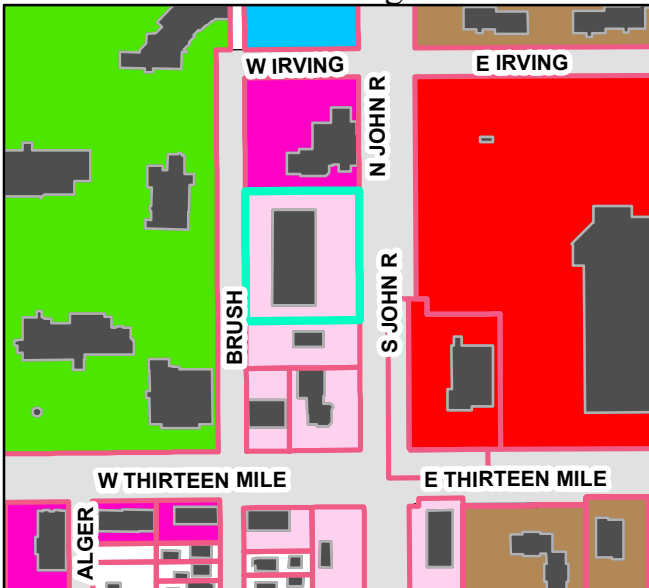
 31075 John R Road      Parcels



Existing Land Use



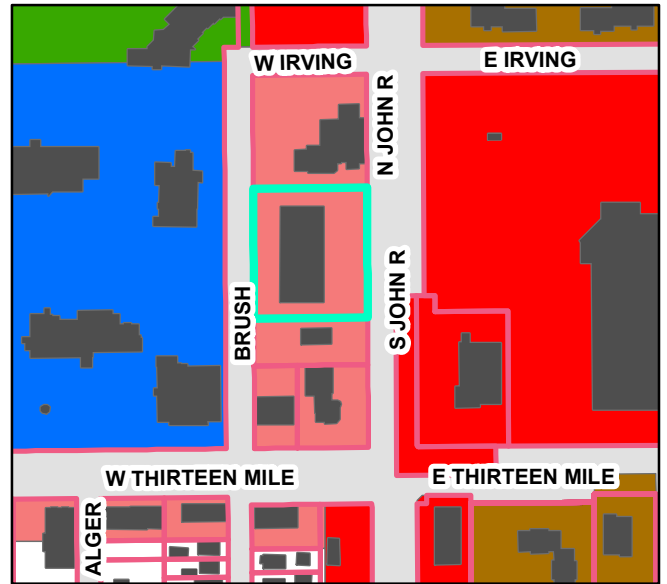
 31075 John R Road      Public  
 Commercial      Office  
 Single and Two Family      Multiple Family







Zoning



 31075 John R Road      O-1  
 N-P Natural Preservation      MUI2  
 B-1 Local Business      B-2 Planned Business

Future Land Use



 31075 John R Road      Industrial  
 Commercial      Public and Schools  
 Office      Multiple Family





CITY OF MADISON HEIGHTS  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
**ZONING MAP AMENDMENT (REZONING) APPLICATION**

**I. APPLICANT INFORMATION**

Applicant Smokin' Bear Tobacco  
Applicant Address 31075 John R. Rd., Ste C2  
City Madison Heights State MI ZIP 48071  
Interest in Property (owner, tenant, option, etc.) Tenant  
Contact Person Matthew Abro  
Telephone Number [REDACTED] Email Address [REDACTED]

**II. PROPERTY INFORMATION**

Property Address(es) 31075 John R Rd  
Tax ID(s) 47-2354010 Zoning District B-1  
[PROVIDE SURVEYS AND LEGAL DESCRIPTIONS OF ALL PROPERTIES ON SEPARATE SHEETS]  
Owner Name (if different than applicant) South Lyon Company, LLC  
Address 47448 Pontiac Trail, Ste 285  
City Wixom State MI Zip 48393  
Telephone Number [REDACTED] Email Address [REDACTED]

**III. CONSULTANT INFORMATION (IF APPLICABLE)**

Name Rich Sulaka Company Rich Sulaka Law Firm  
Address 380 N Old Woodward, Ste 300  
City Birmingham State MI Zip 48009  
Telephone Number [REDACTED] Email Address [REDACTED]

**IV. NATURE OF REQUEST**

- Standard Rezoning
- Rezoning with Conditions

Current Zoning Designation B-1 Proposed Zoning Designation B-2

**V. PROJECT DESCRIPTION AND SCOPE OF WORK**

Brief description explaining need for proposed map amendment:

Applicant is unable to open in location where previous tobacco shop operated. Landlord's property is unduly burdened compared to those properties immediately adjacent to the East as well as due North.

Required Attachments:

- Plot Plan/Survey** specifying the boundaries of the site, with legal descriptions of all properties subject to the request.
- Review Standards Response Form** (Standard Rezoning or Rezoning with Conditions Form)
- For Rezoning with Conditions Only:** Rezoning with Conditions Agreement and, if proposed, Rezoning with Conditions Site Plan

**VI. APPLICANT CERTIFICATION**

I (we) the undersigned do hereby apply to the City of Madison Heights for review and approval of the above-described Map Amendment application. Applicant(s) and the property owner(s) do hereby consent to city staff to assess the property for purposes of evaluating the site for requested action(s).

Printed Name Matthew Abro Signature *Matthew Abro* Date 03-10-2026

**VII. PROPERTY OWNER CERTIFICATION**

IF YOU ARE NOT THE PROPERTY OWNER, YOU MUST HAVE THE PROPERTY OWNER PROVIDE A NOTARIZED SIGNATURE, BELOW, OR PROVIDE A NOTARIZED LETTER OF AUTHORIZATION OR NOTARIZED POWER OF ATTORNEY AUTHORIZING YOU TO ACT ON THEIR BEHALF.

Printed Name Becker Almufti Signature *[Signature]* Date 03-10-2026

**Notary for Property Owner:**

Subscribed and sworn before me, this 10 day of March, 2026  
 A Notary Public in and for Wayne County, Michigan.  
 Notary Name (Print): Evanjeleen Alaaraj  
 Notary Signature: *[Signature]*  
 My Commission Expires: 4-17-2032

**Notary Stamp**  
 Evanjeleen Alaaraj  
 Notary Public - State of Michigan  
 County of Wayne  
 My Commission Expires April 18, 2032  
 Acting in the County of Wayne

STAFF USE ONLY [DO NOT ACCEPT INCOMPLETE APPLICATIONS]	
FILING FEE (\$1,500): <u>\$1,500</u>	REZONING NO.: PRZN # <u>26-01</u>
DATE APPLICATION RECEIVED: <u>3/11/26</u>	RECEIVED BY: <u>MDL</u>

### STANDARD REZONING: RESPONSE FORM

**Section 15.07.3.B** of the Zoning Ordinance contains review standards/ criteria for standard map amendments. Please provide responses to the following review standards for consideration by staff, the Planning Commission, and City Council. (Provide additional sheets, if necessary).

- A. Describe how the site's physical, geological, hydrological and other environmental features are compatible with the uses permitted in the proposed zoning district.

The site's physical, geological, hydrological, and environmental features are identical to those of the B2 district adjacent to the property's immediate East on the northbound side of John R Rd, thus entirely compatible with the rezoning to the proposed B2 zoning district.

- B. Describe how the uses permitted in the proposed zoning district are compatible with surrounding uses and zoning districts in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

As stated above, similarly situated properties due North and immediately adjacent to the East are both heavier use MUI-2 and B-2. There would be no detrimental impact to the environment, density, nature of use, traffic aesthetics, infrastructure, or potential influence on property values, as, in addition to the above-mentioned properties, the subject-property was previously permitted to operate tobacco shops prior to the updated zoning map in 2024.

- C. Describe how the proposed zoning district is compatible with the goals, policies and objectives of the Madison Heights Master Plan (including the Future Land Use Plan) and any sub-area or corridor plans. If conditions have changed since such plans were adopted, describe how the proposed rezoning is consistent with recent development trends.

Madison Heights Master Plan did not consider the interruption of small business owners and the undue burden of similar situated parcels. As noted above, this proposed change is consistent with the goals, policies, and objectives of the Madison Heights Master Plan and encourages the active investment and development of vacant properties in the city.

- D. Describe how the boundaries of the requested zoning district will be reasonable in relationship to surrounding districts and explain how construction on the site will be able to meet the dimensional regulations of the proposed district.

The boundaries will remain the same and provide equal access and business diversity between businesses on the northbound and southbound sides of John R Rd.

- E. Describe how the requested zoning district is considered to be more appropriate for the site than the existing zoning district.

The requested district provides equal access to businesses of a similar nature to vehicles traveling on southbound John R as those traveling on northbound John R. This will improve traffic flow by allowing customers access to equivalent retail businesses along their route of travel without having to execute a left-hand turn across directional traffic.

- F. If a rezoning is requested to allow for a specific use, explain why rezoning the land is considered to be a more appropriate mechanism than amending the list of permitted or special land uses in the current zoning district to allow the use.

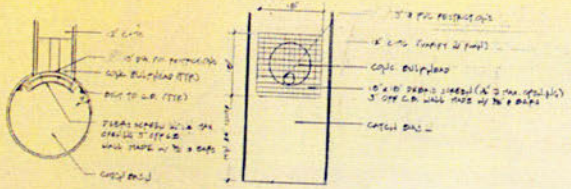
While the tenant is requesting the rezoning, the landlord has approved its requested because his property is being unduly burdened compared to the property similarly situated on the northbound traveling side of John R Rd. As noted above, the rezoning as proposed increases traffic efficiency along John R.

- G. Describe how the requested rezoning will not create an isolated or incompatible zone in the neighborhood. Explain how the map amendment will not result in exclusionary zoning.

The requested rezoning prevents and isolated and exclusionary B-2 zoning on the northbound side of John R Rd. By approving the rezoning, the map provides a B-2 zoning district on opposite sides of John R Rd for similarly situated parcels.

- H. Explain how the capacity of the street system will be able to safely and efficiently accommodate the expected traffic generated by the uses permitted in the requested zoning district.

As noted above, the capacity of the street system has previously accommodated the expected traffic generated by the uses permitted without issue, and a rezoning to a B2 district would increase traffic-flow efficiency.



**C.B. Outlet Restriction Detail**

**CONSTRUCTION SEQUENCE**

1. Install stone filter berm across the proposed storm at the property line.
2. Install all other perimeter erosion controls as shown on the plan.
3. Install storm sewers. Place catch basin inlet/filters (before paving type) on all catch basins within proposed paved areas. Place catch basin inlet filters (after paving type) on all catch basins in proposed areas.
4. Place grade after. Sloppage topsoil as required. Maintain all soil erosion controls.
5. Finish grade within proposed paved areas and remove catch basin inlet filter (before paving type). Place pavement and install catch basin inlet filter (after paving type) two days after paving.
6. Install all other erosion controls, s.s. pan, electrogrid, etc., as required.
7. Distribute topsoil as required. Maintain all soil erosion controls.
8. Stabilize earth in accordance with the landscape plan. Seed and mulch or sod all other disturbed areas as required.
9. Clean all accumulated sediment from sumps, catch basins and pavement.
10. Remove all temporary erosion controls including the catch basin inlet filters and stone filter berm across drive.
11. It is the responsibility of the developer to insure that the above operations are done and maintained until the entire site is stabilized.

**GENERAL NOTES**

- 1) Existing owners, utility locations, sewer leads, water service and existing catch basins sewer locations and inverts are as determined from survey supplied by owner. Contractor must verify all locations and elevations prior to commencing work. Engineer must be notified immediately if any discrepancies exist.
- 2) Owner must obtain permission from affluve property owners prior to performing any work affluve.
- 3) Contractor must insure that all areas under and affluve have positive surface flow to drainage system.
- 4) Owner is responsible for verification that there are no encroachments that affect this property development.
- 5) Owner must verify with local and state authorities that all encroachments, affluve and outlet work are in accordance with their specifications and regulations.
- 6) All affluve flow to remain as before improvements. In case of interference with the affluve flow, proper affluve drainage must be provided so that affluve drainage remains adequate.
- 7) Owner is responsible for verification with all governing agencies that a 10% increase in flow to the existing storm system is allowable and that no outlet improvements are below flood plain elevations.

**TEMPORARY SOIL EROSION CONTROL MEASURES**

1. Stone filter berm.
2. Stone hair berm.
3. Catch basin inlet filters (before and after paving type)

Temporary soil erosion control measures shall be constructed as shown on the plan and maintained until all disturbed areas are stabilized.

**TEMPORARY SOIL EROSION CONTROL MEASURES**

During peak storms, storm water will pond approximately 0.50' at catch basin and decrease in depth proportionally when parking lot elevations are higher. Engineer is not responsible for any damage caused by this ponding water.

Owner must verify with all governing agencies that a proposed site outflow of 0.25' CPG to existing storm system is allowable and an outlet retention of 8725 cu. ft. is acceptable.

Owner is responsible for insuring that the outlet restriction remains clear free of debris and flowing freely. Engineer is not responsible for any damage caused by a blockage of the restricted outlet.

**Location Map**

**Site Plan**

THIS BUILDING IS REQUIRED TO CONFORM TO THE STATE REQUIREMENTS FOR PHYSICALLY HANDICAPPED

FOR THE WORKSHOP FOR APPROVED PHYSICALLY HANDICAPPED

DESIGNER: *John R. Kurmas*

DATE: *10/1/80*

SCALE: *1/4" = 1'-0"*

TOTAL APPROVAL IS GOVERNOR'S FINAL INSPECTION

NOTICE TO PERMIT APPLICANTS

These plans were prepared by the undersigned and are hereby approved for the purpose stated herein.

*John R. Kurmas*

**THOMAS W. KURMAS & ASSOCIATES**  
 ARCHITECTS • ENGINEERS • PLANNING DESIGNERS  
 4400 TELEGRAPH ROAD • BELLEVILLE, MISSOURI 63703 • PH: 314-338-1000

**A New Office Building For Mobilitronics**  
 31075 John R  
 Madison Hts., MI.

4967

SD-1

*31075 John R  
City Copy*



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the **Planning Commission** for the City of Madison Heights will hold a public hearing on **Monday, April 20th at 5:30 p.m.** in the City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071, to consider the following rezoning request(s):

**Request No. PRZN 26-01** by property owner Becker Almufti to rezone one (1) parcel of land located at **Item 3.** (TM# 48-021) from B-1, Neighborhood Business, to B-2, Community Business district.

The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed online after 4:00 p.m. on the Friday prior to the meeting at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center.

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

MADISON HEIGHTS COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT (248) 583-0831

Zoning Board of Appeals Meeting  
Madison Heights, Michigan  
January 08, 2026

A Zoning Board of Appeals Meeting was held on Thursday, January 08, 2026, at 7:30 PM at Council Chambers - City Hall, 300 W. 13 Mile Rd.

PRESENT: Chair Kimble and members: Corbett, Covert, Holder, Loranger, Oglesby, Sagar, and Thompson

ABSENT: Councilwoman Aaron and Marentette

**ZBA 01-26. Excuse member(s).**

Motion made by Ms. Holder, Seconded by Mr. Oglesby, to excuse Councilwoman Aaron and member Marentette from tonight’s meeting.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Ms. Marentette

Motion carried.

**ZBA 02-26. Minutes.**

Motion made by Ms. Corbett, Seconded by Ms. Covert, to approve the December 4, 2025, Meeting Minutes as presented.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

**ZBA 03-26 PZBA #25-11: 31075 John R Road**

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

**REQUEST**

The applicant, Matthew Abro, is appealing an administrative decision made by the City Planner, acting in the capacity of the Planning and Zoning Administrator, to deny a Certificate of Occupancy application for a tobacco/smoke shop at 31075 John R Road.

**STAFF COMMENT AND ZBA ACTION**

The City Planner, Matt Lonnerstater, summarized the staff report: The applicant has appealed the Planning and Zoning Administrator’s decision to deny a Certificate of Occupancy (CofO) for his business. The facts presented in this staff report and the included attachments provide the reasoning for the Planning and Zoning Administrator’s decision. This is not a variance request, and the criteria for reviewing an appeal differ from that of a variance request. In this case, the Zoning Board of Appeals is tasked with determining whether the Planning and Zoning Administrator (City Planner) made an error in their decision to deny the CofO. The onus is on the applicant/petitioner to prove that an error was made.

Based on general zoning practice, a reversal or modification of the Planning and Zoning Administrator’s decision may be made if the ZBA finds one of the following to be true:

- (1) The decision was arbitrary or capricious; or
- (2) The decision was based on erroneous findings of fact; or
- (3) The decision was a clear abuse of discretion; or
- (4) The decision was based on an erroneous interpretation of the Zoning Ordinance.

The ZBA should not treat the appeal as a new decision. Rather, review of the decision should be limited to the information that was available to the Planning and Zoning Administrator when the decision to deny the Certificate of Occupancy application was made.

Following the consideration of all testimony, documentary evidence, and matters of record, and following the public hearing, the ZBA shall make a determination on the appeal unless an extension of time is agreed to by the applicant and the ZBA. Any ZBA motion, including a decision to either uphold or overturn the decision of the Planning and Zoning Administrator, shall include clear and concise findings of fact relating to the appeal.

Chair Kimble opened the public hearing at 7:37 p.m. to hear comments on application #25-11.

Appellant, Matthew Abro, explained the appeal: He sought to open a "Smokin Bear Tobacco" retail shop in a suite zoned B-1, Neighborhood Business. The appellant argued that significant investment was made in the build-out, including interior modifications, plumbing, and a new facade, and that city inspectors were aware of the intended use throughout the process. He further noted that a tobacco shop had previously operated in the same plaza.

City Planner Lonnerstater clarified that while building permits were issued for construction, issuance of a permit does not guarantee compliance with zoning codes. Upon review of the Certificate of Occupancy (CofO) application, it was determined that a "tobacco and smoke shop" was not a permitted use in the B-1 district under the current Zoning Ordinance adopted in 2024. The Zoning Ordinance defines such shops as stores primarily selling tobacco products, which are excluded from the B-1 use table.

Assistant City Attorney Burns advised the Board to determine if the City Planner was the appropriate authority and if the regulation was properly enforced.

There being no comments on application #25-11, Chair Kimble closed the public hearing at 8:13 p.m.

Motion made by Ms. Holder, Seconded by Mr. Oglesby, **MOVE** that the Zoning Board of Appeals hereby affirms and upholds the administrative decision of the City Planner, acting in the capacity of the Planning and Zoning Administrator, to deny a Certificate of Occupancy for a tobacco/smoke shop at 31075 John R Road, zoned B-1, Neighborhood Business. This decision is based upon the finding that the Planning and Zoning Administrator acted on the submitted Certificate of Occupancy application in accordance with the Madison Heights Zoning Ordinance.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson  
Absent: Councilwoman Aaron, Marentette  
**Motion carried.**

**ZBA 04-26. Public Comment: For items not listed on agenda.**

Seeing no one wished to comment, Chair Kimble opened public comment at 8:14 p.m. and closed the public comment at 8:15 p.m.

**ZBA 05-26. PZBA #25-10: 32500 John R Road**

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

**REQUEST**

The applicant, Marija Dedvukaj on behalf of property owner VDG John R, LLC, requests variances from Section 12.04 (Prohibited Signs) and Section 12.07 (Regulations for Permitted Signs) to permit the installation of a pylon sign that exceeds that maximum permitted height for ground signs. The property is located at 32500 John R Road (tax parcel #44-25-01-151-063) and is zoned B-3, Regional Business. The property is located on the east side of John R Road, south of Mandoline, and is improved with a drivethrough fast-food restaurant which is in the process of being converted into a Coney Island restaurant. At their December 4th, 2025 the Zoning Board of Appeals postponed action on the variance requests to allow time for the applicant to explore alternative sign heights and designs.

**VARIANCE FINDINGS AND CRITERIA**

Section 15.06.2 of the Zoning Ordinance grants the Zoning Board of Appeals the power to authorize variances from sign regulations, provided that such variances will not be inconsistent with the purpose and intent of such requirements. In granting a variance, the Zoning Boards of Appeals shall make findings that the petitioner has adequately proven the existence of a practical difficulty, explicitly with regard to the following criteria:

- A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
- B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
- C. That the plight of the owner is due to unique circumstances of the property , such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and

- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with the Ordinance, provided that said conditions are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public. Such conditions shall be necessary to meet the intent and purpose of the Ordinance, be related to the standards established in the section for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

**STAFF ANALYSIS**

The applicant has provided written responses addressing the variance criteria of Section 15.06.2 of the Zoning Ordinance. As justification for their variance requests, the applicant primarily cites concerns over the lack of visibility of a shorter sign. The applicant also references the fact that the previous Wendy’s sign was of a similar height and design and alludes to the existence of other tall freestanding signs in the area.

Staff offers the following comments pertaining to each variance criteria:

- A. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons.

Staff Comment: Staff finds that compliance with the city’s sign regulations, in this case allowing for a monument style ground sign with a height up to 8 feet, would not unreasonably prevent the owner from using the property for the proposed restaurant use.

- B. That a variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance.

Staff Comment: The applicant is bound to the same sign regulations as adjacent properties. While there are existing non-conforming signs along John R Road, these signs predate current zoning regulations and their existence in and of themselves are not a basis for granting new variances.

- C. That the plight of the owner is due to unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary;

Staff Comment: The subject property is of a typical rectangular shape and is 0.61 acres in size. Staff finds that there is adequate frontage and building setbacks to erect a sign satisfying zoning requirements, and that the typical characteristics of the parcel do not constitute a practical difficulty.

D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure;

Staff Comment: Staff finds that a monument sign meeting maximum height standards would allow for reasonable use of the building and property as a restaurant. Denial of a variance in this case has no bearing on land use or permitted land uses on the property.

E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community;

Staff Comment: While the requested variances may not cause a substantial detriment to adjacent property, staff finds that issuing the variances would impair the intent and purposes of the City’s sign regulations pertaining to sign style and height.

F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

Staff Comment: Staff finds that the requested variances are the result of the property owner/tenant’s desire to construct a taller sign type rather than the existence of a true practical difficulty or difficulties. While a shorter sign, in theory, would be less visible, staff struggles to find the existence of a true practical difficulty on the property which would restrict the use of the parcel as a restaurant.

Practical difficulties relating to a variance request should generally relate to unique physical constraints on the property, including but not limited to natural features (e.g. wetlands, topography, soil situations) or extraordinary parcel shape. Where physical constraints severely limit the ability to place a legal ground sign on the property, variances may be warranted.

**ZBA ACTION**

Any ZBA motion, including approval and denial, shall include findings of fact relating to the variance criteria listed in Sections 15.06.2 of the Zoning Ordinance. Template motions are provided below for the ZBA’s consideration, which may be modified at the discretion of the board.

In granting a variance, the ZBA may attach conditions regarding the location, character and other features of the proposed use(s) as it may deem reasonable in furthering the purpose of the Zoning Ordinance.

Chair Kimble opened the public hearing at 8:17 p.m. to hear comments on application #25-10.

City Planner Lonnerstater advised this case was a continuation from December 4, 2025, meeting regarding a variance for a pylon sign. The applicant returned with revised plans after the board previously requested a shorter height. The revised "Option A" proposed a 12-foot-tall pylon sign (a 4-foot variance from the 8-foot limit) featuring a decorative masonry base. The applicant cited visibility issues due to the building's setback and neighboring structures as a practical difficulty. City Planner Lonnerstater noted that the previous sign on the site was 21 feet tall, and the new proposal represented a 9-foot reduction in the existing non-conformity. It was also noted that the pole base was already existing on the property.

There being no comments on application #25-10, Chair Kimble closed the public hearing at 8:26 p.m.

Motion made by Mr. Oglesby, Seconded by Ms. Corbett, move that the Zoning Board of Appeals **APPROVE** the variance requests to permit the installation of a non-permitted sign type (pylon sign) that exceeds that maximum permitted height for ground signs at the subject property located at 32500 John R Road. This motion, being made after the required public hearing, based upon the following findings:

- 1) Per Section 12.04, pylon signs are listed as a "prohibited sign" type. A pylon sign is defined as a freestanding outdoor sign with either one or two poles for support.
- 2) Per Section 12.07.2, the maximum sign height for a ground sign in the B-3 zoning district is 8 feet. 5) The applicant proposes a 12 or 15-foot-tall pylon sign on the subject property and is requesting variances from Section 12.04 (Prohibited Signs) and Section 12.07 (Regulations for Permitted Signs). In the case of sign height, the applicant is requesting either a four (4) or seven (7) foot variance.
- 3) The requested variance satisfies the variance criteria set forth in Section 15.06.2 of the Zoning Ordinance. In particular, the Zoning Board of Appeals finds that:
  - a) Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, and would thereby render the conformity unnecessarily burdensome for other than financial reasons; and
  - b) A variance will provide and preserve a substantial property right similar to that possessed by other properties within the same zoning district and in the neighboring area, provided that possible increased financial return shall not of itself be deemed sufficient to warrant a variance; and
  - c) The plight of the owner is due to unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
  - d) The requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
  - e) The authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this

Ordinance or the public health, safety, and general welfare of the community;  
and

- f) The need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

Approval is granted with the following conditions:

- (1) The maximum pylon sign height shall be twelve (12) feet from grade as presented in “Option A”, resulting in a four (4) foot variance.
- (2) The pylon sign shall feature a decorative masonry base as presented in “Option A”.
- (3) The pylon sign shall not be located within any required clear vision corner as contained in Section 8.06 of the Zoning Ordinance.

Voting Yea: Corbett, Holder, Loranger, Oglesby, Covert

Voting Nay: Kimble, Sagar, Thompson

Absent: Councilwoman Aaron, Marentette

**Motion carried.**

**ZBA 06-26. Officer Elections: Chair**

Chair Kimble called for nominations for the position of Chairperson of the Board.

Ms. Thompson nominates Mark Kimble as Chair.

Mark Kimble accepts the nomination for the Chair position.

Motion made by Ms. Thompson, Seconded by Mr. Oglesby, to approve Mark Kimble as Chair.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

**Motion carried.**

**ZBA 07-26. Officer Elections: Vice Chair**

Chair Kimble called for nominations for the position of Vice Chairperson of the Board.

Chair Kimble nominates Gloria Thompson as Vice Chair.

Ms. Thompson accepts the nomination for the Vice Chair position.

Motion made by Ms. Holder, Seconded by Ms. Covert, to postpone the appointment of Vice Chair Gloria Thompson until such time that she is formally appointed as a regular member of the ZBA by City Council.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

Motion carried.

**ZBA 08-26. Adjournment.**

Motion made by Ms. Holder, Seconded by Ms. Covert.

Voting Yea: Corbett, Holder, Kimble, Loranger, Oglesby, Sagar, Covert, Thompson

Absent: Councilwoman Aaron, Marentette

**Motion carried.**

There being no further business, Chair Kimble adjourned the meeting at 8:32 p.m.

### Section 3.06 Permitted Use Table

Uses not listed in a particular Zoning District but permitted elsewhere in the Zoning Ordinance shall be considered prohibited in that Zoning District. However, the Planning and Zoning Administrator or their designee may determine that a use which is not specifically mentioned in this Ordinance is comparable to a permitted or prohibited use in any district, either by right or as a Special Land Use. The Planning and Zoning Administrator may refer a use interpretation to the Zoning Board of Appeals.

The City Center Zoning District is regulated in [City Center District, Section 6.02](#)

**Key:**

- P** = Principal Uses Permitted By-Right
- S** = Uses Permitted on Special Land Use Approval
- A** = Permitted as an Accessory Use
- P/S** = May be Permitted By-Right or as a Special Land Use. Refer to use-specific standards
- A+S** = Permitted as an Accessory Use upon Special Land Use Approval
- [blank]** = Not Permitted
- \* = Refer to City Center, [Section 6.02](#), for additional use matrix based on building type.
- † = Only permitted in Primary Caregiver Marihuana Grow Overlay District, [Section 5.01](#)

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
	Residential Uses																
Accessory Dwelling Unit	A	A	A	A	A												<a href="#">7.03(1)</a>
Detached One-Family Dwelling	P	P	P	P	P											S	<a href="#">7.03(10)</a>
Townhomes, Attached One-Family Dwellings				P	P						P	P					<a href="#">7.03(45)</a>
Duplexes				P	P												<a href="#">7.03(12)</a>
Multiplexes				P	P												<a href="#">7.03(29)</a>
Multi-Family Dwellings					P					P*		P					<a href="#">7.03(30)</a>
Residential/Commercial Mixed-Use							P	P	P	P*	P	P					<a href="#">7.02(2)</a>
Live/Work				S	S		P				P	P					<a href="#">7.03(23)</a>
Manufactured Homes															P		<a href="#">3.12</a>
Senior Housing, Assisted					S	S										S	<a href="#">7.03(41)</a>
Senior Housing, Independent					P					P*		P					<a href="#">7.03(42)</a>
Child Family Day Care Homes	P	P	P	P	P						P	P				P	<a href="#">7.03(7)</a>
Child Group Day Care Homes	S	S	S	S	S						S	S				S	<a href="#">7.03(7)</a>
Foster Care Family Homes	P	P	P	P	P						P	P				P	<a href="#">7.03(14)</a>
Foster Care Group Homes	S	S	S	S	S						S	S				S	<a href="#">7.03(14)</a>
Commercial Uses																	
Artist Studio						P	P	P	P	P*	P	P	P	P			
Auto Repair and Service (Minor)								S	P		S		S	S			<a href="#">7.03(2)</a>
Auto Repair and Service (Major)								S	S		S		S	S			<a href="#">7.03(2)</a>
Auto Sales (New and Used) and Rental								S	S		S	S	P/S	P/S			<a href="#">7.03(3)</a>
Auto Wash								S									<a href="#">7.03(4)</a>
Banquet/Assembly/Meeting Halls (less than 75 persons)						S	S	P	P	P/S*	P	P	P	P			<a href="#">7.03(5)</a>
Banquet/Assembly/Meeting Halls (greater than 75 persons)								P	P	P/S*	S	P					<a href="#">7.03(5)</a>
Bars and Taprooms							S	P	P	P/S*	P	P	P	P			
Business or Trade Schools						P	S	P	P	P*	S	P	P	P			

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUJ-1	MUJ-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Child/Adult Day Care Center and Preschools	S	S	S	S	S	P	P	P	P	P*	S	P					<a href="#">7.03(6)</a>
Commercial Kennels and Boarding Facilities								S	S			S	S	S			<a href="#">7.03(8)</a>
Drive-Through Facilities						A+S	A+S	A	A		A+S	A					<a href="#">7.03(11)</a>
Financial Institutions						P	P	P	P	P*	P	P	P	P			
Firearm Retail Sales								P	P				A	A			<a href="#">7.03(13)</a>
Funeral Homes						S		S	S			S					<a href="#">7.03(15)</a>
Gasoline/Recharging Stations								S	S								<a href="#">7.03(16)</a>
General Retail, Small to Mid-Format (up to 30,000 sq. ft.)							P	P	P	P*	P	P					
General Retail, Large Format (>30,000 sq. ft.)								P	P		S	S					
Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.)							P	P	P	P/S*	P	P	S	S			<a href="#">7.03(17)</a>
Home Improvement Centers and Garden Centers, Large Format (>30,000 sq. ft.)								P	P		S	S	S	S			<a href="#">7.03(17)</a>
Hotels and Lodging Facilities								S	P	P/S*	S	P					<a href="#">7.03(20)</a>
Incubator Kitchen or Catering Facility						S	P	P	P	P*	P	P	P	P			
Indoor Recreational Business							P/S	P	P	P/S*	P/S	P/S	P	P			<a href="#">7.03(21)</a>
Indoor Shooting Range									S				S	S			<a href="#">7.03(22)</a>
Medical Office						P	P	P	P	P*	P	P					
Microbreweries, Wineries and Distilleries							S	P	P	P*	P	P	P	P			
Mobile Food Court (Principal Use)										S*	S	S					<a href="#">7.03(27)</a>
Mobile Food Site (Accessory Use)										A*	A	A					<a href="#">7.03(28)</a>
Outdoor Dining and Seating						A	A	A	A	A*	A	A	A	A			<a href="#">7.03(31)</a>
Outdoor Recreational Business								S	S			S					<a href="#">7.03(32)</a>
Outdoor Sales and Display						A+S	A+S	A	A	A*	A	A	A	A			<a href="#">7.03(33)</a>

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Personal Service Establishments						P	P	P	P	P*	P	P					
Pharmacy						P	P	P	P	P*	P	P					
Professional Office						P	P	P	P	P*	P	P	P	P			
Restaurant						P	P	P	P	P*	P	P	P	P			
Self-Storage Facility									S				S	S			<a href="#">7.03(40)</a>
Tutoring and Instructional Services						P	P	P	P	P*	P	P					
Tobacco/Smoke Shop or Smoke Lounge								P	P	S*	S	P					<a href="#">7.03(44)</a>
Theater							S	P	P	P*	P	P					
Veterinary Clinic or Animal Grooming						S	S	P	P	P*	P	P					<a href="#">7.03(46)</a>
<b>Industrial Uses</b>																	
Artisan Manufacturing/Makerspace										P*	P	P	P	P			
Contractor's Office						P	P	P	P	P*	P	P	P	P			<a href="#">7.03(9)</a>
Light Industrial, Assembly, Repair and Manufacturing											P		P	P			
Heavy Industrial, Assembly, Repair and Manufacturing														P			
Lumber Yard													S	S			<a href="#">7.03(17)</a>
Fleet Vehicle and Trucking Storage Yard. Commercial Storage of Boats, Trailers, Recreational Vehicles, or other Operable Vehicles or Equipment.													S	S			
Research, Development and Testing Facilities										S*	P		P	P			
General Warehouse and Distribution											P		P	P			
Wholesale Sales/Retail									P		S	S	S	S			
Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution								P	P	S*	S	P	P	P			
Incubator Workspaces								P	P	P*	P	P	P	P			
Yard Waste Transfer and Composting Facilities														S			
Junk, Tow, or Salvage Yard														S			

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUI-1	MUI-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Recycling Drop Off Centers													S	S			
Recycling Transfer and Processing Facilities														S			
<b>Public &amp; Quasi-Public Uses</b>																	
Hospital						S		S	S								<a href="#">7.03(19)</a>
Public Library, Museum, Art Center, Community Center	S	S	S	S	S	P	P	P	P	P*	P	P	P	P	S	S	
Government Office Building/Courthouse/Public Police and Fire Services	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
Post Office					P	P	P	P	P	P*	P	P	P	P			
Religious Institutions, Private Clubs, and Lodges (less than 75 persons)	S	S	S	S	S	S	S	P	P	P*	P	P	P	P			<a href="#">7.03(39)</a>
Religious Institutions, Private Clubs, and Lodges (greater than 75 persons)	S	S	S	S	S			P	P	S*	S	P					<a href="#">7.03(39)</a>
K-12 Schools, Public or Private	S	S	S	S	S	P	S	S	S	S*	S	S					
Institutions of Higher Learning						P	S	P	P	S*	P	P					
Public Parks	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
Cemetery	S	S															
Essential Public Utility Services	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	
<b>Other Uses</b>																	
Accessory Buildings, Structures and Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	<a href="#">8.03</a>
Temporary Buildings/Uses	P	P	P	P	P	P	P	P	P	P*	P	P	P	P	P	P	<a href="#">7.03(43)</a>
Home Occupation, Minor	A	A	A	A	A					A*	A	A			A	A	<a href="#">7.03(18)</a>
Home Occupation, Major	A+S	A+S	A+S	A+S	A+S					A+S*	A+S	A+S			A+S	A+S	<a href="#">7.03(18)</a>
Parking as a Principal Use	S	S	S	S	S	S	S	S	S	S*	S	S	S	S	S		<a href="#">7.03(34)</a>
Regulated Uses								S	S								<a href="#">7.03(38)</a>
Wireless Communication Facilities	Refer to <a href="#">Section 7.03(47)</a>																
Medical Marihuana Caregiver											P <sup>+</sup>	P <sup>+</sup>	P <sup>+</sup>	P <sup>+</sup>			<a href="#">7.03(24)</a>
Medical Marihuana and Adult Use Marihuana Safety Compliance Facility						P					P	P	P	P			<a href="#">7.03(25)</a>

Land Use	R-1	R-2	R-3	R-MN	R-MF	O-1	B-1	B-2	B-3	CC*	MUJ-1	MUJ-2	M-1	M-2	H-M	N-P	Use Standards (Section No.)
Medical Marihuana and Adult Use Marihuana Facilities	Refer to <a href="#">Section 7.03(26)</a>																

### Section 3.14 B-1 Neighborhood Business District.

PREAMBLE		
<p>The B-1 Business District is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The B-1 District shall encourage uses and design that are compatible with, and accessible to, nearby residential uses, thus reducing the number of vehicle trips required in these areas.</p>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>• Artist Studio</li> <li>• Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>• Contractor’s Office <a href="#">7.03(9)</a></li> <li>• Essential Public Utility Services</li> <li>• Financial Institutions</li> <li>• General Retail, Small to Mid-Format (up to 30,000 sq. ft.)</li> <li>• Government Office Building/Courthouse/Public Police and Fire Services</li> <li>• Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>• Incubator Kitchen or Catering Facility</li> <li>• Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>• Live/Work <a href="#">7.03(23)</a></li> <li>• Medical Office</li> <li>• Personal Service Establishments</li> <li>• Pharmacy</li> <li>• Post Office</li> <li>• Professional Office</li> <li>• Public Library, Museum, Art Center, Community Center</li> <li>• Public Parks</li> <li>• Residential/Commercial Mixed-Use <a href="#">7.02(2)</a></li> <li>• Restaurant</li> <li>• Temporary Buildings and Uses <a href="#">7.03(43)</a></li> <li>• Tutoring and Instructional Services</li> </ul>	<ul style="list-style-type: none"> <li>• Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>• Bars and Taprooms</li> <li>• Business or Trade Schools</li> <li>• Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>• Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>• Institutions of Higher Learning</li> <li>• K-12 Schools, Public or Private</li> <li>• Microbreweries, Wineries and Distilleries</li> <li>• Outdoor Sales and Display <a href="#">7.03(33)</a></li> <li>• Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>• Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>• Theater</li> <li>• Veterinary Clinic or Animal Grooming <a href="#">7.03(46)</a></li> </ul>	<ul style="list-style-type: none"> <li>• Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>• Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>• Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>• Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	--	Front Yard (ft.)	5 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	5 ft. <a href="#">(A)</a>
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	10 ft. <a href="#">(A)</a>
Min. Floor Area/Unit		Street Sides (ft.)	5 ft.
Max. Building Height (ft.)	30 ft.	Rear Yard (ft.)	15 ft. <a href="#">(B)</a>
Max. Building Height (stories)			

**Footnotes:** Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations.

## Section 3.15 B-2 Community Business District

PREAMBLE		
<p>The B-2 Community Business District is designed to cater to the needs of a larger consumer population than is served by the Neighborhood Business District and may be characterized by an integrated cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The B-2 district is intended along, and at the intersections of, major arterial streets.</p>		
PERMITTED USES	SPECIAL LAND USES	ACCESSORY USES
<ul style="list-style-type: none"> <li>Artist Studio</li> <li>Banquet/Assembly/Meeting Halls (greater than 75 persons) <a href="#">7.03(5)</a></li> <li>Banquet/Assembly/Meeting Halls (less than 75 persons) <a href="#">7.03(5)</a></li> <li>Bars and Taprooms</li> <li>Business or Trade Schools</li> <li>Child/Adult Day Care Center and Preschools <a href="#">7.03(6)</a></li> <li>Contractor's Office <a href="#">7.03(9)</a></li> <li>Essential Public Utility Services</li> <li>Financial Institutions</li> <li>Firearm Retail Sales <a href="#">7.03(13)</a></li> <li>General Retail, Small to Mid-Format (up to 30,000 sq. ft.) and Large-Format (&gt;30,000 sq. ft.)</li> <li>Government Office Building/Courthouse/Public Police and Fire Services</li> <li>Home Improvement Centers and Garden Centers, Small to Mid-Format (up to 30,000 sq. ft.) and Large Format (&gt;30,000 sq. ft.) <a href="#">7.03(17)</a></li> <li>Incubator Kitchen or Catering Facility</li> <li>Incubator Workspaces</li> <li>Indoor Recreational Business <a href="#">7.03(21)</a></li> <li>Industrial Tool and Equipment Sales, Rental, Service, Storage and Distribution</li> <li>Institutions of Higher Learning</li> <li>Medical Office</li> <li>Microbreweries, Wineries and Distilleries</li> <li>Personal Service Establishments</li> <li>Pharmacy</li> <li>Post Office</li> <li>Professional Office</li> <li>Public Library, Museum, Art Center, Community Center</li> <li>Public Parks</li> <li>Religious Institutions, Private Clubs, and Lodges (greater than 75 persons) <a href="#">7.03(39)</a></li> </ul>	<ul style="list-style-type: none"> <li>Auto Repair and Service (Major) <a href="#">7.03(2)</a></li> <li>Auto Repair and Service (Minor) <a href="#">7.03(2)</a></li> <li>Auto Sales (New and Used) and Rental <a href="#">7.03(3)</a></li> <li>Commercial Kennels and Boarding Facilities <a href="#">7.03(8)</a></li> <li>Funeral Homes <a href="#">7.03(15)</a></li> <li>Gasoline/Recharging Stations <a href="#">7.03(16)</a></li> <li>Hospital <a href="#">7.03(19)</a></li> <li>Hotels and Lodging Facilities <a href="#">7.03(20)</a></li> <li>K-12 Schools, Public or Private</li> <li>Outdoor Recreational Business <a href="#">7.03(32)</a></li> <li>Parking as a Principal Use <a href="#">7.03(34)</a></li> <li>Regulated Uses <a href="#">7.03(38)</a></li> </ul>	<ul style="list-style-type: none"> <li>Accessory Buildings, Structures and Uses <a href="#">Section 8.03</a></li> <li>Drive-Through Facilities <a href="#">7.03(11)</a></li> <li>Outdoor Dining and Seating <a href="#">7.03(31)</a></li> <li>Outdoor Sales and Display <a href="#">7.03(33)</a></li> </ul>

<ul style="list-style-type: none"> <li>• Religious Institutions, Private Clubs, and Lodges (less than 75 persons) <a href="#">7.03(39)</a></li> <li>• Residential/Commercial Mixed-Use <a href="#">7.02(2)</a></li> <li>• Restaurant</li> <li>• Temporary Buildings and Uses <a href="#">7.03(43)</a></li> <li>• Theater</li> <li>• Tobacco/Smoke Shop or Smoke Lounge <a href="#">7.03(44)</a></li> <li>• Tutoring and Instructional Services</li> <li>• Veterinary Clinic or Animal Grooming <a href="#">7.03(46)</a></li> </ul>		
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The above list is a summary of Principal Permitted Uses, Special Land Uses, and Accessory Uses in the district. Uses provided with a section reference indicates uses that have specific use standards. Refer to [Article 2](#) for definitions of uses.

DIMENSION REGULATIONS			
Lot Standards		Minimum Setbacks	
Min. Lot Area (sq. ft.)	--	Front Yard (ft.)	10 ft.
Min. Lot Width (ft.)	--	Side Yard (one) (ft.)	10 ft. <a href="#">(A)</a>
Max. Lot Coverage	--	Side Yard (total of 2) (ft.)	20 ft. <a href="#">(A)</a>
Min. Floor Area/Unit		Street Sides (ft.)	10 ft.
Max. Building Height (ft.)	40 ft.	Rear Yard (ft.)	20 ft. <a href="#">(B)</a>
Max. Building Height (stories)			

Footnotes: Refer to [Section 4.02](#) wherever a footnote is referenced in parentheses after one of the design regulations

- C. That plight of the owner is due to the unique circumstances of the property, such as the shape of the parcel, unique topographic or environmental conditions, or any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; and
- D. That the requested variance is the minimum amount necessary to permit reasonable use of the land, building or structure; and
- E. That the authorization of such variance will not be of substantial detriment to adjacent properties and will not materially impair the intent and purpose of this Ordinance or the public health, safety, and general welfare of the community; and
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance, provided that said conditions:

- (1) Are designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the public; and
- (2) Are necessary to meet the intent and purpose of this Ordinance, are related to the standards established in the section for the land use or activity under consideration and are necessary to ensure compliance with those standards.

- 3. **Use Variances Prohibited.** The Zoning Board of Appeals shall not have the authority to grant a use variance to permit a use that is not permitted in a zoning district. However, the Zoning Board of Appeals may consider expansions or alterations of non-conforming uses in accordance with [Section 13.01](#).
- 4. **Approval Period.**
  - A. No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
  - B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.
- 5. **Appeals of Decisions to Circuit Court.** The decision of the ZBA shall be final. An appeal of a decision of the Zoning Board of Appeals shall be taken to the Oakland County Circuit Court within a time period specified in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and by such persons permitted by State statute and common law. Upon appeal, the court shall review the record and decision of the ZBA to ensure that the decision complies with the constitution and laws of the state, is based upon proper procedure, is supported by competent, material, and substantial evidence on the record and represents the reasonable exercise of discretion granted by law to the ZBA. As a result of this review required by this Section, the court may affirm or modify the decision of the ZBA.
- 6. **Resubmittal.** No application for a variance which has been denied in whole or in part by the Zoning Board of Appeals shall be re-submitted for a period of three hundred sixty five (365) days from such denial, except on the ground of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

**Section 15.07 Zoning Ordinance Amendments (Map and Text)**

The City Council may amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Changes in the text or zoning district boundaries of this Ordinance may be proposed by the Planning Commission, Planning and Zoning Administrator, other City Staff, or any interested person or organization.

1. **Application for Amendment.** An application for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property shall be commenced by filing an application with the Community and Economic Development Department on the forms provided by the Department and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a plot plan or survey which specifies the boundaries and legal description of the site. The Planning and Zoning Administrator, Planning Commission, and City Council may request additional information with the application.

2. **Amendment Review Procedures.** The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Article and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

A. **Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to the Technical Review Committee for review, comment, and recommendations. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated city consultants for review.

B. **Public Hearing.** A public hearing shall be held at a Planning Commission meeting in accordance with [Section 15.01](#)

C. **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the City Council.

D. **City Council Action on the Proposed Amendment.** Upon receipt of the report and recommendation from the Planning Commission, the City Council may approve or deny the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for further consideration. City Council may, but is not required to, hold an additional public hearing. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

3. **Standards of Review for Amendments.**

A. **Text Amendments.** In considering any petition for an amendment to the text of this Ordinance, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (1) Consistency with the goals, policies and objectives of the Master Plan and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistent with recent development trends in the area shall be considered.
- (2) Consistency with the basic intent and purpose of this Zoning Ordinance.
- (3) Consideration of changing conditions since the Zoning Ordinance was adopted or a finding that there is an error in the Zoning Ordinance that justifies the amendment.

B. **Map Amendments.** In considering any petition for an amendment to the Zoning Map, the Planning Commission and City Council shall consider the following criteria in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.

- (1) Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- (2) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

- (3) Consistency with the goals, policies and objectives of the Master Plan (including the Future Land Use Plan), and any sub-area or corridor plans. If conditions have changed since such plans were adopted, consistent with recent development trends in the area shall be considered.
- (4) The boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- (5) The requested zoning district is considered to be more appropriate from the city's perspective than another zoning district.
- (6) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- (7) The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
- (8) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- (9) That the amendment will not be expected to result in exclusionary zoning.

C. **Rezoning with Conditions.** The Planning Commission and City Council recognize that, in certain instances, it would be an advantage to both the City and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this Section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3405, to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this ordinance to accomplish, among other things, the objectives of the Zoning Ordinance and the Master Plan to achieve integration of the proposed land development project with the characteristics of the surrounding area.

(1) **Authorization and Eligibility.**

- (a) The standards of this Section shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with the submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.
- (b) In order to be eligible for consideration of a Rezoning with Conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a Rezoning with Conditions Agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:
  - (i) The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.
  - (ii) Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.
  - (iii) Preservation of open space, natural resources and/or natural features.
  - (iv) Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire City.
  - (v) Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by City Ordinance.
  - (vi) Limitations on permissible uses of the property.
  - (vii) Any other conditions that may be voluntarily proposed by the property owner.

(2) **Application and Review Procedures.**

- (a) Application.

- (i) At the time of making application for amendment of this ordinance seeking a rezoning of property, or at a later time during the process of City consideration of such rezoning a property owner may submit a complete application for approval of a Rezoning with Conditions to apply in conjunction with the rezoning.
  - (ii) The application, which may be amended by the applicant during the process of consideration, shall specify the Rezoning Conditions proposed by the applicant, recognizing that Rezoning Conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.
  - (iii) An application for a Rezoning with Conditions shall include a Rezoning with Conditions Agreement ("the Agreement"). The Agreement shall set forth the rezoning conditions and may incorporate a Rezoning with Conditions Plan.
  - (iv) The application shall include a notarized signature of the property owner indicating that the conditions attached to the rezoning are voluntarily offered.
- (b) Technical Review Committee Review. The proposed Rezoning with Conditions will become an agenda item for the Technical Review Committee, with comments forwarded to the Planning Commission.
- (c) Planning Commission Review.
- (i) The proposed Rezoning with Conditions shall be noticed for public hearing in accordance with [Section 15.01](#) before the Planning Commission as a proposed legislative amendment of the Zoning Ordinance.
  - (ii) Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Council on the proposed Rezoning with Conditions.
- (d) City Council Review. Upon recommendation by the Planning Commission, the City Council shall make a final determination to approve or deny the Rezoning with Conditions as offered by the applicant. The City Council may only consider the conditions offered by the applicant and may not attach any other conditions to the rezoning other than those offered by the applicant. Any new conditions voluntarily offered by the applicant shall require Planning Commission review and a new public hearing. The City Council's deliberations shall include, but not be limited to, a consideration of the review criteria for a Rezoning with Conditions.
- (3) **Review Criteria.** A Rezoning with Conditions shall only be approved if it meets the following requirements and standards:
- (a) The proposed Rezoning with Conditions will further the goals and objectives of the City Master Plan.
  - (b) Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the Rezoning with Conditions Agreement).
  - (c) The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:
    - (i) Development and use of the property shall be subject to the more restrictive requirements shown or specified in the Rezoning with Conditions Agreement, and/or in other conditions and provisions set forth in the Rezoning with Conditions Agreement required as part of the Rezoning with Conditions approval. Such Rezoning with Conditions Agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
  - (d) The proposed Rezoning with Conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Rezoning with Conditions.
  - (e) As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Conditions. In determining whether approval of a proposed application would be in the public interest, the benefits

which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

- (f) The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.
  - (g) Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the Rezoning with Conditions without negatively impacting the delivery of public services to other properties in the City, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the City.
  - (h) The offered condition(s) are beneficial to the public good and likely to be enforceable.
  - (i) The condition does not have the same effect as a use variance.
  - (j) The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.
- (4) **Effect of Approval.** Approval of the Rezoning with Conditions and Rezoning with Conditions Agreement confirms only the rezoning of the property, subject to any conditions reflected in the Rezoning with Conditions Agreement. Any applicable site plan, plat, condominium, special land use, or variance approvals shall be required before any improvements to the property may be undertaken.

If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Rezoning with Conditions". The Zoning Map shall specify the new zoning district plus a reference to "CR" e.g., the district classification for the property might be "B-1, Neighborhood Business District (CR, Rezoning with Conditions)", with a Zoning Map Designation of "B-1/CR." Use of the property so classified and approved shall comply with the conditions set forth in the Rezoning with Conditions Agreement. No development or use of the land inconsistent with the conditions of the Rezoning with Conditions Agreement shall be permitted.

(5) **Compliance with Conditions.**

- (a) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Rezoning with Conditions Agreement. Any failure to comply with a condition contained within the Rezoning with Conditions Agreement shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (b) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Rezoning with Conditions Agreement.

(6) **Period of Approval.**

- (a) The Rezoning with Conditions and Agreement shall expire after a period of one (1) year from the effective date of the Rezoning unless substantial progress towards obtaining site plan and other required approvals has been made, and shall expire after a period of two (2) years unless development of the property is substantially begun within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
- (b) In the event substantial progress towards obtaining site plan and other required approvals has not commenced within one (1) year and bona fide development has not commenced within two (2) years from the effective date of the rezoning, the Rezoning with Conditions and the Rezoning with Conditions Agreement shall be void and of no effect.
- (c) The property owner may apply for a one (1) year extension two (2) times. The request must be submitted to the Community and Economic Development Department before the approval time limit expires. The property owner must demonstrate why the extension should be granted, and must also demonstrate that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently thereafter to completion, and if the City Council finds that there has not been a change

in circumstances that would render the Rezoning with Conditions incompatible with adjacent or nearby use and zoning of land or is otherwise inconsistent with sound zoning policy.

- (d) An extension request shall be considered by the City Council following a recommendation by the Planning Commission.
  - (e) If the Rezoning with Conditions becomes void in the manner provided in this section, the following procedures shall apply:
    - (i) The property owner may seek a new rezoning of the property within thirty (30) days of the expiration of the period of approval.
    - (ii) If no application is made for a new rezoning of the property, the land shall revert to its former zoning classification as set forth in MCL 124.286i (as amended). The City Council shall direct the Planning Commission to proceed with consideration of rezoning the land to its former zoning designation following the standard rezoning procedures set forth in this Zoning Ordinance.
    - (iii) Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.
- (7) **Rezoning with Conditions Agreement Requirements.** A Rezoning with Conditions Agreement shall be executed between the applicant and the City at the time of City Council approval of a Rezoning with Conditions.
- (a) Rezoning with Conditions Agreements shall, at a minimum, contain all of the following items:
    - (i) Identification of the requested zoning district and a listing of the conditions offered by the applicant.
    - (ii) A statement acknowledging that the Rezoning with Conditions was proposed by the applicant, and further agreement and acknowledgment that the conditions and Rezoning with Conditions Agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the City.
    - (iii) Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the Rezoning with Conditions Agreement.
    - (iv) Agreement and understanding that the approval and Rezoning with Conditions Agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
    - (v) If the City Council grants an extension of approval, a new Rezoning with Conditions Agreement with the new expiration date shall be recorded.
    - (vi) Agreement and understanding that, if a Rezoning with Conditions becomes void, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
    - (vii) Agreement and understanding that each of the requirements and conditions in the Rezoning with Conditions Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved Rezoning with Conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
    - (viii) A legal description of the property affected by the Rezoning with Conditions.
    - (ix) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.
    - (x) Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the Agreement. A Rezoning with Conditions Plan may be included as an exhibit to the Agreement.
  - (b) The Rezoning with Conditions Plan may show the conceptual layout of the proposed development or use, along with any other information deemed relevant by the applicant. Inclusion of a Rezoning with Conditions Plan as an exhibit to a Rezoning with Conditions Agreement shall not replace the

requirement for preliminary and final site plan, subdivision, condominium, special land use or variance review and approval.

- (8) **Amendment of Rezoning with Conditions Agreement.** Amendment of a Rezoning with Conditions Agreement shall be proposed, reviewed and approved in the same manner as a new Rezoning with Conditions.
  - (9) **Recordation of Rezoning with Conditions Agreement.** A Rezoning with Conditions shall become effective following publication in the manner provided by law, and, after recordation of the Rezoning with Conditions Agreement, whichever is later.
  - (10) **Termination.** The City Council shall be the only body with the authority to terminate a Rezoning with Conditions agreement. The consideration to terminate the agreement shall be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The Termination shall comply with any applicable provisions of this ordinance or the Rezoning with Conditions Agreement.
  - (11) **City Right to Rezone.** Nothing in the Rezoning with Conditions Agreement or in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Rezoning with Conditions to another zoning classification. Any such rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.
  - (12) If land that is subject to a Rezoning with Conditions Agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Rezoning with Conditions Agreement, the Rezoning with Conditions Agreement attached to the former zoning classification shall cease to be in effect.
4. **Notice of Adoption of Amendment.** Following adoption of an amendment by the City Council, one (1) notice of adoption shall be filed with the City Clerk and one (1) notice shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk, which shall identify all map amendments. The required notice of adoption shall include all of the following information:
- A. In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Madison Heights."
  - B. In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

## Section 15.08 Temporary Use Permits

1. **Purpose.** This section sets forth the requirements for the application, review, approval, and enforcement of temporary use permits in the City of Madison Heights. Temporary use permits may be reviewed and acted upon by the Planning and Zoning Administrator, Technical Review Committee, or Planning Commission.
2. **Use-Specific Standards.** Temporary uses are subject to the use-specific standards of [Section 7.03\(43\)](#)
3. **Planning and Zoning Administrator/Technical Review Committee Review.** The Planning and Zoning Administrator may review and approve certain temporary uses addressed in Section 7.03(XXXX). The Planning and Zoning Administrator reserves the right to refer any request for a temporary use permit to the Technical Review Committee or Planning Commission for review and approval.
4. **Planning Commission Review.** The Planning Commission shall review and act upon temporary use permit requests where the applicant seeks approval for a time period longer than otherwise allowed by [Section 7.03\(43\)](#) or for a temporary use not specifically permitted in [Section 7.03\(43\)](#) nor deemed similar by the Planning and Zoning Administrator; provided, that the temporary use complies with all other relevant development and operational standards for the use as provided in this Zoning Ordinance.



# MEMORANDUM

Date: April 16<sup>th</sup>, 2026  
 To: City of Madison Heights Planning Commission [April 20<sup>th</sup>, 2026 Meeting]  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Right-of-Way Vacation Request # PEE 26-01– Unimproved Street ROW Vacations

## Introduction and History

The Community & Economic Development Department has received a request to vacate a number of unimproved streets located within the Red Oaks Golf Course on the east side of John R Road, north of Dartmouth Street. Red Oaks Golf Course is operated and maintained by Oakland County Parks, but the underlying property is owned by the George W Kuhn Drainage District/Oakland County Water Resources Commissioner (WRC).

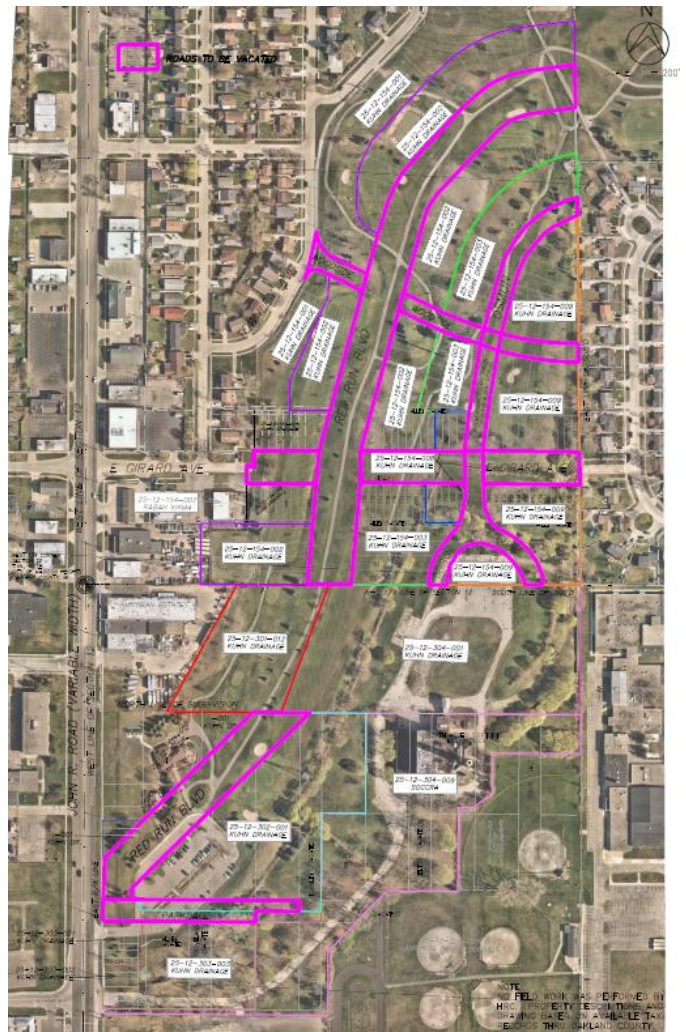
Portions of the following unimproved rights-of-way are proposed to be vacated:

- Red Run Boulevard (ROW width 120 ft.)
- Girard Avenue (86 ft.)
- Osmun Avenue (50 ft.)
- Delton Avenue (50 ft.)
- Woodside Avenue (50 ft.)
- Parkdale Avenue (60 ft.)

These rights-of-way are depicted in purple on the aerial map shown to the right.

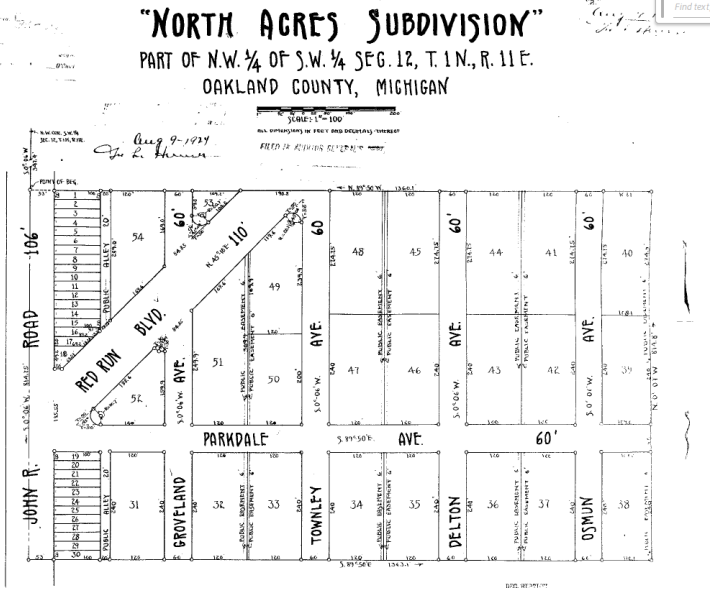
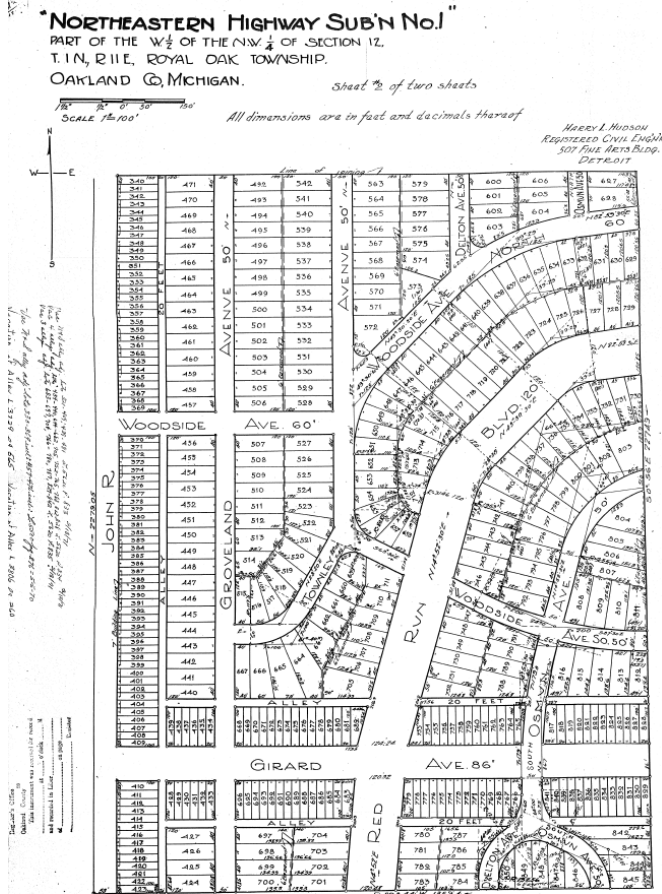
These rights-of-way were originally platted for future streets in the 1920s as part of the North Acres Subdivision (platted in 1924) and the Northeastern Highway No. 1 Subdivision (1925). These residential subdivisions were never developed. However, a majority of the platted street network remains in place, at least on paper. Over time, several alleys and small portions of the platted street network have been vacated. Oakland County WRC requests that these remaining unimproved streets now be formally vacated.

**Unimproved Streets to be Vacated**



Street Vacation Request # PEE 26-01 - PC

Plat Maps of Northeastern Highway Subdivision No. 1 and North Acres Subdivision



Process for Street Vacations

Per Section 23-109 (Vacation of Streets, Alleys, Etc.) of Chapter 23 of the Code of Ordinances (Streets and Sidewalks and Other Public Places), City Council may consider petitions to vacate a street, alley, or right-of-way. When 100% of adjacent property owners sign the petition, City Council may consider the initial request and appoint a time not less than four weeks thereafter to establish a public hearing. If desired, City Council may, but is not required to, refer the matter to the Planning Commission for study and report back to Council.

City staff has referred the street vacation request to the Planning Commission for study and a recommendation prior to City Council consideration.

Project Area and Utilities

The platted street network abuts a number of separate parcels, all owned by Oakland County WRC and most of which are operated as Red Oaks Golf Course. Refer to the table on the following page.

**Abutting Parcels and Use**

Parcel #	Use
25-12-154-001	Golf Course
25-12-154-002	Golf Course
25-12-154-003	Golf Course
25-12-154-006	Golf Course
25-12-154-008	Golf Course
25-12-154-009	Golf Course
25-12-302-001	Golf Course, Parking Lot
25-12-301-010	Clubhouse
25-12-301-008	Maintenance Building
25-12-303-001	Green Space
25-12-303-003	Service Drive, Green Space

Red Run/GWK drain, which is buried, runs through the golf course property. Further, Madison Heights maintains several stormwater drains which cross under the platted streets. The Department of Public Services (DPS) has reviewed the vacation proposal and requests the dedication of easements in areas where underground utilities are present. Therefore, if vacated, the City should retain public utility easements in the necessary areas.

The street vacation request has been sent to DTE Energy, Consumers Energy, AT&T, Comcast and other utility providers for their input and approval. To date, the City has not received responses from these companies. All responses shall be received prior to final City Council action.

**Zoning**

Per Section 3.03 of the Zoning Ordinance, whenever any street, alley or other public way within the City of Madison Heights shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches. If vacated, the former rights-of-way would be attached to the adjoining parcels and obtain their N-P, Natural Preservation, zoning designation.

**Next Step**

Based on the Department of Public Services' comment, planning staff does not object to the requested street right-of-way vacations. However, public utility easements will need to be recorded over the vacated rights-of-way where necessary for public utility installation, maintenance, and operation purposes including, but not limited to, Red Run/GWK drain, water mains, sewers, conduits, storm drains, electric lines, poles, etc.

Therefore, staff advises that the Planning Commission recommend to City Council **approval of the requested street vacations with the following conditions:**

- 1) Public utility easements shall be dedicated and recorded over the vacated rights-of-way, where necessary, benefitting the City of Madison Heights, Oakland County WRC, utility companies, and/or any other party for underground facilities such as water, sanitary sewer, and natural gas lines, drainage structures, and overhead facilities such as power lines and communication infrastructure.
- 2) Prior to formal approval of the right-of-way vacations, the applicant shall coordinate with all remaining utility companies with facilities in the existing unimproved streets regarding necessary

easements or facility relocation. Correspondence from such companies shall be provided to the City Planner prior to final City Council action.

### Template Motion

*I move that the Planning Commission hereby recommends that City Council approve street vacation request # PEE 26-01 to vacate the following unimproved rights-of-way located within the platted Northeastern Highway Subdivision No. 1 and North Acres Subdivision, and as reflected within the attachments to the staff report:*

*Red Run Boulevard (ROW width 120 ft.)  
Girard Avenue (86 ft.)  
Osmon Avenue (50 ft.)  
Delton Avenue (50 ft.)  
Woodside Avenue (50 ft.)  
Parkdale Avenue (60 ft.)*

*These streets shall be vacated with the following conditions:*

- 1) Public utility easements shall be dedicated and recorded over the vacated rights-of-way, where necessary, benefitting the City of Madison Heights, Oakland County WRC, utility companies, and/or any other party for underground facilities such as water, sanitary sewer, and natural gas lines, drainage structures, and overhead facilities such as power lines and communication infrastructure.*
- 2) Prior to formal approval of the right-of-way vacations, the applicant shall coordinate with all remaining utility companies with facilities in the existing unimproved streets regarding necessary easements or facility relocation. Correspondence from such companies shall be provided to the City Planner prior to final City Council action.*

### Attachments

- Petition for Vacating a Public Street and associated maps [PEE 26-01]
- Tentative Parcel Layout post-vacation [produced by staff]
- Historic Platted Subdivision Plat Maps
- Letter from Oakland County [2009] regarding right-of-way vacation
- MH Code of Ordinance – Chapter 23, Article IV – Vacation of Streets, Alleys, Etc.

**PETITION FOR VACATING A PUBLIC STREET, ALLEY AND/OR EASEMENT**

To the Honorable,  
The Mayor and City Council  
Madison Heights, Michigan

We, the undersigned petitioners, residing at the place set opposite our respective names hereto, being the abutting owners and mortgages of real estate located:

1. On the East and West side(s) of Red Run Boulevard located in “Northeastern Highway Subdivision No. 1”, and being entirely in the City of Madison Heights and being 100 percent of the property owners above said area.
2. On the North and South side(s) of East Girard Avenue located in “Northeastern Highway Subdivision No. 1”, and being entirely in the City of Madison Heights and being 100 percent of the property owners above said area.
3. On the East and West side(s) of Osmun located in “Northeastern Highway Subdivision No. 1”, and being entirely in the City of Madison Heights and being 100 percent of the property owners above said area.
4. On the East and West side(s) of Delton located in “Northeastern Highway Subdivision No. 1”, and being entirely in the City of Madison Heights and being 100 percent of the property owners above said area.
5. On the North and South side(s) of Woodside Avenue located in “Northeastern Highway Subdivision No. 1”, and being entirely in the City of Madison Heights and being 100 percent of the property owners above said area.
6. On the North and South side(s) of Parkdale Avenue located in “North Acres Subdivision”, and being entirely in the City of Madison Heights and being 100 percent of the property owners above said area.

7. On the East and West side(s) of Red Run Boulevard located in “North Acres subdivision”, and being entirely in the City of Madison Heights and being 100 percent of the property owners above said area,

hereby respectfully pray and petition that you vacate the public (Street, alley and/or Easement) lying adjacent to the Lot(s) Acreage Parcel(s):

Red Run Boulevard: Lots 658, 682, 683, 701 thru 753 inclusive and 779 thru 783 inclusive of “Northeastern Highway Subdivision No. 1” (if any);

Girard Avenue: Lots 753 thru 779 inclusive, 817 thru 841 inclusive, 674 to 691 inclusive of “Northeastern Highway Subdivision No. 1” (if any);

Osmun Avenue: Lots 765, 788 thru 808 inclusive, 816, 817, 766, 841 thru 849 inclusive of “Northeastern Highway Subdivision No. 1” (if any);

Delton Avenue: Lots 784 thru 787 inclusive and adjacent to Lots 848 thru 850 inclusive, of “Northeastern Highway Subdivision No. 1” (if any);

Woodside Avenue: Lots 746, 747, 791, 792, 808 thru 816 inclusive, 655 thru 609 inclusive and lot 711 of “Northeastern Highway Subdivision No. 1” (if any);

Parkdale Avenue: Lots 19, 31, 32, 50, 51 and 52 of “North Acres Subdivision” (if any);

Red Run Boulevard: Lots 16 thru 18 inclusive, 49, 51, 52, 53 and 54 of “North Acres Subdivision” (if any);

and that said parcel become part of the adjoining property, according to law. Provided, however, that if said (street or alley) is now used or may be used for the general public convenience and welfare for sewers, water and gas mains, electrical lines and telephone lines and because said usages are for the benefit of the general public beyond the above described area and because this vacation is primarily for the private benefit of the undersigned petitioners, the City of Madison Heights, as a condition without existence of which this vacation shall be of no effect, reserves to itself for the benefit and welfare of the general public and easement co-extensive with the vacated (street, alley) for the purposes of general public convenience and necessities such as sewers, water and gas mains, and electrical and telephone lines together with the general right of entry for maintenance purposes in regard to such public conveniences and necessities, and we the undersigned, consent to the easement aforesaid on behalf of ourselves, our heirs, administrators and assigns.



April 14, 2026

**The following roads are requested to be vacated:**

### **NORTHEASTERN HIGHWAY SUBDIVISION No. 1 Liber 35, Page 21, O.C.R.**

**Red Run Boulevard:** All of Red Run Boulevard located in the entire plat of “Northeastern Highway Subdivision No. 1”; Adjacent to lots 658, 682, 683, 701 thru 753 inclusive and 779 thru 783 inclusive.

**Girard Avenue:** From Red Run Boulevard to the East line of “Northeastern Highway Subdivision No. 1”; adjacent to lots 753 thru 779 inclusive and 817 thru 841 inclusive; also from Red Run Boulevard Westerly, adjacent to lots 674 to 691, inclusive.

**Osmun Avenue:** Adjacent to lots 765, 788 thru 808 inclusive, 816 and 817,; Also that part of said Osmun Avenue South of Girard Avenue to the South line of “Northeastern Highway Subdivision No. 1”; adjacent to lots 766, 841 thru 849 inclusive.

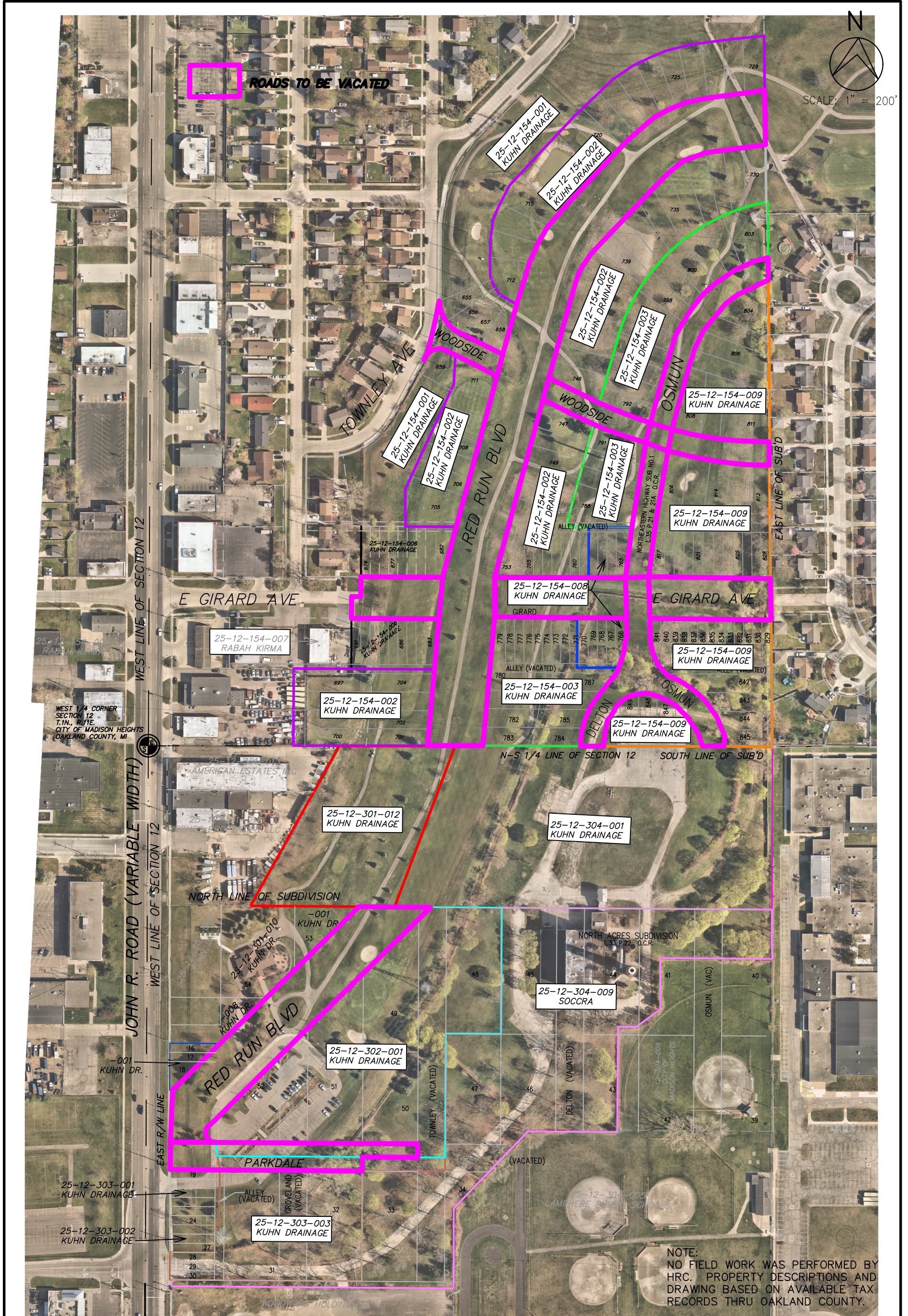
**Delton Avenue:** Delton Avenue from Girard Avenue South to the South line of “Northeastern Highway Subdivision No. 1”; adjacent to Lots 784 thru 787 inclusive and adjacent to lots 848 thru 850 inclusive.

**Woodside Avenue:** From Red Run Boulevard to the East line of “Northeastern Highway Subdivision No. 1”; Adjacent to lots 746, 747, 791, 792 and 808 thru 816 inclusive; also from Red Run Boulevard Westerly to Townley Avenue; Adjacent to lots 655 thru 659 inclusive and to lot 711.

### **NORTH ACRES SUBDIVISION Liber 33, Page 22, O.C.R.**

**Parkdale Avenue:** From the Easterly Right of Way line of John R Road, Easterly to the East lines of Lots 32 and 51; Also the North half of Parkdale adjacent to Lot 50.

**Red Run Boulevard:** All of Red Run Boulevard located in the entire plat of “North Acres Subdivision”; Adjacent to lots 16 thru 18 inclusive, 49, 51, 52, 53, 54 and extending to the easterly right of way line of John R Road and also to the North line of “North Acres Subdivision”.



NOTE:  
 NO FIELD WORK WAS PERFORMED BY  
 HRC. PROPERTY DESCRIPTIONS AND  
 DRAWING BASED ON AVAILABLE TAX  
 RECORDS THRU OAKLAND COUNTY.

FIGURE NO.	JOB NO.
	20250515
DATE	
04/05/26	

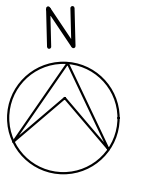
## EXISTING PARCEL CONFIGURATION

**HRC**  
**HUBBELL, ROTH & CLARK, INC**  
 CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE  
 BLOOMFIELD HILLS, MICH.

P.O. BOX 824  
 48303-0824

PARCELS SHOWN ON THIS  
 SHEET REPRESENT WHAT IS  
 CURRENTLY SHOWN ON  
 OAKLAND COUNTY TAX  
 MAPS/TAX RECORDS.



SCALE: 1" = 200'

**ROADS TO BE VACATED**

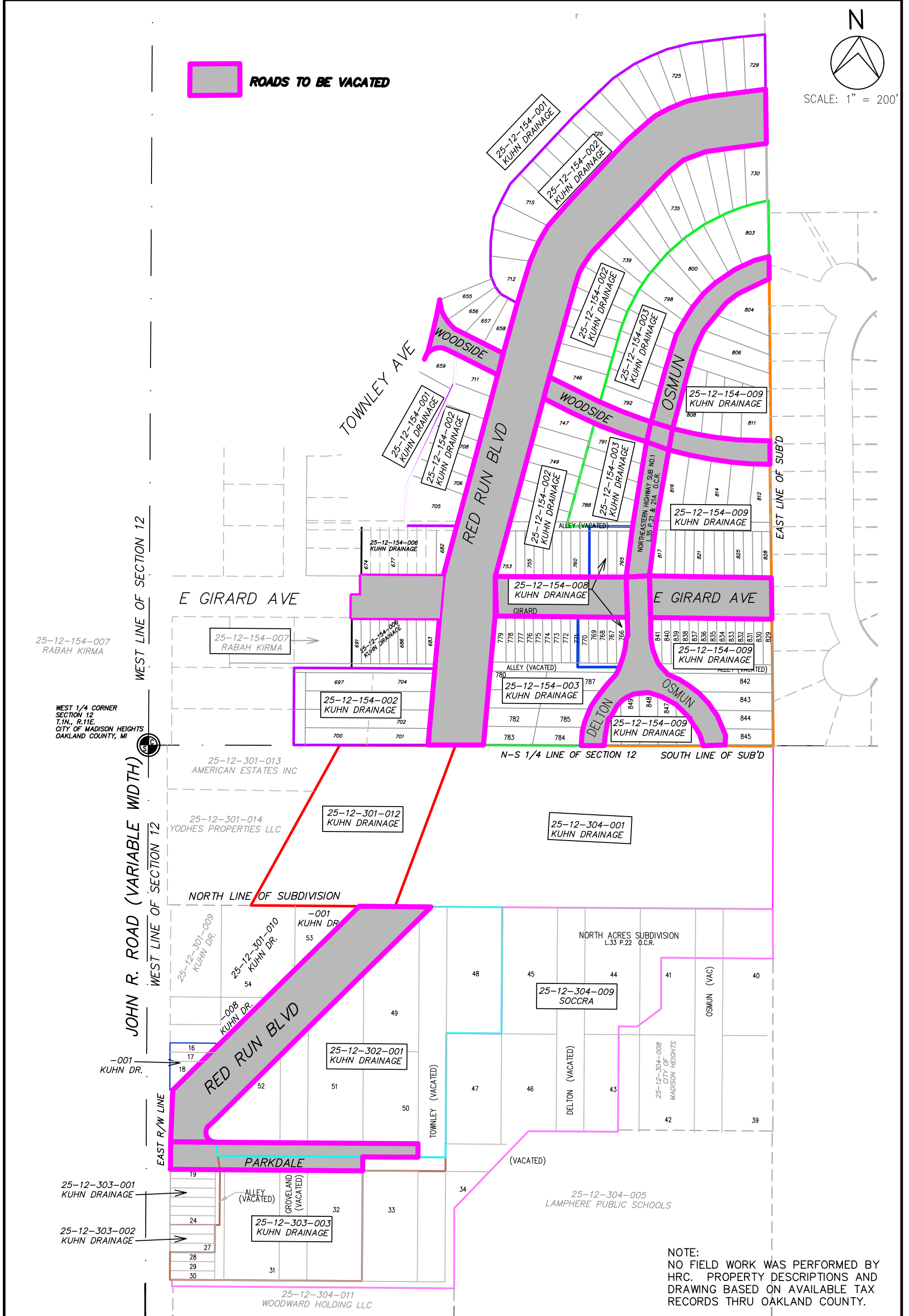


FIGURE NO.	JOB NO.
	20250515
	DATE
	04/05/26

**EXISTING PARCEL CONFIGURATION**

**HRC**  
**HUBBELL, ROTH & CLARK, INC**  
 CONSULTING ENGINEERS SINCE 1915

555 HULET DRIVE  
 BLOOMFIELD HILLS, MICH.

P.O. BOX 824  
 48303-0824

PARCELS SHOWN ON THIS SHEET REPRESENT WHAT IS CURRENTLY SHOWN ON OAKLAND COUNTY TAX MAPS/TAX RECORDS.

11/12/2025 1:08 PM

V:\202505\20250515\F\Property\F20250515\_LotSplitDrawings.dwg

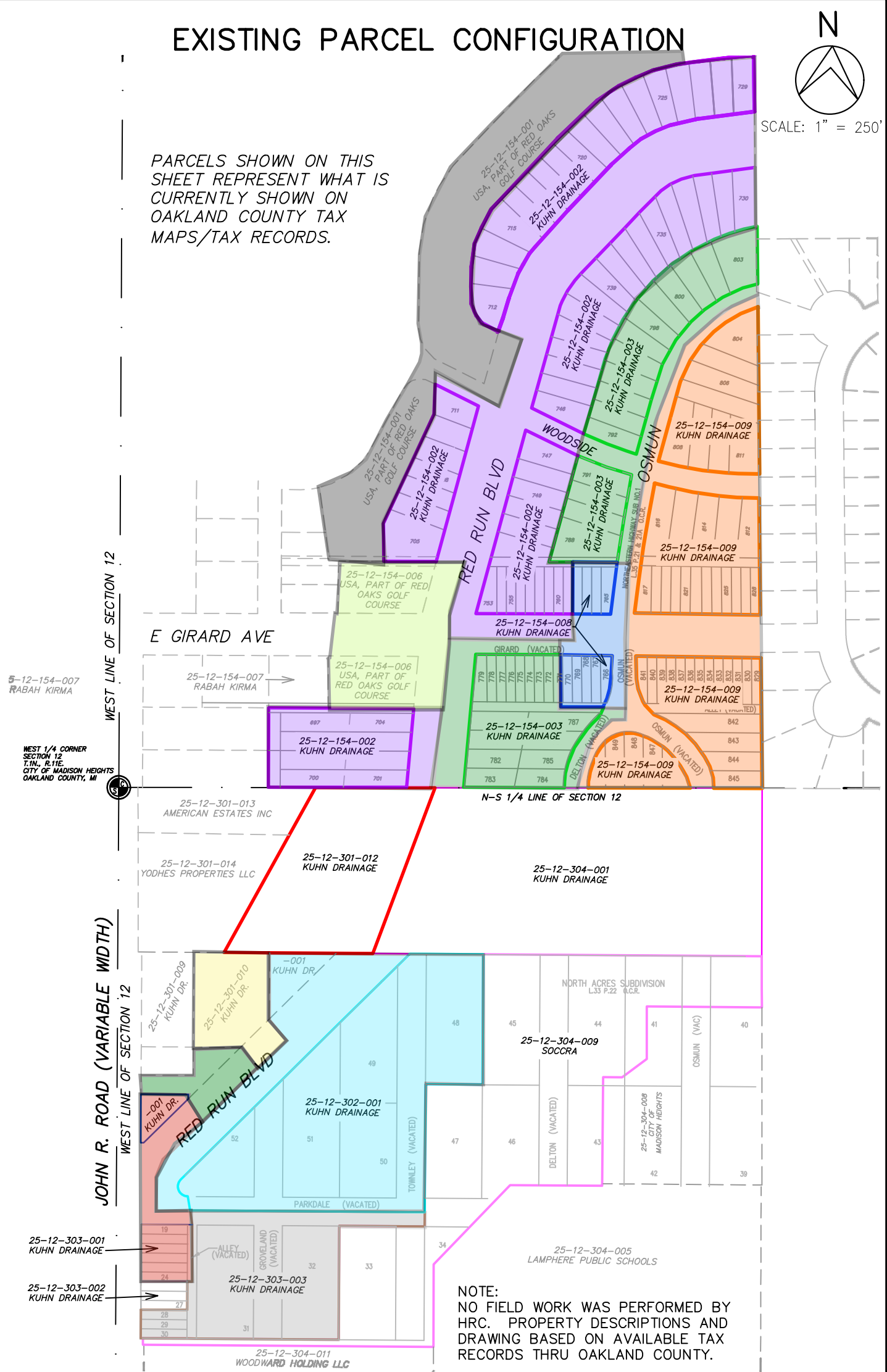
Piggott, Robert

# EXISTING PARCEL CONFIGURATION



SCALE: 1" = 250'

PARCELS SHOWN ON THIS SHEET REPRESENT WHAT IS CURRENTLY SHOWN ON OAKLAND COUNTY TAX MAPS/TAX RECORDS.



NOTE:  
NO FIELD WORK WAS PERFORMED BY HRC. PROPERTY DESCRIPTIONS AND DRAWING BASED ON AVAILABLE TAX RECORDS THRU OAKLAND COUNTY.

DRAWN:	B.PIGGOTT
CHECKED:	S.JACOBI
APPROVED:	A.MICKALICH

JOB NO.	20250515
DATE	11/05/2025



555 HULET DRIVE P.O. BOX 824  
 BLOOMFIELD HILLS, MICH. 48303 - 0824  
 PHONE: (248) 454-6300  
 FAX (1st. Floor): (248) 454-6312  
 WEB SITE: www.hrcengr.com

SHEET NO.	1
OF	8

# NORTHEASTERN HIGHWAY SUB'N NO. 1

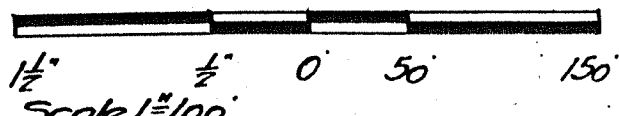
PART OF THE W 1/2 OF THE N.W 1/4 OF SECTION 12  
T. 1 N., R. 11 E., ROYAL OAK TOWNSHIP

OAKLAND CO. MICHIGAN

Feb 18-1925  
J. P. Hannon

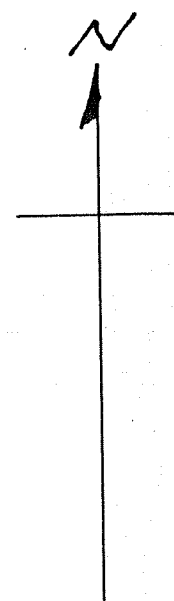
SHEET #1 OF TWO SHEETS

Item 4.  
Clerk of Court  
1925



Scale 1"=100'  
All dimensions are in feet and decimals thereof.

HARRY L. HUDSON  
REGISTERED CIVIL ENGINEER  
507 FINE ARTS BLDG.  
DETROIT



**DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS. That we, Robert M. Geddis as proprietor, and Christine Geddis, his wife, have caused the land embraced in the annexed plat to be surveyed, laid out, and platted, to be known as "Northeastern Highway Sub. No. 1" of part of the W 1/2 of the N.W 1/4 of Sec. 12, T. 1 N. R. 11 E. Royal Oak Twp., Oakland Co. Mich., and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of  
Sydney Sarason  
Verna Zink

Robert M. Geddis (P.S.)  
Christina Geddis (L.S.)

STATE OF MICHIGAN  
County of Wayne

On this 17th day of February, 1925, before me a Notary Public in and for said county, personally came the above named Robert Geddis and Christina Geddis, his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

Verna Zink  
Notary Public Wayne County, Michigan  
My Commission expires Dec 18th, 1928

Surveyor's Certificate  
I hereby certify that the plat hereon delineated is a correct one, and that permanent monuments, consisting of iron bars 1/2" x 15" have been planted at points marked thus "O" as thereon shown at all angles in the boundaries of the land platted, and at all intersections of streets or streets and alleys.

Harry L. Hudson  
Registered Civil Engineer

**DESCRIPTION**

The land embraced in the annex plat of "Northeastern Highway, Sub. No. 1" of part of the W 1/2 of the N.W 1/4 of Sec. 12, T. 1 N. R. 11 E., Royal Oak Twp., Oakland Co., Mich., is described as follows:  
Beginning at a point on west line of said section 12, 645.14' south of the Northwest corner of Section 12, T. 1 N. R. 11 E., Royal Oak Twp., Oakland Co., Michigan, thence N. 89° 55' E. 1322.5'; thence S 0° 56' E. 217.45'; thence S 2° 44' W. 1359.14'; thence N. 22° 56' W. 103.33', to the place of beginning.

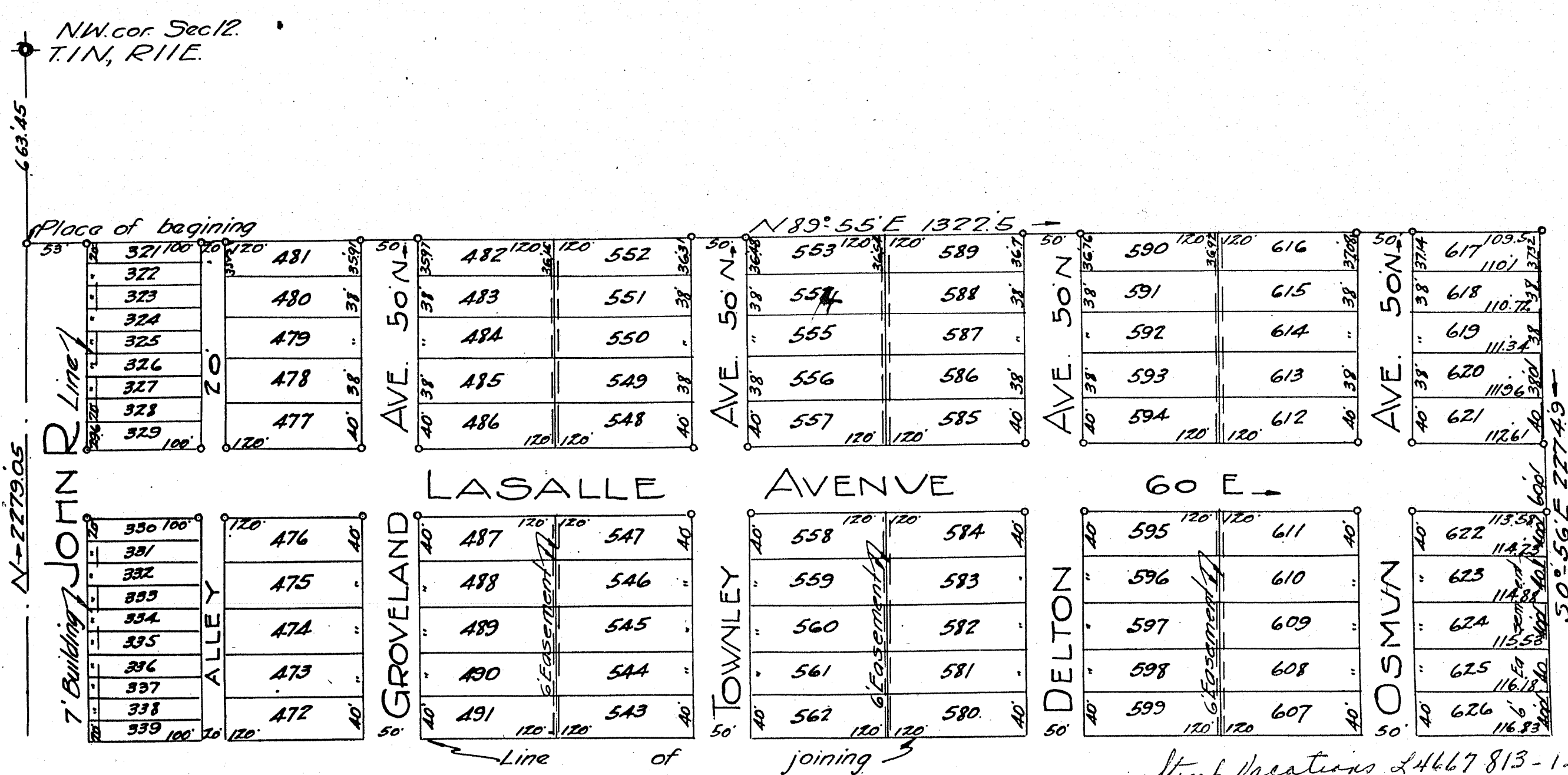
**TOWNSHIP APPROVAL**

This plat was approved by the Township Board of the Township of Royal Oak at a meeting held January 15, 1924

Roy Root  
Twp. Clerk

This plat was approved on the 17th day of February, 1925, by the following Auditors:  
Edward P. Rousseau  
Fred Humberger

Feb 17, 1925 11 35  
Kate Avery 21



Vacate Alley S. of Street from Groveland to pt approx  
224 ft E of Osmon adj. lots 683-697, 704, 766-780, 787  
829-842 L. 5620 P. 835 2/18/21

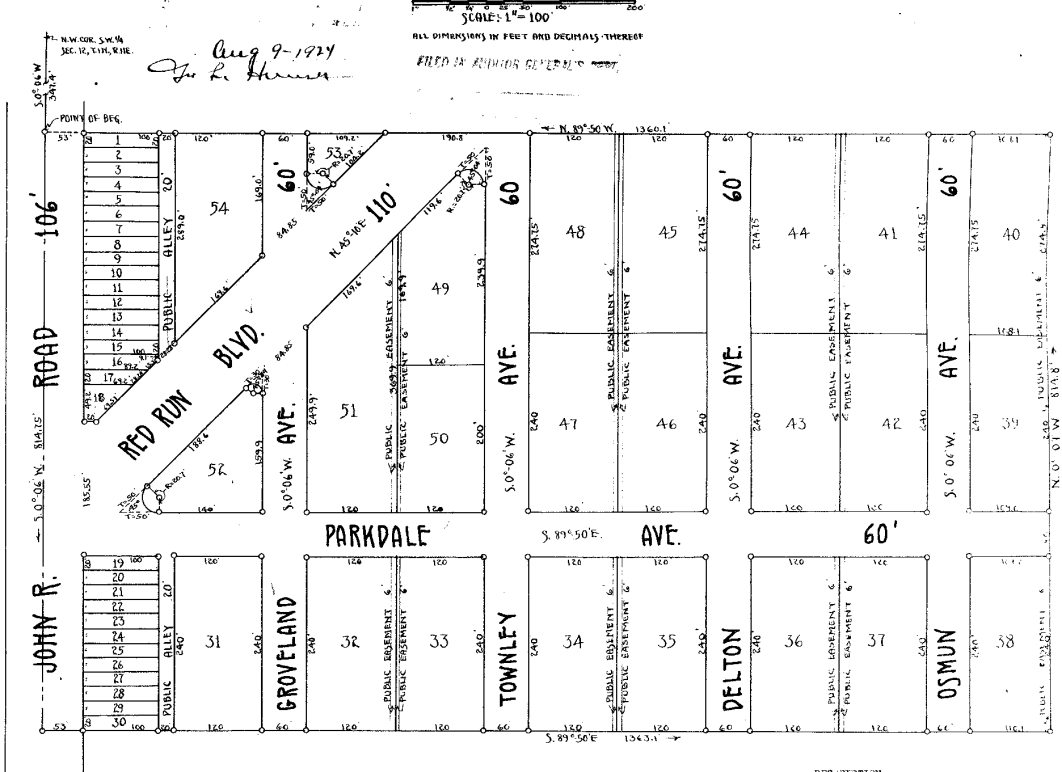
Street Vacations 24667 813-12/18/24  
Vacate N.W. ally adj. lots 321-409 + 439-481  
Vacate Alley loc. 719 Street from E of John R.R.  
To pt approx 244 ft E of Osmon - adj. lots 434-440, 644-682  
Lots 452-765, 788, 812-828 L. 5620 P. 834 2/18/21  
Re-attached 5626-834 L. 5755-301=10-27-21



# "NORTH ACRES SUBDIVISION"

PART OF N.W. 1/4 OF S.W. 1/4 SEC. 12, T. 1 N., R. 11 E.  
OAKLAND COUNTY, MICHIGAN

*Aug 11 1924*  
*J. K. Hume*



**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS that we the Northern Construction Co., a Michigan corporation by C. K. Beridge, President and Linda Bossek, Secretary, as proprietors and the Royal Oak Savings Bank, a Michigan corporation, by G. A. Lehman, President and E. D. Skinner, Cashier, as mortgagees have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "North Acres Subdivision", Part of N. W. 1/4 of S. W. 1/4 Sec. 12, T. 1 N., R. 11 E., Oakland County, Michigan and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in Presence of:

The Northern Construction Co.  
*C. K. Beridge* President  
*Linda Bossek* Secretary  
 The Royal Oak Savings Bank  
*G. A. Lehman* President  
*E. D. Skinner* Cashier

STATE OF MICHIGAN  
County of Oakland

On this 29<sup>th</sup> day of July, 1924 before me a Notary Public in and for said county appeared C. K. Beridge and Linda Bossek to me personally known who being each by me duly sworn did say that they are the President and Secretary respectively of the Northern Construction Co., a Michigan corporation, and that the seal affixed to said instrument is the corporate seal of said corporation and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said C. K. Beridge and Linda Bossek acknowledged said instrument to be the free act and deed of said corporation.

My commission expires June 15<sup>th</sup> 1928

STATE OF MICHIGAN  
County of Oakland

On this 29<sup>th</sup> day of July, 1924 before me a Notary Public in and for said county appeared G. A. Lehman and E. D. Skinner to me personally known who being each by me duly sworn did say that they are the President and Cashier respectively of the Royal Oak Savings Bank, a Michigan corporation, and that the seal affixed to said instrument is the corporate seal of said corporation and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said G. A. Lehman and E. D. Skinner acknowledged said instrument to be the free act and deed of said corporation.

My commission expires March 15<sup>th</sup> 1928

*J. K. Hume*  
Notary Public, Oakland County, Michigan

Recorder's Office  
Oakland County  
This instrument was received for record  
AUG 13 1924 at 3:50 o'clock P.M.  
and recorded in Liber 33  
of Plate 6085 on page 22  
*J. K. Hume* Registrar

**DESCRIPTION**

The land embraced in the annexed plat of "North Acres Subdivision" is that part of the N. W. 1/4 of S. W. 1/4 Sec. 12, T. 1 N., R. 11 E., Oakland County, Michigan, as follows: beginning at a point on the west line of Sec. 12, T. 1 N., R. 11 E., Oakland County, Michigan said point being 366.4 feet from the S.W. corner of the N. W. 1/4 of said Sec. 12, thence S. 74° 45' 00" W. 136.1 feet to a point 136.1 feet from the S.W. corner of the N. W. 1/4 of said Sec. 12, thence S. 74° 45' 00" W. 136.1 feet to the point of beginning.

**SURVEYOR'S CERTIFICATE**

I hereby certify that the plat hereon delineated is a correct and true and permanent monument consisting of iron pipes, 7/8" in diameter, set in concrete and marked four (4) as shown shown at all angles in the boundaries of the land shown and at all intersections of streets or streets and alleys.

*J. K. Hume*  
Registered Civil Engineer

**TOWNSHIP APPROVAL**

This plat was approved by the Township Board of Royal Oak Township, Oakland County, Michigan at a meeting held July 31, 1924

*Raymond*  
Township Clerk

**Oakland County Treasurer's Office**

Whereof there are no Tax Liens or Taxes due from any person included against and that all taxes due from the annexed instrument bearing the number 88085 have been paid FIVE DOLLARS per cent date thereof, according to the provisions of this act, except as stated.

*J. K. Hume*  
Notary Public

Witness my hand and seal of office this July 29 1924

This plat was approved on the 31<sup>st</sup> day of July, 1924

*J. K. Hume*  
Auditor

*Edward*  
Auditor

*Frank*  
Auditor



OAKLAND  
COUNTY MICHIGAN  
DEPARTMENT OF MANAGEMENT AND BUDGET

L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

EQUALIZATION DIVISION

March 3, 2009

Mr. Joseph W. Colaianne  
Office of the Oakland County Water  
Resources Commissioner  
One Public Works Drive  
Waterford, MI 48328-1907

Dear Mr. Colaianne:

It has been brought to my attention that a few of our tax descriptions in the City of Madison Heights within the George W. Kuhn drainage area are in error. I have been working closely with Jeff Parrott and Paul Dove to correct this problem. We are attempting to consolidate approximately 21 current tax descriptions into 3 new descriptions. These new tax descriptions would then reflect accurate descriptions and ownership information for the area of the drain lying east of John R road and South of 13 mile road. In order to achieve this task there are roads within the area that need to be vacated through the City of Madison Heights. I was informed by Jeff and Paul that you would be the person to request this action.

The roads that need vacating are as follows:

**NORTH ACRES SUBDIVISION**

- Parkdale Avenue adjacent to lots 19, 31, 32, 50, 51 & 52 and extending to the easterly right-of-way line of John R road.
- Red Run Boulevard adjacent to lots 18, 49, 51, 52 & 53 and extending to the easterly right-of-way line of John R road.

**NORTHEASTERN HIGHWAY SUBDIVISION NO. 1**

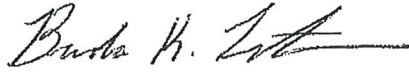
- Red Run Boulevard adjacent to lots 658, 682, 683, 701 thru 753 inclusive and 779 thru 783 inclusive.
- Girard Avenue adjacent to lots 674 thru 691 inclusive, 753 thru 779 inclusive and 817 thru 841 inclusive.
- Osmun Avenue adjacent to lots 765, 788 thru 808 inclusive, 816 and 817.
- Woodside Avenue South adjacent to lots 655 thru 659 inclusive, 711, 746, 747, 791, 792 and 808 thru 816 inclusive.

● Page 2

March 3, 2009

If you have and question or require any further information from me please do not hesitate to call me at 248-975-9501. Thank you very much for your attention to this matter.

Sincerely,



Brenda K. Firestine

Supervisor-Land Descriptions and mapping

PART II - CODE OF ORDINANCES  
Chapter 23 - STREETS AND SIDEWALKS AND OTHER PUBLIC PLACES  
ARTICLE IV. VACATION OF STREETS, ALLEYS, ETC.

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**ARTICLE IV. VACATION OF STREETS, ALLEYS, ETC.<sup>1</sup>**

**Sec. 23-109. Streets and alleys—Procedure upon petition of one hundred percent of adjoining property owners.**

Whenever the owners of property adjoining a street or alley within the city shall file a petition with the city council asking the council to vacate said street or alley and when said petition is signed by 100 percent of the adjoining owners, the city council may refer the petition to the plan commission for study and report to the council. When said plan commission has filed its report with the council concerning the vacation of said street or alley, the council may by resolution confirm or reject the recommendation contained in such report. In the event the council deems it advisable to vacate said street or alley, it shall adopt a resolution and shall appoint a time not less than four weeks thereafter when the council will meet to hear objections thereto. Notice of such meeting shall be given by publication in such newspaper circulating within the city as the council may direct from time to time. If on the date of such hearing no objections are filed, the street or alley or any part thereof may be vacated and the resolution vacating such street, alley or any part thereof adopted.

(Code 1958, § 7-131; Ord. No. 110, § 1, 10-15-58; Ord. No. 233, § 1, 10-14-63)

**Sec. 23-110. Same—Procedure upon petition by less than one hundred percent of adjoining property owners or upon council action.**

When the petition to vacate is signed by less than 100 percent of the adjoining owners or when the council shall deem it advisable to vacate, discontinue or abolish any street, alley or any part thereof, the council shall by resolution so declare and by said resolution shall refer the proceedings to the plan commission for study and report. The plan commission shall order a public hearing thereon and upon a favorable report to the council advising said vacation the said council shall by resolution appoint a time not less than four weeks thereafter when it will meet and hear objections thereto. Notice of such meeting shall be given by publication in such newspaper circulating within the city as the council may direct from time to time. In the event objections to such proposed action shall be filed with the clerk in writing the said street, alley or any part thereof shall not be vacated or discontinued, except by a vote of two-thirds of the members of the council elect.

(Code 1958, § 7-132; Ord. No. 110, § 1, 10-15-58)

**Sec. 23-111. Same—Easement may be reserved.**

Whenever the city council shall by resolution vacate any street, alley or any part thereof, it may, in the same resolution, reserve an easement therein for public utility purposes with the right-of-way of any such street or alley so vacated.

(Code 1958, § 7-135; Ord. No. 110, § 1, 10-15-58)

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<sup>1</sup>Charter reference(s)—Specific authority to vacate streets, Ch. 2, § 2.2(d).

**Sec. 23-112. Easements; procedure.**

Whenever the owners of a majority of frontage of property adjoining and abutting a public easement within the city shall file a petition with the city council asking that said easement be vacated, or in the event it is deemed advisable by the council to vacate any public easement, the city council shall refer the question of the vacating of such easement to the plan commission for study, and hold a public hearing and send a report to the council. Notice of such public hearing shall be sent to all public utilities servicing the city, and to the engineering and public works departments of the city. In the event no objections to the vacation of easement are made by said public utilities, and the vacation is approved by the engineering and public works departments of the city, the plan commission may recommend its approval to the council. The council may thereafter declare by resolution that it is deemed advisable to vacate said public easement and in said resolution shall appoint a time not less than four weeks thereafter when the council will meet and hear objections thereto. Notice of such meeting shall be given by publication in such newspaper circulating within the city as the council may direct from time to time. Upon such hearing, if no objections are received, the public easement may be vacated and a resolution vacating such easement may be adopted.

(Code 1958, § 7-133; Ord. No. 162, § 1, 8-8-60)

**Sec. 23-113. Recordation with register of deeds effects council resolution.**

Upon the resolution of vacation of a street, alley, easement or any part thereof becoming effective the city clerk shall within 30 days, forward to the state treasurer and record with the register of deeds a certified copy of said resolution, together with his certificate giving the name or names of any plat, subdivision or addition affected by such resolution and such resolution shall have no force or effect until so recorded.

(Code 1958, § 7-130; Ord. No. 162, § 2, 8-8-60)

State law reference(s)—Similar provisions as to platted areas, MSA 26.430(256), (257).

**Sec. 23-114. Recordation with city clerk; prima facie evidence.**

Every resolution discontinuing or vacating any street, alley or any part thereof shall be recorded in a book of street records to be maintained by the city clerk and the records therein shall be prima facie evidence of all matters therein set forth.

(Code 1958, § 7-134; Ord. No. 110, § 1, 10-15-58)