



**CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.
PLANNING COMMISSION MEETING AGENDA
APRIL 16, 2024 AT 5:30 PM**

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

- [1.](#) March 19th, 2024 Joint Meeting Minutes

PUBLIC HEARING

- [2.](#) **Rezoning Request No. PRZN 23-02** by Isam Yaldo to rezone one (1) parcel of land located at 1035 W. 12 Mile Road (TM# 44-25-14-127-053) from B-3, General Business, to M-1, Light Industrial district.

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

NEW BUSINESS

PLANNER UPDATES

- [3.](#) Zoning Ordinance Adoption Update

ADJOURNMENT

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



**And CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES (DRAFT)**

March 19, 2024
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

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

2. ROLL CALL

Present: Chair Josh Champagne
Mayor Roslyn Grafstein
Mayor Pro Tem Mark Bliss
City Manager Melissa Marsh
Commissioner Eric Graettinger
Commissioner Melissa Kalnasy
Commissioner Grant Sylvester

Absent: Commissioner Cliff Oglesby

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

Additional Councilmembers Present: Councilman Fleming, Councilman Mier, Councilor Rohrbach,
Councilman Soltis, Councilor Wright

3. EXCUSE ABSENT MEMBERS

Motion by Commissioner Grafstein, seconded by Commissioner Graettinger to excuse Commissioner Oglesby.

Motion carries unanimously.

4. APPROVAL OF THE MINUTES

Motion by Commissioner Grafstein, seconded by Commissioner Kalnasy to approve the minutes of the regular Planning Commission meeting of February 24, 2024.

Motion carries unanimously.

5. JOINT PUBLIC HEARING

a. New Zoning Ordinance – Complete Draft for Review and Consideration

Planner Lonnerstater welcomed everyone and showed a copy of the Madison Heights code of ordinances that was first written in 1962. The City of Madison Heights has received a grant from the MEDC for \$30,000 to update the zoning. The City has been working in conjunction with consultants from McKenna, a steering committee and the Planning Commission to rewrite the zoning ordinance. The first draft was included in the packet as distributed. The zoning ordinance rewrite includes new districts, renamed districts and districts to be eliminated.

McKenna consultant Adam Cook described the building types in form based codes. New districts include:

1. City Center Form Based District
2. Mixed Use innovation 1 – Zoned light industrial and primarily in the southern end of John R Road and 10 Mile.
3. Mixed Use innovation 2 – Intended for large parking lots (i.e. Target, Meijer etc)

Renamed districts include:

4. Residential mixed neighborhood (R-MN) renamed from the current R-T two family district. Currently only one parcel allows for R-T. In the proposed zoning map, this newly renamed district is significantly expanded.
5. Manufactured homes district – Renamed to update current terminology.
6. Natural preservation district – renamed to allow for the inclusion of public park and recreation facilities. Most public park facilities are presently zoned residential.
7. Neighborhood Business (B-1), Community Business (B-2), and Regional Business (B-3): Renamed to more accurately reflect the increasing intensity of permitted business uses in each district.

Eliminated districts :

8. Residential Condominium (R-C): Condominiums represent a form of ownership, not necessarily a building or land use type. Condominium-style ownership may be applied in any zoning district to many different layouts, including site condominiums and building condominiums. Separate processes for each are contained in the Zoning Ordinance.
9. High-Rise (H-R) District: With the addition of the City Center and Mixed-Use Innovation districts which allow for greater building heights and a mix of uses within the same building, the High-Rise district became redundant. Properties presently zoned H-R are proposed as Mixed-Use Innovation 1 or 2 or Multi-Family Residential
10. Vehicular Parking (P-1/P-2) Districts: In the proposed Zoning Ordinance, stand-alone parking lots are permitted as special land uses in certain districts with use-specific standards, eliminating the need for separate parking zoning districts.

Chair Champagned opened the public comment at 6:13 pm.

Tom Yazbeck, member of YIMBY Oakland County Chapter spoke in support of the zoning ordinance proposed revisions. He was encouraged by the prospect of more affordable housing, a more walkable downtown, and form based proposed zoning.

The Clerk of the meeting distributed a letter from Katie Woock of Royal Oak, who supported the proposed zoning ordinance amendments. The letter is attached to the minutes.

Seeing no other comments, Chair Champagne closed the public comment portion of the meeting at 6:20 pm.

Discussion followed amongst the Commissioners in regards to the proposed amendments.

Motion by Commissioner Kalnasy, seconded by Commissioner Graettinger to move that pursuant to the processes set forth in the Michigan Zoning Enabling Act, PA Act 110 of 2006, together with the information presented by staff and the input received during the joint public hearing conducted by the Planning Commission and City Council on March 19, 2024, the Planning Commission recommends that City Council approve the new Zoning Ordinance, including the Zoning Map, replacing the Zoning Ordinance and Zoning Map in its entirety subject to the condition that the permitted use table be revised to adequately reference the pertinent marijuana regulations/ordinances for adult use and medical marijuana facilities and primary caregivers.

Motion carries unanimously.

6. MEETING OPEN TO THE PUBLIC for items not listed on agenda

Chair Champagne opened the meeting to the public at 7:18 pm. Seeing no comments from the public, he closed the meeting to the public at 7:19 pm.

7. UNFINISHED BUSINESS

No unfinished business at this time.

8. MEMBER UPDATES

Commissioner Bliss expresses his gratitude to the Planning Commission members for all of their work on this zoning ordinance rewrite.

9. ADJOURNMENT

Meeting adjourned by the Chair at 7:20 pm.



MEMORANDUM

Date: April 9th, 2024
To: City of Madison Heights Planning Commission
Meeting Date: April 16th, 2024
From: Matt Lonnerstater, AICP – City Planner
Subject: Rezoning Request PRZN 23-02 – 1035 W. 12 Mile Road – B-3 to M-1

Introduction

The applicant and property owner, *Isam Yaldo*, requests to rezone one (1) parcel of land located at 1035 W. 12 Mile Road (TM# 44-25-14-127-053) from B-3, General Business district, to M-1, Light Industrial district. The subject site consists of one (1) parcel which contains a total area of 0.93 acres and is improved with a 6,500 commercial/retail structure and associated parking lot. The property is located just west of the 12 Mile/I-75 interchange.

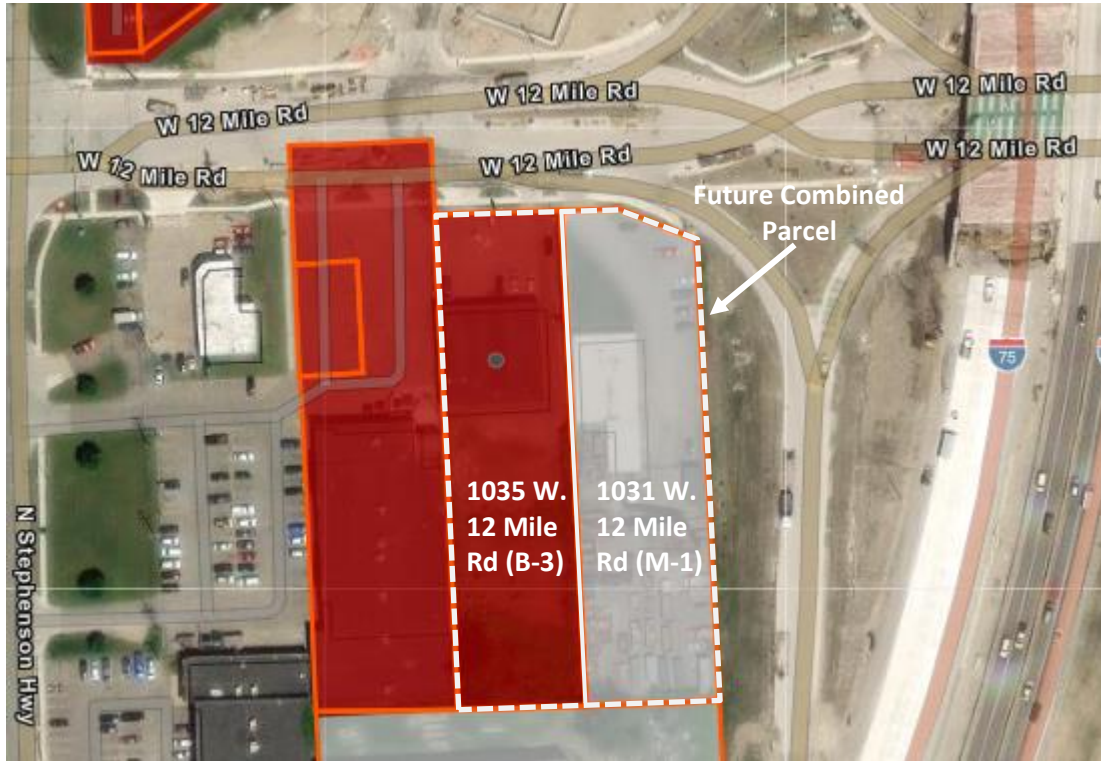
Background

The property owner's affiliate, *Arctic Fox, LLC d/b/a JARS Cannabis*, has entered into a settlement agreement with the City of Madison Heights which enables the construction of a new marihuana growing, processing, and provisioning facility at 1031 and 1035 W. 12 Mile Road. The property at 1031 W. 12 Mile Road is presently zoned M-1, Light Industrial, while 1035 W. 12 Mile is zoned B-3, General Business. The property owner intends to purchase the adjacent property at 1031 W. 12 Mile Road, combine the two properties into a single parcel, and lease the parcel to Arctic Fox, who will proceed to develop the property for marihuana-related uses.

Per the City's Medical and Adult Use Marihuana Facilities Ordinances, such facilities are only permitted on properties zoned either M-1, Light Industrial, or M-2, Heavy Industrial. The subject property's current B-3, General Business zoning does not permit medical/adult-use marihuana facilities. As such, the applicant has applied to rezone the subject property to M-1, Light Industrial, to enable the parcel combination and allow for the development of a medical/adult-use marihuana growing, processing, and provisioning facility per the settlement agreement.

NOTE: While the city is close to finalizing its comprehensive zoning ordinance and map update, the settlement agreement requires both parties to adhere to Madison Height's rezoning procedures. Therefore, this rezoning request is proceeding separately from the comprehensive rewrite. The rezoning, if approved, will be carried over and folded into the new zoning map.

Existing Zoning



Zoning and Land Use Considerations

Per the Zoning Ordinance, the existing B-3, General Business zoning district is, “designed to provide sites for more diversified business types and is often located so as to serve the passer-by traffic.”

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

The Planning Commission should consider all of the potential uses that could be developed on this site if it were to be zoned M-1. Some of these more intense uses are highlighted in the table below, compared with the uses permitted under the current B-3 zoning designation.

USE	B-3 General Business	M-1 Light Industrial
General Retail Business	P	
Personal Service (e.g. beauty parlors, barbershops)	P	
Office Uses	P	P
Medical Offices	P	P
Restaurants/Bars	P	P
Gas Stations	S*	
Auto Washes	S*	
Equipment Rental	P	P

USE	B-3 General Business	M-1 Light Industrial
Theaters/Assembly Halls	P	
Motor Vehicle Repair/Maintenance	S	S
Indoor/Outdoor Recreational Uses	S	P
Regulated Uses	S*	
Warehousing/Wholesaling/Storage		P
Light Manufacturing/Assembly		P
Medical/Adult Use Marihuana Facilities		P*

*P = Permitted by Right S = Special Approval Required Blank = Not Permitted
Subject to additional siting requirements.

When reviewing a rezoning request, the Planning Commission should review the proposed district’s consistency and compatibility with existing adjacent land uses, zoning designations and the future land use map as laid out in the Master Plan:

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
Site	Commercial Building (vacant)	B-3, General Business
North (across 12 Mile)	Carpool Lot	No Zoning
South	Industrial/Indoor Recreation	M-1, Light Industrial
East	Industrial Building (Vacant)	M-1, Light Industrial
West	Retail	B-3, General Business

Adjacent land uses consist primarily of commercial and light industrial uses, with an I-75 carpool lot to the north across 12 Mile.

Existing Conditions at Subject site



Future Land Use

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

Future Land Use

	Future Land Use
Site	Industrial
North (across 12 Mile)	Industrial
South	Industrial
East	Industrial
West (across John R)	Industrial

The future land use designation of the subject site is *Industrial*. Per the Master Plan, the Industrial designation is intended to accommodate a “accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities. These more intense uses are intended for existing industrial areas along Stephenson, I-75 and 14 Mile Road.”

Adjacent future land use designations are primarily industrial.

Transportation

The subject parcel is located just west of the 12 Mile/I-75 divergent diamond interchange. Per the 2021 Master Plan, 12 Mile Road is designated as a principal arterial road and handles regional, passer-by traffic. Per SEMCOG, this stretch of 12 Mile Road handles approximately 25,000 vehicles per day, likely due to its proximity to the I-75 interchange.

Staff Analysis

The subject property is located in primarily industrial area near the Stephenson industrial corridor, and is in close proximity to the 12 Mile/I-75 interchange. Existing zoning, adjacent land uses, and the future land use map lend support to an industrial rezoning. If the M-1 rezoning request is approved, any major re-development on the subject parcel will be subject to site plan approval through the Site Plan Review committee and, if necessary, special land use approval through the Planning Commission and City Council. Further, any marihuana-related use is subject to the stipulations of the consent judgment between the city and the applicant’s affiliate.

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 Motion | Findings and Recommendation

Template motions for recommendations of approval and denial, including findings of fact, are provided below:

*Move to recommend to City Council **[APPROVAL/DENIAL]** of the requested rezoning of 1035 W. 12 Mile Road (parcel #44-25-14-127-053) from B-3, General Business, to M-1, Light Industrial, after the required public hearing, based upon the following findings:*

- 1. The M-1 district permits a range of industrial, warehousing, office, recreational, and limited retail uses which **[ARE/ARE NOT]** generally appropriate for the subject site.*
- 2. The intent of, and the uses permitted within, the M-1 district **[ARE/ARE NOT]** generally compatible and consistent with adjacent industrial and commercial land uses.*
- 3. The M-1 district **[IS/IS NOT]** compatible with adjacent B-3 and M-1 zoned parcels.*
- 4. The M-1 district **[IS/IS NOT]** aligned with the “Industrial” future land use designation for the site and **[DOES/DOES NOT]** further the land use goals and objectives of the adopted 2021 Madison Heights Master Plan.*



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

Application to Rezone Land

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

1. Request is hereby made that the following property be rezoned from B3 to M1.

2. The property address is (1035, 1037, 1039) W 12 Mile and the parcel is located on the South side of 12 Mile Rd street between Stephan Hwy and Jak R. streets.

3. The legal description of said property is as follows: (attach separately if necessary)
TIN R11E Sec 14 CR83A-1 Part of NW 1/4 Beg. at Pt on N Sec Line Dist 589-24-00
W 215 FT Fr N 1/4 Cor, THS 89-24-00 W 102.41 ft Th S 21.01-00 E 456.70 ft Th
N 89-24-00 E 102.47 TH 89-03-00 W 456.70 To Beg Exe 26 Taken for Hwy .93 Acre.

4. The sidwell number for the property is: 44 - 25 - 14 - 127 - 053

5. The owner of said property is:
Name: 1275 LLC
Street Address: 31000 NW Hwy # 110
City, State, Zip: Farmington Hills MI 48334
Phone: 2485210978 Email: isamyaldoo@aol.com

6. The Applicant is:
Name: Isam Yaldo
Street Address: 31000 NW Hwy # 110
City, State, Zip: Farmington Hills MI 48334
Phone: 2485210978 Email: isamyaldoo@aol.com

7. The applicant is the:
 Owner Legal Representative Purchaser Other _____

8. Description of proposed use:

9. Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the \$1,500.00 application fee.

Signature of Owner: [Signature]
Signature of Applicant: [Signature]
Date: 10-16-2023

Notary's Signature: [Signature]
Notary's Print Name: Marisa Fatouhi
Notary Public, State of Michigan, County of: Oakland
My Commission Expires on: February 27 2030
Acting in the County of: Oakland

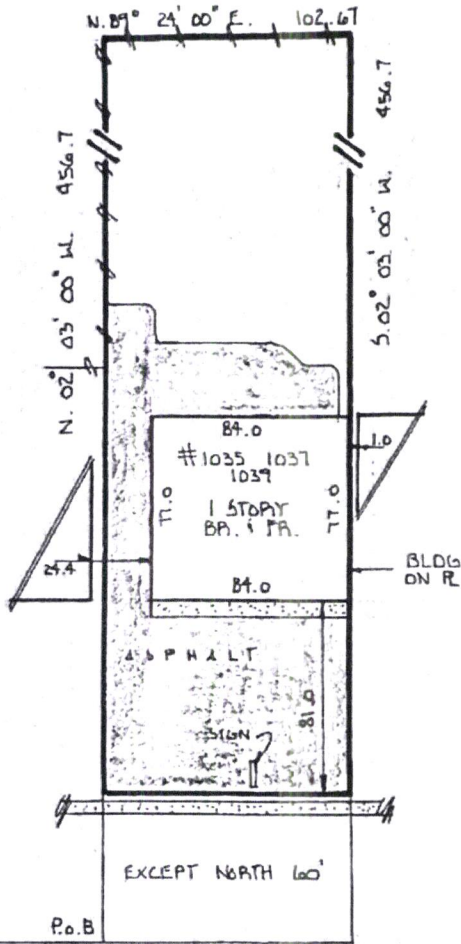
Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached.

Oakland

McNEELY & LINCOLN ASSOCIATES, INC. 37741 Pembroke, Livonia, MI 48152 (734) 432-9777 Fax (734) 432-9786

Land situated in the City of Madison Heights, County of Oakland in the State of Michigan and described as follows:

Part of the Northwest 1/4 of Section 14, Town 1 North, Range 11 East, beginning at a point on the North section line, distant South 89 degrees 24 minutes 00 seconds West 215.00 feet from the North 1/4 corner; thence South 89 degrees 24 minutes 00 seconds West 102.41 feet; thence South 02 degrees 01 minutes 00 seconds East 456.7 feet; thence North 89 degrees 24 minutes 00 seconds East 102.67 feet; thence North 02 degrees 03 minutes 00 seconds West 456.7 feet to the point of beginning, except the North 60 feet taken for highway.



NORTH 1/4 CORNER SECTION 14 T.1N., R.11E

TWELVE MILE RD. 120 WD. MORTGAGE CERTIFICATE

We hereby certify to Community Choice Credit Union / Transworld Title a mortgage lender, and certify to all Title Insurance Companies for the purpose of a mortgage loan to be made by said lender to

1275, LLC

that we have measured the property herein described that there are located entirely thereon building(s) and improvement(s) and that said building(s) and improvement(s) are within the property lines and that there are no existing encroachments upon the land and property described, except as shown. LEGAL DESCRIPTION PROVIDED BY OTHERS.

*This mortgage certificate was prepared specifically for IDENTIFICATION PURPOSES for the sole use of the mortgage and Title Insurance Companies disclosed hereon. Nothing herein shall be construed to give any rights or benefits to the present or future land owners or occupants. This certificate is not intended nor represented to be a land boundary or property line survey and is not to be used to establish property lines, easements, public right-of-way, building lines, conformity or non-conformity to State, County or local ordinances and/or codes, etc. No boundary markers were set.

Job No 2-22-5

Scale: 1"=50'

Date February 16, 2022

Final

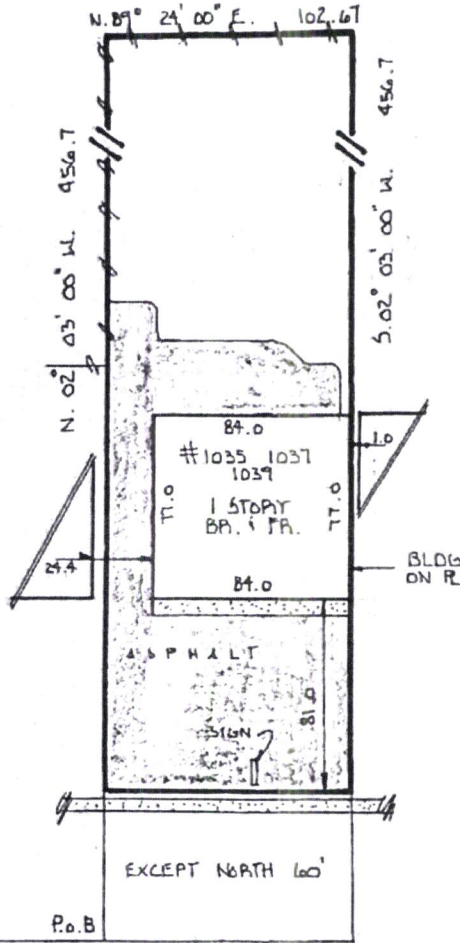
Copyright 2022 by McNeely & Lincoln Associates, Inc.

By [Signature]

McNEELY & LINCOLN ASSOCIATES, INC. 37741 Pembroke, Livonia, MI 48152 (734) 432-9777 Fax (734) 432-9786

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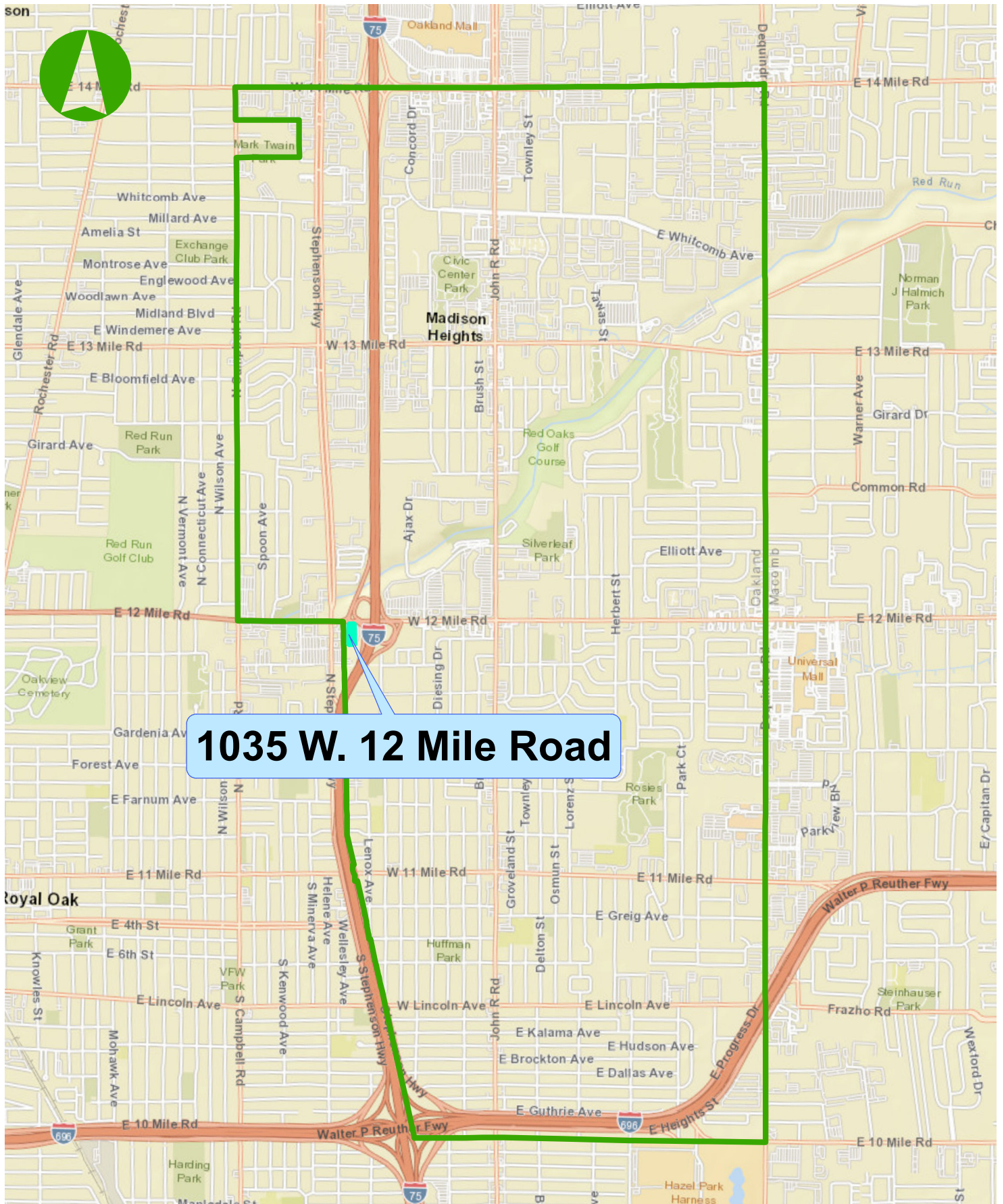
Scale: 1"=50'

Date February 16, 2022

Final

Copyright 2022 by McNeely & Lincoln Associates, Inc.

By [Signature]

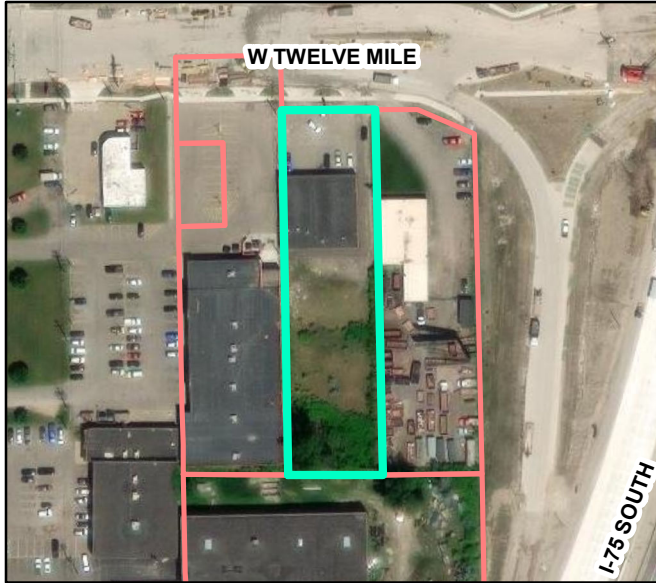


Site Address: 1035 W. 12 Mile Road



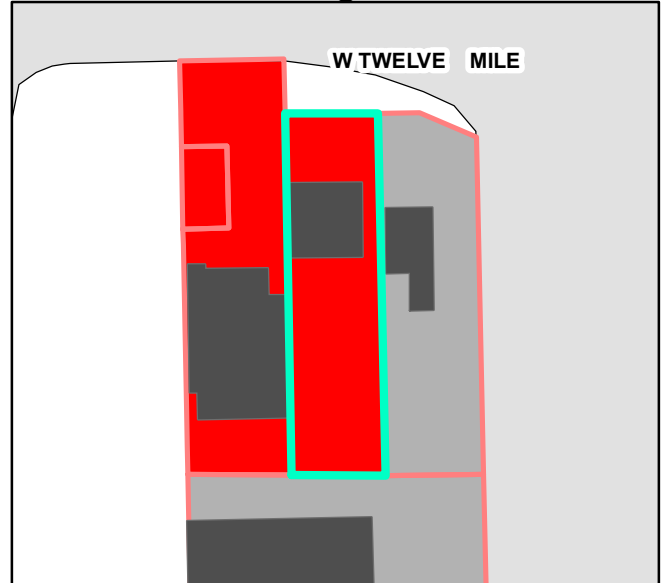
Click for maps

Aerial



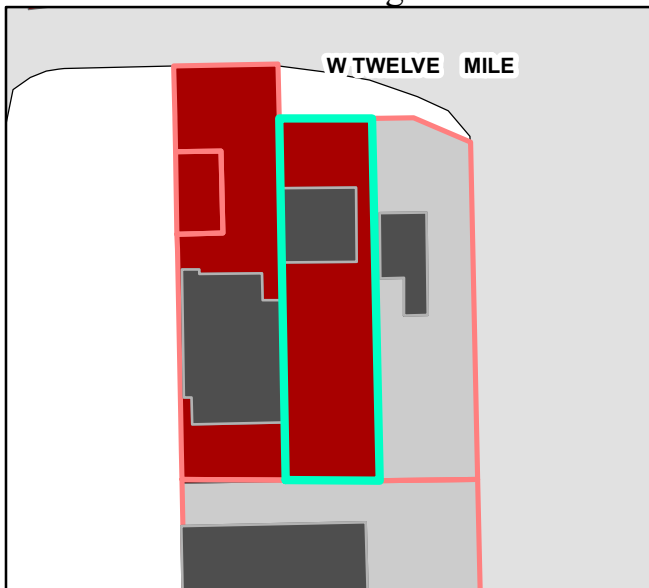
- 1035 W 12 Mile Road
- Parcels

Existing Land Use



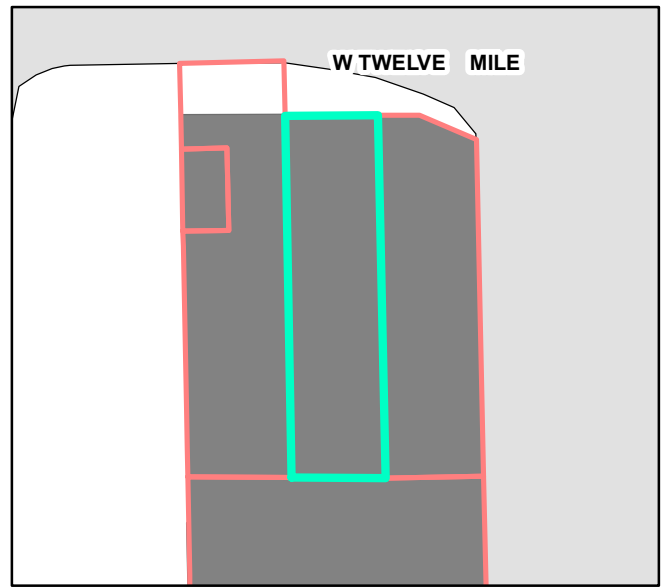
- 1035 W 12 Mile Road
- Commercial
- Buildings
- Industrial
- Parcels

Zoning



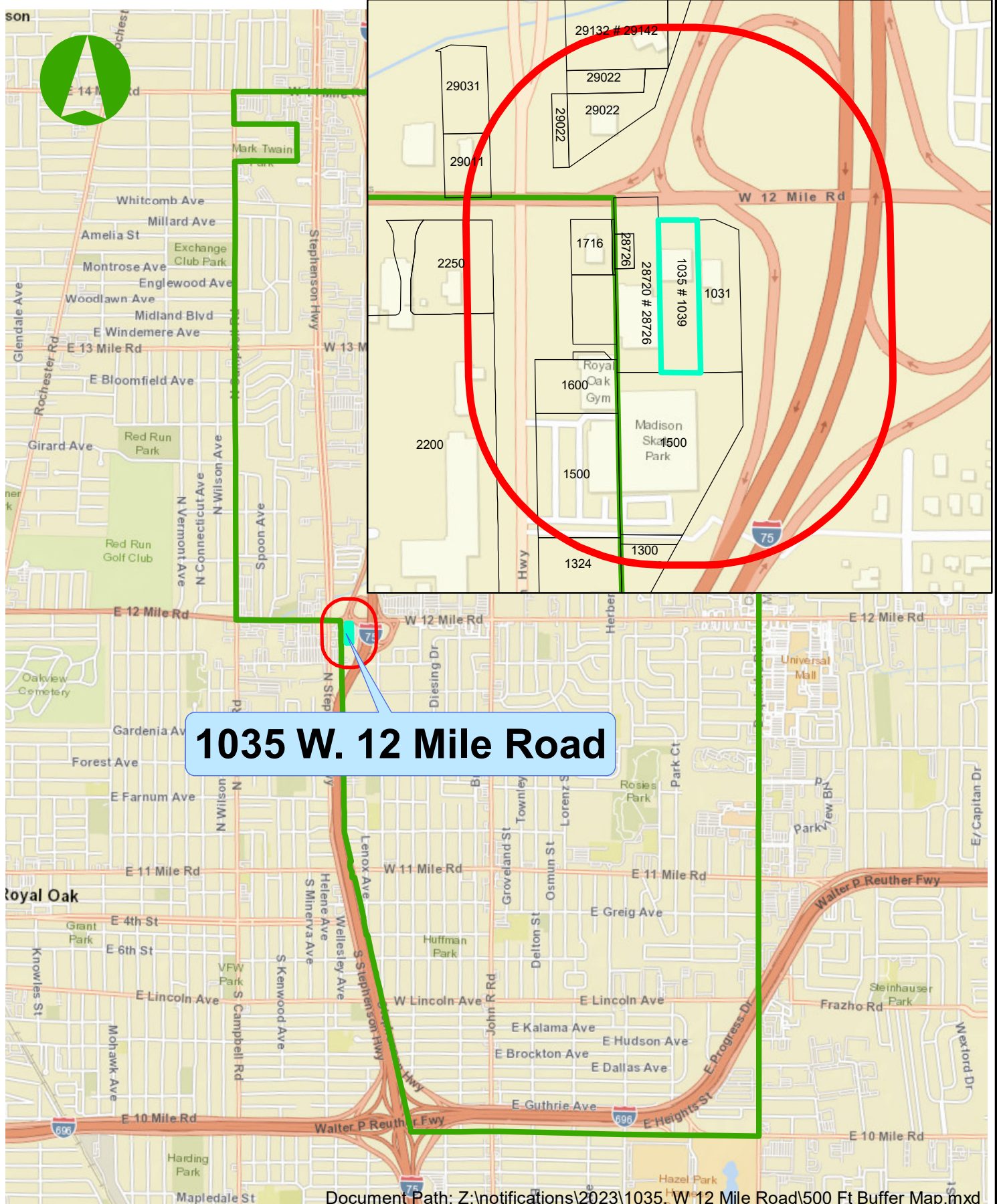
- 1035 W.12 Mile Road
- M-1 Light Industrial
- Buildings
- B-3 General Business
- Parcels

Future Land Use



- 1035 W.12 Mile Road
- Parcels
- Industrial

PRZN CASE: 23 - 02 BUFFER 500 FT



1035 W. 12 Mile Road

NOTICE OF PUBLIC HEARING

Notice is hereby given that the **Planning Commission** for the City of Madison Heights will hold a public hearing on **Tuesday, April 16th, 2024 at 5:30 p.m.** in the City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071, for the following rezoning requests:

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Item 2.

Request No. PRZN 23-02 by Isam Yaldo, 31000 Northwestern Highway #110, Farmington Hills, Michigan 48334, to rezone one (1) parcel of land located at 1035 W. 12 Mile Road (TM# 44-25-14-127-053) from B-3, General Business district, to M-1, Light Industrial 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 in the Agenda Center.

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

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