



# CITY OF MADISON HEIGHTS

## PLANNING COMMISSION AGENDA

**January 18<sup>th</sup>, 2022**

**Council Chambers – City Hall  
300 W. 13 Mile Road, Madison Heights, MI 48071**

Notice is hereby given that the Planning Commission for the City of Madison Heights will hold their regular meeting on Tuesday, January 18<sup>th</sup>, 2022 at 5:30 p.m. in the City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071. Please refer to <https://www.madison-heights.org/AgendaCenter> for any meeting updates. Send your public comments through email at: [MaryDaley@madison-heights.org](mailto:MaryDaley@madison-heights.org) and your comment will be read at the meeting.

### **AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF THE AGENDA:** Additions or Removals
- 4. APPROVAL OF MINUTES:** December 21, 2021 Planning Commission Meeting [LINK](#)
- 5. PUBLIC HEARING**
  - a.** Zoning Text Amendment ZTA 21-11: Temporary Certificates of Occupancy [LINK](#)
- 6. MATTERS FOR CONSIDERATION**
  - a.** Request for Proposals (RFP) for Zoning Ordinance Rewrite [LINK](#)
- 7. PUBLIC COMMENT:** For items not listed on the agenda
- 8. ANNUAL REPORT TO CITY COUNCIL [LINK](#)**
- 9. ELECTION OF PLANNING COMMISSION OFFICERS**
  - a.** Chair
  - b.** Vice Chair
  - c.** Secretary
- 10. MEMBER UPDATES**
- 11. PLANNER UPDATES**
- 12. ADJOURNMENT**



# CITY OF MADISON HEIGHTS

## PLANNING COMMISSION MEETING MINUTES

December 21, 2021

Council Chambers – City Hall

300 W. 13 Mile, Madison Heights, MI 48071

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### 1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:33 p.m.

### 2. ROLL CALL

Present: Councilman Mark Bliss (arrived at 5:33 pm)  
Chairperson Josh Champagne  
Member Bruce Conn  
Member Eric Graettinger  
Mayor Roslyn Grafstein  
City Manager Melissa Marsh  
Member James Smith

Absent: Member Cliff Oglesby, Member Grant Sylvester,

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

Motion by Commissioner Grafstein, supported by Commissioner Marsh to excuse Members Bliss (arrived at 5:33 pm), Oglesby, and Sylvester.

Motion carried unanimously.

### 3. APPROVAL OF AGENDA

Motion by Commissioner Smith, Supported by Commissioner Graettinger, to approve the agenda for tonight's meeting.

Motion carried unanimously.

### 4. APPROVAL OF MINUTES

Motion by Commissioner Conn, supported by Commissioner Graettinger, to approve the minutes of the regular Planning Commission meeting of November 16, 2021.

Motion carries unanimously.

## 5. PUBLIC HEARING:

### a. Rezoning (PRZN 21-01): 26783 Lenox Ave.

Planner Lonnerstater introduced the rezoning request from applicant Marusich Architecture. They have requested to rezone one parcel of land from R-3, Residential, to P-1, Vehicular Parking District. The property is located at 26783 Lenox Avenue, the west side of Lenox Avenue, south of 11 Mile Rd. south of Boodles Restaurant parking lot (11 Mile and Stephenson)

Per Planner Lonnerstater, the subject property is approximately 0.15 acres in area and is currently improved with a 967 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for a proposed commercial development. The applicant has provided conceptual plans for the proposed development, which include a restaurant and hotel. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

Per the Zoning Ordinance, the P-1 zoning designation is, “designed to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries.” The only permitted uses in the P-1 district are off-street parking areas and residential buildings; existing residential uses are permitted as a conforming use. The P-1 district includes minimum parking lot setback, design, and screening requirements, which will need to be satisfied as part of site plan review. The Planner also notes, this parcel is just outside of the DDA boundaries.

When making a recommendation to Council, Planner Lonnerstater suggests the Planning Commission note the following specific findings in their motion per the recommendation of Staff:

1. The applicant requests a rezoning from R-3, residential, to the P-1, Vehicular Parking district, to accommodate additional off-site parking for a proposed commercial development.
2. The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review. Additional action by City Council and the Zoning Board of Appeals may be required for the proposed uses and site design.
3. The proposed P-1 District is generally compatible with adjacent land uses in that it serves as a buffer between adjacent commercial and residential uses and contains minimum site design, setback and screening requirements. The subject site borders an existing P-1 district to the north.
4. The proposed P-1 District is partially compatible with the future land use designation in that the district continues to permit existing single-family residential uses by-right.
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1<sup>st</sup>, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including any special land use and variance requests and site plans.
6. While in support of the rezoning request, City staff encourages the applicant to explore innovative options to ultimately reduce the need to construct additional parking spaces, including, but not limited to, shared parking arrangements, off-site parking, and administrative parking space reductions.

Based on these findings, staff recommends that the Planning Commission recommend to City Council **approval** of the requested rezoning from R-3 to P-1.

Chair Champagne opened the public hearing at 5:38 p.m. to hear comments on PRZN #21-01.

The applicant, John Marusich of Marusich Architecture, introduced himself and invited any questions from the Planning Commission.

Commissioner Marsh asks for clarification on the intended plan for the adjoining parcel and the expected timeframe. In response, Mr. Marusich explains his client's intent to purchase Boodles and redevelop the property into either an office, a residential development, or a boutique hotel. As for the timeframe, they would envision construction could begin as early as July.

Commissioner Grafstein asks for clarification on the boutique hotel concept. Mr. Marusich explains it is a small scale hotel around 40 rooms. This would be in conjunction with the adjacent property (boodles) which would act as the check in center, if this is the route they decide to take.

Chair Champagne invites discussion from the Planning Commission.

**Motion by Marsh, supported by Grafstein, to postpone action on PRZN 21-01 until the petitioner comes back to the Planning Commission with the adjoining parcels and their plans for those parcels or at Staff's discretion to put it back on the agenda.**

Planner Lonnerstater clarifies that they will be required to come back to City Council for Special Approval depending on what the proposed use will be and at this time it is still under the development stages. If the developer decides to propose a Hotel, then yes they would have to submit an additional Special Land use application. Commissioner Marsh suggests concern about taking action if the applicant has not identified a plan for the development.

Commissioner Bliss asks when their intent is to decide on the type of development for this project. Mr. Marusich explains that he has met with City staff and has determined that requesting the rezoning for this parking was the proper first step for any development that would happen at this location. Therefore, no matter what development his client intends to proceed with, if they do not get the additional parking, a new development would not progress further.

Commissioner Grafstein expresses concern about taking action without knowing what the development plan for the property would be. Applicant Marusich expresses his desire to move forward only with a project that the Planning Commission would support.

In response to the Chair's question, Assistant City Attorney Burns notes that if the Commission and City Council move forward and approve the applicant's request, once the zoning takes place, no matter who owns the land they have the parking right as a matter of right.

Mr. Marusich requests a moment to confer with his client and expresses that his client has decided to proceed with a boutique hotel. In response, Planner Lonnerstater notes that a hotel involves a special land use request which has different criteria or analyses and we haven't done that analysis yet.

**Substitute motion:**

**Motion by Bliss, supported by Conn to recommend to City Council approval of the requested rezoning from R-3 to P-1, based on the findings and recommendations presented by Staff**

**Roll Call Vote:**

**Yea:**

**Bliss, Conn, Graettinger, Grafstein, Marsh, Smith  
Champagne**

**Nay:**

**Motion Carried.**

**b. Rezoning (PRZN 21-02): 26744 Osmun Street.**

Planner Lonnerstater introduced the rezoning request from applicant, Woodpile BBQ, requests to rezone one (1) parcel of land at 26744 Osmun St. from R-3, Residential, to B-3, General Business district. The property is located at the southeast corner of E. 11 Mile Road and Osmun Street.

The subject property is approximately 0.20 acres in area and is currently improved with a 910 sq. ft. single-family residence and detached garage. The applicant requests the rezoning in order to accommodate additional off-street parking for Woodpile BBQ, located immediately to the east of the subject site. The applicant has provided conceptual plans for the proposed parking lot. Please note that these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

When making a recommendation to Council, Planner Lonnerstater suggests the Planning Commission note the following specific findings in their motion per the recommendation of Staff:

- 1) The applicant requests a rezoning from R-3, residential, to the B-3, General Commercial district, to accommodate additional off-site parking for an existing adjacent restaurant. The B-3 District permits a range of commercial and office uses.
- 2) The applicant has provided conceptual plans for the proposed development, which are included for demonstrative purposes only and are not subject to this rezoning review.
- 3) The proposed B-3 District is generally compatible and consistent with adjacent commercial land uses along E. 11 Mile Rd.
- 4) The proposed B-3 District is consistent with adjacent B-3 zoned properties along E. 11 Mile Rd.
- 5) The proposed B-3 District is compatible and consistent with the Commercial future land use designation for the site as envisioned by the 2021 Master Plan.
- 6) The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their December 1st, 2021 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including site plan submittal.

Also to be noted, this property is within the DDA.

Chair Champagne opened the public hearing at 6:31 p.m. to hear comments on PRZN #21-02. Jennifer Rude, resident at 26718 Lorenz, speaks to the Commission. She is a resident directly across from Woodpile and strongly approves this request and expresses her desire for the Commission to approve this recommendation. Traffic on Lorenz is a "mess." She feels it will get worse once the pandemic is over.

Public comment was closed at 6:33 pm.

Chair Champagne invites the applicant Tim Idzikowski, owner of Woodpile, to address the Planning Commission. He expresses the desire for the additional parking for future growth. He has attempted a shared parking with the High School but unfortunately, clients will not utilize it for various reasons. Woodpile aggressively pursued this house to provide the additional parking and not cause issues within the neighborhood.

Planning Commission discussion continues. The applicant confirms the property is currently empty.

**Motion by Conn, supported by Smith, to approve PR 21-02 and recommend to Council, based on the findings and recommendations presented by Staff.**

**Roll Call Vote:**

**Yea: Bliss, Conn, Graettinger, Grafstein, Marsh, Smith, Champagne**

**Nay: None.**

**Motion carries unanimously.**

## **6. MATTERS FOR CONSIDERATION**

### **a. Zoning Text Amendment (21-11) – Temporary Certificates of Occupancy**

City staff proposes the attached text amendment to extend the length in which temporary certificates of occupancy can remain effective. The current Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year. Staff believes that this amendment will give property owners and tenants adequate time to properly meet all building and zoning code requirements and site plan conditions without risking TCO expiration.

**Motion by Marsh, supported by Conn to set a public hearing date for the January 18th, 2022 regular Planning Meeting.**

**Roll Call Vote:**

**Yea:** Bliss, Conn, Graettinger, Grafstein, Marsh, Smith, Champagne

**Nay:** None.

**Motion carries unanimously.**

## **7. PUBLIC COMMENT - For items not listed on the agenda**

No public comment.

## **8. MEMBER UPDATES**

No member updates.

## **9. PLANNER UPDATES**

Planner Lonnerstater wishes everyone a Happy Holiday and Happy New Year.

## **10. ADJOURNMENT OF MEETING**

Meeting adjourned by the Chair at 6:47 p.m.



# MEMORANDUM

Date: January 13<sup>th</sup>, 2022  
To: City of Madison Heights Planning Commission  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Zoning Text Amendment (21-11) – Temporary Certificates of Occupancy

## Introduction

City staff proposes the attached text amendment to extend the length in which temporary certificates of occupancy can remain effective. The current Zoning Ordinance limits a temporary certificate of occupancy to six (6) months. As proposed, the text amendment will allow the City to grant a temporary certificate of occupancy for up to one (1) year.

## Background

Prior to formally occupying a building or site, tenants within the City of Madison Heights must first obtain a certificate of occupancy (CO). The Community and Economic Development (CED) Department issues a CO when a building and/or site has been constructed to completion in compliance with building and zoning codes and related site plans.

In certain cases, a tenant may wish to occupy a building or site before all necessary work has been completed. In these situations, Madison Heights may issue a temporary certificate of occupancy (TCO) to allow a tenant to occupy a portion of the building/site while the outstanding work is completed. For example, the CED Department may issue a TCO for a restaurant and allow them to open for business prior to the installation of a dumpster enclosure or landscape island if the Department finds that no substantial hazard will result. Thus, the restaurant is afforded additional time to satisfy all remaining building/zoning issues and ultimately apply for a permanent CO.

Section 10.703 of the Zoning Ordinance – *Certificate of Occupancy* – currently allows the CED Department to issue TCOs up to a maximum of 180 days (6 months). Due to current market and labor conditions, however, staff has found that many property owners and tenants are unable to complete all required building and site work within the six month TCO allowance; this, in turn, has resulted in prematurely-issued permanent COs and several incomplete projects.

To remedy this situation, staff recommends increasing the maximum length of a temporary certificate of occupancy from six (6) months to one (1) year. Staff believes that this amendment will give property owners and tenants adequate time to properly meet all building and zoning code requirements and site plan conditions without risking TCO expiration.

## Next Step

After the discussion and public hearing, staff recommends that the Planning Commission recommend approval of text amendment ZTA 21-11 to City Council.

Ordinance No. 2177  
City of Madison Heights  
Oakland County, Michigan  
Zoning Text Amendment 21-11

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**An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinance for the City of Madison Heights, by Amending Appendix A, Zoning Ordinance, Section 10.703, Certificate of Occupancy.**

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**Section 10.703, Certificate of Occupancy, is hereby amended as follows:**

**Sec. 10.703. Certificate of occupancy.**

[...]

(5) *Temporary certificates.* Nothing in this Ordinance shall prevent the city from issuing a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of ~~90 days~~ six (6) months and may not be renewed more than once for a total of ~~180 days~~ one (1) year provided that such portion of the building, structure or premises is in conformity with the provisions of all applicable ordinances. The applicant for a temporary certificate of occupancy shall, prior to the issuance of said temporary certificate, deposit with the City of Madison Heights the required fees and performance guarantees established by resolution of city council.



# MEMORANDUM

Date: January 13<sup>th</sup>, 2022  
To: City of Madison Heights Planning Commission  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Request for Proposals (RFP) – Comprehensive Zoning Ordinance Rewrite

## Introduction

City staff has issued a Request for Proposals (RFP) to hire a qualified planning consulting firm to assist with a comprehensive rewrite of the Madison Heights Zoning Ordinance. Staff is seeking to develop a new, user-friendly Zoning Ordinance that is consistent with the Madison Heights 2021 Master Plan. The new Zoning Ordinance will also help Madison Heights obtain certification through the Michigan Economic Development Corporation's (MEDC) 'Redevelopment Ready Communities' (RRC) program.

## Background

Since its initial adoption in the early 1970s, the City's Zoning Ordinance has been amended and patched up in a piecemeal fashion. As a result, the current ordinance contains outdated language that is difficult to administer and standards that lack the ability to address modern development trends. Staff believes that a zoning ordinance overhaul is warranted in order to accomplish the following objectives:

- Implement the goals and objectives of the 2021 Master Plan.
- Incorporate user-friendly formatting techniques including, but not limited to, hyperlinking, text, tables and illustrations.
- Include new zoning districts/overlay districts with form-based elements, where necessary, to align with the 2021 Master Plan's 'City Center' and 'Mixed-Use Innovation' designations.
- Promote 'people-oriented' site and building design.
- Identify opportunities for process simplification and flexibility.
- Incorporate modern standards for adaptive reuse and infill development.

As part of the zoning ordinance rewriting process, the work program will include an assessment of the current zoning ordinance, public outreach, consistent updates at Planning Commission and City Council, and the submittal of final documents including a new Zoning Ordinance and, potentially, a new Zoning Map.

## Next Steps

The RFP submittal deadline is January 28<sup>th</sup>, 2022. Based on the RFP schedule, the selection committee will select several firms for interviews on February 2<sup>nd</sup>, 2022. These proposals will be forwarded to the Planning Commission for consideration at the February 15<sup>th</sup>, 2022 meeting, at which time the Planning Commission will make a recommendation to City Council regarding the top proposal. City Council will consider the Planning Commission recommendation and award a contract at the February 21<sup>st</sup>, 2022 meeting.

While details have not been finalized, staff anticipates that the Planning Commission will play a large and vital role in the zoning ordinance rewrite process. The selected consultant is expected to meet with the Planning Commission on a regular basis throughout the course of the project in order to provide updates and seek recommendations. Staff anticipates that several members of the Planning Commission will serve on the project's steering committee. Further, per the State Zoning Enabling Act, the Planning Commission has the responsibility of holding a public hearing prior to final adoption of the new Zoning Ordinance and making a formal recommendation to City Council.

Staff is excited to work and collaborate with the Planning Commission and the selected consultant in order to complete this project and implement the goals and objectives of the City's Master Plan.



## REQUEST FOR PROPOSALS

MH 22-01

## COMPREHENSIVE ZONING ORDINANCE REWRITE

### CITY OF MADISON HEIGHTS, MICHIGAN

ISSUED: DECEMBER 16, 2021

SUBMITTAL DEADLINE: 2:00 pm JANUARY 28, 2022

Electronic bids will be accepted online at [www.mitn.info](http://www.mitn.info) until 2:00 pm. (EST) on January 28, 2022. Proposals will be opened via Zoom at approximately 2:05 pm (EST), interested vendors may participate by clicking this link at the appropriate date/time <https://us02web.zoom.us/j/84216608323>. Please refer to the attached for instructions, specifications, and electronic bid submission procedures.

Proposals must be submitted electronically; hard paper copy, email or fax submission of bids/proposals is NOT accepted.

**The City of Madison Heights is a Participating Agency in the Michigan Inter-Governmental Trade Network (MITN). Interested vendors are encouraged to register with MITN at <http://www.MITN.info> to view specifications for this and all of our open bids.**

**Amy J. Mischak**  
HR Director/Purchasing Coordinator  
City of Madison Heights  
(248) 583-0828

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## **I. STATEMENT OF INTENT**

The City of Madison Heights is requesting proposals from qualified firms with expertise in planning and zoning to assist in a comprehensive rewrite of the City's Zoning Ordinance. The comprehensive rewrite will result in a user-friendly Zoning Ordinance that is consistent with the Madison Heights 2021 Master Plan and integrates MEDC Redevelopment Ready Communities best practices.

## **II. BACKGROUND**

Madison Heights is located in the southeast corner of Oakland County at the intersection of I-75 and I-696. The City is essentially built-out, with approximately 7.1 square miles and a population of approximately 30,000 residents. The City operates under a Council-Manager form of government, with a 9-member appointed Planning Commission which includes the Mayor, a City Council member, and the City Manager.

The City's three largest existing land uses are, progressively, single-family residential, industrial, and commercial/office. Single-family neighborhoods are primarily arranged in a traditional, grid-like pattern, with commercial uses lining the City's north-south and east-west arterials. Industrial uses are grouped in three primary areas: the northeast quadrant, along the Stephenson Highway/I-75 corridor, and a pocket in the southeast corner near I-75 and Dequindre Road. Madison Heights has an active Downtown Development Authority (DDA) district which includes properties along John R. Road from Gardenia Avenue to 10 Mile Road and along 11 Mile Road from I-75 to Lorenz Street.

The Madison Heights Planning Commission recently adopted the 2021 Master Plan which outlines long-term goals and objectives for land use, community character, housing, commercial and industrial development, public services and facilities, and transportation. The City's DDA recently updated its 20-year Tax-Increment Financing (TIF) and Development Plan. The City's Zoning Ordinance is currently codified online via Municode.

Pertinent planning and zoning documents include:

[2021 Master Plan](#)

[2021 Recreation Plan](#)

[DDA Tax Increment Financing and Development Plan](#)

[City of Madison Heights Code of Ordinances: Appendix A – Zoning Ordinance](#)

Staff

The City of Madison Heights' Community & Economic Development (CED) Department houses the Planning Services division and serves as the primary point of contact for matters related to the City's Planning Commission, Zoning Board of Appeals, and Downtown Development Authority. The CED Department consists of the Director, City Planner, Building Official, Trade Permit Inspectors, GIS Technician, and several administrative assistants. The Community and Economic Development Director will serve as Project Manager for the City.

It is anticipated that members of the City's Planning Commission will play a large roles in the process by serving on the project's steering committee.

Existing Zoning Ordinance

Since its initial adoption in the early 1970s, the City's Zoning Ordinance has been amended and patched up in a piecemeal fashion. As a result, the current ordinance contains outdated language that is difficult to administer and standards that lack the ability to address modern development trends.

Deficiencies of the current Zoning Ordinance include, but are not limited to:

- Lacks graphics, tables, illustrations, and other user-friendly elements;
- Contains outdated, inconsistent and ambiguous language which leads to undesirable interpretations of the regulations;
- Primarily contains use-based/Euclidean standards and fails to address the form, function and design of buildings in relation to the public realm;
- Lacks specific site and design standards for the Downtown Development Authority (DDA) district;
- Lacks the ability to accommodate modern development trends and uses, such as flex industrial, maker-spaces, and artisan production/sales;
- Fails to promote proper infill development or adaptive reuse and lacks the ability to achieve context sensitive design; and
- Contains inflexible standards, resulting in increased Zoning Board of Appeals activity.

### **III. SCOPE OF WORK**

With assistance from City staff, the selected firm will conduct a public process to develop a new Zoning Ordinance for the City of Madison Heights. The selected firm shall agree to work with City staff to develop a “hybrid” Zoning Ordinance which incorporates a mixture of conventional zoning standards and form-based zoning standards to achieve the vision of the 2021 Master Plan.

The Planning Commission will be the governmental body responsible for overseeing development and review of the updated Zoning Ordinance, and will then recommend adoption of the final Zoning Ordinance to City Council.

#### Project Objectives

The comprehensive Zoning Ordinance rewrite process shall achieve the following objectives:

- Implement the goals and objectives of the 2021 Master Plan, especially in accordance with the ‘Zoning Plan’ and ‘Implementation’ chapters.
- Incorporate user-friendly formatting techniques including, but not limited to, hyperlinking text, tables, and illustrations.
- Incorporate best practices as recommended by MEDC’s Redevelopment Ready Communities (RRC) program. Please consult the [RRC Best Practices Guide](#). In particular, the zoning rewrite must meet the “Certified Expectations” section of the Best Practices listed below:
  - a. All of the items under [Best Practices Two: Zoning](#)
  - b. [3.1 Defined Processes](#): Clearly defined development review processes provide predictability for investments big and small
  - c. [3.5 Approval Authority](#) Approving permitted uses at the planning commission or staff level allows faster approval and respects the administrative nature of development review.
- Include new zoning districts/overlay districts with form-based elements, where necessary, to align with the 2021 Master Plan’s ‘City Center’ and ‘Mixed Use Innovation’ future land use designations.
- Promote “people-oriented” site and building design.
- Establish internal consistency and ensure legal compliance with recent state and federal land use case law.

- Establish clear procedures for planning and zoning-related applications and identify opportunities for process simplification and flexibility; clearly establish criteria for special land use and variance consideration/approval.
- Modernize sign standards to ensure appropriately-scaled signs of quality design.
- Incorporate modern standards for adaptive reuse and infill development.

### Work Program

The final work program will be developed in conjunction with City staff, but should generally include the following:

1. **Current Zoning Ordinance Assessment:** The consultant will work closely with City staff in producing a brief assessment of the existing Zoning Ordinance to outline ordinance sections that must be adjusted to fulfill the goals and objectives of the 2021 Master Plan or be amended to satisfy recent land use case law. The assessment will also identify opportunities to clarify the development process.
2. **Public Outreach:** The consultant should incorporate a public outreach component designed to inform community stakeholders, the Planning Commission, City Council, and the public on the new Zoning Ordinance. The public outreach component should include, at minimum: one (1) kickoff meeting at Planning Commission to overview the project and discuss the results of the Zoning Ordinance assessment; and one (1) public forum structured as an open house-style information session. The consultant will work with City staff to post updates regarding the Zoning Ordinance rewrite on the City's website.
3. **Meetings and Draft Zoning Ordinance:** The consultant will prepare drafts of the new Zoning Ordinance, including graphics, for review by staff and the Planning Commission. The consultant will be responsible for recommending the organization and style of the draft Zoning Ordinance, incorporating the aforementioned project objectives. Staff and the consultant must agree to an outline and organization of the ordinance before the first draft has begun. The consultant will be responsible for meeting with the Planning Commission and City staff on a regular basis. The number and frequency of the meetings will be determined in consultation with all parties before the project begins. A draft shall be presented for public review and comment.
4. **Presentation:** The consultant will present the final draft Zoning Ordinance to the Planning Commission and participate in the final adoption of the revised Zoning Ordinance at City Council.
5. **Final Work Products:** The new Zoning Ordinance and Zoning Map (if proposed) must be provided in both print and electronic formats that are compatible with the City's software.

#### **IV. DELIVERABLES**

The selected firm shall agree to provide the following deliverables:

1. Completed comprehensive update of the Madison Heights Zoning Ordinance, including six (6) bound hard-copies and a digital version compatible with the City's software. The digital version shall include an editable version in Microsoft Word format or another format deemed acceptable by the Community & Economic Development Director.
2. Completed update of the Madison Heights Zoning Map (if proposed) in digital and hard-copy format. The data used to produce this map should be delivered in industry standard GIS data format.
3. Hand-outs used in public forums and result summaries of such public forums in both hard copy and electronic format.
4. Illustrative images for definitions, zoning regulations, and dimensional standards, where needed.
5. Periodic progress reports and research information relative to the project.

**NOTE: All data shall become the property of the City of Madison Heights for future use and modification.**

#### **V. SUBMITTAL SCHEDULE AND INSURANCE REQUIREMENTS**

##### **1. PREPARATION OF PROPOSAL**

- A. Interested contractors are expected to examine specifications and all instructions. Failure to do so will be at the contractor's risk.
- B. Each contractor shall furnish all information required on proposal forms. Erasures or other changes must be initialed by the person signing the form.
- C. If there is any doubt as to the meaning of any part of the specifications or other conditions within this request for proposal, please call (248) 583-0828 for clarification.

##### **2. SUBMISSION OF PROPOSALS/BIDS**

- A. RFP/Bid Submission Options: Bid Submittals/Proposals must be submitted electronically. Hard paper copy, email or fax submission of bids / proposals is not an option. To be considered, your bid/proposal must be submitted to the City as instructed prior to the Date and Time specified. No late bids/proposals will be accepted. Bids/proposals may be withdrawn by a bidder, or authorized representative, provided their identity is made known and an email, phone call or fax is made to the City and the City can verify via return email or phone call the identity of the bidder and the intention to withdraw the bid/proposal, and if withdrawal is made

prior to the stated submittal deadline. On the mitn.info portal, electronic bids/proposals may be withdrawn by placing the bid/proposal into “storage” through the Edit option prior to the stated submittal deadline. The City of Madison Heights reserves the right to postpone the bid/proposal opening for its own convenience.

B. Electronic Bid/Proposal Submission Only

The vendor / Contractor will need to complete, scan and upload your entire bid/RFP package through the MITN system. All electronic bids / proposals will be submitted directly into a secured MITN “vault” that cannot be opened until the bid / proposal submission deadline date and time.

Vendor / Contractor Submittal Procedure:

- Login to the MITN website using your previously registered credentials at <http://www.mitn.info>.
- Locate and enter the Madison Heights Solicitation you have prepared a bid/proposal for.
- Click on the “Place Bid” button on the upper right side of the page.
- In the “Place a Bid” window, select “Place a new Bid” or “Place a No Bid” (Depending on your response). Select the “Continue” button.
- On the next page, in the “Documents” tab, select “Add File” or “Import Zip file” (Depending on your file type). Complete all required actions and click the “Next” button.
- This will bring you to the “Pricing” tab. There you will see a reminder to “Don’t forget to attach your pricing in the ‘Documents’ section”. Select the “Next” button.
- On the following screen, in the “Exceptions” section, select “No” or “Yes” (depending on your response). In the “Bidder Compliance & Authentication” section, you will enter your full name and password where prompted. Click the “Submit Bid” button.
- In the “Bid Submission Confirmation” window, select “No” or “Yes” (depending on your response).
- Finally, the next screen will confirm your bid submission. Here you will receive a confirmation number and will be able to download a PDF version of the confirmation for your records.

Important: The mitn.info system locks at 2:00PM (Madison Heights, Michigan Time) on the due date, and no bids / proposals can be downloaded after that time. No exceptions.

Bids/proposals must be downloaded and accepted by the mitn.info downloading portal before 2:00 pm. Do not wait until the last minute to submit your bid/proposal – internet connections, computer systems failures on the submitter’s part could cause a bid/proposal to be denied from

downloading in the mitn.info system. There will be no exceptions and late submittals cannot be accepted.

C. BID BOND SUBMITTAL- Please refer to the specifications and forms for bid bond requirements and other required information when you are preparing your bid/proposal documents. When bid bonds are required, all bidders must submit a photocopy of the Bid Bond (surety, cashier check, certified check) as part of the electronic bid submission. The photocopy must be of sufficient resolution to show a valid stamp, seal, signatures, names, dates, etc. The original Bid Bond must be provided upon request of the City. Failure to submit the original Bid Bond, upon request of the City, may result in the bid being deemed unresponsive and the bid rejected without further evaluation.

D. After stated closing time, no bid may be withdrawn or canceled for a period of ninety (90) days after said closing time.

E. The bidder shall specify a unit price for each item listed. Unit price will prevail on all items.

F. PUBLIC BID OPENING: A public bid opening shall be held at or near 2:05 pm on the posted deadline date, utilizing Zoom meeting software. The link for each specific bid open shall be included in the specifications. A City Representative shall read the bids/names of firms submitting proposal, as they are downloaded and made available. Please be patient as the process may take a few minutes while the files are downloaded.

Join Zoom Meeting for RFP Opening RFP MH 22-01 – Comprehensive Zoning Ordinance Rewrite:

<https://us02web.zoom.us/j/84216608323>

Meeting ID: 842 1660 8323  
One tap mobile  
+19292056099,,84216608323# US (New York)  
+13017158592,,84216608323# US (Washington DC)

G. TERMS

All bids to be tax exempt, State of Michigan #B386025685.

All bid quotations will be based on F.O.B. Destination – City of Madison Heights

Please direct your questions to the City of Madison Heights Purchasing Department at 248-583-0828, Monday through Friday, from 8:00 a.m. to 4:30 p.m. (EST)

**3. GENERAL CONSIDERATIONS OF PROPOSALS RFP #MH-22-01:**

**A. Proposals submitted on bid form are understood to be according to specified data.**

In cases where an item is requested by a manufacturer's name, trade name, catalog number, or reference, it is understood that the bidder proposes to furnish the item so identified or an item of equal quality and value.

Reference to any of the above is intended to be descriptive but not restrictive and only indicates articles that will not be satisfactory. Bids of "equal" quality and value will be considered, provided that the bidder states in his/her proposal exactly what he/she proposes to furnish, including illustration or other descriptive matter which will clearly indicate the character of the article covered by such proposal.

**B. The Purchasing Agent hereby reserves the right to approve as an equal, or reject as not being an equal, any article proposed which contains major or minor variations from specification requirements but which may comply substantially therewith.**

**C. The City of Madison Heights reserves the right, in its sole discretion, to reject any/or all bids, to waive any irregularities and technical defects contained therein, to award the bid in its entirety, in part or not at all and/or to determine which bid is the lowest and/or best to enter into a Contract, as it may deem to be in the best interest of the City.**

**D. NON-IRAN LINKED BUSINESS.**

Under Michigan Public Act No. 517 of 2012, as amended, an Iran linked business as defined therein is not eligible to contract with the City of Madison Heights and shall not submit a bid. By signing the bid documents it is hereby certified and agreed on behalf of the signatory and the company submitting this proposal the following: (1) that the signatory is duly authorized to legally bind the company submitting this proposal; and (2) that the company submitting this proposal is not an "Iran linked business," as that term is defined in Section 2(e) of the Iran Economic Sanctions Act, being Michigan Public Act No. 517 of 2012; and (3) that the signatory and the company submitting this proposal will immediately comply with any further certifications or information submissions requested by the City in this regard.

**E. NON-DISCRIMINATION CLAUSE**

In the performance of a contract or purchase order, the contractor agrees not to discriminate against any employee or applicant for employment, with respect to their hire, tenure, terms conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, national origin, ancestry, age, sex, height, weight,

marital status, physical or mental handicap or disability. The contractor further agrees that every subcontract entered into for the performance of any contract or purchase order resulting here from will contain a provision requiring non-discrimination in employment, as herein specified, binding upon each subcontractor. This covenant is required pursuant to Title VI of the Civil Rights Act of 1964 42 U.S.C., as well as the Elliot Larsen Civil Rights Act, 1976 Public Act 453, as amended, MCL 37.2201, et seq, and the Michigan Handicapper's Civil Rights Act, 1976 Public Act 220, as amended, MCL 37.1101, et seq, and any breach thereof may be regarded as a material breach of the contract or purchase order.

F. The Contractor / Company acknowledges and agrees that the City, with the written approval of the Contractor / Company, may extend this Contract for new projects or additional work of a similar nature at the same unit prices as set out by Contractor / Company for this Contract, by execution of a change order. Any work to be performed under a change order of this contract is subject to all the requirements contained herein. The Contractor / Company shall provide all insurance certificates and performance bonds for the required coverage for the new work to be performed for any change order extending this contract. A change order extending this Contact, as set out herein, shall be in compliance with Section 2-249 (c) (1) of the City's purchasing ordinance.

#### **4. INSURANCE REQUIREMENTS**

The contractor, or any of their subcontractors, shall not commence work under this contract until they have obtained the insurance required under this paragraph, and shall keep such insurance in force during the entire life of this contract. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan and acceptable to the City of Madison Heights. The requirements below should not be interpreted to limit the liability of the Contractor. All deductibles and Self Insured Retentions are the responsibility of the Contractor.

- Worker's Compensation Insurance including Employers' Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- Comprehensive General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence and aggregate. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent, if not already included. A per project/contract aggregate shall be endorsed onto this policy.
- Automobile Liability including Michigan No-Fault Coverages, with limits of liability not less than \$1,000,000 per occurrence, combined single limit for Bodily Injury, and

Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

- Owners' and Contractors' Protective Liability: The Contractor shall procure and maintain during the life of this contract, a separate Owners' and Contractors' Protective Liability Policy with limits of liability not less than \$1,000,000 per occurrence and aggregate. .
- Additional Insured: Commercial General Liability and Motor Vehicle Liability, as described above, shall include an endorsement stating the following shall be Additional Insureds: The City of Madison Heights, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of Madison Heights as additional insured, coverage afforded is considered to be primary and any other insurance the City of Madison Heights may have in effect shall be considered secondary and/or excess.
- Cancellation Notice: All policies, as described above, shall include an endorsement stating that is it understood and agreed Thirty (30) days, Ten (10) days for non-payment of premium, Advance Written Notice of Cancellation, Non-Renewal, Reduction, and/or Material Change shall be sent to: City of Madison Heights, c/o Purchasing Department, 300 West 13 Mile, Madison Heights, MI 48071.
- Proof of Insurance Coverage: The Contractor shall provide the City of Madison Heights, at the time that the contracts are returned by him/her for execution, a Certificate of Insurance as well as the required endorsements. In lieu of required endorsements, if applicable, a copy of the policy sections where coverage is provided for additional insured and cancellation notice would be acceptable. Copies or certified copies of all policies mentioned above shall be furnished, if so requested.

If any of the above coverages expire during the term of this contract, the Contractor shall deliver renewal certificates and endorsements to the City of Madison Heights as least ten (10) days prior to the expiration date.

The following identifies the schedule for the RFP and consultant selection process:

Date/Time	Activity
12/16/21	RFP is posted
1/10/22	Questions must be received by the Community & Economic Development Director in writing (via letter or email)
1/14/22	Responses to questions will be posted at <a href="http://www.mitn.info">www.mitn.info</a>
1/28/22	RFP due – Submissions made after this deadline will not be considered
2/2/22	Selection Committee will select their top consultants for interviews
2/8/22	In-person interviews with Selection Committee
2/15/22	Planning Commission will make recommendation to City Council
2/21/22	City Council will consider Planning Commission recommendation and award a contract to the selected consultant

## VI. PROPOSAL CONTENT

Proposals shall be submitted as detailed in Section V – Submittal and Schedule – and include the following:

1. **Letter of Interest:** Cover letter indicating interest in the project and identifying the firm's ability to provide zoning ordinance services. The letter must include the consultant's understanding of Madison Heights' needs and any foreseen challenges.
2. **Introduction:** A brief description of the firm including the number of years the firm has been in existence, range of professional services, office locations, and staff size.
3. **Work Program:** Describe the general project approach and process to be employed to fulfill the Scope of Work outlined in Section III. Describe the proposed project schedule, including a timeline of major milestones, deliverables, and completion.
4. **Timeframe Flow Chart:** Submit a flow chart with the estimated project timeframe for meeting important project targets.
5. **Experience and Qualifications:** A brief description of the firm's prior work relevant to this RFP, including the name, address, and phone number of client references and primary contacts.
6. **Consultant Personnel:** Include resumes of company personnel, including subcontractors if proposed to be used, as well as their involvement and proposed roles in the project.
7. **Estimated Costs:** Submit cost estimates for each task associated with the preparation of the project. Please see Exhibit A – Cost Proposal – for further instructions.

8. **Exhibits:** Please include fully executed copies of Exhibits B and C, attached to this RFP.
9. **Supplemental Information:** Please include any other supplemental information that may help with the selection process.

## **VII. EVALUATION CRITERIA**

### Evaluation Criteria

The following criteria will be considered in evaluation of submitted proposals:

1. Capabilities and previous experience in comparable projects and specialized experience and technical competence of the consultant.
2. The firm's general approach to the project. Although the City of Madison Heights has identified the general nature of services required, the consultant is given leeway toward the approach and methodology to provide the proposed services.
3. Past record of performance on contracts with other governmental agencies, including such factors as quality of work, cost control, and demonstrated ability to meet scheduled deadlines.
4. Capacity of the candidate to perform the work in a timely manner and affirmatively respond to the inquiries and schedule of the City and dedicate the appropriate personnel.
5. Qualifications of individuals who will have direct involvement in tasks on this project.
6. Compatibility with the City's financial obligations.

The selection committee will select finalists from the complete proposals received before the RFP deadline. The City may ask finalists to present their proposals in person prior to final selection.

## **VIII. INQUIRIES**

Any questions concerning the RFP shall be directed in writing via email to:

Giles Tucker, Community & Economic Development Director  
[GilesTucker@madison-heights.org](mailto:GilesTucker@madison-heights.org)

**QUESTIONS MUST BE RECEIVED NO LATER THAN 4:00PM ON 1/10/22**  
**AN ADDENDUM WILL BE POSTED AT [WWW.MITN.INFO](http://WWW.MITN.INFO) BY 4:00PM ON 1/14/22**

**EXHIBIT A – Cost Proposal**

Cost proposals will be evaluated after a review and evaluation of each consultant's qualifications.

The City is seeking a lump-sum bid which includes:

1. Task-by-Task Summary: Itemize all of the tasks and associated costs that are included in the lump-sum bid.
2. Deliverables: The bid should include deliverables and their associated costs.
3. General and Administrative Burden or Overhead: Indicate percentage and total.
4. Costs of Supplies and Materials: Itemize.
5. Transportation Costs: Show travel costs and per diem separately.
6. Other Direct Costs: Itemize any costs not included in the above items that are deemed necessary.

The Cost Proposal must also include a breakdown of costs, should the City require additional services above and beyond the services proposed in the lump-sum bid. This should include, in a readable format, a breakdown of costs as described below:

1. Manpower Costs: Itemize so as to show the following for each category of personnel with a different rate per hour:
  - a. Category, i.e., project manager, senior planner, analyst, etc.
  - b. Rate per hour
2. General and Administrative Burden or Overhead: Indicate percentage and total.
3. Costs of Supplies and Materials: Itemize.
4. Transportation Costs: Show travel costs and per diem separately.
5. Other Direct Costs: Itemize any costs not included in the above items that are deemed necessary.

**EXHIBIT B – Proposal Submission**

The undersigned having become thoroughly familiar with and understanding the entire proposal documents attached hereto, agrees to provide the services as specified herein, for the unit prices as stipulated herein, subject to negotiation.

I hereby state that all of the information I have provided is true, accurate and complete. I hereby state that I have authority to submit this proposal which will become a binding contract if accepted by the City of Madison Heights. I hereby state that I have not communicated with, nor accepted anything of value from an official or employee of the City of Madison Heights that would tend to destroy or hinder free competition.

I hereby state that I have read, understand and agree to be bound by all the terms of this proposal document.

DATE: \_\_\_\_\_

FIRM NAME: (if any) \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
(Street Address) (City) (State) (Zip)

PHONE NO. (\_\_\_\_) \_\_\_\_\_ FAX NO.: (\_\_\_\_) \_\_\_\_\_

EMAIL: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_, a notary public in  
and for said county.

\_\_\_\_\_, Notary Public

\_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_

**EXHIBIT C – Non-Collusion Affidavit**

STATE OF MICHIGAN )

COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn, deposed and  
says that:

1. He/She is \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_, the consultant that has submitted the attached proposal;  
2. He/She is fully informed respecting the preparation and contents of the attached  
proposal and of all pertinent circumstances respecting such proposal;

3. Such proposal is genuine and is not a collusive or sham proposal;

4. Neither the said consultant nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other consultant, firm or person to submit a collusive or sham proposal in connection with the contract for which the attached proposal has been submitted or to refrain from proposing in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other consultant, firm or person to fix the price or prices in the attached proposal or of any other consultant, or to fix any overhead, profit or cost element of the proposal price or the proposal price of any other consultant, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Madison Heights or any person interested in the proposed contract; and

5. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the consultant or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

The undersigned signed this on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ SIGNATURE

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_, a notary public in  
and for said county.

\_\_\_\_\_, Notary Public

\_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_

## **CITY OF MADISON HEIGHTS**

## **PLANNING COMMISSION**

### **2021 ANNUAL REPORT**

In 2021, the Madison Heights Planning Commission held 11 regular meetings (including 6 virtually via Zoom) and considered the following:

#### **2021 Master Plan**

The Planning Commission formally adopted the 2021 Master Plan, along with the text, maps, charts, graphs, and other descriptive materials contained within the plan.

#### **Zoning Ordinance Text Amendments**

The Planning Commission conducted the required public hearings and recommended approval to City Council of the following zoning text amendments:

- ZTA 21-01: Site Plan review process
- ZTA 21-02: Building height, density, and area and mixed-use developments
- ZTA 21-03: Accessory buildings and flag poles
- ZTA 21-04: Outdoor storage and outdoor vehicular storage
- ZTA 21-05: M-1 and M-2 uses
- ZTA 21-06: Outdoor seating and entertainment
- ZTA 21-09: Off-street parking and loading
- ZTA 21-10: Restaurants with drive-through lanes

#### **Rezonings**

The Planning Commission conducted the required public hearings and recommended approval to City Councils of the following rezoning requests:

- PRZN 21-01: 26783 Lenox Ave. – R-3 to P-1
- PRZN 21-02: 26744 Osmun St. – R-3 to B-3

#### **Site Plans**

The Planning Commission approved the following site plan application:

- PSPR 20-46: Costco parking lot expansion, 30550 Stephenson Hwy.