

**CITY OF MADISON HEIGHTS  
300 W. 13 MILE ROAD  
REGULAR COUNCIL MEETING AGENDA  
JANUARY 24, 2022  
7:30 P.M.**

**AGENDA:**

**CALL TO ORDER**

**ROLL CALL**

**INVOCATION – COUNCILMAN SOLTIS**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:**

1. Additions
2. Deletions

**PRESENTATIONS**

1. Proclamation – Celebrating Asian Lunar New Year, February 1, 2022
2. 2021 Holiday Lighting Awards

**A – PUBLIC HEARINGS:**

1. Special Approval 21-07 – 32601 Industrial Drive, motor vehicle repair and maintenance service facility in the M-1, Light Industrial District.

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

**B - MEETING OPEN TO THE PUBLIC:**

**C – COMMUNICATIONS:**

1. Dan Lee – Resignation from the Environmental Citizens Committee
2. Ashton Southard – Resignation from the Library Advisory Board

**D – REPORTS:**

1. DPS Director – Red Oaks Youth Soccer Complex Use Agreement with Madison Heights Youth Soccer Association

**E - ITEMS FOR FUTURE PUBLIC HEARINGS:**

**F - BID AWARDS/PURCHASES:**

**G - ORDINANCES:**

**H - UNFINISHED BUSINESS:**

**MINUTES:**

1. Regular City Council meeting minutes of 01-10-22

**J - EXECUTIVE SESSION:**

**ADJOURNMENT**

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

DATE: January 20, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, January 24, 2022

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The following are my comments for items appearing on the agenda of the Regular Council Meeting of Monday, January 24, 2022.

## **PRESENTATIONS**

1. **NUMBER 1: PROCLAMATION – CELEBRATING ASIAN LUNAR NEW YEAR, FEBRUARY 1, 2022**

Council is scheduled to present a Proclamation recognizing February 1, 2022 as the Lunar New Year and wishes the Madison Heights Asian community, residents, and businesses a happy new year.

2. **NUMBER 2: 2021 HOLIDAY LIGHTING AWARDS**

On behalf of the Active Adult Center Advisory Board, staff has requested time on tonight's agenda to present certificates to the winners of this year's Holiday Lighting Awards Program. The Department of Public Services Director Corey Almas is scheduled to make the presentations, including a short video.

**A - PUBLIC HEARINGS:**

**NUMBER 1: SPECIAL APPROVAL 21-07 – 32601 INDUSTRIAL DRIVE, MOTOR VEHICLE REPAIR AND MAINTENANCE SERVICE FACILITY IN THE M-1, LIGHT INDUSTRIAL DISTRICT.**

The applicant, Matthew Usbeck on behalf of the property owner, Douglas Capital Partners, and proposed tenant, Rivian Automotive, request special use approval for a motor vehicle repair and maintenance service facility at 32601 Industrial Drive, zoned M-1, Light Industrial. The subject property is approximately 2.47 acres in area and is improved with a 26,790 square-foot, one-story industrial building located on the west side of Industrial Drive, south of E. 14 Mile Road.

Rivian Automotive, an electric vehicle automaker, intends to utilize the existing building for vehicle service and repair. Per the applicant, vehicle service at this location will include, but is not limited to, tire changing, wheel alignment, hardware replacement, windshield wiper fluid replacement, and software updates. Pre-delivery inspections will also be performed on site. The anticipated initial hours of operation are Monday thru Friday, 8 am to 5 pm., with the potential for increased service hours in the future.

In addition to interior building modifications, the applicant proposes improvements to the site, including a rear parking lot expansion, underground stormwater detention, sidewalk connection, interior parking lot and site landscaping, and additional minor enhancements to meet zoning requirements. Electric vehicle charging stations are proposed within the parking area.

This requested special use for a motor vehicle repair and maintenance service is permitted is compatible with existing uses along this portion of Industrial Drive and compatible with uses permitted within the M-1 zoning district.

The proposed use is consistent and compatible with the description and intent of the '*Industrial*' future land use designation, as contained within the 2021 Master Plan.

The proposed use generally satisfies the special approval review standards and criteria listed in Section 10.201(4).

The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their January 12, 2022 meeting and did not cite concerns regarding the proposed special use.

Separate SRPC approval will be required for the proposed site plan. Based on these findings, staff recommends that the City Council approve the requested special use with the following conditions:

1. All repair work of any nature shall be done within an enclosed building.
2. Vehicles that are waiting to be repaired or serviced shall not be parked outside on the premises for a period longer than 72 hours.
3. Expansion of the existing building for purposes related to the approved special use shall require new special use approval through City Council.
4. The proposed use shall comply with the performance standards as set forth in Section 10.509 of the Zoning Ordinance

After the public hearing and discussion, the City Council may take action on the requested special use. Any motion shall include concise findings based upon the special approval review standards and criteria, Section 10.201(4).

**C - COMMUNICATIONS:**

1. NUMBER 1: DAN LEE – RESIGNATION FROM THE ENVIRONMENTAL CITIZENS COMMITTEE

Dan Lee has submitted his resignation from the Environmental Citizens Committee. City Council is being requested to accept his resignation and declare his seat vacant.

2. NUMBER 2: ASHTON SOUTHARD – RESIGNATION FROM THE LIBRARY ADVISORY BOARD

Ashton Southard has submitted her resignation from the Library Advisory Board. City Council is being requested to accept her resignation and declare her seat vacant.

**D - REPORTS:**

1. NUMBER 1: DPS DIRECTOR – RED OAKS YOUTH SOCCER COMPLEX USE AGREEMENT WITH MADISON HEIGHTS YOUTH SOCCER ASSOCIATION

City Council has approved Use Agreements with the Madison Heights Youth Soccer Association (MHYSA), covering the last 12 years of operation from 2010 through December 31, 2021. Staff and I recommend that Council approve a new three-year extension agreement with the term ending December 31, 2024, and authorize the Mayor and City Clerk to sign on behalf of the City. All terms and conditions remain in effect. The City Attorney has previously reviewed and concurred with Staff's recommendation.

## PROCLAMATION

### CELEBRATING ASIAN LUNAR NEW YEAR, February 1, 2022

**WHEREAS**, February 1, 2022 is the Lunar New Year and,

**WHEREAS**, The Lunar New Year is celebrated by Chinese, Koreans, Vietnamese and other Asian ethnic groups; and,

**WHEREAS**, The Lunar New Year is considered to be a significant holiday by many in the Asian community as a centuries-old tradition ushering in harmony and goodwill in this Year of the Tiger; and,

**WHEREAS**, the tiger is the third animal in the Chinese zodiac, exuding loyalty, humanitarianism, and fight to protect the people in their care and,

**WHEREAS**, On behalf all of the City of Madison Heights Asian community, residents and business owners we wish you happiness and prosperity in the New Year; and,

**NOW, THEREFORE**, the Madison Heights City Council does hereby recognize February 1, 2022 as the Lunar New Year and wishes everyone a happy new year.



Roslyn Grafstein  
Mayor



Mark A. Bliss  
Councilman



Robert J. Corbett Jr.  
Mayor Pro Tem



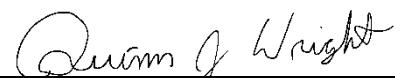
Sean D. Fleming  
Councilman



Emily J. Rohrbach  
Councilor



David M. Soltis  
Councilman



Quinn J. Wright  
Councilor

**CITY OF MADISON HEIGHTS**  
**ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____	OLD BUSINESS	_____

**DESCRIPTION OF ITEM**

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

**POLICY CONSIDERATION**

**FINANCIAL IMPACT**

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 <sup>nd</sup> Acct.	_____		_____
Other Comments	_____		_____

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

**CITY OF MADISON HEIGHTS**  
**ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____	UNFINISHED BUSINESS	_____

**DESCRIPTION OF ITEM**

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

**POLICY CONSIDERATION**

**FINANCIAL IMPACT**

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 <sup>nd</sup> Acct.	_____		
Other Comments	_____		

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_



# MEMORANDUM

Date: January 13<sup>th</sup>, 2022  
To: City of Madison Heights City Council  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Special Approval Request PSP 21-07 – 32601 Industrial Drive – Rivian Service Center

## Introduction

The applicant, Matthew Usbeck on behalf of the property owner, Douglas Capital Partners, and proposed tenant, Rivian Automotive, requests special use approval for a motor vehicle repair and maintenance service facility at **32601 Industrial Drive** (PIN 44-25-01-202-022), zoned **M-1, Light Industrial**. The subject property is located on the west side of Industrial Drive, south of E. 14 Mile Road.

## Background and Analysis

The subject property is approximately 2.47 acres in area and is improved with a 26,790 square-foot, one-story industrial building. Rivian Automotive, an electric vehicle automaker, intends to utilize the existing building for vehicle service and repair. Per the applicant, vehicle service at this location will include, but is not limited to, tire changing, wheel alignment, hardware replacement, windshield wiper fluid replacement, and software updates. Pre-delivery inspections will also be performed on site. The anticipated initial hours of operation are Monday thru Friday, 8 am to 5 pm., with the potential for increased service hours in the future.

In addition to interior building modifications, the applicant proposes improvements to the site including a rear parking lot expansion, underground stormwater detention, sidewalk connection, interior parking lot and site landscaping, and additional minor improvements to meet zoning requirements. Electric vehicle charging stations are proposed within the parking area. Administrative site plan approval will be required in addition to special use approval.

Per Section 10.329, motor vehicle repair facilities and/or motor vehicle maintenance service facilities are permitted within the M-1 district upon special use approval. Requests for special approval are subject to the following criteria, as outlined in Section **10.201(4)**:

*The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:*

1. *Location of use(s) on site;*
2. *Height of all improvements and structures;*
3. *Adjacent conforming land uses;*
4. *Need for proposed use in specified areas of the city;*
5. *Conformance with future land use plans for the area as adopted by the planning commission;*
6. *Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.*

Additional criteria for reviewing special approval uses are contained at the end of this report.

### Existing Zoning and Land Use

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

	Existing Land Use	Existing Zoning
<b>Site</b>	Industrial	M-1, Light Industrial
<b>North</b>	Industrial	M-1, Light Industrial
<b>South</b>	Industrial	M-1, Light Industrial
<b>East (across Industrial Drive)</b>	Industrial	M-1, Light Industrial
<b>West</b>	Industrial	M-1, Light Industrial

The subject site is surrounded by property zoned for, and improved with, light industrial, manufacturing, and warehousing facilities. Per the Zoning Ordinance, the M-1 Light Industrial District is designed 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.”*

*Existing Conditions along Industrial Drive (looking south)*



*Existing Conditions along Industrial Drive (looking north)*



### Future Land Use and Master Plan

Adjacent future land use designations as contained within the 2021 Madison Heights Master Plan are denoted in the table below:

	<b>Future Land Use</b>
<b>Site</b>	Industrial
<b>North</b>	Industrial
<b>South</b>	Industrial
<b>East (across Industrial Drive)</b>	Industrial
<b>West</b>	Industrial

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

### **Findings and Recommendation**

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval for a motor vehicle repair and maintenance service facility at 32601 Industrial Drive, zoned M-1, Light Industrial. The M-1 District permits a range of manufacturing, warehouse, distribution, and office uses. The proposed use is compatible with existing uses along this portion of Industrial Drive and compatible with uses permitted within the M-1 zoning district.
2. The proposed use is consistent and compatible with the description and intent of the '*Industrial*' future land use designation, as contained within the 2021 Master Plan.
3. The proposed use generally satisfies the special approval review standards and criteria listed in Section 10.201(4).
4. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their January 12<sup>th</sup>, 2022 meeting and did not cite concerns regarding the proposed special use. Separate SRPC approval will be required for the proposed site plan.

Based on these findings, staff recommends that the City Council approve the requested special use with the following conditions:

1. All repair work of any nature shall be done within an enclosed building.
2. Vehicles that are waiting to be repaired or serviced shall not be parked outside on the premises for a period longer than 72 hours.
3. Expansion of the existing building for purposes related to the approved special use shall require new special use approval through City Council.
4. The proposed use shall comply with the performance standards as set forth in Section 10.509 of the Zoning Ordinance

## Next Step

After the public hearing and discussion, the City Council may take action on the requested special use. **Any motion shall include concise findings based upon the special approval review standards and criteria, Section 10.201(4).**

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

(4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:

- (a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.
- (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.
- (c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
  1. Location of use(s) on site;
  2. Height of all improvements and structures;
  3. Adjacent conforming land uses;
  4. Need for proposed use in specified areas of the city;
  5. Conformance with future land use plans for the area as adopted by the planning commission; and
  6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.
- (d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
  1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
  2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
  3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
  4. Adequacy of sight distances;
  5. Location and access of off-street parking;
  6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
- (e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.
- (f) The use shall be properly served by utilities.
- (g) The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.

- (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
- (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
  1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
  4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
- (l) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on January 24<sup>th</sup>, 2022 at 7:30 p.m. in the City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071 to consider the following special approval request:

### Case # PSP 21-007

The applicant, Matthew Usbeck, requests Special Approval from City Council under Section 10.329 of the Madison Heights Zoning Ordinance to allow for a motor vehicle repair and maintenance service facility at 32601 Industrial Drive, PIN 44-25-01-202-022. The property is zoned M-1, Light Industrial.

The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed after 4:00 p.m. on Friday, January 21<sup>st</sup>, 2022 online at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center.

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

Cheryl Rottmann, CMC  
City Clerk  
(248) 583-0826

# Site Address: 32601 Industrial Drive



Click for Maps

Aerial



  32601 Industrial Drive  
  Parcels

Existing Land Use



  32601 Industrial Dr  
  Buildings  
  Parcels  
  Vacant

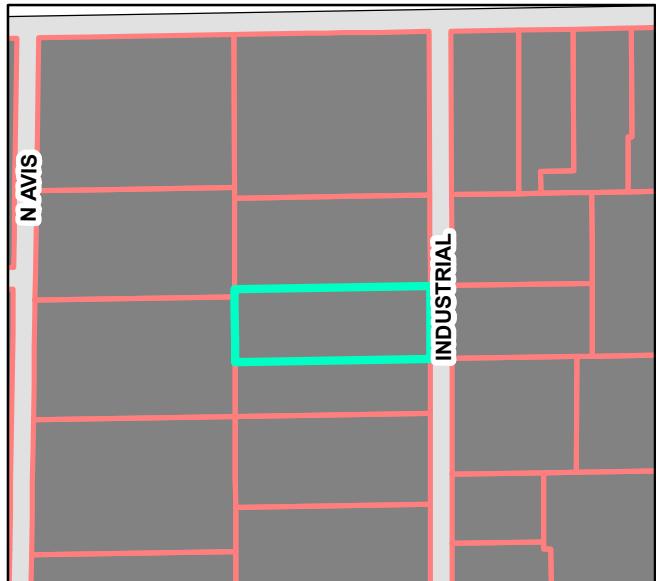
	Single And Two Family
	Office
	Commercial
	Industrial
	Public

Zoning



  32601 Industrial Drive  
  Buildings  
  Parcels  
  M-1 Light Industrial

Future Land Use

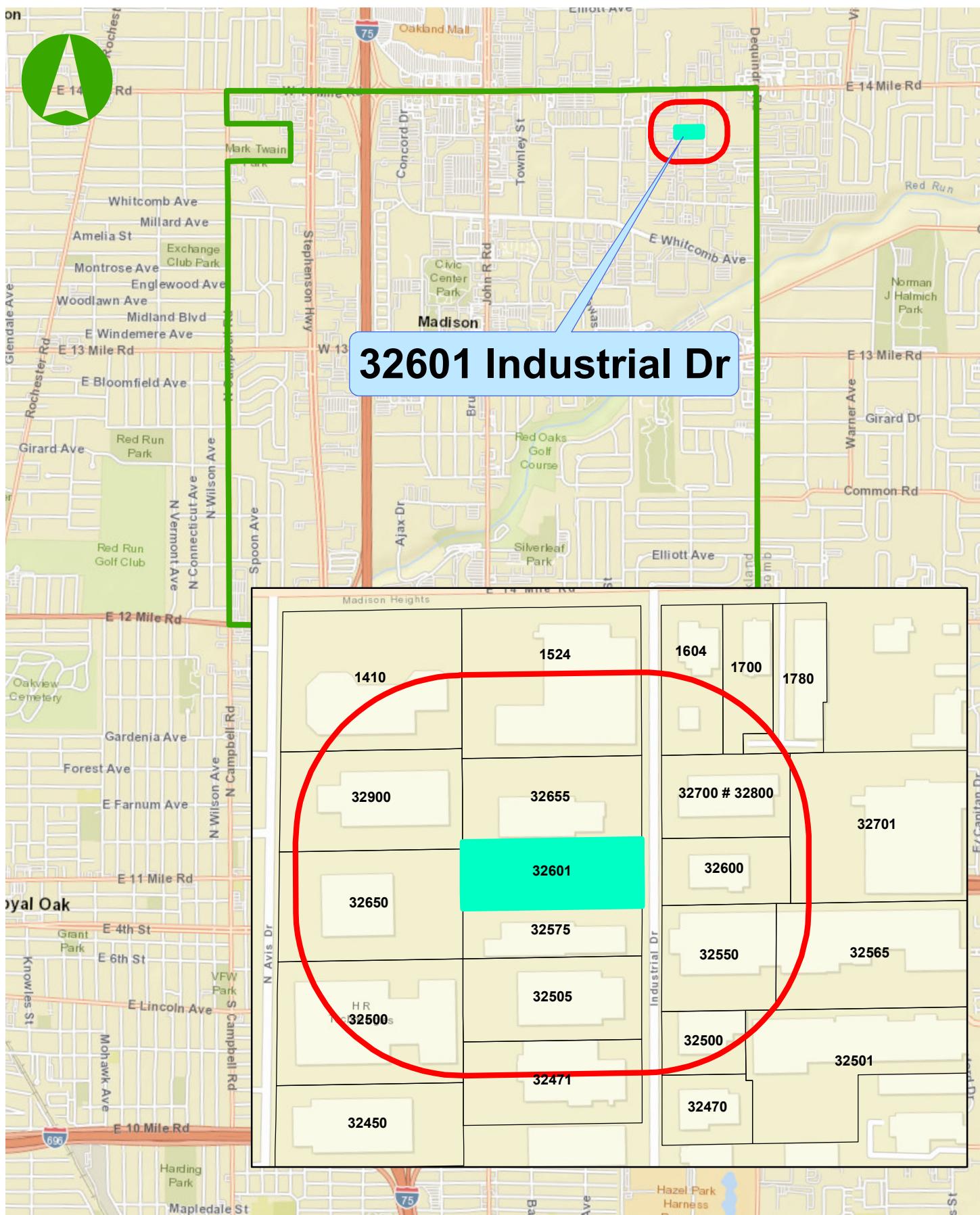


  32601 Industrial Drive  
  Single Family  
  Multiple Family  
  Office  
  Commercial

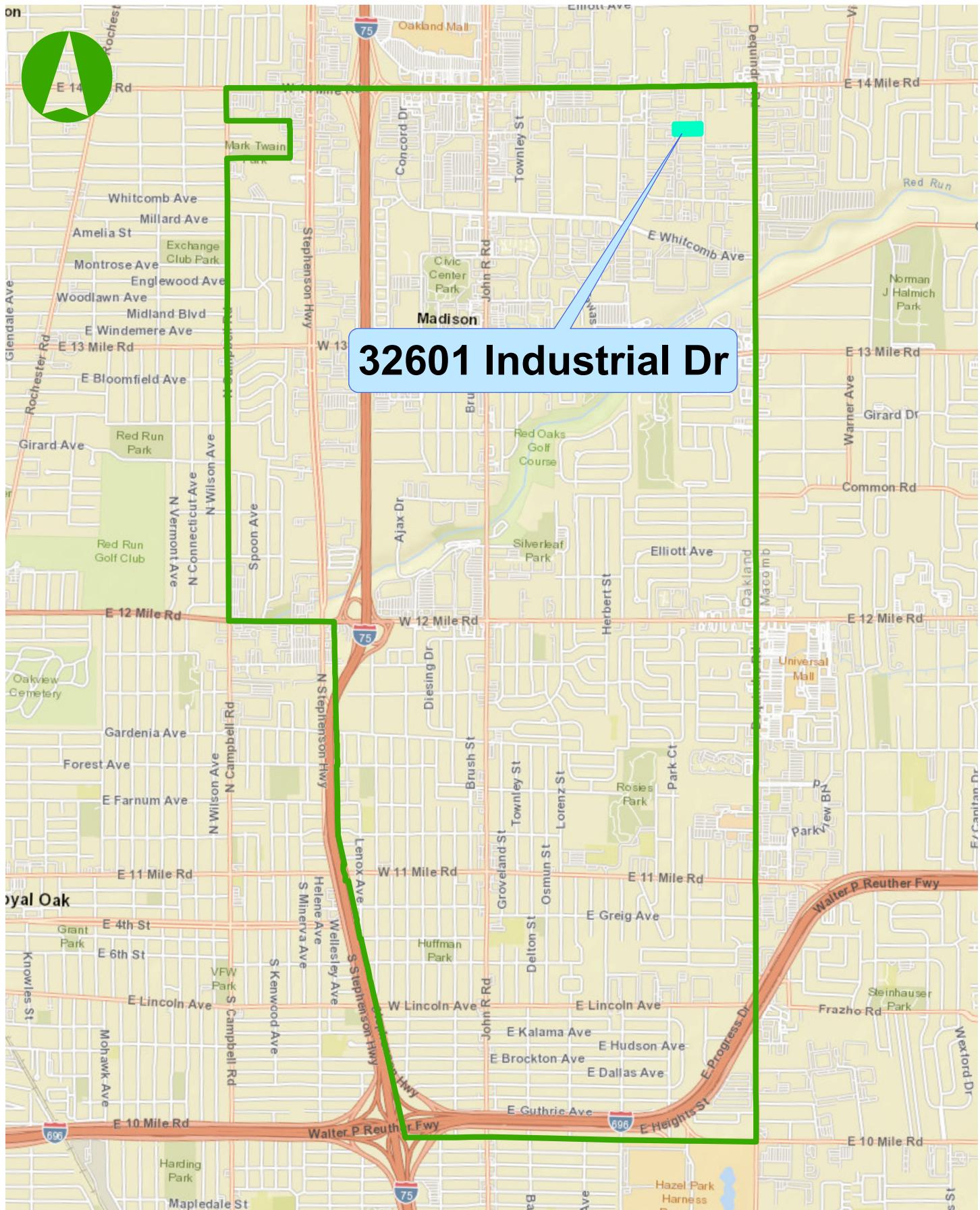
	Mixed Use Innovation
	Industrial
	Public and Schools
	Recreation
	Conservation

# Special Use: 21 - 07

## Buffer 500 Ft



# Special Use: 21 - 07



## Matt Lonnerstater

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**From:** Matthew Usbeck <Matthew.Usbeck@crtkl.com>  
**Sent:** Tuesday, January 4, 2022 4:05 PM  
**To:** Matt Lonnerstater  
**Cc:** Giles Tucker  
**Subject:** RE: [EXTERNAL] RE: Rivian Madison Heights - 32601 Industrial Drive

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Matt,  
Rivian has sent me the following for your review:

*We here at Rivian are focused on breathing new life into existing spaces. The location at 32601 Industrial Drive provides a unique opportunity by facilitating Rivian's immediate program needs, while preparing for future expansion. It is our goal to grow and remain a valued member of the Madison Heights community.*

*Rivian produces all-electric adventure vehicles. Compared to a gasoline vehicle, the EV service experience is far cleaner and quieter. Examples of vehicle service at this location would include tire changing, wheel alignment, hardware replacement such as door handles, windshield wiper fluid replacement and software updates. Pre-delivery inspections - the process of deeply reviewing each vehicle feature before owners receive them - will also be conducted here. Vehicle charging will be provided as a supplementary activity to support service operations and keep vehicles energized while on site for maintenance.*

*Hours of operation will be 8am-5pm Monday-Friday initially, with anticipation of ramping up over time to include Saturday. It is also anticipated that we may add overnight shifts as-needed during periods peak demand and to support our business partners.*

Let us know if this is adequate or requires additional information? Also, will you need this on letterhead?

### Matthew R. Usbeck

RA, LEED AP BD+C  
Associate Principal

+1 248 483 0578 Direct | +1 947 777 4574 Cell

**CRTKL** | 

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**From:** Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>  
**Sent:** Monday, January 3, 2022 1:20 PM  
**To:** Matthew Usbeck <Matthew.Usbeck@crtkl.com>  
**Cc:** Giles Tucker <GilesTucker@Madison-Heights.org>  
**Subject:** RE: [EXTERNAL] RE: Rivian Madison Heights - 32601 Industrial Drive

Good afternoon, Matthew, and happy new year!

Could you and your client put together a brief narrative of the Rivian project to supplement the special use application? For example, an overview of the company, scope of operations of the proposed Industrial Drive property, anticipated hours of operation, etc.?



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

FOR OFFICE USE ONLY			
Request	PSP21-007	No.	
Date		Filed	
Approved	by	CDD:	
Approved for Hearing: _____			

I (we) the under signed, do hereby apply and petition the City of Madison Heights for a Special Approval Use Permit and provide the following information.

(Application must be typed)

Building Address: 32601 Industrial Drive

Tax ID No.: 44-25-01 - 202 - 02

**APPLICANT INFORMATION**

Name: Matthew Usbeck

*matthew.usbeck@crtk1.com*

Phone No.: 947 777 4574

Fax No.: 888 492 2762

Mailing Address: 206 McKinley Avenue

City, State, Zip: Grosse Pointe Farms, MI 48236

(Notices will be mailed to this address)

Driver's License No.: Michigan DL #U212 589 738 701

Date of Birth: 09/09/1975

Interest in Property: Tenant Architect

**BUILDING & BUSINESS INFORMATION**

Zoning District: M-1 Use Requested Pursuant to Section 10.201 of the Zoning Ordinance

Explain Requested Use in Detail: Service and Repair of Electric Vehicles including Personal Automobiles Delivery Vans.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) Leho Industrial Acres No. 5 of N. 50 ft. of Lot 115, All of Lot 116, also S. 50 ft. of Lot 117

Subdivision (if platted lot(s)) and is located on the N S E W (Circle One) side of Industrial Drive Street/Road between East Avis Drive Street/Road and East 14 Mile Road Street / Road.

Hours of Operation: 8am to 5pm, Monday through Friday

Property Frontage: 197' Width/Depth: 537' No. of Parking Spaces: 95 Private Lot  Shared Lot

No. of Floors: 1 Max. No. of Employees: 32 Male 16 Female 16 No. on Largest Single Shift: 32

No. of Seats for Restaurant or Assembly Uses: N/A Capacity of Waiting Area: N/A

Building: New N/A or Existing  Will Additions or Alterations to the Building be Required? No

Explain: \_\_\_\_\_

Describe Any Other Site Improvements to be Made: Parking area to be re-striped to include additional parking spaces at rear west side of property.

Building Owner Name: Douglas Capital Partners Phone No.: 248 655 7901 Fax No.: 248 655 7905

Mailing Address: 29532 Southfield Road City: Southfield Zip: 48076  
(Notices will be mailed to this address)

**Note: All blanks and boxes above must be completed. Use N/A where appropriate.**  
**CONTINUED ON REVERSE SIDE**



**PETITION FOR USE PERMITTED BY  
SPECIAL APPROVAL (Continued)**

Include one (1) copies of a site plan, no larger than 11 x 17 inches, which meets the requirements of Section 10.514 of the Zoning Ordinance of Madison Heights and the required seven hundred and fifty dollar fee (\$750.00) plus a site plan application.

This petition / application must be signed by both the Owner in Fee of the property and the Applicant prior to submittal. Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

**FOR THE OWNER:**

Signature   
Printed Benjamin Israel Name  
Date 12-29-21

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

Signature   
Printed MATTHEW USBECK Name  
Date 12/29/21

**NOTARY:**

On this 29<sup>th</sup> day of December 2021  
Before me personally appeared  
Benjamin Israel to me known to be the person who executed the forgoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary's  
Signature Kimberly Morissette

Notary's  
Printed Name KIMBERLY MORRISETTE

Notary public, State of Michigan,  
County of Wayne.

My commission expires 9/8/2022.

Acting in the County of Wayne.

**NOTARY:**

On this 29<sup>th</sup> day of December 2021  
Before me personally appeared  
Matthew Usbeck to me known to be the person who executed the forgoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary's  
Signature Kimberly Morissette

Notary's  
Printed Name KIMBERLY MORRISETTE

Notary public, State of Michigan,  
County of Wayne.

My commission expires 9/8/2022.

Acting in the County of Wayne.

**OFFICE USE ONLY**

\$750.00 Fee Paid	Receipt Number	By	Date:
One Site Plan Attached no larger than 11 x 17 inches		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Site Plan Application:		Date:	
Copies to C.D.D.			
Notices Mailed to Properties Within 500 Feet			
Council Action			
Meeting Date			



**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: Melissa Marsh, City Manager

SUBMITTED BY: Cheryl E. Rottmann, City Clerk DATE: 01/10/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 01/24/22

**ACTION REQUESTED**

PRESENTATION	<input type="checkbox"/>	FUTURE PUBLIC HEARING
PUBLIC HEARING – SPECIAL APPROVAL	<input type="checkbox"/>	BID AWARDS / PURCHASES
PUBLIC HEARING – OTHER	<input type="checkbox"/>	ORDINANCE - FIRST
COMMUNICATION	<input checked="" type="checkbox"/>	ORDINANCE - SECOND
REPORT	<input type="checkbox"/>	UNFINISHED BUSINESS

**DESCRIPTION OF ITEM**

Dan Lee - Resignation from Environmental Citizens Committee

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

**POLICY CONSIDERATION**

Dan Lee has resigned from the Environmental Citizens Committee. Staff recommends Council accept the resignation and declare the seat vacant.

**FINANCIAL IMPACT**

No Impact	<input checked="" type="checkbox"/>	Fee Waiver Proposed
Budgeted Fund Name(s)	<input type="checkbox"/>	Department Name
Appropriated in Acct. No.	<input type="checkbox"/>	Budget Amount
Amount Available in Acct.	<input type="checkbox"/>	
Second Account Number	<input type="checkbox"/>	Budget Amount
Amount Available in 2 <sup>nd</sup> Acct.	<input type="checkbox"/>	Revenue Generated
Other Comments		

**REVIEW CHECKLIST**

DEPARTMENT Cheryl E. Rottmann, City Clerk DATE 12/17/21

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER Melissa R. Marsh, City Manager DATE 01/19/22

## **Cheryl Rottmann**

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**From:** Sean Ballantine  
**Sent:** Monday, January 10, 2022 8:35 AM  
**To:** Cheryl Rottmann  
**Cc:** Annette Boucher  
**Subject:** FW: Environmental Citizens Committee: Query - Postponement?  
**Attachments:** image003.jpg

Cheryl, please see below. Dan Lee is submitting his resignation from the ECC.

Sean

**From:** Daniel Lee [<mailto:lee.daniel.r@gmail.com>]  
**Sent:** Wednesday, January 5, 2022 11:08 PM  
**To:** Sean Ballantine  
**Subject:** Re: Environmental Citizens Committee: Query - Postponement?

Sean

I appreciate the reminder.

I need to submit my resignation from the ECC. I am taking care of my wife fulltime on hospice at home. I would love to help with future projects on the ECC but for at least the next few months there is no way I can attend the meetings or meaningfully participate.

Thanks  
Dan Lee

On Wed, Jan 5, 2022, 7:55 AM Sean Ballantine <[SeanBallantine@madison-heights.org](mailto:SeanBallantine@madison-heights.org)> wrote:

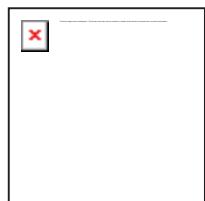
Good morning, members of the ECC,

Please see the below email from Committee member Jennifer Bartleman. As of right now, under current CDC, and MDHHS guidelines, and the Open Meeting Act, there is no mechanism for us having a virtual meeting, nor is there anything precluding us from having an in-person meeting.

With that said, these are very real concerns and strong points. I would defer to the majority opinion if a meeting is necessary/warranted this upcoming Thursday. This is a situation that we all respond to differently for a myriad of different reasons. For reference, there is nothing precluding us from cancelling a meeting with notice.

Please reply to me individually (do not reply all) with your thoughts. And as always, never hesitate to reach out with any questions or concerns, we are here to be of service whenever we can!

I hope everyone had an excellent holiday, and happy new year to you all!



Sean P. Ballantine

Public Works Supervisor

*City of Madison Heights - Department of Public Services*

*801 Ajax Drive, Madison Heights, Michigan, 48071*

*Phone: (248) 589-2294 – Fax: (248) 589-2679*

[www.madison-heights.org/267/Department-of-Public-Services](http://www.madison-heights.org/267/Department-of-Public-Services)

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Hi Sean!

I was wondering if we were going to postpone Thursday's meeting due to rise in Covid cases and it's ability to transmit so easily in light of the lack of any urgent business. Thank you! Jennifer

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: Melissa Marsh, City Manager

SUBMITTED BY: Cheryl E. Rottmann, City Clerk DATE: 01/19/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 01/24/22

**ACTION REQUESTED**

PRESENTATION	<input type="checkbox"/>	FUTURE PUBLIC HEARING
PUBLIC HEARING – SPECIAL APPROVAL	<input type="checkbox"/>	BID AWARDS / PURCHASES
PUBLIC HEARING – OTHER	<input type="checkbox"/>	ORDINANCE - FIRST
COMMUNICATION	<input checked="" type="checkbox"/>	ORDINANCE - SECOND
REPORT	<input type="checkbox"/>	UNFINISHED BUSINESS

**DESCRIPTION OF ITEM**

Ashton Southard - Resignation from Library Advisory Board

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

**POLICY CONSIDERATION**

Ashton Southard has resigned from the Library Advisory Board. Staff recommends Council accept the resignation and declare the seat vacant.

**FINANCIAL IMPACT**

No Impact	<input checked="" type="checkbox"/>	Fee Waiver Proposed
Budgeted Fund Name(s)	<input type="checkbox"/>	Department Name
Appropriated in Acct. No.	<input type="checkbox"/>	Budget Amount
Amount Available in Acct.	<input type="checkbox"/>	
Second Account Number	<input type="checkbox"/>	Budget Amount
Amount Available in 2 <sup>nd</sup> Acct.	<input type="checkbox"/>	Revenue Generated
Other Comments		

**REVIEW CHECKLIST**

DEPARTMENT Cheryl E. Rottmann, City Clerk DATE 01/19/21

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER Melissa R. Marsh, City Manager DATE 01/19/22

**From:** [Roslyn Yerman](#)  
**To:** [Ashton Southard](#)  
**Cc:** [Annette Boucher](#); [Cheryl Rottmann](#)  
**Subject:** LAB - Ashton Southard  
**Date:** Wednesday, January 19, 2022 2:07:17 PM

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Hello, Ashton.

This email should suffice. I have copied the City and Deputy Clerks so the seat can be declared vacant at an upcoming Council Meeting.

Best of luck in the future.  
Roslyn

Roslyn F. Yerman  
Library Director  
City of Madison Heights  
240 W. 13 Mile Road  
Madison Heights, MI 48071  
[roslyn.yerman@madison-heights.org](mailto:roslyn.yerman@madison-heights.org)  
248.837.2852

**From:** Ashton Southard [mailto:[ashtonsouthard86@gmail.com](mailto:ashtonsouthard86@gmail.com)]  
**Sent:** Wednesday, January 19, 2022 2:03 PM  
**To:** Roslyn Yerman  
**Subject:** Re: Library Advisory Board Meeting - January 19, 2022

Hi Roslyn,

I'm very sorry but something at work has come up and I will not be able to make it to the meeting this evening.

I have enjoyed serving on the board, however there have been a lot of changes at my job recently which has led to me taking on a lot more responsibility. As a result, I don't believe I will be able to be a fully contributing member of the Library Advisory Board. I am not exactly sure how to go about resigning from this position so that my seat may be filled by someone with more time to really contribute. Please let me know what I should do in order to resign.

Thank you and all the best,

Ashton

**CITY OF MADISON HEIGHTS**  
**ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____	OLD BUSINESS	_____

**DESCRIPTION OF ITEM**

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

**POLICY CONSIDERATION**

**FINANCIAL IMPACT**

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 <sup>nd</sup> Acct.	_____		_____
Other Comments	_____		_____

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

## **FIELD USE AND INDEMNIFICATION, DEFEND AND HOLD HARMLESS AGREEMENT**

This AGREEMENT is made on this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by and between the MADISON HEIGHTS YOUTH SOCCER ASSOCIATION, a non-profit (I.R.S. Section 501(c)(3)) organization affiliated with Michigan State Youth Soccer Association whose address is 1768 East Thirteen Mile Road, Madison Heights, Michigan, 48071 (hereinafter "MHYSA") and the CITY OF MADISON HEIGHTS, a Michigan Municipal Corporation, whose address is 300 West Thirteen Mile Road, Madison Heights, Michigan 48071 (hereinafter "CITY"). In this Agreement, either MHYSA and/or the CITY may also be referred to individually as a "Party" or jointly as "Parties."

WHEREAS, MHYSA desires to use City Park Land for the purpose of conducting a soccer program; and;

WHEREAS, the CITY deems it to be in the public interest to promote recreation, including soccer in its park system under the conditions as hereinafter set forth; and,

WHEREAS, the parties do hereby covenant and agree as follows:

NOW THEREFORE, the CITY, for and in consideration of the covenants to be performed by MHYSA, does hereby permit MHYSA to use certain fields located in certain parks as hereinafter described for the sole purpose of soccer games, practices, and scrimmages. The parks to be used by MHYSA for aforementioned events are: Ambassador, Civic Center, Edison, Greenleaf, and Rosie's.

### **TERM**

**The term of this Agreement shall begin January 1, 2022 through December 31, 2024. Specific dates for the use of said fields within the parks by MHYSA are hereinafter set forth and the same may be modified from time to time upon mutual consent of the parties hereto: April 1 — November 15.**

### **COVENANTS OF ASSOCIATION**

MHYSA does hereby covenant and agree with the CITY that MHYSA will:

1. MHYSA agrees to submit a completed **practice** and **game** schedule of all park usage to the Recreation Coordinator or designee prior to the start of the season (March 31 and August 31).
2. Use and occupy said parks in a careful and proper manner and in particular shall not permit any vehicles to be driven on turf unless supervised by a designated employee from the Department of Public Services Streets and Facilities Division; not permit the use of loud speaker system, unless approved by the Director of Public Services or designee; and shall not erect or place any buildings, tents, mobile carts, or similar facilities without written permission from the Director of Public Services or designee; and,
3. Not use or occupy said parks for any unlawful purpose; and will conform and obey all present and future laws, ordinances, and all rules and regulations of all governmental authorities or agencies, respecting the use and occupation of the parks; and
4. Indemnify and hold harmless the CITY, its Council, officers, administrators, employees, attorneys, affiliates, successors and assigns from any and all liability arising, directly or indirectly, from the use

of fields and equipment owned by the CITY (e.g., bleachers) for soccer practice, games and events during the term of this Agreement. In the event any suit, proceeding, claim, loss, damage, cost, charge or expense shall be brought against the CITY, its Council, officers, administrators, employees, attorneys, affiliates, successors and assigns by virtue of the above-referenced activity, during the term of this Agreement, MHYSA hereby covenants and agrees to assume the defense thereof and defend the same at its own expense and pay all costs, charges, attorney fees and any other expenses related thereto. Notwithstanding the foregoing, this Field Use and Indemnification, Defend and Hold Harmless Agreement excludes the sole acts and/or the sole omissions to act on the part of the CITY; and,

5. Agree that MHYSA sponsored soccer events run by a third party will require City Council approval (to be requested by MHYSA) and will require an executed and notarized Indemnification, Defend, and Hold Harmless Agreement from the third party vendor; and,
6. Agree to maintain with the CITY a valid Certificate of Insurance (Acord) including coverages and limits as required by the City's Risk Manager and naming the CITY as an additional insured for the purpose of the activities contained in this Agreement; and,
7. Leave the park, at the expiration or prior termination of this Agreement and any renewal or extension thereof, in as good condition as received, reasonable wear and tear excepted; and,
8. Be responsible for all damage to property, public or private, that may be caused by this operation in the performance of this Agreement; and,
9. Provide supervision, officiating, and equipment (e.g. uniforms, balls, pads) to perform the activities contained in this Agreement and to insure the safety of participants and the public. MHYSA agrees to move any equipment as requested by the Director of Public Services or designee; and,
10. Assist the CITY in their effort to adequately maintain the fields they are assigned. This assistance may include but not be limited to volunteer labor, donation of materials, and financial assistance for such maintenance as re-sodding, top dressing, aeration, fertilization and overseeding; and,
11. Restrict use of certain parks or portions thereof if requested by the CITY to facilitate field maintenance; and,
12. Agree to educate participants regarding the need to obey all parking and traffic control requirements at and around the Park; and,
13. Agree that all volunteers, including coaches, officials and referees, have received sufficient training by MHYSA and have passed background checks performed by MHYSA to ensure the safety and welfare of all participants, spectators, and others involved in MHYSA's program.
14. Maintain proper Concussion Awareness Training and accompanying records in accordance with State of Michigan Public Acts 342 & 343 of 2012.
15. If an event is held at the CITY'S fields and is run by a third party that provides revenue back to MHYSA, MHYSA shall reimburse the CITY for all costs incurred by the CITY to support such event.

MHYSA agrees to disclose the revenue percentage split with the third party by providing the CITY with a copy of MHYSA'S operating and/or financial agreement with the third party.

16. Provide payment for field use as set forth by the CITY at the end of each season in a timely manner as requested by the CITY. This payment shall be \$1,000 in 2022, \$1,000 in 2023, and \$1,000 in 2024.

#### **COVENANTS OF CITY**

The CITY does hereby covenant and agree with MHYSA that the CITY will:

1. Maintain the fields used by MHYSA, including mowing, fertilization, weed control, lining/striping, and seeding or re-sodding, if needed; and,
2. Open and close the Park Shelter Building restrooms when the Park Ranger is available; and,
3. Schedule other park users so as to minimize the potential for conflict with MHYSA activities during the periods specified above under TERM. In the event of a conflict, the CITY will make a good faith effort to find an alternative location for MHYSA; and,
4. The CITY reserves the right to determine who may use the parks outside normal use by MHYSA.

#### **MUTUAL COVENANTS**

It is mutually agreed by and between the CITY and MHYSA that:

1. This Agreement and all covenants and provisions herein contained shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto; provided, however, that no assignment by, from, through or under MHYSA in violation of any of the provisions hereof shall vest in the assigns any right, title or interest whatsoever;
2. These agreed upon parks are owned and held by the City of Madison Heights for the use and benefit of the general public, and should the CITY determine that said parks are needed for any purpose whatsoever, the CITY shall have the right and privilege of canceling and terminating this Agreement upon giving to MHYSA ninety (90) days notice in writing of its intentions to cancel and terminate this Agreement. MHYSA also shall have the right and privilege of canceling and terminating this Agreement upon giving the CITY ninety (90) days notice in writing if its intentions to cancel or terminate this Agreement; and,
3. If MHYSA shall at any time be in default in the performance of any of the covenants or provisions of this Agreement, and MHYSA shall fail to remedy such default within fifteen (15) days after written notice thereof from the CITY, it shall be lawful for the CITY to cancel this Agreement, and thereupon this Agreement and everything herein contained in the part of the CITY to be done and performed shall cease and terminate, without prejudice, however, to the right of the CITY to recover from MHYSA all damages due up to the time of such entry; in case of any such default and entry by the CITY, the CITY may reschedule usage of said parks for the remainder of said term.
4. Nothing contained herein, including the indemnity provisions stated above, shall constitute a waiver of governmental immunity or other defenses to claims or lawsuits alleged by any person or entity

5. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan.
6. This Agreement contains the entire agreement between the parties and fully supersedes any and all prior agreements or understandings between the parties. This Agreement shall not be changed or supplemented orally. If any provision(s) of this Agreement shall be found to be invalid or unenforceable, the remainder shall not be affected.

**IN WITNESS THEREOF**, the parties hereto have hereunto signed this Fields Use and Indemnification, Defend, and Hold Harmless Agreement this \_\_\_\_\_ day of January, 2022.

## MADISON HEIGHTS YOUTH SOCCER ASSOCIATION ("MHYSA")

By: \_\_\_\_\_ Witness \_\_\_\_\_  
Jennifer McAllister  
President

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a notary public in and for said County and State, personally appeared the above named \_\_\_\_\_, President of Madison Heights Youth Soccer Association to me personally known, who being by me duly sworn, did say that he has read the foregoing Field Use And Indemnification, Defend And Hold Harmless Agreement, that the same was explained to him by their representatives, and that he fully understands the contents thereof, and that he has signed said Field Use And Indemnification, Defend And Hold Harmless Agreement as his own free act and deed and on behalf of the aforesaid organization.

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

## County ,Michigan

acting in the County of \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

## **CITY OF MADISON HEIGHTS (“CITY”)**

By: \_\_\_\_\_ Witness \_\_\_\_\_  
Roslyn Grafstein \_\_\_\_\_  
Mayor \_\_\_\_\_

By: \_\_\_\_\_ Witness: \_\_\_\_\_  
Cheryl Rottmann

Regular Meeting  
Madison Heights City Council  
Madison Heights, Michigan  
January 10, 2022

A Regular Meeting of the Madison Heights City Council was held on Monday, January 10, 2022 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Grafstein and Councilmembers: Bliss, Fleming, Rohrbach, Soltis and Wright.

Absent: Councilman Corbett.

Others Present: City Manager Marsh, City Attorney Sherman and City Clerk Rottmann.

Councilor Rohrbach gave the invocation and the Pledge of Allegiance to the Flag followed.

**CM-22-01. Excuse Councilmember.**

Motion by Councilman Fleming, seconded by Councilor Wright, to excuse Councilman Corbett from tonight's meeting.

Yea: Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Absent: Corbett

Motion Carried.

**CM-22-02. Addition to Agenda.**

Motion by Councilor Rohrbach, seconded by Councilor Wright, to add Agenda Item C-3, Change in the appointment of Human Relations and Equity Commission Council Alternate, to the agenda.

Yea: Fleming, Rohrbach, Soltis, Wright, Bliss, Grafstein

Nays: None

Absent: Corbett

Motion Carried.

**CM-22-03. Deletion from the Agenda.**

Motion by Councilman Soltis, seconded by Councilman Fleming, to delete Item A-1, Street Vacation 21-01 – Barrington Road 465 and 501 W. Girard Ave. and 30125 Northeastern Highway, due to the petitioner withdrawing their request from the agenda.

Yea: Rohrbach, Soltis, Wright, Bliss, Fleming, Grafstein  
Nay: None  
Absent: Corbett  
Motion Carried.

**CM-22-04. Special Approval 21-06, 233 and 239 W. 11 Mile Road,  
Sale of Secondhand Automobiles.**

City Manager Marsh reviewed proposed Special Approval 21-06.

A public hearing was held at 7:38 to hear comments pertaining to Special Approval 21-06 – 233 and 239 W. 11 Mile Road, request to permit sale of secondhand automobiles

Robert Jackson, pastor at the adjacent church, stated that they are welcoming to their new neighbors but are concerned about parking and aesthetics.

DDA member Jennifer Zmarzlik stated that the DDA unanimously recommended the denial of the Special Approval.

Darren Chen, applicant stated that the site is going to be high-end, luxury used-vehicle sales. They have put a lot of effort into the site plan and there is some free space on the parcel for 6-7 customer parking spaces. This type of business will not have large numbers of customers at one time and they want to portray a good image for the City.

Carla Hinsley, resident, stated that luxury vehicles may seem out of place for that area and could actually cause a lot of unintended attention.

Martha Covert, resident, stated that there are already three car lots in the area and this is not ideal for the area.

Representative for the applicant (name not audible), stated that the business currently exists at 14 Mile and John R. and is not like a normal dealership. Most of our customer base is out of state and/or out of the area and they have a large online presence. They are not going to be showing cars on the street, but rather they will be enclosed for security reasons. He noted that they already have a warehouse on Stephenson and most of the inventory is parked in the warehouse. They are very focused on security and don't want to bring any trouble or attention to the local neighborhood.

Mr. Chen displayed site drawing of proposed business for the audience.

City Clerk Rottmann read an email in opposition to the Special Approval from Joe Schnitker.

There being no one further wishing to comment the public hearing was closed at 7:52 p.m.

Motion by Councilman Bliss, seconded by Councilor Wright:

WHEREAS, a Special Approval Board application has been received from 233 and 239 W. 11 Mile Road, Request to Permit sale of secondhand automobiles in a B-3, General Business District;

WHEREAS, a public hearing was published in the Madison Park News on December 22, 2021 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community Development Department stating:

LOCATION: 233 and 239 W. 11 Mile Road

**REQUEST:**

Special approval request to permit secondhand sale of automobiles in a B-3, General Business District.

**BACKGROUND AND ANALYSIS:**

The subject property (combined) is approximately 0.3 acres in area and is improved with a 947 sq. ft. single-family residence and detached garage. The applicant requests special use approval to operate a used auto dealership on site. Per the site plan, the applicant proposes to utilize the existing residence as an office and proposes to store for-sale automobiles both within the existing garage and a new 2,539 sq. ft. carport structure. As proposed, the combined lot coverage of the detached accessory structures exceeds the maximum permitted by the Zoning Ordinance. Further, the site plan does not satisfy minimum parking space requirements. If special approval is granted, the applicant will subsequently need to apply for dimensional variances from the Zoning Board of Appeals.

**SITE PLAN REVIEW COMMITTEE RECOMMENDATION:**

1. The applicant requests special use approval for a secondhand automobile dealership at 233/239 W. 11 Mile Rd., zoned B-3, General Business. The B-3 District permits a range of commercial and office uses. The proposed use is compatible with existing commercial land uses along W. 11 Mile Road.
2. The proposed site plan conforms to the use-specific conditions for secondhand automobile sales, per Section 10.326(1). However, the proposed site plan does not satisfy dimensional standards of the Zoning Ordinance. As proposed, the combined building footprint of the accessory

structures exceeds the maximum permitted by the Zoning Ordinance. Further, the site plan does not satisfy minimum parking space requirements. The applicant will need to seek variances from the Zoning Board of Appeals for these deficiencies. The site plan does not satisfy review criteria **10.201(4)(a)** - *Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514.*

3. The proposed use is not consistent with the 'City Center' future land use designation, as contained within the 2021 Master Plan. The proposed auto-oriented use is not consistent with the Master Plan's vision to transform the City Center into a vibrant, compact, pedestrian-oriented downtown area. The proposed use does not satisfy review criteria **10.201(4)(c)5** - *Conformance with future land use plans for the area as adopted by the planning commission*
4. The proposed use is not consistent with the vision for the DDA District, as outlined within the 2021 Master Plan. The proposed auto-oriented use does not promote the Master Plan's goal to improve the DDA District through a pedestrian-oriented mix of uses, improved streetscapes, and a vibrant public realm. The proposed use does not satisfy review criteria **10.201(4)(c)5** - *Conformance with future land use plans for the area as adopted by the planning commission*
5. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their December 1<sup>st</sup>, 2021 meeting. Based on the proposed use's conflicts with the Future Land Use map and Master Plan, as well as the deficiencies of the site plan, the SPRC did not recommend approval of the proposed special use.
6. The Downtown Development Authority (DDA) reviewed the proposed special approval request at their January 4<sup>th</sup>, 2022 meeting and recommended denial of the proposed use based on conflicts with the Master Plan and vision for the DDA area.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approvals Board in accordance with Section 10.201 of the Code of Ordinances, hereby DENY Special Approval 21-06 at 233 and 239 W. 11 Mile Road to permit secondhand sale of automobiles in the B-3, General Business District for the following reasons:

1. The Site does not meet dimensional standards of the Zoning Ordinance and does not satisfy minimum parking space requirements; and

2. The proposal is not consistent with City's 2020-2021 Master Plan designation or the vision of the Downtown Development Authority Board.

Council urged the applicants to work with the Community and Economic Development Department to find a location outside of the DDA that may work.

Yea: Soltis, Wright, Bliss, Fleming, Rohrbach, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

<b>CM-22-05.</b>	<b>Resolution</b>	<b>Supporting</b>	<b>Oakland</b>	<b>County</b>	<b>Grant</b>
<b><u>Application.</u></b>					

Mayor Grafstein opened public comment for the resolution supporting the Oakland County Grant Application for park projects at 7:56 p.m.

The following spoke in favor or submitted written comment in support of the resolution:

Jennifer Zmarzlik

Carla Hinsley

Jerry Dzeroogian

Bill Muir

Jeremy Carroll

Nickole Fox

Brian Gettel

Seeing no one further wishing to comment, Mayor Grafstein closed the public comment at 8:03 p.m.

Motion by Councilor Rohrbach, seconded by Councilman Bliss to adopt the resolution supporting the Oakland County Grant Application, as follows:

***RESOLUTION***

**WHEREAS**, the City of Madison Heights desires to submit an application titled "Ambassador Park Tennis Court Replacement" to the Oakland County Parks and Recreation Park Improvements Grant Program for Development of the failing tennis courts at Ambassador Park in the amount of \$30,000; and,

**WHEREAS**, the proposed application is supported by the Community's Capital Improvement Plan and Recreation Master Plan; and,

**WHEREAS**, the Grant Program requires a local match of twenty-five percent (25%) of the requested grant; and,

**WHEREAS**, the Grant Program requires that the City of Madison Heights certify compliance with all Grant Program requirements, including commitment to long-term maintenance and all project cost overruns,

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Madison Heights hereby approves participation in the Park Improvements Grant Program and authorizes the submission of a Park Improvements Grant Program application for \$30,000.

**BE IT FURTHER RESOLVED**, that the Grant Program Application is supported by the City of Madison Heights' Capital Improvement Plan and Recreation Master Plan.

**BE IT FURTHER RESOLVED**, that the City of Madison Heights acknowledges and certifies compliance with all grant program requirements, including commitment to long-term maintenance and all project cost overruns.

**BE IT FURTHER RESOLVED**, that the City of Madison Heights shall make a local match through financial commitment in cash, force account, federal or state funds, private funds, or donated labor/materials directly related to the project for \$25,000.

**BE IT FURTHER RESOLVED**, that City Manager Melissa Marsh will be authorized to sign all grant-related documents on behalf of the City of Madison Heights.

Council noted their support of the resolution and expressed appreciation to staff for the work and time spent on researching and applying for grants. Council thanked Oakland County Commissioner McGillivray for his leadership and efforts to expand grant opportunities at the County level.

Yea: Wright, Bliss, Fleming, Rohrbach, Soltis, Grafstein  
Nay: None  
Absent: Corbett  
Motion Carried.

**CM-22-06. Meeting Open to the Public.**

Martha Covert, resident, stated concerns with parking and the clinic giving COVID tests on 12 Mile. She thanked Councilor Wright for picking up lunch for pantry volunteers, and encouraged grants to help expand opportunity for

the disabled in the community. She stated that she supports the grant application for the Juneteenth event.

Cynthia Crooks, General Manager for the Madison Club Bar, thanked the City for support of outdoor facilities and stated that they would like to continue outdoor service through the end of summer. It makes people feel comfortable and safe until things can improve.

Joel Dunn, resident, concurred with Ms. Crooks comment, noting people do not like to sit inside during these times and prefer sitting outside.

Jennifer Zmarzlik, resident, stated that she supports an extension for outside dining. She also supports the Juneteenth resolution.

City Clerk Rottmann read emails from the following in support of the Michigan Council for the Arts and Cultural Affairs grant application for the 2022 Juneteenth event:

Nickole Fox

Cemone Moy

**CM-22-07.            Alexander Bedz – Resignation from Library Advisory Board.**

Motion by Councilman Bliss, seconded by Councilman Fleming, to accept a resignation from Alexander Bedz from the Library Advisory Board, declare the seat vacant, and issue a certificate of appreciation.

Yea:            Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nay:            None

Absent:        Corbett

Motion Carried.

**CM-22-08.            Emergency Purchase of Five (5) Replacement Police Cars.**

Motion by Councilman Bliss, seconded by Councilor Rohrbach, to receive and file the report from DPS Director Almas regarding the Emergency Purchase of Five (5) Replacement Police Cars due to supply chain issues and using the Oakland County cooperative pricing agreement. The purchase was approved in accordance with the City Charter, Section 2-255 and the City took delivery of the vehicles on December 21, 2021.

Yea:            Fleming, Rohrbach, Soltis, Wright, Bliss, Grafstein

Nay:            None

Absent:        Corbett

Motion Carried.

**CM-22-09. Council Resignation from the HREC.**

Motion by Councilor Rohrbach, seconded by Councilor Wright, to accept the verbal resignation from David Soltis as Council Alternate to the Human Relations and Equity Commission.

Yea: Rohrbach, Soltis, Wright, Bliss, Fleming, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

**CM-22-10. Council Alternate Appointment to HREC**

Motion by Councilor Rohrbach, seconded by Councilman Soltis, to appoint Quinn Wright as Council Alternate to the Human Relations and Equity Commission with a term to expire 11-13-23.

Yea: Soltis, Wright, Bliss, Fleming, Rohrbach, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

**CM-22-11. Sale of Parcel 25-11-377-019, 29022 Stephenson Highway.**

Motion by Councilman Fleming, seconded by Councilor Rohrbach, to authorize the sale of 29022 Stephenson Highway, parcel 25-11-377-019 in the amount of \$18,370 and associated costs and authorize the City Manager and City Clerk to sign the purchase agreement and sign all documents to effectuate the sale on behalf of the City.

In response to questions by City Council, City Attorney Sherman stated that the property can be developed as it is currently zoned. If a use was required that was not already permitted, it could be brought before Council for a Special Use Approval. Mr. Sherman gave the history of previous lease agreements for the property. Mr. Sherman stated that in 1964, the State Highway ceded ownership and control of small parcel to the City.

Yea: Wright, Fleming, Rohrbach, Soltis, Grafstein

Nay: Bliss

Absent: Corbett

Motion Carried.

**CM-22-12. Resolution Supporting the Application to the Michigan Council for Arts & Cultural Affairs Minigrant Project.**

Motion by Councilor Wright, seconded by Councilor Rohrbach, to approve the following Resolution Supporting the Application to the Michigan Council for Arts & Cultural Affairs Minigrant Project for \$4,000 to support the 2022 Juneteenth Event to be held June 18, 2022, as follows:

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR 2022 JUNETEENTH CELEBRATION GRANT FROM MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS MINIGRANT ARTS PROJECT ROUND 2 REGION 10a.

WHEREAS, the City of Madison Heights Human Relations and Equity Commission is requesting \$4,000 from the Michigan Council for Arts and Cultural Affairs Minigrant Arts Project Round 2 for Region 10a to support the 2022 Juneteenth Celebration to be held June 18th at Civic Center Park.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, MICHIGAN THAT:

1. The City Council of Madison Heights strongly supports the application to Michigan Council for Arts and Cultural Affairs Minigrant Project program,
2. The City Council of Madison Heights encourages approval of this grant application in order to continue to cultural event that brings unity and awareness not only to Madison Heights residents but to the region.

Yea: Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

**CM-22-13. Police Department Sanitary Sewer Replacement – Budget Amendment.**

Motion by Councilman Bliss, seconded by Councilor Rohrbach, to approve a budget amendment for \$24,230 to account number 101-301-9870-000 for the Police Department Sanitary Plumbing Replacement.

Yea: Fleming, Rohrbach, Soltis, Wright, Bliss, Grafstein  
Nay: None  
Absent: Corbett  
Motion Carried.

**CM-22-14. Police Department Sanitary Sewer Replacement Amendment.**

Motion by Councilor Rohrbach, seconded by Councilor Wright, to award the bid for the Police Department Sanitary Plumbing Replacement to Allied Building Service Company of Detroit, Michigan, for a total project cost of \$37,360.

Yea: Rohrbach, Soltis, Wright, Bliss, Fleming, Grafstein  
Nay: None  
Absent: Corbett  
Motion Carried.

**CM-22-15. Rezoning Request 21-01, Ordinance No. 2175, Request to Rezone 26783 Lenox Ave., from R-3, Single-Family to P-1, Vehicular Parking, First Reading.**

Motion by Councilman Bliss, seconded by Councilor Rohrbach, to adopt Rezoning Request 21-01, Ordinance No. 2175, Request to Rezone 26783 Lenox Ave., from R-3, Single-Family to P-1, Vehicular Parking, on First Reading and schedule a public hearing for February 14, 2022.

Yea: Soltis, Wright, Bliss, Fleming, Rohrbach, Grafstein  
Nay: None  
Absent: Corbett  
Motion Carried.

**CM-22-16. Rezoning Request 21-02, Ordinance No. 2176 Request to Rezone 26744 Osmun Street from R-3, Single-Family, to B-3, General Business, First Reading.**

Motion by Councilman Bliss, seconded by Councilor Rohrbach, to adopt Rezoning Request 21-02, Ordinance No. 2176 Request to Rezone 26744 Osmun Street from R-3, Single-Family, to B-3, General Business, on First Reading and schedule a public hearing for February 14, 2022.

Yea: Wright, Bliss, Fleming, Rohrbach, Soltis, Grafstein  
Nay: None  
Absent: Corbett  
Motion Carried.

**CM-22-17. Ordinance No. 2173, Zoning Text Amendment 21-09, Off-Street Parking, Second Reading.**

Motion by Councilman Bliss, seconded by Councilman Fleming, to adopt Ordinance No. 2173, Zoning Text Amendment 21-09, Off-Street Parking, on Second Reading, as follows:

Ordinance No. 2173  
City of Madison Heights,  
Oakland County, Michigan  
Zoning Text Amendment 21-09

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, to regulate off-street parking, bicycle parking and loading and unloading standards by replacing the following sections in their entirety, except for section 10.200 which is amended.

Sec. 10.200. - Definitions

Sec. 10.505. - Parking requirements and Section

Sec. 10.506. - Off-street parking space layout, standards, construction and maintenance.

Sec. 10.507. - Off-street loading and unloading.

**The City of Madison Heights ordains:**

**Section 1. Sec. 10.200 (Definitions) is hereby amended as follows:**

[...]

(25) *Floor area, usable:* That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or utilities and sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor space to be used for servicing vehicles in automobile service establishments and public garages shall be considered as usable floor area.

[...]

(30) *Housing for the Elderly:* A planned housing development or facility for elderly residents, defined for purposes of this ordinance as individuals who have attained the age of fifty (50) years or couples of which either spouse has attained the age of fifty (50) years, except as may be otherwise provided for in any applicable state or federal laws or regulations.

- (a) *Congregate Elderly Living Units*: Housing for the elderly that consists of dwelling units containing kitchen, sanitary, sleeping and living spaces in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s) and central lounge(s).
- (b) *Convalescent Home*: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.
- (c) *Independent Elderly Living Units*: Housing for the elderly that includes attached or detached cottage-type dwellings, townhouses, or apartments.

[...]

(54) *Personal Service Establishment*: An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel, but not including those regulated uses as listed in Section 10.502(A). Personal service establishments may include, but are not limited to, barber shops, beauty shops, copy centers, florist shops, locksmiths, home furnishings, photo finishing services, stationers and shoe repair shops.

[...]

(57) *Restaurant*: An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast food restaurant, sit-down restaurant, bar/lounge, or combination thereof, as defined below:

- (a) *Restaurant, Fast Food*: A business establishment in which a patron purchases food or beverages, which may have been previously prepared, and which is served in disposable containers or wrappers and in which the patron consumes while seated in the restaurant or off the premises. Fast food restaurants may include drive-through and take-out establishments.
- (b) *Restaurant, Sit-Down*: A business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant.

(c) *Bar/lounge:* An establishment which is operated primarily for the dispensing of alcoholic beverages with the ancillary sale of prepared food or snacks.

[...]

**Section 2. Sec. 10.505 (Parking Requirements) is hereby replaced in its entirety as follows:**

**(A) Intent.**

The purpose of this article is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the City or with land uses allowed by this chapter.

**(B) General Provisions**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, or at the time of change of use, an off-street vehicle parking area with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. **Use.** Except as specifically permitted in the P-1 and P-2 district, off-street parking or off-street parking lots shall not be permitted as the sole or principal permitted use in any zoning district.
2. **Use of parking spaces.** The use of required parking spaces for material storage, refuse storage and containers, storage and display of vehicles and/or other merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.
3. **Remote (off-site) parking facilities for non-residential uses.** Required off-street parking facilities, for other than residential use, shall be located on the same lot as the principal building, or on a lot within 300 feet thereof, measured from the nearest point of the property lines to the nearest point of the off-site parking lot.

Where parking is proposed to be located off-site, a remote parking agreement shall be submitted to the Community and Economic Development Department and shall be subject to approval by the City Planner and City Attorney. Pedestrian access between the remote parking facility and the served use(s) shall be provided in a safe and convenient manner. If remote parking becomes

unavailable and minimum parking is not able to be accommodated, the served use(s) shall be discontinued.

The shared parking agreement shall, at minimum, contain the following, and shall be recorded for the properties where the parking and served use(s) are located:

- a. A term of at least five (5) years to protect the City's interest in providing long-term, stable parking for the served use.
- b. Maintenance requirements.
- c. Termination, violation and enforcement provisions.

4. **Off-street parking facilities for residential uses.** Residential off-street parking spaces shall occur on a driveway or in a garage, private parking area, or any combination thereof. A driveway must be at least nine feet wide. Both the driveway and the garage shall be located on the premises they are intended to serve and be subject to the provisions of section 10.504 of this Ordinance. All driveways or approaches within the public right-of-way shall be paved with concrete and all other driveways shall be paved with asphalt or concrete and drained in accordance with the requirements of, and upon approval of, the city engineer. Outdoor devices which facilitate the vertical stacking of vehicles shall be prohibited.
5. **Modifications to existing parking.** Changes to a previously approved parking area or changes in tenants or land uses may be reviewed and approved administratively by the City Planner provided the resulting parking changes meet ordinance requirements, unless otherwise noted in section 10.505.E. Such changes shall satisfy all the requirements of the zoning ordinance and shall not otherwise warrant additional public hearings or other significant changes in the approved site plan. Any area once designated as required off-street parking shall not be changed to any other use unless equal parking facilities are provided elsewhere.

### **(C) Other Vehicle Parking Requirements**

#### **1. Parking of motor vehicles in residential districts.**

- a. Such parking shall be limited to passenger vehicles and commercial vehicles of the light delivery type, such as a van

or pick-up truck, not to exceed a three-quarter ton manufacturers rating.

- b. Not more than one commercial vehicle shall be permitted per dwelling unit. Parking of commercial vehicle, trailer or truck over three-fourths-ton on private property within the R-1, R-2 and R-3 residential zoning districts, may be permitted as a special land use subject to the use-specific standards contained in section 10.307. - Principal uses permitted.
- c. The parking of any other type of commercial vehicle, limousine, taxi or bus, except for school or church owned vehicles parked on the school or church's property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.

## **2. Commercial Vehicles in General.**

- a. Unless otherwise permitted in this ordinance, the storage or parking of motor vehicles (licensed or unlicensed), including, but not limited to, automobiles, trucks, recreational vehicles and limousines for periods of longer than 24 hours is prohibited.
- b. Parking or storage of any motor vehicle, including, but not limited to, automobiles, trucks, recreational vehicles and limousines, that is not on pavement having an asphaltic or Portland cement binder as approved by the city engineer is strictly prohibited. This paragraph shall apply to all districts other than residential and shall apply to all parking areas at all times. Residential districts are governed by other provisions in this Ordinance.
- c. Trucks over three-quarters ton manufacturers rating, trailers and semi-trailers, licensed or unlicensed, may not be parked for periods of longer than four hours. Such parking, when associated with the primary use in the building, may be permitted in industrial districts in areas designated for such purpose on an approved site plan or as permitted elsewhere in this Ordinance.

- d. Detached semi-trailers may not be stored or parked at any time except at an approved loading dock or storage area designated on an approved site plan in industrial districts.
- e. The Site Plan Review Committee or any approving body may modify the minimum standards of this section related to outside storage if it finds that the proposed use will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and any other relevant aspects of the site.

3. **Fleet and Company Vehicles.** For the purpose this section, Fleet and Company Vehicles shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors and may also include taxicabs and other rental passenger vehicles.

- a. Such vehicles which are over eight (8) feet in width and/or nineteen (19) feet in length shall not be located in the front yard or in any required off-street parking, loading/unloading spaces or stacking spaces. Such vehicles shall be parked or stored in areas designated for such purpose on an approved site plan to the rear or interior side of the principal building when not in use or during non-business hours.
- b. In case of a corner lot or lots with no available space to park in rear or interior side yard, the approving body may permit parking in alternate locations. The approving body shall have the right to impose other restrictions such as, but not limited to landscape buffer or screen wall as it may deem advisable for the welfare of the surrounding area.
- c. Parking or storage areas for such vehicles shall be hard surfaced, paved with asphalt or concrete. Such areas shall comply with all applicable standards for regular parking areas, unless otherwise approved by the approving body.

- d. Such parking shall be screened from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. A fence or alternative screening options such as landscape buffer that comply with related standards in section 10.510 Landscape and screening, may be permitted if the subject property is surrounded by similar non-residential uses.

4. **Delivery Vehicles.** For the purpose this section, delivery vehicles shall include commonly used vehicles for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. Parking of such vehicles is permitted subject to the following conditions listed below

- a. Delivery vehicles for uses such as retail and restaurants may be permitted in the front yard during business hours in parking areas that are not directly adjacent to the public right-of-way.

#### **(D) Minimum off-street parking requirements.**

##### **1. General Standards.**

- a. **For those uses not specifically mentioned.** The requirements for off-street parking facilities for such uses shall be in accordance with a use which the approving body considers is similar in type. If no use is deemed to be similar, the applicant shall propose a minimum count based on a parking study or another acceptable alternative, subject to the approval of the approving body.
- b. **Units and methods of measurement.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
  - i. **Floor area.** Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the usable floor area ('UFA'; see section 10.200 for definition),

unless otherwise noted herein. For purposes of minimum parking calculations, when a floor plan is not available, usable floor area shall be considered 75% of total gross floor area.

- ii. **Occupancy.** For requirements stated in terms of occupancy, the calculation shall be based upon the maximum permitted occupancy determined by the City Fire Marshal.
- iii. **Places of assembly.** In stadiums, sports arenas, places of worship, theaters, auditoriums, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- iv. **Number of Employees.** For requirements stated in terms of number of employees, the calculation shall be based on the number of employees in the largest working shift.

- b. **Accessible Parking.** Parking spaces for those with physical disabilities shall be provided as part of the minimum number of parking spaces required by this Ordinance, and shall be designed, constructed and marked in accordance with Title III of the Americans with Disabilities Act, Public Law 101-336 (ADA) and Section of Act 230 of the Public Acts of 1972, as amended (Michigan Barrier Free Design Standards).
- c. **Temporary Construction Parking.** Such parking shall be exclusive of any rights-of-way shall be provided for all construction workers during periods of construction.

2. **Off-street Parking Minimum Requirements.** The minimum number of off-street parking spaces by type of use shall be

determined in accordance with the following schedule. Requirements for accessory uses associated with the primary use shall also be met as established for such uses in the table below.

Type of Use	Minimum spaces required
<b>a. Housing</b>	
Convalescent Homes	1 per each 4 beds + 1 per employee
Independent Senior Living	1 per each unit + 1 per each employee; for detached units, requirements for one-family residential shall apply
Congregate Senior Facility	3 per each 4 units + 1 per each employee
Mobile home park	1 per unit + 1 per 10 units for guest parking
Residential, one-family and two-family	2 per dwelling
Residential, multiple family	1 per each one bedroom unit; 1.5 spaces for each two or more-bedroom units
<b>b. Assembly</b>	
Places of Assembly (Stadiums, banquet halls, etc.)	1 per each 4 seats (Sec. 10.505.D.1.e. for unit measurement) or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
Places of Worship	1 per each 4 seats (Sec. 10.505.D.1.e. for unit measurement) or in case of no seating, 1 per each 4 persons allowed within the maximum occupancy load as established by the fire marshal.
<b>c. Office</b>	
General Office	1 per each 300 sq. ft. UFA
Medical Office	1 per each 200 sq. ft. UFA
<b>d. Institutional</b>	
High schools	1 per employee + 1 per each ten students, in addition to the requirements of any auditorium.
Higher education; trade or technical; all other adult education	1 per employee + 1 per each ten students, in addition to the requirements of any auditorium.
Hospitals	1 per each bed, plus as required for accessory uses
Pre-school and Daycare	1 per 350 sf of UFA + 1 per employee
Elementary and junior high schools	1 per employee + 1 per each ten students, in addition to the requirements of any auditorium.

Type of Use	Minimum spaces required
<b>e. Commercial</b>	
Financial Institutions (Banks/credit unions)	1 per each 200 sq. ft. UFA
Personal Service Use	1 per each chair/booth or 1 per 250 sq. ft. UFA, whichever is greater.
Hotel, motel or other commercial lodging establishment	1 per each sleeping unit + 1 per employee.
Major Retail with display (similar to furniture and appliance sales)	1 per 250 sq. ft. UFA + 1 per 700 sq. ft. UFA for areas used for storage and processing.
Retail Shopping Center	1 per each 250 sq. ft. UFA + 1 per 700 sq. ft. of storage area
Self-storage	<i>Indoor unit access:</i> 5 per office +1 per every 50 units spread throughout (indoor access). <i>Outdoor unit access:</i> 5 per office + adequate space in front of exterior unit as long as access is not blocked
Pet Boarding Facilities	1 per 700 sq. ft. UFA
<b>f. Restaurants</b>	
Fast-food restaurants	1 per 2 seats + 1 per 2 employees
Sit-down Restaurants/Bars and Lounges	1 per 70 sq. ft. UFA (excluding kitchen areas) + 1 per each employee.
Fast-food carry out only	1 per 2 persons allowed per maximum occupancy
<b>g. Recreational</b>	
Private fitness facilities	1 per 250 sq. ft. UFA
Bowling Alleys	5 for each bowling lane
Indoor/Outdoor Recreational Facilities	To be determined by the site plan review committee based on parking demand data provided by the applicant.
<b>h. Auto related</b>	
Gasoline service stations which may include minor repair or retail	1 space at each pump + 2 spaces per service bay; 1 additional space at each service bay if towing service is offered; Retail is subject to retail standards listed in this section
Motor vehicle sales and service establishments	1 per 300 sq. ft. UFA plus 2 per each service bay
Auto Wash Facilities	Two plus 1 per each employee
<b>i. Industrial</b>	

Type of Use	Minimum spaces required
Industrial Uses	1 per 300 sq. ft. UFA for office uses + 1 per 1,000 sq. ft. warehouse, storage, data. For speculative uses 1 per 550 sq. ft. GFA.
Medical Marihuana Caregiver	1 per 550 sq. ft. of UFA. A minimum of four spaces shall be provided.

**(E) Reduction from minimum off-street parking standards.**

It is the intent of this subsection to recognize that, based on site-specific conditions, certain uses may function with less off-street parking than required in the table above. As such, reductions in the requirement for minimum parking spaces may be permitted as follows:

**1. Parking Reduction Waivers**

- a. **Administrative Waiver.** The Site Plan Review Committee may grant up to a 15% reduction in the minimum required number of parking spaces where the applicant can demonstrate that the project can satisfy the standards listed in subsection 10.505(E)(2), below.
- b. **DDA Waiver:** The Site Plan Review Committee may grant up to a 25% parking reduction for properties located within the boundaries of the Southend Downtown Development Authority (DDA) where the applicant can demonstrate that the project can satisfy the standards listed in subsection 10.505(E)(2), below.
- c. **Planning Commission Waiver.** As part of the site plan review process outlined in Section 10.514, the Planning Commission may grant up to a 30% reduction in the minimum required number of parking spaces where the applicant can demonstrate that the project can satisfy the standards listed in subsection 10.505(E)(2), below.
- d. **Adaptive Reuse Waiver**
  - i. **Eligibility.** To qualify for a parking reduction, adaptive reuse projects shall satisfy the following criteria:

- (a) The existing building(s) shall be at least twenty-five (25) years old and constructed in accordance with building and zoning codes in effect at the time of construction; and
- (b) A minimum of 50% of the total building area shall be converted to a land use category other than the land use category for which the building was originally designed.

ii. **Parking Reduction:**

- (a) Where the applicant can demonstrate that the project can satisfy the standards listed in subsection 10.505(E)(2), below, the Site Plan Review Committee/approving body may reduce the minimum number of parking spaces by up to 25% for eligible adaptive reuse projects. Where a mix of uses is proposed, the 25% reduction shall be applied to the minimum parking requirement for each individual land use type.
- (b) Shared parking arrangements are encouraged for adaptive reuse projects pursuant to 10.505(E)(3), below. Shared parking studies for eligible adaptive reuse projects may apply the 25% reduction offered under this subsection to determine minimum parking requirements for each land use type.
- (c) Expansions/additions to the floor area of a building(s) associated with an eligible adaptive reuse project shall comply with minimum parking requirements and shall not be included within the 25% parking reduction.

2. **Standards for Parking Reductions.** As permitted by Section 10.505(E), the approving body may reduce minimum parking requirements where the applicant can

demonstrate that all of the following standards can be satisfied:

- a. The applicant has demonstrated through substantial evidence that the specified occupant or building use would require less parking than what would typically be required by this Section; and
- b. Parking will not occur on any street or driveway; and
- c. Parking will not occur on any area not approved and developed for parking; and
- d. The requested parking reduction shall not create traffic or circulation problems on or off site; and
- e. The approved waivers shall apply only to the proposed site use and shall not be carried over to another use or occupant of the site. Any substantial changes to the use mix or parking demand from the original approval shall require approval from the approving body prior to the issuance of a certificate of occupancy.

3. **Shared Parking.** Where multiple land uses occupy a single property, or properties in close proximity, the City of Madison Heights encourages the use of shared parking arrangements. Approval of shared parking shall be subject to the following conditions.

- a. **Parking Computation.** The number of shared spaces for two (2) or more distinguishable land uses shall be determined by the following procedure:
  - i. Multiply the minimum parking required for each individual use, as set forth in Section 10.505(D)(2), by the appropriate percentage indicated in the Shared Parking Calculations table (below) for each of the six (6) designated time periods.
  - ii. Add the resulting sums for each of the six (6) columns.

iii. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.

Shared Parking Calculations						
General Land Use classification	Weekdays			Weekends		
	2:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—2:00 a.m.	2:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—2:00 a.m.
Office	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	40%	90%	0%	80%	100%
Hotel						
Guest rooms	100%	55%	100%	100%	55%	100%
Restaurant/lounge	40%	60%	100%	50%	45%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%
Reception or meeting hall	0%	70%	90%	0%	70%	100%
Museum	0%	100%	80%	0%	100%	80%
School, grades K—12	0%	100%	25%	0%	30%	10%

b. **Other uses.** If one (1) or all of the land uses proposing to make use of shared parking facilities do not conform to the general land use classifications in the Shared Parking Calculations table, as determined by the approving body, then the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the approving body shall determine the appropriate shared parking requirement, if any, for such uses.

c. **Shared Parking Waivers.** The applicant may request an additional reduction of minimum shared parking requirements by employing one or more of the parking reduction waivers outlined in Section 10.505(E)(1), above. The applicant shall demonstrate that the project can satisfy the standards listed in subsection 10.505(E)(2), above.

d. **Remote Shared Parking.** The approving body may consider off-site (remote) parking for shared parking arrangements, subject to the standards of Section 10.505(B)(3), above.

**(F) Bicycle parking facilities general requirements.**

At the time of erection or enlargement of any principal building or structure, or at the time of change of use, a bicycle parking facility shall be required and be provided as part of site plan review in accordance with the following requirements:

1. **Minimum count.** A minimum of two bicycle parking spaces shall be provided. Auto wash uses and single-family and two-family uses are exempt from this requirement. Any use that requires bicycle parking and has more than forty (40) off-street vehicle parking spaces shall provide one additional bicycle parking space for each twenty vehicle parking spaces.
2. **Location.** Bicycle parking facilities shall be no greater than one hundred fifty (150) feet from the entrance being served.
3. Minimum required bicycle parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
4. **Layout and Design standards.** All bicycle parking spaces shall be paved and shall feature a bicycle rack of the inverted "U" design that is permanently affixed to the ground. Alternative installations and designs may be considered if the proposed rack design functions similar to the inverted "U" design and is easily visible and accessible.
5. **Access.** All bicycle parking facilities shall be accessible from adjacent street(s) and pathway(s) via a paved route that has a minimum width of five (5) feet.

6. **Waiver.** Upon the written request of an applicant, the approving body may waive or modify the bicycle parking facility layout, location, and design requirements in this subsection upon a satisfactory showing by the applicant of a practical difficulty with complying with the requirement due to site constraints or other factors, and that the applicant's proposed plan will adequately serve the needs of the site and the bicycling public.

**Section 3. Sec. 10.506 (Off-Street Parking Space Layout, Standards, Construction and Maintenance) is hereby replaced in its entirety as follows:**

Wherever the off-street parking requirements in section 10.505 above require the building of an off-street parking facility, or where P-1 or P-2 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- (A) No parking lot shall be constructed unless, and until, all required permits are issued by the building official after site plan review and approval.
- (B) Adequate ingress and egress to the parking lot shall be provided. All traffic directional signs and controls required by the approved site plan shall be established and maintained by the owner or lessee of the parking lot.
- (C) All drives and parking spaces shall be surfaced in a manner equivalent to that which is provided for the parking areas under section 10.340. Permeable asphaltic or concrete pavement or pavers may be permitted after review and approval of the design by the city engineer for conformance with city standards.
- (D) All spaces shall be provided adequate access by means of on-site maneuvering lanes.
- (E) Each off-street parking space shall be in accordance with the following table and shall be of usable shape and condition. Access drives shall be a minimum of 12 feet in width and where a turning radius is necessary it will be of an arc of

sufficient size to reasonably allow an unobstructed flow of vehicles.

Parking Pattern	Minimum Maneuvering Lane Width (b,c)	Minimum Parking Space Width	Minimum Parking Space Length (c,d)	Minimum Total Width of One Tier of Spaces Plus Maneuvering Lane	Minimum Total Width of Two Tiers of Spaces Plus Maneuvering Lane
90°	22 ft.	9 ft.	20 ft.	42 ft.	62 ft.
60°	18 ft.	9 ft.	20 ft.	37 ft.	56 ft.
45°	15 ft.	9 ft.	20 ft.	30 ft.	53 ft.
Parallel	12 ft.	9 ft.	20 ft.	31 ft.	
45° Herringbone	12 ft.	9 ft.	20 ft.		50 ft.
<ul style="list-style-type: none"> <li>a. All above dimensions are measured from back of curb to back of curb.</li> <li>b. The minimum maneuvering lane width shall be increased to a minimum of 24 feet, if the lane is determined to be a fire lane by the City Fire Marshal.</li> <li>c. The City Engineer may require the maneuvering lane widths to be increased to 24 feet, when it is warranted to allow safe turning movements for larger vehicles. When the maneuvering lane width is proposed at a minimum of 24 feet, the parking space length can be reduced by 2 feet.</li> <li>d. Two feet of the minimum parking space length may overhang a landscaped area or a sidewalk, where the walk is a minimum seven feet wide.</li> </ul>					

(F) All maneuvering lane traffic shall permit only one-way movement, with the exception of the 90° and parallel patterns where two-way movement may be permitted.

(G) **Screening Wall.** On all sides where the adjacent zoning district is designated as a residential district, off-street parking areas shall be provided with a continuous and completely obscuring wall in accordance with the specifications of section 10.513.

(H) **Sidewalk.** All principal uses shall be connected to the adjacent public sidewalk system with 5' wide concrete sidewalk(s) meeting the city's public sidewalk standards. Existing uses shall incorporate this requirement into any development or expansion that requires site plan review. The internal sidewalk design shall be designed to permit safe ingress and egress of pedestrians and encourage walkability and non-motorized access.

- (I) **Drainage.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- (J) **End Islands.** In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, ring roads, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (landscaped with raised curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. End islands with raised curbs and landscaping shall not be required in parking structures; however, painted islands must be provided. For surface lots where internal traffic circulation is forecast to be low or where the raised islands would not be appropriate, the Site Plan Review Committee or the approving body may waive the requirement for raised end islands and may allow for painted islands only. The end islands, whether raised or painted, shall generally be at least ten (10) feet wide, have an outside radius of fifteen (15) feet, and be constructed three (3) feet shorter than the adjacent parking stall.
- (K) **Landscaping.** Right-of-way screening and parking lot landscaping shall be provided in accordance with Section 10.510.

**Section 4. Sec. 10.507 (Off-Street Loading and Unloading) is hereby replaced in its entirety as follows:**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such loading space(s) shall be subject to the following standards:

- (A) Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.
- (B) Loading and unloading of freight shall be on those sides of the building which do not face on any street or proposed street.

(C) Loading areas shall be designed so that maneuvering of vehicles will take place off the public right-of-way.

(D) **Minimum requirements.** Such loading and unloading space(s), unless completely and adequately provided for within a building, shall be an area 12 feet by 50 feet, with clearance of 14 feet high, and shall be provided according to the following schedule:

<b>Gross Floor Area of Building (square feet)</b>	<b>Required Loading and Unloading Spaces</b>
First 2,000	None
2,000-20,000	1
20,000-100,000	1 + 1 for each 20,000 square feet in excess of 20,000 square feet
100,000-500,000	5 + 1 for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	10 + 1 for each 80,000 square feet in excess of 500,000 square feet

- a. **Double count.** Off-street loading space areas shall not be counted as off-street parking spaces, nor shall they conflict with the maneuvering lanes required to access off-street parking.
- b. **Waiver.** In cases where the applicant has sufficiently demonstrated that the minimum loading and unloading requirements of this section are excessive for their use, the approving body may grant a waiver from the minimum standards listed in this subsection. The approved waiver shall apply only to the current site use and shall not be carried over to another use or occupant of the site.

## **Section 5. Repealer**

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

## **Section 6. Severability**

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

## **Section 7. Savings**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

## **Section 8. Effective Date**

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

## **Section 9. Enactment**

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 p.m. and 4:30 p.m. on regular business days.

Yea:                   Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein  
Nay:                   None  
Absent:               Corbett  
Motion Carried.

### **CM-22-18.                   Minutes.**

Motion by Councilor Rohrbach, seconded by Councilor Rohrbach, to approve the Special City Council meeting minutes of 12-06-21, as printed.

Yea:                   Fleming, Rohrbach, Soltis, Wright, Bliss, Grafstein  
Nay:                   None  
Absent:               Corbett  
Motion Carried.

**CM-22-19.****Minutes.**

Motion by Councilor Rohrbach, seconded by Councilman Fleming, to approve the Special City Council meeting minutes of 12-13-21, as printed.

Yea: Rohrbach, Soltis, Wright, Bliss, Fleming, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

**CM-22-20.****Minutes.**

Motion by Councilor Wright, seconded by Councilman Fleming, to approve the Regular City Council meeting minutes of 12-3-21, as printed.

Yea: Soltis, Wright, Bliss, Fleming, Rohrbach, Grafstein

Nay: None

Absent: Corbett

Motion Carried.

**CM-21-21. Mayor and Council - Comments.**

Councilman Bliss stated that he is excited about some of the changes being made by the Planning Commission; some of which were discussed tonight. He requested that staff reach out to businesses to let them know what their options are for outdoor seating. Outdoor seating is the future and we need to be as proactive as possible. The Special Council meeting on December 6, 2021 was the Strategic Planning meeting to discuss the direction of the City. He stated that he would like to request a major parks initiative such as splash pad or one focused on accessibility and set aside funds annually in the budget process for the special improvement. This will enable funding to be in place should a matching grant become available.

Councilman Wright expressed kudos to City Manager Marsh for being proactive with the Police Department vehicles. He stated that next Monday is Martin Luther King Day so please take a moment to recognize the holiday and its significance. He noted that Martin Luther King Day was not a holiday until the 1980s and Juneteenth just became a holiday last year.

City Attorney Sherman wished everyone a Happy New Year.

City Manager Marsh had no comments this evening.

Councilor Rohrbach had no comments this evening.

Councilman Fleming stated that this past weekend was Police Appreciation Day. He stated that he appreciates the hard work of both our Police and Fire

Departments. With all the hospitals being full, the EMTs are doing a lot of work. This is National Human Trafficking Awareness month. Our Police Department is very proactive on this front to combat human trafficking. There is a website on Department of Human Services to see what the signs are and what to look out for as it pertains to human trafficking.

Councilman Soltis stated that in his 18 years in healthcare, he has been exposed to many horrible diseases. Please listen when he says to where a mask. We are in this together, including worldwide, and it affects us all. He stated that he started coaching basketball again; hopefully they won't have to cut the season short. He noted that he is going to prepare report on child abuse and neglect to present to Council at a later date. He noted his concern about the level of unfounded cases; either people obligated to report are not doing so or reporters are incorrect 75% of the time and that does not seem to be accurate. What makes more sense to him is the possibility that Child Protective Services investigations may be flawed in some way.

Mayor Grafstein stated that the City has been aware of other issues at the Urgent Care on 12 mile and thank the resident for reporting the this issue. The police have been patrolling and Council will refer the matter to the City Manager for further investigation. She supports an extension for outdoor seating as well. At this point, it is not possible to go to virtual unless the State of Michigan authorizes it, and we are all trying to adjust to the situation as it occurs. There was a lot of conversation on the ordinances approved tonight that was held at the Planning Commission level. There is a lot of work that goes on behind the scenes and in other public bodies prior to coming to Council. She stated that the City is looking at bringing more businesses to the DDA that fit within the vision. The next City Council meeting is January 24<sup>th</sup>.

**CM-22-22.      Adjournment.**

There being no further business, the meeting was adjourned at 9:08 p.m.

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Roslyn Grafstein  
Mayor

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Cheryl E. Rottmann  
City Clerk