



MEMORANDUM

Date: August 29th, 2025
To: City of Madison Heights City Council [September 8th, 2025 Meeting]
From: Matt Lonnerstater, AICP – City Planner
Subject: Special Land Use Request PSP 25-05 – 28767 Dartmouth – Parking as a Principal Use

PLANNING COMMISSION RECOMMENDATION: DENY

TEMPLATE MOTIONS AND FINDINGS INCLUDED ON PAGE 13

Note: The applicant has submitted revised conceptual plans to address the Planning Commission's findings for denial.

Introduction

The applicant and property owner, Najor Companies, requests Special Land Use approval from the Planning Commission and City Council under Sections 10.06 and 15.05 of the Madison Heights Zoning Ordinance to develop parking and a drive aisle as a principal use of a residential parcel; the parking lot and drive aisle are intended to serve a proposed restaurant development on the adjacent site to the west.

The subject property is located at 28767 Dartmouth Street and is zoned R-3, One-Family Residential. Per Section 10.06, parking as a principal use of a residential parcel is subject to Special Land Use approval with additional use-specific standards.

Please note that this Special Land Use request is only for the drive aisle and parking on the residential subject parcel. While the proposed drive aisle/parking is related to the adjacent restaurant development, the restaurant use itself is not directly subject to this Special Land Use request. Restaurants are a “by-right” use on the adjacent commercial parcel.

Planning Commission Action and Findings

Per the Zoning Ordinance adopted in 2024, Special Land Use requests begin at the Planning Commission for a public hearing, with a recommendation made to City Council for final action. A public hearing was held at the August 19th, 2025 Planning Commission meeting. Several members of the public spoke in opposition of the application. Following the public hearing, the Planning Commission approved the following motion pertaining to the proposed Special Land Use request.

MOTION BY FOX, SECONDED BY SYLVESTER, THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY **RECOMMENDS THAT CITY COUNCIL DENY** SPECIAL LAND USE REQUEST NUMBER PSP 25-05 FOR PARKING AS A PRINCIPAL USE ON A RESIDENTIALLY ZONED PARCEL AT 28767 DARTMOUTH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a drive aisle and parking spaces on a residential parcel at 28767 Dartmouth Street as permitted by Section 10.06 of the Zoning Ordinance.

2. The Planning Commission held a public hearing for PSP 25-05 at their August 19th, 2025 meeting.
3. The proposed Parking as a Principal Use is not consistent with the use-specific standards set forth in Section 10.06 and the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The applicant has not demonstrated the need for excess parking on the proposed site.
 - b. The applicant has not demonstrated that the site will be in compliance with the landscaping ordinance.

Voting Yea: Commissioner Bliss, Commissioner Fox, Commissioner Graettinger, and Commissioner Sylvester, Chair Champagne

Motion carries unanimously.

Revised Plans and City Council Options

The applicant submitted revised conceptual plans on August 28th, 2025, which attempt to address the Planning Commission's findings for denial and staff concerns listed within the Planning Commission staff report. The revised plans incorporate the following changes:

- Reduced the number of parking spaces from twelve (12) to three (3).
- Relocated parking spaces from the south side of the drive aisle to the north side; the spaces are now proposed as parallel spaces as opposed to the 90-degree spaces in the original submittal.
- Increased the greenbelt width along the south side of the property and increased the number and variety of trees, shrubs, and perennial plantings.
- Added right-of-way landscaping adjacent to Dartmouth.
- Added a sidewalk connection along the south side of the driveway.

The Planning Commission has not had an opportunity to review the revised concept plans, and their recommendation of denial was based upon the plans submitted with the original application. In light of the revised submittal, City Council has the following options pertaining to this Special Land Use case:

- 1) Approve the Special Land Use based upon the revised conceptual plan submittal submitted to staff on August 28th, 2025.
- 2) Deny the Special Land Use.
- 3) Postpone action on the Special Land Use to the October 13th, 2025 City Council meeting and remand the revised submittal back to the Planning Commission for new review and recommendation at their September 16th, 2025 meeting.

This staff report has been updated to reference both the originally-submitted concept plans and the revised plans dated August 28th, 2025.

Project Summary

The subject property is 0.19 acres in size and is currently improved with a single-family house and a detached garage, which are proposed to be demolished to accommodate the parking/drive aisle. The applicant owns the subject parcel, the vacant commercial parcels to the west, and the gas station property to the north. A seventeen-foot (17') wide alley separates the subject parcel from the gas station property to the north; the applicant plans to petition the City to vacate this alley, which would add an approximately 8.5 foot-wide strip of land to the north side of the subject parcel. The remaining 8.5 feet would be added to the gas station property.

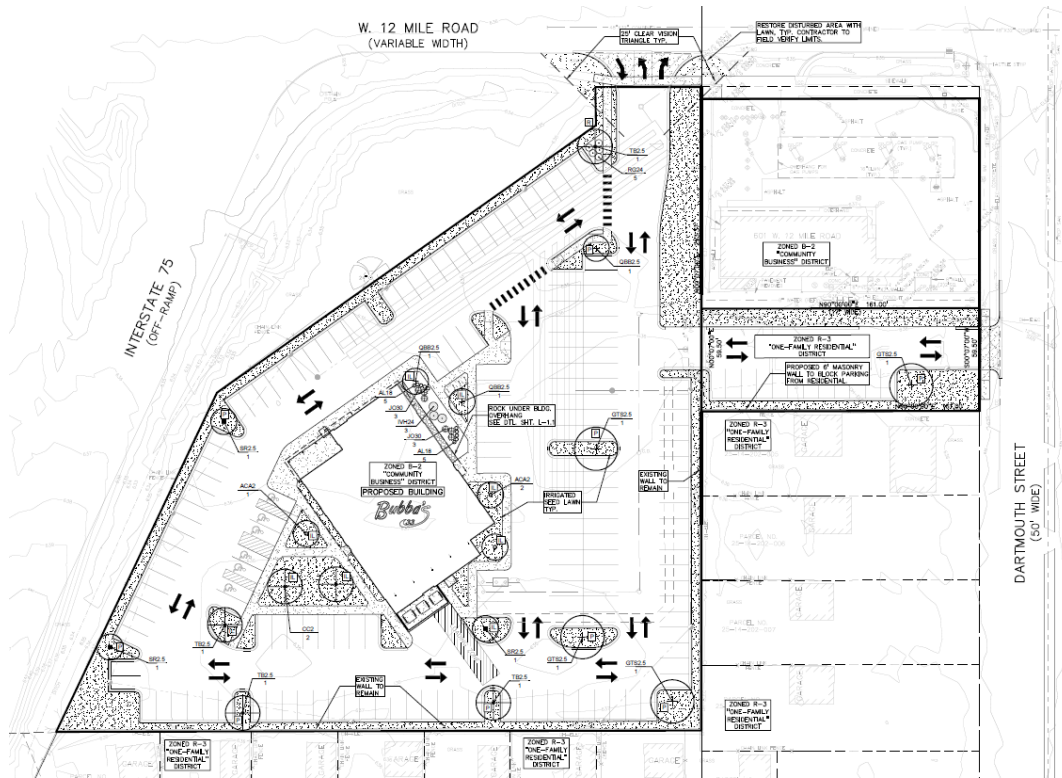
The applicant intends to develop the commercial property to the west with a 7,100 square-foot sit-down restaurant and associated parking lot. While the primary vehicular entrance is planned off 12 Mile Road, the new diverging diamond interchange severely restricts (if not outright prohibits) left-hand turns from the restaurant property onto 12 Mile Road as well as left-hand turns into the property from west-bound 12 Mile Road. The proposed drive aisle would allow restaurant guests and employees to access the signalized intersection at Dartmouth and 12 Mile Road, thus allowing for west-bound access to/from 12 Mile Road. Per the applicant, the proposed drive aisle would also provide secondary emergency vehicle access and provide additional overflow parking spaces.

Refer to the images below and on the following page for an aerial overview of the request.

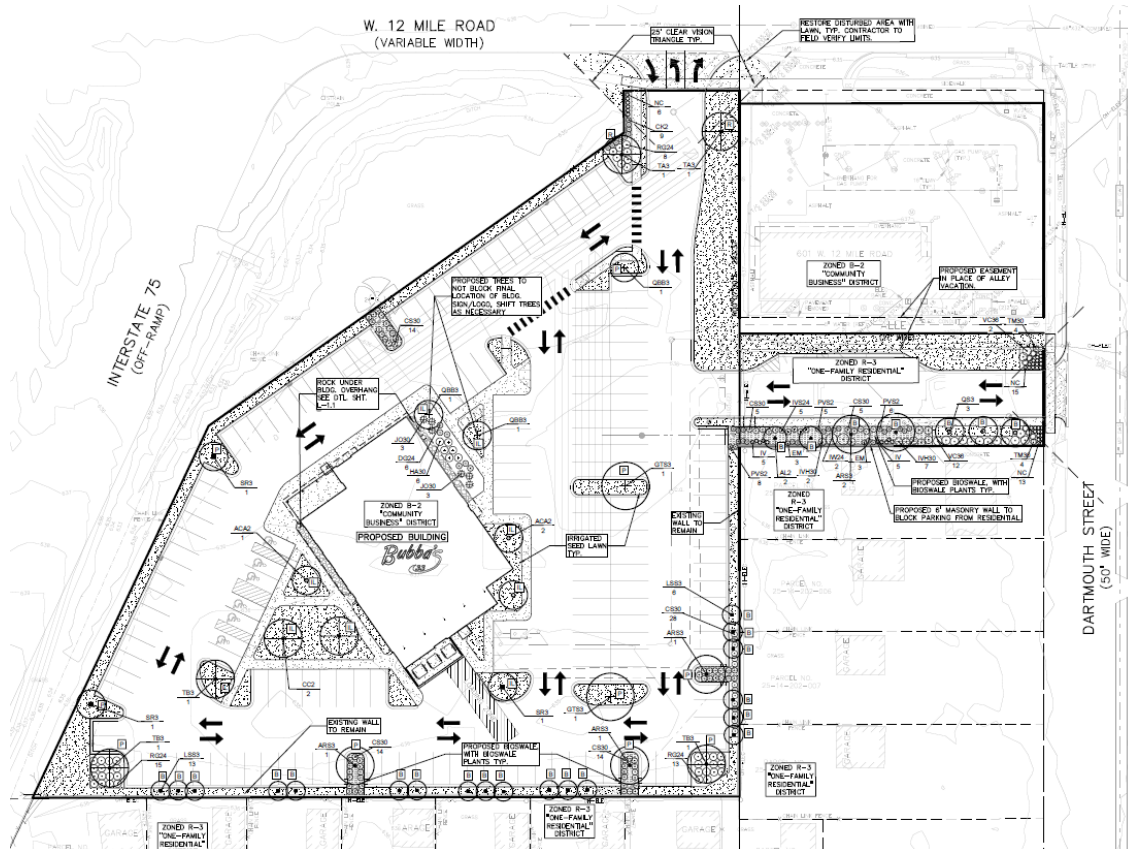
Subject Site and Surrounding Parcels



Original Submittal



Revised Submittal

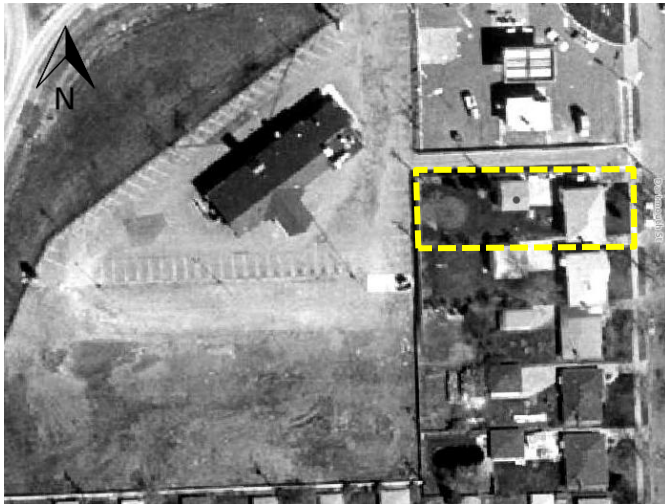


Site History

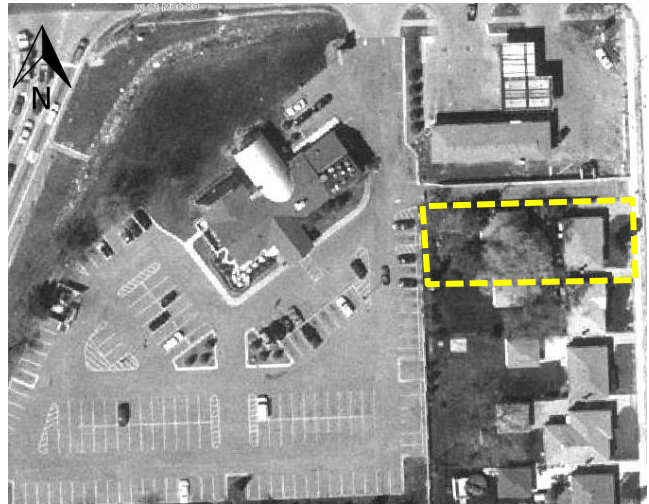
Per historic aerial photographs, the subject site has been improved with a single-family detached house since 1963 or prior. The commercial site to the west was previously improved with a restaurant (Marinelli's) and parking lot, which was demolished in 2014. The public alley between the restaurant site and Dartmouth was improved in the 1970s to provide a secondary access point and utility easement to/from the restaurant. The images below show the development progression over time as well as a current streetview image of the subject property.

Aerial Images of Subject Site and Adjacent Parcels

1980



2000



Current Streetview – 28767 Dartmouth and Public Alley



Driveway/Parking Details

Original Submittal: The proposed two-way drive aisle is 24.5 to 25 feet wide, and the edge of the curb-cut is placed approximately 23.5 feet from the southern residential property line. Twelve (12) parking spaces are proposed as overflow parking for the restaurant. A “no right turn” sign is proposed at the curb-cut to prevent exiting vehicles from turning right onto Dartmouth Street into the residential neighborhood. A six (6) foot tall masonry screen wall is proposed along the southern property line to screen the parking/drive aisle from the residential parcel to the south. One (1) deciduous tree is proposed in the southeast corner.

Revised Submittal: The proposed two-way drive aisle is 24.5 to 25 feet wide, and the edge of the curb is approximately 20 feet from the southern residential property line. Three (3) parking spaces are proposed as parallel spaces along the north edge of the drive. A “no right turn” sign is still proposed. A six (6) foot tall masonry screen wall is proposed along a portion of the southern property line, with deciduous and ornamental trees and perennial shrubs proposed along the entire length of the southern property line.

A cross-access easement will need to be recorded to allow for vehicle access to/from the restaurant site.

Alley Vacation

Prior to construction of the drive aisle and parking, if approved, the applicant will need to petition City Council to vacate the existing public alley along the north side of the site. A vacation request has been submitted under PEE #25-01. Per Ordinance requirements, City Council shall hold a public hearing prior to acting on the request. As there are public utilities within the existing alley, including water and sewer lines, as well as overhead DTE electric lines and poles, a public utility easement will need to be retained over the vacated alley. The property owner had previously petitioned City Council to vacate the alley in 2023, but the request was paused and administratively closed due to concerns from DTE. DTE concerns would need to be addressed as part of the new alley vacation request.

Use-Specific Standards for Parking as a Principal Use

Section 10.06 of the Zoning Ordinance contains use-specific standards for parking as a principal use. These standards, and staff comments based on the original and revised submittals, are provided below:

Parking as a principal use is permitted as a special land use in all zoning districts, subject to the following standards:

- A. *Unless otherwise noted, the parking lot shall satisfy all layout, construction and design standards of this article.*

Staff Comment:

Original Submittal: Drive aisle width and parking space dimensions satisfy Zoning Ordinance requirements.

Revised Submittal: The length of the parallel parking spaces need to be increased 24 feet to meet the minimum requirements of Section 10.08. Hatching between spaces may be used to satisfy this requirement.

- B. *The parking lot shall be landscaped and screened in accordance with Section 11.06 (Parking Lot Landscaping).*

Staff Comment:

Original Submittal: A screen wall greenbelt consisting of a six foot (6') tall masonry wall and 5-foot-wide greenbelt is provided along a portion of the southern property line

between the parking spaces and the adjacent residential property. The residential driveway on the property to the south is built essentially to the property line. To avoid a masonry wall built right up to this residential driveway, staff recommends that the applicant offset the masonry wall from the southern property line to the greatest extent possible. Additional landscaping and hedging should be placed along the south property line between the eastern edge of the screen wall and the Dartmouth right-of-way, accounting for clear vision corner standards.

Revised Submittal: Additional landscaping has been placed along the south edge of the drive aisle adjacent to the south property line and adjacent to the Dartmouth right-of-way. The length of the masonry wall has been reduced so that it doesn't directly abut the residential driveway to the south.

- C. *The use of the parking lot shall be restricted to the parking lot of passenger automobiles only. No commercial vehicles shall be parked or stored.*

Staff Comment: Staff recommends placing this standard as a condition of special land use approval and requiring it to be noted on the formal site plan, when submitted.

- D. *The parking lot shall serve customers, visitors, and employees of adjacent non-residential/mixed-use districts.*

Staff Comment: The parking lot and drive aisle are intended to serve the proposed sit-down restaurant development to the west.

- E. *Each entrance and exit from such parking lot shall be located at least twenty (20) feet from any adjacent residential zoning district, measured from the property line.*

Staff Comment: The edge of the driveway curb cut is approximately 20 feet from the southern residential property line, meeting this standard.

- F. *The following additional standards apply to principal use parking lots in R-1, R-2, **R-3**, R-MN, and R-MF districts:*

- (1) *The residential parcel on which the parking lot is located shall have a side or rear lot line that directly abuts a non-residential or mixed-use zoning district or directly abuts a public alley which divides said residential and non-residential/mixed-use zoning districts.*

Staff Comment: The subject parcel directly abuts B-2 zoned parcels to the west and north. The drive aisle and parking lot intends to serve the proposed restaurant development directly to the west of the subject site.

- (2) *All portions of the paved parking lot and all parking spaces and maneuvering lanes shall be within eighty feet (80') of the non-residential/mixed-use zoning district to be served, or the edge of a public alley which divides said residential; and non-residential/mixed-use zoning districts.*

Staff Comment:

Original Submittal: The parking spaces are intended to serve the proposed restaurant use to the west. Twelve (12) parking spaces are proposed on the residential parcel, with the furthest space being located approximately 105 feet from the western property line. In order to satisfy this standard, the three (3) eastern-most parking spaces will need to be removed. Alternatively, the applicant has the ability to apply for a variance from the Zoning Board of Appeals (ZBA).

Revised Submittal: Three (3) parking spaces are proposed as parallel spaces along the north side of the drive aisle, with the furthest space located approximately 80 feet from the western property line. While increased parallel parking space length is required as noted above, the 80 ft. maximum setback shall still be maintained.

- (3) *The applicant shall, through the Special Land Use process, demonstrate that adequate parking cannot be reasonably provided on the subject property or an adjacent non-residentially-zoned parcel.*

Staff Comment:

Original Submittal: Section 10.03 of the Zoning Ordinance sets a minimum parking rate of 1 space per each 100 square feet of usable floor area for restaurant uses, while Section 10.04 sets a maximum parking rate of 130% of the minimum. With approximately 6,700 square feet of usable floor area, the minimum parking count for the proposed restaurant is set at 67 spaces while the maximum is set at 88 spaces.

Based on the conceptual site plan provided with the Special Use application, the applicant proposes a total of 169 spaces directly on the restaurant site, which is nearly 200% of the maximum permitted parking and 250% of the minimum. The additional 12 spaces proposed on this subject parcel bring the total to 181 spaces. Within the project narrative, the applicant claims that the parking counts are necessary to account for peak demand and an anticipated wait time of up to one hour, as well as parking for employees. Parking studies have not been provided.

City Council has the ability to request additional documentation or business details to justify the parking counts for the development. Any parking counts above 130% of the minimum requirements (67 spaces) will require the installation of low-impact stormwater design on the restaurant site in accordance with Section 10.04 of the Zoning Ordinance, which would need to be addressed as part of the Major Site Plan submittal for the restaurant.

Revised Submittal: 3 parking spaces are now proposed on the subject site instead of 12, bringing the total to 172. Comments pertaining to maximum parking and low-impact stormwater techniques still apply.

- (4) *The applicant shall, through the Special Land Use process, demonstrate that the parking areas will not detrimentally impact the residential character of the adjacent neighborhood.*

Staff Comment:

Original Submittal: The applicant proposes a masonry screen wall, as required per the Zoning Ordinance, and a “No Right Turn” sign to restrict vehicles from exiting the site into the residential neighborhood. However, staff recommends that additional landscaping and right-of-way screening be installed in the grass area adjacent to the right-of-way to further screen the parking lot/drive aisle and to create a better transition into the residential neighborhood.

Revised Submittal: The masonry screen wall and “No Right Turn” sign are still proposed. Additional landscaping is proposed along the southern property line.

Site Analysis

Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	One-family residential	R-3, One-Family Residential
North	Gas station	B-2, Community Business
South	One-family residential	R-3, One-Family Residential
East (across Dartmouth)	One-family residential	R-3, One-Family Residential
West	Vacant commercial	B-2, Community Business

The site borders single-family residential to the south and east, and commercial zoning to the north and west. The site to the west is currently vacant but was improved with a restaurant use (Marinelli's) until 2014.

Per the Madison Heights Zoning Ordinance, R-3 zoning districts are intended to, *“provide for one-family dwelling sites and residentially-related uses in keeping with the Master Plan of residential development in the City of Madison Heights.”*

Future Land Use and Master Plan

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Single-Family Residential
North	Commercial
South	Single-Family Residential
East (across Dartmouth)	Single-Family Residential
West	Commercial

City Council should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this Special Land Use request:

Community Character

- *Enhance the city's commercial corridors to support walkability and improve community identity.*
- *Promote the city's positive identity in the region.*
- *Promote the use of quality building design and materials to enhance the appearance and long-term maintenance of new development.*
- *Protect established neighborhoods and business districts from the potentially negative impacts of development, including noise, traffic, waste, odor, and other nuisances through effective and thoughtful site and building design.*

Housing

- *Encourage maintenance of and reinvestment in existing neighborhoods.*

- *Ensure that infill and redeveloped residential properties are compatible with the surrounding areas and adjacent parcels.*
- *Support neighborhoods by improving walkability and access to goods and services.*

Commercial and Industrial Development

- Provide incentives and flexible zoning mechanisms for commercial and industrial property owners and tenants to upgrade existing commercial and industrial sites.
- Promote walkability by ensuring sufficient local destinations for goods and services.

Transportation

- Promote the use of accepted traffic calming and access management techniques that make all travel safe and efficient.
- Provide a safe, efficient non-motorized pathway system that provides links to various land uses throughout the city that gives residents choice about their modes of travel.
- Explore innovative traffic designs and flexible engineering standards to improve the safety and efficiency of travel for motorized and non-motorized travel.

Transportation Network

Dartmouth Street is under the jurisdiction of the City of Madison Heights and is classified as a local street, which typically do not carry through traffic. SEMCOG traffic volume data is not available for Dartmouth. However, given the signalized intersection at 12 Mile and the proximity to the I-75 interchange, staff estimates slightly higher traffic volumes on Dartmouth compared to other local streets within Madison Heights.

Special Land Use Criteria

Requests for Special Land Use approval are subject to processes and review standards contained in Section 15.05. A public hearing is required in front of the Planning Commission, after which the Planning Commission may make a recommendation to City Council. After receiving a recommendation from the Planning Commission, City Council has the authority to take final action on Special Land Use requests.

The Planning Commission and City Council shall consider the Special Land Use review standards contained in Section 15.05.3 and incorporate them into any motion of approval or denial:

- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
- B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
- C. The special land use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- D. 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) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized 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.
- F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.

In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of the Zoning 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.

Staff Analysis and Review

Staff recognizes the importance of the secondary ingress/egress point off Dartmouth to enable the development of the adjacent commercial parcel. The recently-completed diverging diamond interchange at I-75 and 12 Mile Road severely restricts the ability to make left-hand turns from the commercial property onto 12 Mile Road and the ability to directly enter the property from west-bound 12 Mile Road. By allowing access to and from the signalized intersection at 12 Mile/Dartmouth, the proposed drive aisle aims to alleviate these site access issues and provide secondary emergency access to the property.

A key point revolves around impacts to the adjacent neighborhood. The “No Right Turn” sign at the exit should discourage vehicular traffic through the neighborhood, but based on the original submittal, staff and the Planning Commission cited concerns about the lack of landscaping and screening along the southern property line and adjacent to the Dartmouth right-of-way. Further, staff recommended providing a 5 foot (5’) wide sidewalk connection along the northern edge of the subject parcel to allow residents in the surrounding neighborhood to safely walk to the restaurant without needing to walk all the way to 12 Mile Road. **The revised concept plans aim to address these concerns.**

Despite the rationale for the drive aisle and curb cut off Dartmouth, staff has concerns about the additional parking being proposed. The restaurant concept plan, while not technically reviewed directly as part of this Special Land Use request, appears to be vastly overparked. Per Ordinance standards, this additional parking will require the installation of significant low-impact stormwater management techniques on the adjacent site to offset the additional impervious surface. Based on the original

submittal, a minimum of three (3) parking spaces needed to be removed on the residential subject parcel to satisfy use-specific standards for Parking as a Principal Use. **The revised plans removed nine (9) spaces, leaving a total of three (3), and rearranged the parking into parallel parking spaces along the north side of the drive aisle.** City Council may request additional information or documentation from the applicant regarding the need for the amount of requested parking.

Several members of the public spoke at the Planning Commission public hearing to discuss their concerns with the project. General concerns expressed at the meeting related to additional vehicular traffic and traffic back-ups down Dartmouth, the lack of landscaping and screening, and noise.

Planning Commission Recommendation & Next Steps

As noted on the first page of this report, the Planning Commission recommended that City Council deny the Special Land Use request based on the following findings:

The proposed Parking as a Principal Use is not consistent with the use-specific standards set forth in Section 10.06 and the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:

- a. The applicant has not demonstrated the need for excess parking on the proposed site.*
- b. The applicant has not demonstrated that the site will be in compliance with the landscaping ordinance.*

The applicant has submitted revised conceptual plans to address staff concerns and the Planning Commission's findings for recommending denial. The Planning Commission has not had an opportunity to review the revised concept plans, and their recommendation of denial was based upon the original submittal. In light of the revised submittal, City Council has the following options pertaining to this Special Land Use case:

- 1) Approve (with or without conditions) the Special Land Use based upon the revised conceptual plan submittal dated August 28th, 2025.
- 2) Deny the Special Land Use.
- 3) Postpone action on the Special Land Use to the October 13th, 2025 City Council meeting and remand the revised submittal back to the Planning Commission for new review and recommendation at their September 16th, 2025 meeting.

If City Council decides to act approve the Special Land Use based upon the revised conceptual plans, staff recommends that the following items be included as conditions of approval:

- 1) A Major Site Plan shall be submitted to the Community and Economic Development Department in accordance with Section 15.04 of the Zoning Ordinance for review and approval by the Technical Review Committee. The Major Site Plan application may be combined with the adjacent restaurant development or act as a stand-alone application. The Major Site Plan, when submitted, shall be designed to satisfy the following:
 - a. The Major Site Plan shall be designed in accordance with the revised conceptual plans submitted to city staff on August 28th, 2025.
 - b. Increase the length of the parallel parking spaces to 24 feet to meet the minimum requirements of Section 10.08. Hatching between spaces may be used to satisfy this requirement. The 80 ft. maximum parking setback of Section 10.06.F shall be maintained.

- c. The Technical Review Committee shall have the ability to suggest alternate planting types and locations to satisfy Zoning Ordinance standards.
 - d. The Major Site Plan shall include a note stating that the use of the parking lot shall be restricted to the parking lot of passenger automobiles only. No commercial vehicles shall be parked or stored.
- 2) A cross-access agreement shall be recorded at Oakland County Register of Deeds to allow for vehicular/pedestrian access across the subject property to and from the adjacent restaurant site.
 - 3) Special Land Use approval is conditioned upon the City of Madison Heights vacating the public alley along the northern property line and reserving any necessary public utility easements over the property. If the City denies the alley vacation request, the Special Land Use shall be deemed null and void and the rights thereunder shall terminate.
 - 4) Modifications to the Special Land Use (e.g. site access, proposed parking spaces, driveway width, etc.) shall be reviewed in accordance with Section 15.05.5 for a determination regarding the need for new Special Land Use review.

Template motions for postponement, approval, and denial are provided at the end of this report.

Attachments

- **Special Land Use Application - PSP #25-05**
- **Project Narrative**
- **Original Concept Plan**
- **Revised Concept Plan (Received 8/28/25)**
- **Associated Maps**
- **Section 10.06 – Parking as a Principal Use**
- **Section 15.05 – Special Land Use**

Template Motion, Findings and Conditions

Staff offers the following motions as a suggested template and guide for City Council’s consideration. City Council may provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

POSTPONEMENT

MOTION BY _____, SECONDED BY _____, THAT, BASED UPON REVISED DOCUMENTATION AND CONCEPT PLANS PROVIDED BY THE APPLICANT, CITY COUNCIL **POSTPONES ACTION** ON SPECIAL LAND USE REQUEST NUMBER PSP 25-05 TO THE OCTOBER 13th, 2025 MEETING AND **REMANDS THE CASE BACK TO THE PLANNING COMMISSION FOR FURTHER CONSIDERATION AND RECOMMENDATION AT THEIR NEXT REGULARLY-SCHEDULED MEETING.**

APPROVAL

MOTION BY _____, SECONDED BY _____, THAT, **CITY COUNCIL HEREBY APPROVES** SPECIAL LAND USE REQUEST NUMBER PSP 25-05 FOR PARKING AS A PRINCIPAL USE ON A RESIDENTIALLY-ZONED PARCEL AT 28767 DARTMOUTH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a drive aisle and parking spaces on a residential parcel at 28767 Dartmouth Street as permitted by Section 10.06 of the Zoning Ordinance

2. The Planning Commission held a public hearing for PSP 25-05 at their August 19th, 2025 meeting, after which a recommendation of denial to City Council was made based upon the originally-submitted concept plans.
3. The applicant submitted revised concept plans on August 28th, 2025, which adequately address and alleviate the Planning Commission's findings for recommending denial.
4. With conditions placed upon the Special Land Use as part of the approval process, the proposed parking as a principal use is generally consistent with the use-specific standards of Section 10.06 and the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The use is designed, located, and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The use will not involve activities that will be detrimental to adjacent residential land uses.
 - c. The use is designed and located so that it is compatible with the principal uses permitted in the R-3 district
 - d. The special land use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - e. The use is designed and located so that it is compatible with the Madison Heights Master Plan.
 - f. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent streets.

APPROVAL IS GRANTED WITH THE FOLLOWING CONDITIONS

- 1) A Major Site Plan shall be submitted to the Community and Economic Development Department in accordance with Section 15.04 of the Zoning Ordinance for review and approval by the Technical Review Committee. The Major Site Plan application may be combined with the adjacent restaurant development or act as a stand-alone application. The Major Site Plan, when submitted, shall be designed to satisfy the following:
 - a. The Major Site Plan shall be designed in accordance with the revised conceptual plans submitted to city staff on August 28th, 2025.
 - b. Increase the length of the parallel parking spaces to 24 feet to meet the minimum requirements of Section 10.08. Hatching between spaces may be used to satisfy this requirement. The 80 ft. maximum parking setback of Section 10.06.F shall be maintained.
 - c. The Technical Review Committee shall have the ability to suggest alternate planting types and locations to satisfy Zoning Ordinance standards.
 - d. The Major Site Plan shall include a note stating that the use of the parking lot shall be restricted to the parking lot of passenger automobiles only. No commercial vehicles shall be parked or stored.
- 2) A cross-access agreement shall be recorded at Oakland County Register of Deeds to allow for vehicular/pedestrian access across the subject property to and from the adjacent restaurant site.

- 3) Special Land Use approval is conditioned upon the City of Madison Heights vacating the public alley along the northern property line and reserving any necessary public utility easements over the property. If the City denies the alley vacation request, the Special Land Use shall be deemed null and void and the rights thereunder shall terminate.
- 4) Modifications to the Special Land Use (e.g. site access, proposed parking spaces, driveway width, etc.) shall be reviewed in accordance with Section 15.05.5 for a determination regarding the need for new Special Land Use review.

DENIAL

MOTION BY _____, SECONDED BY _____, THAT **CITY COUNCIL HEREBY DENIES** SPECIAL LAND USE REQUEST NUMBER PSP 25-05 FOR PARKING AS A PRINCIPAL USE ON A RESIDENTIALLY-ZONED PARCEL AT 28767 DARTMOUTH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a drive aisle and parking spaces on a residential parcel at 28767 Dartmouth Street as permitted by Section 10.06 of the Zoning Ordinance.
2. The Planning Commission held a public hearing for PSP 25-05 at their August 19th, 2025 meeting, after which a recommendation of denial was made.
3. The proposed Parking as a Principal Use is not consistent with the use-specific standards set forth in Section 10.06 and/or the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The applicant has not demonstrated the need for excess parking on the proposed site.
 - b. Ingress/egress to the use has not been designed to assure maximum vehicular, pedestrian and non-motorized safety, convenience and traffic impact on adjacent roads, drives and uses, particularly in regards to the location of, and access to, off-street parking.