



MEMORANDUM

Date: November 5th, 2025
To: City of Madison Heights City Council [November 10th, 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: NO RECOMMENDATION (TIE VOTE)
TEMPLATE MOTIONS AND FINDINGS INCLUDED ON PAGE 13

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 a drive aisle and parking as a principal use of a residential parcel. The new drive aisle and parking spaces intend 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.

Project History and Planning Commission Action

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. The history of this Special Land Use request is summarized below:

- **August 19th, 2025:** The Planning Commission held a public hearing on the case, after which the Planning Commission recommended denial of the Special Land Use to City Council.
- **August 28th, 2025:** The applicant submitted revised conceptual plans to address the Planning Commission’s recommendation of denial.
- **September 8th, 2025:** City Council considered the Special Land Use case, including the revised conceptual plans. At this meeting, City Council remanded the Special Land Use and the revised conceptual plans back to the Planning Commission for a new review and recommendation.
- **September 16th, 2025:** The Planning Commission considered the revised conceptual plans. At this meeting, a motion to recommend denial resulted in a tie vote. This means that the case and the revised plans return to City Council without a formal recommendation from the Planning Commission.

The full motion from the September 16th, 2025 Planning Commission meeting is provided below:

Motion by Sylvester, seconded by Fox, that 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, after which a recommendation of denial was made.**
- 3. The applicant submitted revised concept plans on August 28th, 2025. City Council considered the revised plans at their September 8th, 2025 meeting and remanded the revised Special Land Use application back to the Planning Commission for review and recommendation. The revised plans do not adequately address and alleviate the Planning Commission’s original findings for recommending denial.**
- 4. The applicant submitted revised concept plans on August 28th, 2025, which do not adequately address nor alleviate the Planning Commission’s original findings for recommending denial.**
- 5. 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 [list individual findings for denial].**
- 6. Concerns regarding public safety for the surrounding neighborhood.**

Voting Yea: Commissioner Fox, Commissioner Sylvester, Chair Champagne

Voting Nay: Commissioner Bliss, Commissioner Graettinger, Commissioner Marsh

Motion fails

Revised Plans, Documents and City Council Options

The applicant has submitted revised conceptual plans to address the Planning Commission’s original findings for denial. 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.

Additionally, the applicant hired a traffic engineering consultant to perform a traffic analysis at the intersection of 12 Mile and Dartmouth. A traffic impact assessment has been submitted to the City for staff review and City Council’s consideration.

This staff report has been updated from the original City Council report to reference the revised conceptual plans, renderings, and traffic assessment.

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 has submitted a petition to 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.

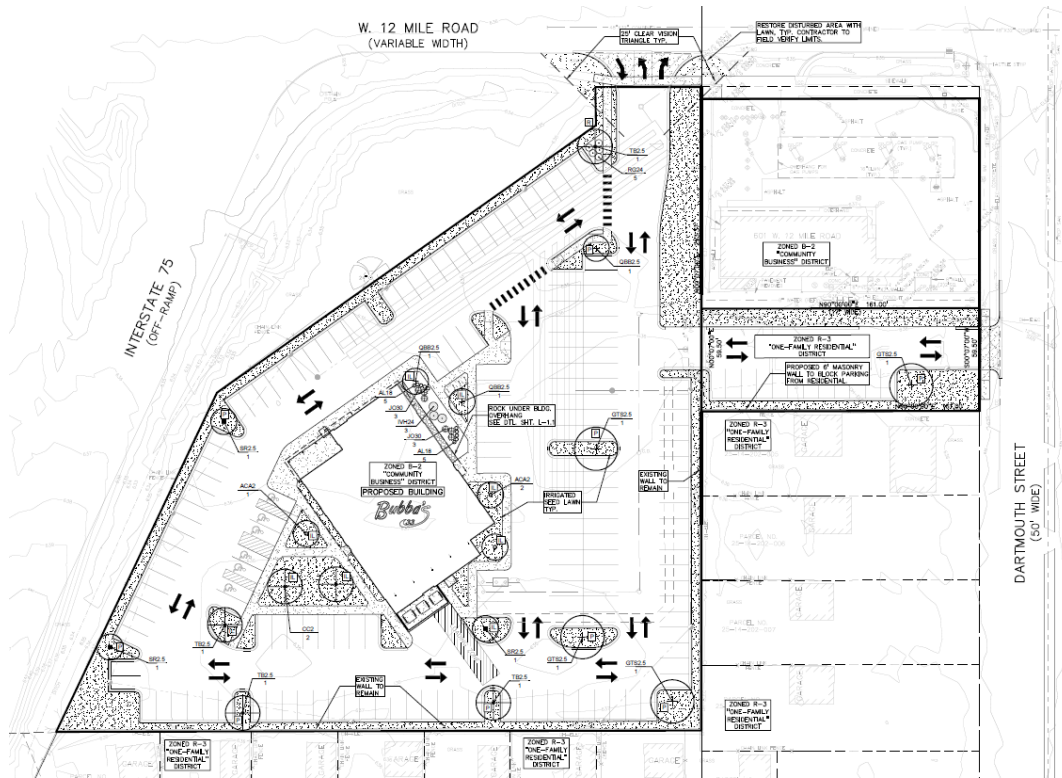
The applicant intends to develop the commercial property to the west (zoned B-2, Community Business district) with a 7,100 square-foot sit-down restaurant and associated parking lot; restaurant uses are permitted by-right within the B-2 zoning district. While the primary vehicular entrance is planned off 12 Mile Road, the new diverging diamond interchange 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. Per the Road Commission for Oakland County (RCOC), the primary driveway entrance at 12 Mile Road will need to be “right-in/right out.” The drive aisle proposed under this Special Land Use case would allow restaurant guests and employees to access the signalized intersection at Dartmouth and 12 Mile Road, thereby allowing for west-bound access to/from 12 Mile Road. The proposed drive aisle would also provide secondary emergency vehicle access and provide several additional overflow parking spaces.

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

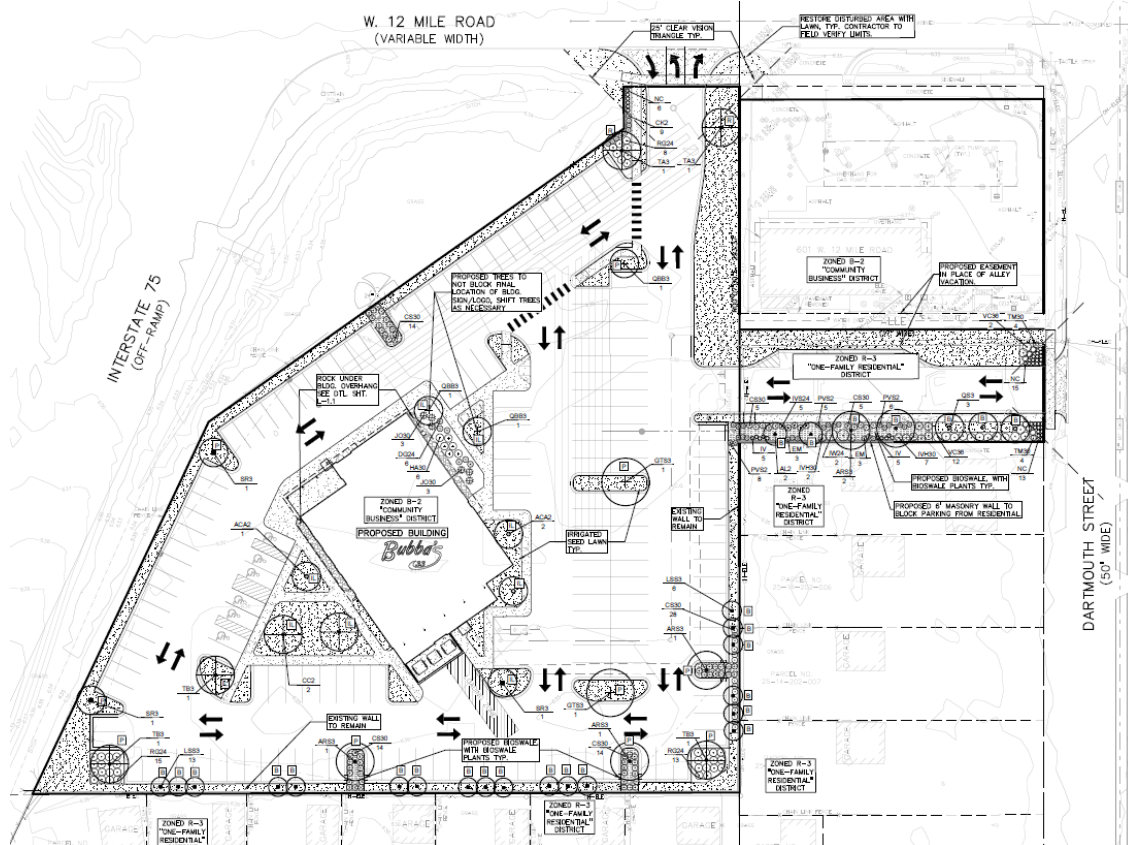
Subject Site and Surrounding Parcels



Original Submittal [July 2025]



Revised Submittal

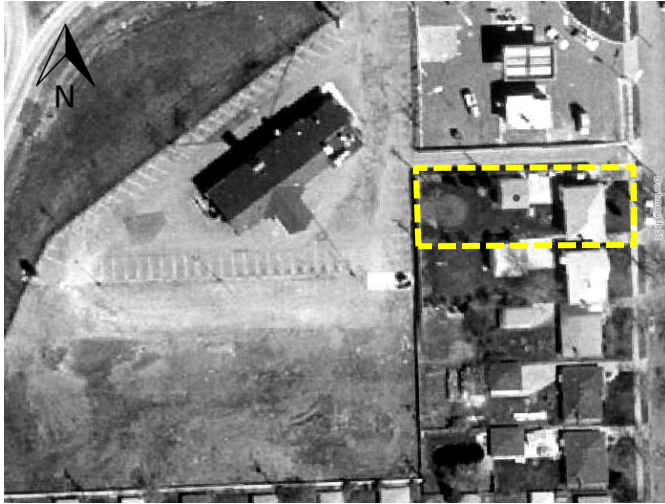


Site History

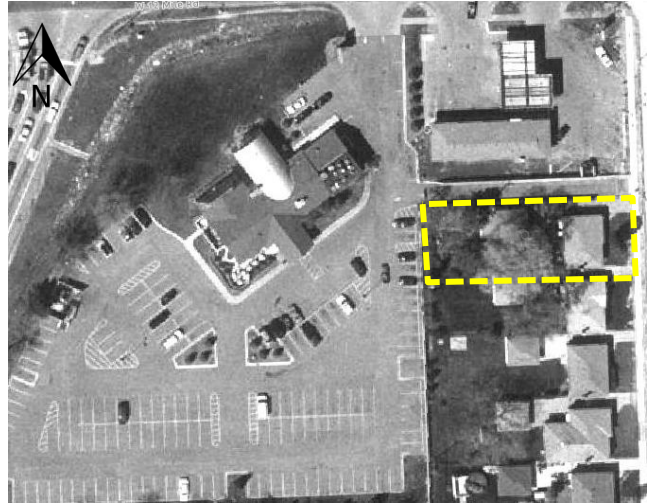
Based on historic aerial photographs, the subject site has been improved with a single-family detached house since 1963 or prior. The commercial site to the west was previously improved with a restaurant (Marinelli's) and parking lot, which was demolished in 2014. The public alley between the restaurant 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

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 proposed at the Dartmouth driveway apron to restrict right turns onto Dartmouth. 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 city would need 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 Planning Commission reviewed the alley vacation request under case PEE #25-01 and made a separate recommendation to City Council. A public hearing took place at the October 13th and October 27th, 2025 City Council meetings, but Council action has been postponed to the November 10th City Council meeting.

If the special land use and/or alley vacation requests are denied by City Council, the applicant would still have the ability to utilize the existing public alley for vehicular access to/from the commercial property.

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 revised submittal, 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: 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: 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. Additional evergreen landscaping, potentially in the form of arborvitaes, is required to satisfy transitional landscaping requirements and to provide continuous screening year-round.

- C. *The use of the parking lot shall be restricted to the parking 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: 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: 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 revised conceptual site plan, 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 3 spaces proposed on this subject parcel bring the total to 172 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.

- (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: 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. Additional deciduous trees, ornamental trees, shrubs and perennials are proposed along the southern property line. However, staff recommends that additional evergreen landscaping be provided between the edge of the screen wall and the Dartmouth Street right-of-way, accounting for clear vision corners, to provide dense landscaping screening year-round.

At both Planning Commission meetings and the previous City Council meetings, residents have expressed concerns regarding potential traffic backups onto Dartmouth resulting from the new driveway. The applicant has submitted a formal traffic impact assessment which concludes that the proposed restaurant and new two-way drive aisle off Dartmouth would have no meaningful increase in traffic as compared to the previous restaurant use (Marinelli’s). However, the traffic assessment does suggest several operational improvements to the 12/Dartmouth signalized intersection. The traffic assessment findings are discussed below.

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 and Traffic Assessment

Dartmouth Street is under the jurisdiction of the City of Madison Heights and is classified as a local street. SEMCOG traffic volume data is not available for Dartmouth. 12 Mile Road is under the jurisdiction of the Road Commission for Oakland County (RCOC). The existing signal at 12/Dartmouth, also operated by RCOC, does not grant a dedicated left-turn phase to north-bound or south-bound lanes on Dartmouth Avenue. Therefore, drivers queued on Dartmouth must wait for oncoming traffic to clear in order to make a left-hand turn onto 12 Mile Road.

The applicant hired Cincar Consulting Group, C2G LLC, to perform a traffic assessment at the intersection of 12 and Dartmouth. The assessment analyzes the current operating conditions at the intersection and compares it to future trip generation estimates based upon the proposed restaurant and driveway redevelopment. Analysis findings, **as interpreted by staff**, are summarized below (for full findings, please refer to the attached Executive Summary and Traffic Assessment compiled by C2G):

- The current vehicle queuing issue is a pre-existing condition, independent of the proposed redevelopment, with the AM peak period acting as the “critical peak period” for the day. The proposed restaurant’s peak hours would be during the PM period and would not exacerbate the AM peak traffic counts.
- The proposed restaurant is similar in size to the previous Marinelli’s restaurant and will not result in a meaningful net increase in peak-hour traffic relative to the previous restaurant. However, due to the Diverging Diamond Interchange (DDI) and limited site access off 12 Mile Road, more vehicles will utilize the proposed two-way driveway at Dartmouth as compared to the existing alley which served Marinelli’s.
- Absent the new two-way driveway, the existing single-lane alley could still be used to serve the proposed restaurant. However, the existing alley would severely restrict two-way traffic and could result in site access and vehicular safety issues. Therefore, the proposed two-lane driveway is recommended as an improvement over the existing alley conditions.
- The existing signalized intersection at 12 Mile & Dartmouth operates adequately today, but could benefit from a package of operational improvements. Suggested improvements include reassigning the lane configurations on the north side of the 12/Dartmouth intersection and related signal modifications. These improvements would allow more southbound vehicles to clear the intersection at each light cycle, thus reducing conflicts with northbound left-turning traffic and easing congestion on northbound Dartmouth Road. Signal modifications would be subject to RCOC review and approval.

Special Land Use Criteria

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.

With the original submittal, staff and the Planning Commission cited concerns regarding the lack of landscaping and screening along the southern property line and adjacent to the Dartmouth right-of-way. Further, staff recommended providing a five 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, with additional landscaping and a sidewalk connection now being proposed.** Additionally, 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.

The "No Right Turn" sign at the exit should discourage exiting vehicles from turning right on Dartmouth into the neighborhood. However, residents have expressed concern about potential traffic back-ups on Dartmouth as drivers queue to exit the new driveway back onto 12 Mile Road. The applicants have submitted a traffic assessment, performed by Cincar Consulting Group (C2G, LLC), which analyzes existing and future conditions of the 12 Mile/Dartmouth signalized intersection. The assessment concludes that the proposed restaurant will have no meaningful increase in traffic compared to the former restaurant, and while the existing alley could theoretically be used to provide access to/from the restaurant, it may result in unsafe conditions due to its single-lane width. Further, the traffic assessment concludes that the proposed two-way driveway, coupled with operational improvements at the signalized intersection at 12

Mile/Dartmouth, will allow for safe and convenient access for customers, employees, and delivery vehicles and allow more vehicles to clear the intersection at each cycle. **Future coordination with RCOC and potentially MDOT will be required for any improvements to the existing traffic signal at 12 & Dartmouth.**

Note that in the absence of a new commercial driveway, the existing 17-foot-wide public alley could continue to be utilized to provide vehicular access to/from the adjacent commercial property.

Next Steps

As noted on the first page of this report, due to a tie vote on a motion to recommend denial, the Planning Commission has not issued a formal recommendation on the revised Special Land Use application. 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, with appropriate findings.
- 2) Deny the Special Land Use, with appropriate findings.
- 3) Postpone action on the Special Land Use to a date certain

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

- 1) The applicant shall submit a Major Site Plan 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. Provide evergreen landscaping along the southern property line, as required by Section 11.04 – Transitional Landscaping – to provide year-round landscape screening to the residential property to the south. 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 parallel parking spaces shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.
 - e. The Major Site Plan shall feature the “No Right Turn” sign at Dartmouth Street as depicted within the Special Land Use application.
- 2) The applicant shall continue to coordinate with the City of Madison Heights and the Road Commission for Oakland County (RCOC) regarding operational intersection improvements recommended within the C2G Traffic Assessment.
- 3) 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.
- 4) Special Land Use approval is conditioned upon the City of Madison Heights approving a resolution to vacate 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.

- 5) 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 approval are provided at the end of this report.

Attachments

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| • Special Land Use Application - PSP #25-05 | • Associated Maps |
| • Project Narrative | • Section 10.06 – Parking as a Principal Use |
| • Original Concept Plan | • Section 15.05 – Special Land Use |
| • Revised Concept Plan (Received 8/28/25) | • RCOC Preliminary Plan Review |
| • Draft Minutes – 9/16/25 Planning Commission Meeting | • C2G Executive Summary |
| | • C2G Traffic Assessment |

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.

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. City Council considered the revised plans at their September 8th, 2025 meeting and remanded the revised Special Land Use application back to the Planning Commission for review and recommendation. The revised plans adequately address and alleviate the Planning Commission’s original findings for recommending denial.
4. The Planning Commission considered the revised plans at their September 16th, 2025 meeting, after which the plans were forwarded back to City Council without a formal recommendation due to a tied vote.
5. 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) The applicant shall submit a Major Site Plan 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. Provide evergreen landscaping along the southern property line, as required by Section 11.04 – Transitional Landscaping – to provide year-round landscape screening to the residential property to the south. 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 parallel parking spaces shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.
 - e. The Major Site Plan shall feature the “No Right Turn” sign at Dartmouth Street as depicted within the Special Land Use application.
- 2) The applicant shall coordinate with the City of Madison Heights and the Road Commission for Oakland County (RCOC) regarding operational intersection improvements recommended within the C2G Traffic Assessment.
- 3) 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.
- 6) Special Land Use approval is conditioned upon the City of Madison Heights approving a resolution to vacate 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 to City Council was made based upon the originally-submitted concept plans.
3. The applicant submitted revised concept plans on August 28th, 2025. City Council considered the revised plans at their September 8th, 2025 meeting and remanded the revised Special Land Use application back to the Planning Commission for review and recommendation. The revised plans adequately address and alleviate the Planning Commission's original findings for recommending denial.
4. The Planning Commission considered the revised plans at their September 16th, 2025 meeting, after which the plans were forwarded back to City Council without a formal recommendation.
5. 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:

**[LIST EXPLICIT FINDINGS BASED UPON THE SPECIAL LAND USE REVIEW CRITERIA
CONTAINED WITHIN SECTION 15.05.3 OF THE ZONING ORDINANCE]**