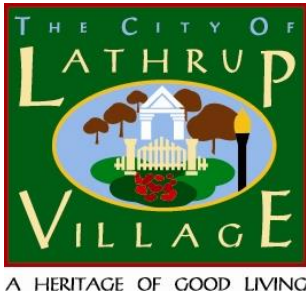


Planning Commission Agenda

Tuesday, February 21, 2023 at 7:00 PM
27400 Southfield Road, Lathrup Village, Michigan 48076

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Meeting Minutes**
 - [A.](#) PC Minutes 2023 01 17
5. **Public Comment** (speakers are limited to 3 minutes)
6. **Old Business and Tabled Items**
 - [A.](#) Public Hearing - Zoning Amendments Waste/Rubbish
 - [B.](#) Zoning Amendments - Waste/Rubbish
7. **New Business**
 - [A.](#) 2022 Planning Commission Annual Report
8. **Other Matters for Discussion**
 - [A.](#) Development Project Updates
9. **General Communication**
10. **Adjourn**



Planning Commission Draft Meeting Minutes

Tuesday, January 17, 2023, at 7:00 pm
27400 Southfield Road, Lathrup Village, Michigan 48076

1. **Call to Order by Chairman Hammond at 7:00 pm**
2. **Pledge of Allegiance**
3. **Roll Call**

Present: Chair Hammond
Vice Chair Stansbery
Secretary Fobbs
Commissioner Dizik
Commissioner Kantor
Commissioner Powell
Commissioner Tamerilli

Staff Present: Susan Stec, Community, and Economic Development Manager; Kelda London, City Clerk.

Also Present: Eric Pietsch, Engineer, Giffels Webster

4. **Approval of Agenda**

Motion by Commissioner Kantor to approve the agenda, motion seconded by Commissioner Stansbery. Motion carried

5. **Approval of Meeting Minutes**

- A. PC Minutes 2022 12 20

Motion by Commissioner Kantor to approve the Planning Commission meeting minutes of December 12, 2022. Motion seconded by Commissioner Stansbery. Motion carried

6. **Public Comment** (speakers are limited to 3 minutes)

None

7. Old Business and Tabled Items

None

8. New Business**A. Amended Site Plan Approval - 26727 Southfield Road (BP Gas)**

Susan Stec explained that the footing placement for the screening wall conflicted with the storage tanks. The applicant has proposed an alternative of stacked pavers that will not be in direct conflict with the footing of the storage of the tanks. All permits have been reviewed and approved by the building department.

Motion to approve the amended site plan of 26727 Southfield Road (BP Gas). Motion seconded by Commissioner Fobbs. Motion carried.

A. Development Project Updates

Susan Stec is still revising the project updates spreadsheet. Commissioner Fobbs requested that the projects stay on the report until they are completely done. Commissioner Tamarelli suggested the information remain a 1-page report.

Susan Stec provided the Commission with a brief update on each project on the spreadsheet.

10. General Communication.

None

11. Adjourn

Commissioner Kantor moved to adjourn the meeting at 7:39 pm.

CITY OF LATHRUP VILLAGE
PLANNING COMMISSION MEETING

NOTICE OF PUBLIC HEARING REGARDING ZONING AMENDMENT

Notice is hereby given that the Lathrup Village Planning Commission will hold a public hearing on February 21, 2023, beginning at 7:00 PM, or as soon thereafter as the agenda allows, at Lathrup Village City Hall, 27400 Southfield Road, Lathrup Village, MI 48076. Meeting information will be provided on the City's website: www.LathrupVillage.org

The purpose of the hearing is to receive public comments on the city's draft Zoning Ordinance amendments to Article 5, Section 5.3, pertaining to waste and rubbish.

A copy of the proposed zoning amendment is available for viewing on the City's website (www.LathrupVillage.org) and at Lathrup Village City Hall, 27400 Southfield Road, Lathrup Village, MI 48076, prior to the public hearing, during the City's regular business hours, Monday through Friday, 8:00 AM through 4:30 PM. Written comments may be addressed to the Planning Commission at the City Hall address. Oral comments will be taken during the hearing on February 21, 2023.

This notice is published pursuant to the requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

Lathrup Village City Clerk

Publish once no later than February 6, 2023

memorandum

DATE: January 27, 2023
TO: Lathrup Village Planning Commission
FROM: Jill Bahm & Eric Pietsch, Giffels Webster
SUBJECT: Zoning Amendment – Waste and Rubbish

Introduction

What prompted this amendment?

When a tenant space of an existing, commercial facility proposes a new occupancy or change of use, the zoning code requires a plan for solid waste disposal and removal. Not all existing commercial sites provide or have a need, or space for a dumpster enclosure, or an indoor space to store solid waste and refuse, as required by the ordinance. Many commercial uses, whether stand-alone or as part of a strip facility, do not produce significant waste that would require the use of a dumpster, nor might they have the capacity to provide indoor storage for solid waste. When comparing the zoning code to the general code, the general code provides simplicity and direction for how the zoning code should establish the handling of solid waste and rubbish at commercial sites of varying size.

Current Ordinance

The site development standards of Article 5 include waste and rubbish under Section 5.3, which allows for the special permitted use of commercial refuse containers (dumpsters) under a list of reasonable conditions. An additional standard requires every building in every district, except R1 and R2, to provide within the building, a fire protected waste and refuse storage space measuring at least 225 cubic feet.

Section 5.3.2 states: Every building in every district other than R1 and R2 shall provide within the building a fire protected waste and refuse storage space or spaces measuring five cubic feet for each 100 square feet of building floor area, but at least 225 cubic feet. To be acceptably fire protected, the waste and refuse storage space must be in an enclosure or room with a one-hour fire rated construction with self-closing fire door and must have sprinkler heads installed and maintained in working order. The heating furnace may not be located in the waste and refuse storage space.

Considerations

What are the appropriate options for commercial solid waste and rubbish storage and removal?

After considering an amendment to Section 5.3, it is found that the layout of the standards is generally suitable to determine what is required of a site seeking building permit approval. We recommend the following:

In lieu of removing the requirement to provide a minimum of 225 cubic feet of indoor waste storage from the ordinance, this standard should be changed from “shall provide” to “may provide”. This would allow for the indoor storage of waste as an option for commercial development, where appropriate. The language,

as written, would maintain the standards for pursuing this option. Additionally, the primary focus of Section 5.3 relates to outdoor storage and removal of solid waste. The indoor storage option should be relocated to the bottom of Section 5.3 so that the criteria for outdoor storage and pick up has a more seamless flow. See proposed amendment document attached.

Very minor alterations to the language of outdoor storage and pick up are intended to provide clarity and simplicity as to what is expected of proposed commercial uses within the city. These small changes, as reflected in the attached amendment document, are in conjunction with the language of the general code's requirements and are thought to present common sense and effective solid waste standards for all types of commercial development in the city.

The general code may be referenced pertaining to solid waste under Chapter 54, Sections 1 through 71.

Summary / Recommendation

At the December 20, 2022 meeting, the Planning Commission moved to establish a public hearing and to forward the amendment draft to City Council for adoption. Public notice will be posted prior to the public hearing scheduled for February 21, 2023. The attached draft outlines the proposed changes that may be considered.

Amend Article 5 to revise Section 5.3, Waste and Rubbish

Amend Article 5, Site Development Standards, to amend the language of Section 5.3 as follows:

Section 5.3. Waste and Rubbish

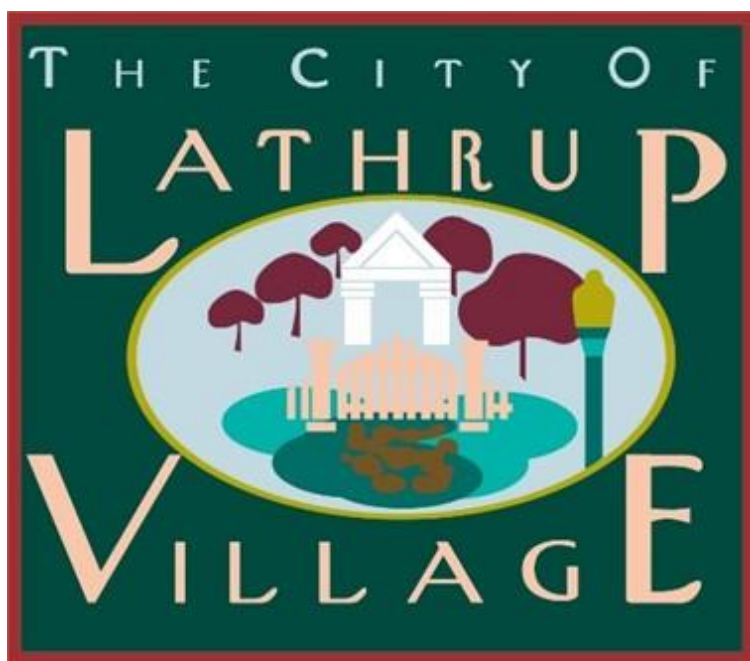
1. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, wastepaper, cartons, boxes, crates, inoperable machinery, discarded building materials, discarded household goods, or any offensive or obnoxious matter, shall be kept in open containers or piled, placed, or stored on the open ground. The owners and occupants of every building shall provide proper, **covered** receptacles for said waste and keep receptacles clean and **not exposed in an inconspicuous location, out of public view**, on the grounds outside of a building. Rubbish may, however, be placed at roadside for pickup on designated days in conformity with the city's ordinances regulating rubbish collections.
2. In all districts other than R1, commercial refuse containers of a capacity not to exceed eight cubic yards in size (with or without compactor attached) shall be permitted on a special permit basis in accordance with the following provisions:
 - A. Condition. They must be maintained in a clean, well painted, and structurally solid condition. They must be kept covered or closed at all times except when a person is in attendance for the purpose of depositing or emptying refuse. No refuse shall be caused or permitted to spill over from the container or to litter the surrounding area or neighboring properties. They shall be emptied at sufficiently frequent intervals to prevent their being filled beyond the capacity with the lid or cover closed, but they shall not be dumped or emptied before 8:00 a.m. nor after 9:00 p.m.
 - B. Odors. No odors shall be permitted to emit therefrom which are discernable to the human senses more than ten (10) feet away from the container.
 - C. Location. Dumpsters shall be permitted in the side or rear yard, provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure and provided further that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten (10) feet from any building. Dumpsters shall comply with the setback requirements for the district in which they are located. Dumpsters shall be located as far as practicable from any adjoining residential district.
 - D. Concrete pad. Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.
 - E. Screening. All refuse bins located in the city must be enclosed or screened from public view. Such screening shall consist of a wall or fence not less than one (1) foot higher than the height of the refuse bins placed therein, which completely conceals its contents from public view, but in no instance shall such screening be less than six (6) feet in height on three (3) sides. The fourth side of the dumpster screening shall be equipped with an opaque, lockable gate that is the same height as the enclosure around the other three sides. The inside dimensions of the enclosure shall be such as will permit adequate access for refuse collection vehicles as well as completely enclose refuse bins within the three (3) sides so that no refuse bin projects outside of the open side.

Screening materials shall consist of any of the following:

- i. Masonry, consisting of those materials permitted under the building material standards contained in, "Zoning Ordinance," section 5.4;
- ii. Wood, provided the wood is cedar, redwood, or equivalent of at least five-eighths-inch (1.5875 centimeters) thickness or other types of wood which have been pressure treated with preservatives. If cedar or redwood are used in the screening, it shall be

protected from possible rot or decay by the application of a preservative. Wood that has been pressure treated need not be further protected from possible rot or decay;

- iii. Evergreen shrubbery consisting of permanent, living plant materials which shall be continuously maintained in a sound, healthy and vigorous growing condition, free of plant diseases and insect pests, and free of weeds, refuse and debris. The shrubbery shall be planted and maintained so as to create a continuous barrier.
 - F. Bollards. Bollards (concrete-filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.
 - G. Site plan requirements. The location and method of screening of dumpsters shall be shown on all site plans
 - H. Permit Requirements. No container shall be placed or permitted to remain on any lot unless there is in effect a special permit issued by the building official in conformity with the provisions of article 6.
 - I. Nonconforming enclosures existing on April 8th, 2014. Enclosures which were constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this chapter, may be lawfully continued until April 1, 2019.
3. Every building in every district other than R1 and R2 ~~shall~~ **may** provide within the building a fire protected waste and refuse storage space or spaces measuring five cubic feet for each 100 square feet of building floor area, but at least 225 cubic feet. To be acceptably fire protected, the waste and refuse storage space must be in an enclosure or room with a one-hour fire rated construction with self-closing fire door and must have sprinkler heads installed and maintained in working order. The heating furnace may not be located in the waste and refuse storage space.



A HERITAGE OF GOOD LIVING

2022 PLANNING COMMISSION ANNUAL REPORT

February 2023

Prepared with Assistance by:

giffels 
webster

2022 PLANNING COMMISSION ANNUAL REPORT

INTRODUCTION

The Michigan Planning Enabling Act (P.A. 33 of 2008, as amended) requires the Planning Commission to prepare, file and present an annual written report to the City Council. This document is intended to meet the state requirement as well as provide an overview of 2022 accomplishments.

The Planning Commission in Lathrup Village is comprised of seven members. These members come from a variety of professional backgrounds in architecture, business, finance, city planning, and education. The various perspectives and knowledge brought by these members creates a well-rounded Commission that maintains fair and thoughtful deliberations.

2022 PLANNING COMMISSION ROSTER - AS OF DECEMBER 31, 2022

Name	Term Ending
Jason Hammond (Chair)	2024
Les Stansbery (Vice Chair)	2025
Wilbert Fobbs III (Secretary)	2023
Mark Dizik	2025
Robert "Bo" Tamarelli	2024
Alicia Powell	2025
Bruce Kantor, City Council Liaison	

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT STAFF

Susan Stec, Community & Economic Development Director.

Giffels Webster assists the city with planning and zoning services. Our team assists city staff with technical planning and zoning related calls, emails, and visits to the city. We also prepare reviews, memoranda, and reports for the Planning Commission, ZBA, and City Council, as needed. We attend all Planning Commission meetings as well as City Council meetings as requested. The GW team is directed by Jill Bahm, AICP, partner at GW, and supported by Eric Pietsch, senior planner, as well as our GIS team.

2022 Department Activities

DEVELOPMENT REVIEWS

In 2022, the Planning Commission reviewed four (4) development applications. The Zoning Board of Appeals considered one (1) application.

Site Plan Reviews. Site plan review takes place when an application is submitted for new construction or additions to ensure that development plans meet the standards of the Zoning Ordinance. These standards are primarily non-discretionary standards – these are objective standards such as setback, landscaping, lighting, and parking requirements.

Four site plans were reviewed by the Planning Commission in 2022. One site plan represented an application for “by right” development (permitted uses), two accompanied special land use requests, and the final one was the city’s first Planned Unit Development submittal. Site plan approvals are valid for twelve months, with a one-year extension permitted by the Planning Commission. These site plans included:

- 26727 Southfield Road – BP Gas Station (Modification for screen wall)
- 18411 W. 12 Mile – LOGOS (change of use & special land use)
- 26647 Southfield Road – Ambassadors Institute (change of use & special land use)
- 27777 Southfield Road – Panera Bread (planned unit development)

Special Land Uses. Special land uses are uses that may be permitted in certain locations within the city, provided that certain standards are met. The Zoning Ordinance provides general standards for special land uses, and some uses have their own additional standards. Generally, most standards are non-discretionary, but there are some discretionary standards that the Planning Commission considers during the review process. A site plan is required with special land use request, with the Planning Commission acting on the site plan and making a recommendation to City Council on the special land use request. There were two special land use requests submitted to the city in 2022 – for LOGOS on W. 12 Mile and Ambassadors Institute on Southfield Road.

Public Input/Public Hearings. The Planning Commission meetings are open to the public, and “public comment” is an agenda item at every meeting. Public hearings are required for PUD, special land use, and rezoning applications. Throughout 2022, there were three development review items that required public hearing (Ambassadors Institute, LOGOS, and Panera Bread). Additionally, three public hearings were held for the zoning ordinance amendments discussed below.

ZONING UPDATES

The Planning Commission worked on several amendments to the Zoning Ordinance this year, one of which was initiated in 2021:

- **Electric Vehicle Amendments.** Towards the end of 2021, the Planning Commission began discussions related to electric vehicle charging stations and invited experts in the field to present to the body. A public hearing was held, and amendments were adopted in April 2022.
- **Permanent Power Generators.** Following a series of variance requests for generators, the Planning Commission explored amendments to the permanent power generator standards. Those discussions began in the summer with amendments adopted in October 2022.
- **Impervious Surface Coverage.** Towards the end of 2021, the Planning Commission explored ways to incorporate sustainable standards into the Zoning Ordinance, specifically ways to

improve storm water management. Flooding is prevalent in many areas of the city, in both the public rights-of-way and on private property. While the city is actively upgrading its water and sewer infrastructure, the Planning Commission is focused on smaller-scale improvements that may be accomplished on a household level. Zoning Ordinance language was drafted to address impervious surface coverage to help better manage stormwater. A public hearing was held, and a recommendation forwarded to City Council; however, the amendments were not passed. The Planning Commission is likely to take up this item again in 2023.

- **Dumpster/Rubbish.** During a development plan review, the Planning Commission identified a conflict between the Zoning Ordinance and General Code of Ordinances. Amendments were drafted to bring the conflicting standards into alignment. A public hearing is scheduled for early 2023.
- **Future amendments:** In mid/late 2022, the Planning Commission identified several areas of the Zoning Ordinance that could benefit from amendments including definitions, permitted uses, and inclusion of solar energy standards. Amendments will likely be prepared in early 2023. Additional amendments planned for 2023 include updates to the City's landscaping standards and front yard parking for residential homes.

OTHER HIGHLIGHTS

- The Community & Economic Development Department continues to have discussions about long-range improvements to Southfield Road with the Road Commission for Oakland County (RCOC). The city's Downtown Development Authority (DDA) has built upon these conversations and received permission from RCOC to install a HAWK signal near the intersection of Margate Avenue and Southfield Road.
- The Community & Economic Development Department continues to work with the Michigan Economic Development Corporation (MEDC) to ensure that the city retains its Redevelopment Ready certification.
- The Community & Economic Development Department continues to work with Main Street Oakland County on redevelopment strategies and organizational support.

MEETINGS

Body	Number of Meetings
Planning Commission	9
Zoning Board of Appeals	3
Joint City Council, Downtown Development Authority & Planning Commission	0

THE YEAR AHEAD

Zoning Amendments. The Comprehensive Plan includes zoning action strategies that recommend specific changes needed to the Zoning Ordinance. Zoning-related work has been initiated with the research on amendments that promote sustainability noted above. This work will continue in 2023.

PZE Process #	Address	Applicant Name	PZE Process Type	Started	Date Completed PZE Process	Completed Construction (Yes/No)	Notes
Pze20-003	27208 SOUTHFIELD RD Ste 101	Lathfield Investments LLC	Site Plan Review	6/22/2020		no	Applicant filed a lawsuit shortly after obtaining conditional site plan approval. No work has been done to bring site into compliance with the approved plan. Due to lack of work/consistent progress, site plan approval has expired.
Pze20-004	28600 SOUTHFIELD STE 200	Lathfield Investments LLC	Site Plan Review	6/22/2020		no	Applicant filed a lawsuit shortly after obtaining conditional site plan approval. No work has been done to bring site into compliance with the approved plan. Due to lack of work/consistent progress, site plan approval has expired.
Pze20-005	28600 SOUTHFIELD RD	Lathfield Partners LLC	Site Plan Review	6/22/2020		no	Applicant filed a lawsuit shortly after obtaining conditional site plan approval. No work has been done to bring site into compliance with the approved plan. Due to lack of work/consistent progress, site plan approval has expired.
Pze20-006	28820 SOUTHFIELD RD 122	Lathfield Partners LLC	Site Plan Review	6/22/2020		no	Applicant filed a lawsuit shortly after obtaining conditional site plan approval. No work has been done to bring site into compliance with the approved plan. Due to lack of work/consistent progress, site plan approval has expired.
Pze21-001	27215 SOUTHFIELD RD	Ramil Yusubov	Site Plan Review	3/2/2021	3/12/2021	no	Applicant obtained required building & engineering approvals. Work progressed for several months then stalled. Building/trades permits have expired.
Pze21-003	27000 SOUTHFIELD RD	HALLE PROPERTIES LLC	Site Plan Review	3/4/2021	2/8/2022	Yes	Project work is complete. They are waiting on DTE Energy to relocate a power line which is prohibiting the placement of the dumpster.
Pze22-003	18411 W 12 MILE RD 201	LOGOS Global Ministries	Site Plan Review	3/16/2022	4/19/2022	no	Applicant continues to make progress on exterior & interior improvements
Pze22-006	27777 SOUTHFIELD RD	PANERA BREAD #662	PUD	4/29/2022	10/17/2022	no	Applicant has obtained building & engineering approvals. They are waiting to receive utility wrecking clearances in order to obtain a demolition permit. DTE & Consumers are several months behind.
Pze22-009	26647 SOUTHFIELD RD	Patricia Felton	Site Plan Review	9/19/2022	10/18/2022	Yes	Grand opening was held in November and business is operational.
Pze22-010	26727 SOUTHFIELD RD	LV PETRO LLC A MICHIGAN LTD LBLTY C	ZBA	10/26/2022		no	Applicant is seeking a variance on the monument sign placement. Staff required additional information to complete the review. Applicant missed deadline for Feb. ZBA. It is tentatively placed on the March 20th ZBA agenda
Pze23-001	26710 MEADOWBROOK WAY	DOTSON, CHARLES	ZBA	1/11/2023		no	Applicant is seeking a dimernsional variance for a shed. It is tentatively placed on the February 27th ZBA agenda
Pze23-002	26727 SOUTHFIELD RD	LV PETRO LLC A MICHIGAN LTD LBLTY C	Amended Site Plan Review	1/12/2023	1/17/2023	no	Applicant is seeking amended approval related to a necessary change to the required screen wall and for the placement of electric vehicle charging stations.