

Mr. Delacourt said that if there was no sale or service of food outdoors, the City would not require a CLU, but for this instance, the waitresses were going to serve the food outside. People paid upfront and the food was brought to them.

Mr. Kaltsounis clarified the dates of operation as recommended by Mr. Dettloff. Mr. Schroeder did not feel they needed to stipulate the hours of operation because there were not residents immediately adjacent, as there were by C. J. Mahoney's. Chairperson Boswell said he tended to agree with Mr. Schroeder, and added that the seating area would be largely inside the corridor.

Chairperson Boswell opened the Public Hearing at 7:40 p.m. Seeing no one come forward, he closed the Public Hearing. Mr. Kaltsounis moved the following motion:

**MOTION** by Kaltsounis, seconded by Yukon, in the matter of City File No. 77-505.2, the Planning Commission **Recommends City Council Approve the Conditional Land Use** for outdoor sales and service of food for Pei Wei Asian Diner, located at 1206 Walton Blvd. in the Boulevard Shoppes, based on the site plan dated received by the Planning Department on February 8, 2008 with the following five (5) findings and subject to the following two (2) conditions:

Findings:

1. The subject site will be internal between two buildings, and does not appear that it will be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
2. The existing development does promote the intent and purpose of this chapter.
3. The subject site has been designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.
4. The subject site is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
5. The subject site does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions:

1. All tables and chairs must be of a non-combustible material; no umbrellas are to be used in the area, and signage shall be placed, indicating that combustibles are not to be stored in the outdoor seating area, per Building Department memo of February 20, 2008.
2. Dates of operation for outdoor seating will be from April 15th until October 31<sup>st</sup>.
3. **City File No. 05-011**  
Project: The Commons South  
**Request:** Final Site Condo Plan Recommendation  
Location:  
Parcels:  
Applicant:

(Reference: Staff Report prepared by Derek Delacourt, dated March 18, 2008 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Bob Lindh, Urban Land Consultants, 8800 23 Mile Rd., Shelby Township, MI 48316, representing the applicant.

Mr. Delacourt noted that the request was for Final Site Condominium Plan recommendation to City Council for a 12-unit, single-family detached development located off of Shortridge, east of Livernois. The project had gone through Preliminary Plan approval, an extension, Construction Plan approval, and Final Plan review, and Mr. Delacourt advised that the Final Plan was consistent with the Preliminary Plan. Also included were submission of the Exhibit B, Master Deed and Bylaws, which were signed off by the City Attorney. There were minor details to be worked out with the Exhibit B with the Engineering Department, but other than that, all departments recommended approval of the Final Plan.

Chairperson Boswell asked Mr. Lindh if he had anything further to add, and Mr. Lindh responded that Mr. Delacourt had summarized everything well, and upon questioning, advised that he had seen the five conditions of approval by Staff.

Mr. Schroeder moved the following motion, supported by Mr. Dettloff:

**MOTION** by Schroeder, seconded by Dettloff, in the matter of File No. 05-011 (The Commons South Site Condominiums), the Planning Commission recommends City Council **approve** the **Final Site Condominium Plan** based on plans dated received by the Department of Planning and Development on January 11, 2008, with the following four (4) findings and subject to the following five (5) conditions.

Findings:

1. All applicable requirements of the One-Family Residential Detached Condominiums Ordinance and Zoning Ordinance can be met.
2. Adequate public utilities are currently available to properly service the proposed development.
3. The Final Plan represents a reasonable and acceptable plan for developing the property.
4. The Final Plan is in conformance with the Preliminary Plan approved by City Council on February 15, 2006.

Conditions:

1. The applicant shall submit a Performance Bond for proposed trees and landscaping of \$13,590.00, as adjusted if necessary by the City, prior to issuance of a Land Improvement Permit.
2. Tree protective fencing shall be installed, inspected and approved by the City's Landscape Architect, prior to the issuance of the Land Improvement Permit for this development.
3. The applicant must obtain a Land Improvement Permit and any outstanding permits (i.e., Oakland County Drain Commission) prior to grading and construction commencing, per Public Services memo of January 23, 2008.
4. Add two notes to Sheet 3 per Fire Department memo of January 24, 2008, prior to Final Approval by Staff.
5. Address two conditions of Building Department memo dated January 28, 2008, prior to Building Plan Approval by Staff.

Ms. Brnabic asked if the changes to the Plan would be made before the item went to City Council, specifically, regarding addition of the notes requested by the Fire Department and addressing the Engineering requirements.

Mr. Delacourt informed that they could be, but if not, the conditions would be corrected prior to the Plan being stamped approved by Staff. If they were to make the changes, it would require the Plan to be re-submitted and sent to the appropriate departments, and that would add time to the process. The conditions would stay on the resolution to Council so Staff would make sure of the final corrections.

Mr. Kaltsounis thanked the applicant for adding the park with benches and pavers. He noted that he used to live in the area and walked through it often. The park was something little, but it meant a lot, and he wished he had one in his subdivision. He asked about the timeframe for starting the development.

Mr. Lindh thought it could be started in the summer. It was a small project, and a good connector to the development to the north. He thought there would be a demand for smaller, more economical homes in the current housing market. Mr. Kaltsounis agreed that times were tough these days.

Chairperson Boswell stated for the record that the motion had passed unanimously.

Roll call vote:

Ayes: Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Kaltsounis, Reece,  
Schroeder, Yukon  
Nays: None  
Absent: None

**MOTION CARRIED**

**3. City File No. 07-015**

Project: 1220 W. Auburn Medical Building

**Requests:** Buffer Modification  
Site Plan Approval

Location:

Parcels:

Applicant:

(Reference: Staff Report prepared by Derek Delacourt, dated March 18, 2008 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Charles Marchetti, GAV Associates, Inc., 31471 Northwestern Hwy., Suite 2, Farmington Hills, MI 48334, architects.

Mr. Delacourt summarized that the applicant was proposing a 7,800 square-foot medical office building on Auburn west of Livernois. It was a one-acre site zoned B-1, which allowed the use. He noted that it was currently a home converted into a bookstore, which would be demolished. The only real issue remaining regarded a small reduction in the north buffer to allow the access drives. Having two access drives was important to the Fire Department. He stated that the applicant had done a very good job. They were requesting underground retention, and the detailed engineering work was shown. The City Engineer was satisfied that it would be maintained properly in the future. Mr. Delacourt advised that the project had been reviewed by all applicable departments and was recommended for approval.

Chairperson Boswell clarified that Finding Tthree for the Buffer Modification should read four feet, six inches, rather than six inches.

Mr. Marchetti pointed out that they would also take down an old fence on the property and replace it with a nice masonry screen wall. In addition, with the Landscape Architect's advice, they would maintain the dense plantings to buffer the residential area more.

Chairperson Boswell asked Mr. Marchetti if he had seen the conditions of approval, which he confirmed.