

**CITY OF LATHRUP VILLAGE  
SPECIAL LAND USE RESOLUTION**

MOTIONED BY COUNCILPERSON \_\_\_\_\_

SECONDED BY COUNCILPERSON \_\_\_\_\_

That a grant of a special land use permit to Honey Tree Grille for the property located at 28601 Southfield Road, Lathrup Village, Michigan 48076 is approved and that the resolution hereafter be adopted.

The City of Lathrup Village is a home rule City incorporated under the provisions of 1909 Public Act 279 as amended, with principal offices at 27400 Southfield Road, Lathrup Village, Michigan 48076, and

WHEREAS, Honey Tree Grille did apply for approval to use the land within the Village Center Zoning District to allow a sit down restaurant including the sale of alcoholic beverages for consumption on the premises for the property located at 28601 Southfield Road, Lathrup Village, Michigan 48076.

WHEREAS, the City of Lathrup Village Planning Commission did hold a public hearing on September 12, 2017 as well as September 26, 2017 after proper notice to the public was given as required in Section 7.6 of the Zoning Ordinance. The public hearing was held in the City Council Chambers located at 27400 Southfield Road, Lathrup Village, Michigan 48076. Thereafter, the City of Lathrup Village Council at its meeting of October 16, 2017 approved this Special Land Use Resolution. After commencing the public hearing and considering suggestions and comments of the public and after reviewing the information provided by the applicant and the City staff, and after the analysis of materials presented:

IT IS THEREFORE RESOLVED, that the City of Lathrup Village Council specifically finds and determines from the materials and information submitted that:

1. That Applicant is allowed to use the property at 26801 Southfield Road, Lathrup Village, Michigan for a sit down restaurant which may include the sale of alcoholic beverages within the premises as controlled by the Michigan Liquor Control Act and for no other use whatsoever other than those specifically allowed in the Village Center Zoning District.

2. The use is a "reasonable use" (As defined in Section 2.2 of the Zoning Code) for this location.
3. The use does conform to all of the other regulations of the zoning ordinance and other ordinances of this City.
4. The location, intensity and periods of operation of the use are such that they will likely eliminate any reasonable likelihood that the use will be, cause or create a public or private nuisance in fact.
5. The use, where proposed, will not be inconsistent with the spirit and purpose of the zoning ordinance nor contrary to the principles of solid community planning.
6. The use is of such a character and will be so arranged on the site so as not to cause or create adverse affect on neighboring properties or the community at large by reason of noise, dust, dirt, glare, odor, fumes, pedestrian or vehicular, or other factors discernible to the human senses beyond those customarily resulting in the uses permitted in the same zoning district.
7. The use will not diminish the fair market value of neighboring lands or buildings to any substantial or significant degree.
8. The site design and proposed manner of operation for the use will provide for the maximum reasonable and feasible enhancement of the environment of the surrounding area considering the provisions for buffering, landscaping, and other site amenities over and above the minimum requirements of the zoning ordinance.
9. The applicant has demonstrated a quantifiable need for the proposed use within the City of Lathrup Village and the surrounding area.

The above findings being made as a requirement of Section 6.2.10. of the Zoning Ordinance and;

IT IS FURTHER RESOLVED that the following conditions are imposed on this special land use approval as permitted by Article 6 Section 6.2, the City of Lathrup Village Zoning Ordinance.

- a. That the land regulated by this Special Land Use Resolution shall be developed, occupied, utilized and maintained for a sit down restaurant which may include the sale of alcoholic beverages within the premises as controlled by the Michigan Liquor Control Act and

for no other use whatsoever other than those specifically allowed in the Village Center Zoning District.

- b. The hours of operation for the business during which it may be opened to the public shall be Monday through Thursday from 11:00 a.m. to 11:00 p.m. and on Friday through Sunday from 11:00 a.m. to Midnight.
- c. The applicant will strictly enforce, advise, and not allow any customers visiting their premises to park in any fire lane.
- d. The business and the building in which the business is located shall at no time have any delinquency to the City of Lathrup Village for any required permits or licenses or for any tax, assessments or fees levied on the business or the premises.
- e. The business and the building in which the business is located must at all times meet current building and safety codes and be in compliance with all ordinances of the City of Lathrup Village and statutes of the State of Michigan.
- f. The occupancy limit of the building shall be limited to the approved number of occupants set by the Fire Marshall.
- g. The business will adhere to the City of Lathrup Village Southfield Corridor Design Guidelines for the exterior of the building and will maintain the landscaping and signage as required by City ordinances.
- h. This Special Land Use Resolution shall only be valid for the applicant Honey Tree Grille. Any other entity or tenant desiring to continue the same use must apply for new special land use permit to the City of Lathrup Village.
- i. That the Applicant and/or its agents and employees shall not sell alcohol to any minor or to a visibly intoxicated person in violation of State law. And, the Applicant voluntarily agrees to consent to undercover operations by any police agency to investigate any illegal sales activities.
- j. If the business shall cook, in any manner, food within the premises, it shall provide a concealed roof top air purification system which will substantially limit the odor leaving the premises to the best standard of the industry using the activated carbon product method or such other similar method as approved by the Building Official.

- k. The business shall provide a trash compaction system as approved by the Building Official with a minimum of twice a week refuse pick-up which must be verified in writing to the Building Official.
- l. If there is any cooking, of any kind, within the premises, the business shall provide and maintain an interior grease capture system and there shall be no outside storage of grease in containers of any type.
- m. The business shall not clean any equipment outside of the building.
- n. This Special Land Use Resolution is specifically contingent upon final approval of the site plan by the City of Lathrup Village Planning Commission and of the interior building plans by the City of Lathrup Village Building Official.
- o. This Special Land Use Resolution is specifically contingent upon the Applicant, or a legal entity owned by the Applicant, from obtaining a Class C Quota License from the City of Lathrup Village with subsequent approval by the Michigan Liquor Control Commission or the approved transfer of a Class C Liquor License with approval by the Michigan Liquor Control Commission and the City of Lathrup Village Council. Further, the Applicant must agree by submitting a letter to the City that if a Quota Liquor License is issued from the City of Lathrup Village that said License cannot be removed from the City of Lathrup Village boundaries during the first five years after issuance.
- p. Failure upon the part of the applicant, its successors, grantees or assigns for any condition of this special land use resolution shall constitute the commission of a nuisance per se under the provisions of the City of Lathrup Village Zoning Ordinance and under the provisions of the statutes of the state of Michigan as they currently exist or may subsequently be amended.
- q. Further, the failure upon the part of the applicant, its successors, grantees or assigns for any condition of the Special Land Use Resolution contained herein shall cause the City Council of Lathrup Village to call a hearing, within fourteen (14) days notice to the applicant, and at said hearing, the City Council shall determine whether the applicant has violated any term of this Special Land Use Resolution and, if so, whether the Special Land Use should be revoked.
- r. The site improvements identified by the City Planner, identified in their October 6, 2017 correspondence (attached hereto) are to be

completed on or before June 1, 2018, including but not limited to: 1) Screening the dumpster and grease containers; 2) replacing dead landscaping in the front and side yards; 3) removing concrete on the west side of the parking area and replacing it with landscaping; and 4) repositioning the concrete bumper blocks.

VOTED FOR: \_\_\_\_\_

VOTES AGAINST: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**CERTIFICATION**

I, Yvette Talley, the city clerk of the city of Lathrup Village do hereby certify that the foregoing is a true and complete copy of a resolution duly made and passed by the Lathrup Village City Council at a meeting held on October 16, 2017.

\_\_\_\_\_  
YVETTE TALLEY  
Clerk, Lathrup Village

## memorandum

**DATE:** October 6, 2017  
**TO:** Ken Marten, DDA Director  
**FROM:** Jill Bahm, Giffels Webster  
**SUBJECT:** 28601 Southfield Road – Honey Tree Grill

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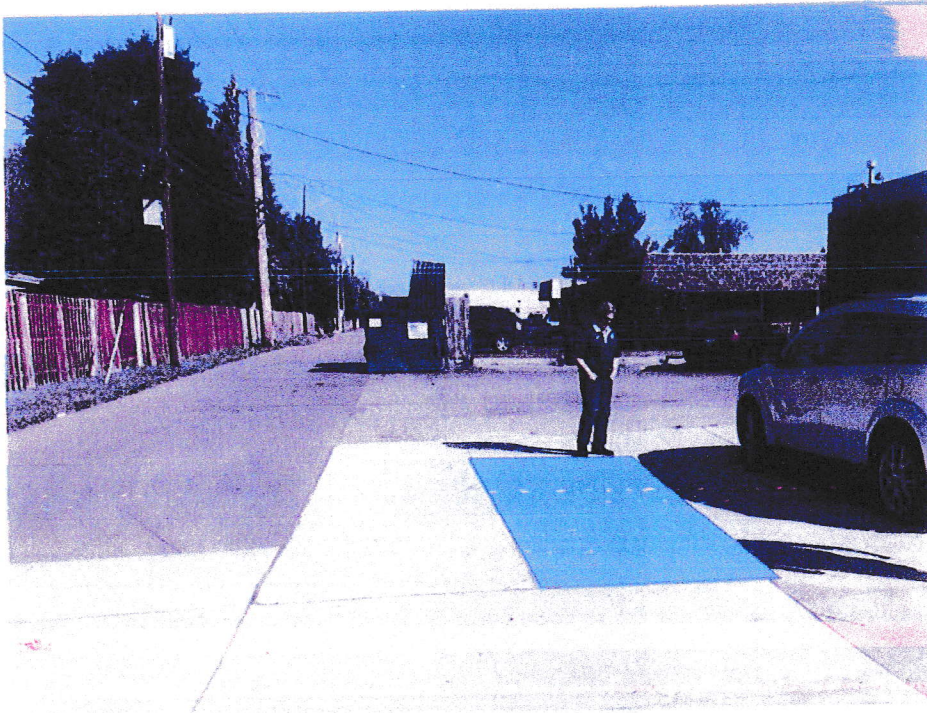
At the September 26 Planning Commission meeting, a special land use permit was granted to allow the sale of alcoholic beverages at the subject property subject to the following conditions:

- Screen the dumpster and grease containers
- Replace dead landscaping in the front and side yards
- Remove some of the concrete on the west side of the Avilla Street parking area and replace it with landscaping
- Reposition the concrete bumper blocks

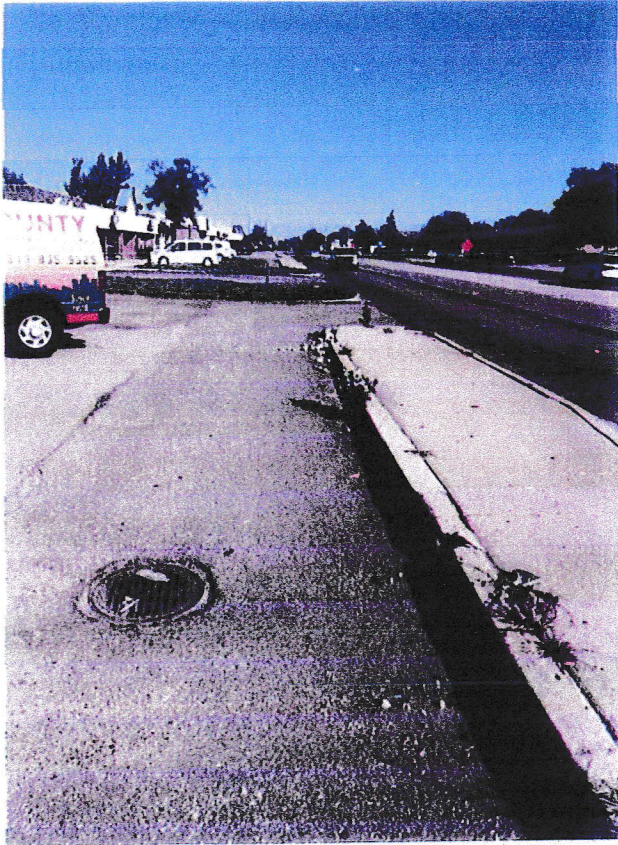
We visited the site on October 5 and confirmed with the owner that the conditions would be met. Due to the time of year, we recommend a landscape bond be posted with the city until the landscaping can be completed, which should be no later than June 1, 2018.

The following image shows the area that will be replaced; the four squares of concrete between the existing parking area and the area intended to serve as the sidewalk. This is approximately 4 ft x 16 ft in area. We agree that this will help distinguish the sidewalk and better inform motorists, truck drivers, and pedestrians.

In addition to the discussions about the owner's required improvements, we discussed the need for the Road Commission for Oakland County to repair the concrete curbing and clean out the catch basin in front of this establishment to alleviate flooding and improve the appearance of the corridor. The last page of this memo includes the photos of the areas that need attention.



Clearzoning, Inc. is now Giffels Webster



Conditions: Broken concrete curbing and suspected clogged catch basin in Southfield Road ROW. These should be repaired before winter.