

1. Planning Commission Agenda

Documents:

[AGENDA - JANUARY 14, 2026.PDF](#)

2. Planning Commission Packet

Documents:

[PLANNING COMMISSION PACKET.PDF](#)



Geoffrey P. Gariepy, Chairperson  
Gerald Rowe, Vice Chairperson  
Brandy Wright, Secretary  
Nathan Inks  
Ed Kopp

Fiorela Lesaj  
Nicole McGill  
Parmpreet Sarau  
Pashko Ujkic

Meeting to be held at  
Sterling Heights City Hall  
40555 Utica Road  
7:00 p.m.

#### AGENDA ITEMS:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. CONSIDERATIONS

**A. PPCM-1363 – Dodge Park Condominiums**

Request for a special approval land use which if granted would allow for a single structure tri-plex with residential dwelling units on the first floor of a building in an O-1 Business and Professional Office District and Neighborhood and District Node Overlay District.

Property Address: 35459 Dodge Park Road

Location: West side of Dodge Park, north of Fifteen Mile Road

Zoning District: O-1 Business and Professional Office District and Neighborhood and District Node Overlay District.

**B. PSP25-0034 – First Watch Nuisance Mitigation Plan**

Request for a nuisance mitigation plan for an outdoor patio space attached to an existing commercial plaza within the C-2 Planned Comparison District and Lakeside Village Overlay District.

Property Address: 14463 Lakeside Circle

Location: Between Schoenherr Road and Hayes Road, south side of Hall Road

Zoning District: C-2 Planned Comparison District and Lakeside Village Overlay District.

**C. PSP25-0033 – Forum at Gateways Shopping Center (Walmart Expansion)**

Request to amend an existing Project Development Plan for the Forum at Gateways Shopping Center to allow for an expansion of the shopping plaza structures and addition of a gas station use in the C-4 Multi Use District.

Property Address: 44575 Mound Road

Location: West side of Mound Road, south of Dobry Drive

Current Zoning: C-4 Multi Use District

**D. PSP25-0029 – Sterling Bistro – Nuisance Mitigation - (Postponed from December Meeting)**

Request for a nuisance mitigation plan for an outdoor patio space in an existing plaza located in the North Van Dyke Avenue Corridor District (North Van Dyke Avenue Industrial subdistrict).

Property Address: 42092 Van Dyke Avenue

Location: East side of Van Dyke Avenue, north of 18 ½ Mile Road

Current Zoning: North Van Dyke Avenue Corridor District (North Van Dyke Avenue Industrial subdistrict)

6. APPROVAL OF MINUTES

A. December 10, 2025

7. CORRESPONDENCE
8. OLD BUSINESS



9. NEW BUSINESS

- A. Zoning Ordinance Rewrite Update
- B. Election of Officers
- C. Annual Report

10. CITIZEN PARTICIPATION

11. ADJOURNMENT

NEXT MEETING DATE: February 11, 2026

Jake Parcell, PhD  
City Planner and City Development Manager

**NOTICE IS FURTHER GIVEN** that any interested person may appear and comment upon the requests in person, or by agent or attorney during the public hearing to be held on the date and time, and at the location set forth above. Pertinent information related to the application may be reviewed at the Sterling Heights Office of Planning, during regular business hours. Questions regarding the application can be directed to the Office of Planning at 586-446-2360. Written comments may be submitted to the Sterling Heights Office of Planning, 40555 Utica Road, Sterling Heights, MI 48313, or to the City Planner at [shplanning@sterlingheights.gov](mailto:shplanning@sterlingheights.gov) up to 4:30 p.m. of the meeting date.

The City of Sterling Heights will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon seven days' notice of the Community Relations Office at 586-446-2470.



CITY OF  
**Sterling  
Heights**

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## Memorandum

Date: January 14, 2026  
To: Sterling Heights Planning Commission  
From: Shawn Keenan, Assistant City Planner

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Subject: PPCM-1363 – Dodge Park Condominiums **Request to Postpone**

After the Offices of Plannings discussion with the applicant and the applicants design professional, it was determined the need to postpone the application for PPCM-1363 – Dodge Park Condominiums, 35459 Dodge Park Road, to the Planning Commission regularly scheduled meeting on Wednesday, March 11, 2026.

Therefore, the Office of Planning recommends the following motion:

“In the case of PPCM-1363 – Dodge Park Condominiums, I move to postpone the item until the March 11, 2026, regularly scheduled Planning Commission meeting.

Agenda Item	Case	Address
5.B	PSP25-0034 – First Watch – Nuisance Mitigation	14463 Lakeside Circle

#### Requested Action:

This is a request for approval of a nuisance mitigation plan for an outdoor patio space in an existing plaza located in the C-2 Planned Comparison District and Lakeside Village Overlay District.

#### Proposal:

The applicant, First Watch, is requesting approval to operate an outdoor patio space (OPS) approximately 470 square feet in size that can accommodate 9 tables for the seating of 29 patrons at their location on at 14463 Lakeside Circle in Section 1 of the city.

#### Executive Summary:

The applicant's plan calls for using the existing outdoor patio, which appears to have been utilized since 2020. The patio is designed to accommodate 9 tables that can seat 29 patrons and is at maximum 819 square feet. The space is enclosed by a decorative fence that is 3 feet tall on three sides, with the remaining side made up by the exterior wall of the tenant space. The patio is only accessible through the inside of the site, but an emergency exit gate does exist facing the west. About 650 square feet of the patio is covered by a canopy.



View of First Watch looking north from the front parking lot

EXISTING CONDITIONS

The restaurant is located at 14463 Lakeside Circle, which is a unit within a 9,550 square foot commercial plaza situated on a parcel that is approximately 3.42-acres in size. The site is located at the southwest corner of Hall Road and Eastbrook Drive, which also fronts the north side of Lakeside Circle. The property is zoned C-2 Planned Comparison District and Lakeside Village Overlay District.

The zoning classification and uses adjacent to the subject site are as follows:

Direction	Zoning District Classifications	Uses
North, across Hall Road	Commercial property within Shelby Township.	Various large-and small-scale commercial uses.
South	C-2 Planned Comparison District, Lakeside Overlay District	Vacant Lakeside Mall, under agreement to be redeveloped.
West	C-2 Planned Comparison District, Lakeside Overlay District	Portillo’s, La-Z-Boy Furniture
East	C-2 Planned Comparison District, Lakeside Overlay District	Henry Ford Medical Center

The Office of Planning notes that the business is required to submit a nuisance mitigation plan because of its location within the Lakeside Village Overlay District and its proximity to the Lakeside Redevelopment Project, which features residential uses as a primary use type.



Aerial View of the Site, existing patios are highlighted in yellow.



## PROPOSAL

The applicant, First Watch, is requesting approval to continue operation of a patio space that connects to their tenant space. Based on the as built plans of the site created in 2020, the patio is approximately 819 square feet in size, however the applicant has indicated that the patio is 600 square feet in size. The applicant must clarify the size of the outdoor patio to ensure that the Planning Commission is deciding based on the appropriate information.

The patio is located between their site and a neighboring free-standing restaurant called BJ's Brewhouse. This restaurant also features a patio that was approved under POPS18-0001. The existing patio at the site in question is screened by shrubs and arborvitae and is covered in part by a 650 square foot canopy that was constructed in 2020. The patio is also surrounded by a 3 feet tall patio on three sides, which also have a gate for emergency exits.



Image of the patio from the southwest





Image of the patio emergency gate

The applicant proposes playing a low level “muzak” style music that does not pass above a low volume. This is to create a pleasant dining environment, as well as reduce ambient noise from Hall Road.

#### REVIEW OF THE NUISANCE MITIGATION PLAN

Below is the proposed nuisance mitigation plan for the outdoor patio space based on the information provided by the applicant and a site visit by the Office of Planning staff. It should be noted that the applicant has not provided a formal nuisance mitigation plan, and certain information may be missing or require clarification:

1. The outdoor patio space is adequately screened on three sides by shrubs and features a decorative fence around three sides of the patio.
2. The current hours of operation of the outdoor patio will be from 7:00 a.m. to 2:30 p.m. Sunday through Saturday. The applicant has not indicated what months in which they plan to utilize the patio. The Planning Commission should confirm the hours and months of operations.
3. The applicant is proposing low volume background music and is not proposing any radio or outdoor live entertainment.

4. The applicant should confirm that customers will be asked to leave the patio if they create any excessive noise or create a nuisance.
5. The applicant has indicated no outdoor lighting is provided for the patio.

If approved, the applicant has already applied for the required Outdoor Patio Service (OPS) License to the City Clerk's Office pursuant to the Code of Ordinances because the proposed fence and landscaping restrict ingress and egress from the OPS and that OPS is larger than 100 square feet. The license is also required because the patio does serve alcohol, and the site does feature amplified outdoor music.

## SUMMARY

Overall, the applicant is proposing utilizing an existing patio that is between 600 square feet and 819 square feet in size. This patio currently plays low volume background music for customers and is screened with low level shrubs and arborvitae to the south. The patio is covered by an aesthetically pleasing awning and is screened by a decorative fence on three sides. The Office of Planning is recommending approval of this nuisance mitigation plan, regardless of where the patio falls in the discussed range of sizes.

## RECOMMENDED ACTION

In case number PSP25-0034, First Watch, 14463 Lakeside Circle, motion to **APPROVE** the proposed nuisance mitigation plan for the outdoor patio space, with the following modifications and conditions:

1. The development and operation of the outdoor patio space shall remain consistent with the scale and nature of the use as described in the application and at the Public Hearing.
2. The applicant shall maintain and operate the outdoor patio space in compliance with all pertinent codes, ordinances, regulations, and standards of the City of Sterling Heights, County of Macomb, and the State of Michigan.
3. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission are found to be correct and the conditions upon which this motion is based are forever maintained, including the type of restaurant described by the applicant.
4. Signage shall be placed at the entrance to the outdoor patio space indicating those entering should be quiet and respect the neighboring properties.
5. The applicant shall comply with the Outdoor Patio Licensing ordinance and obtain the necessary license from the City Clerk's office.
6. That applicant may operate the outdoor patio space during current business hours from 7:00 a.m. to 2:30 p.m. Sunday through Saturday, during the months of XXXX through XXXX.
7. The following additional conditions shall be required:
  - a. Patrons in the outdoor patio space who are causing noise beyond reasonable conversation levels shall be advised by the applicant's staff to refrain from causing such noise and shall thereafter be removed from the outdoor patio space if the patron fails to comply.
  - b. The applicant shall promptly implement appropriate remedial measures to proactively address any nuisance complaints it receives regarding the OPS operation to avoid the Planning Commission having to take further corrective action pertaining to the nuisance mitigation plan or the OPS license.
  - c. The outdoor patio shall be closed and vacated by 2:30 p.m. Sunday through Saturday, except for cleanup activities by staff.
  - d. There shall be no live music on the patio space, with low volume music permitted to be played through speakers on the patio.
  - e. Light trespass for lighting for the outdoor patio space shall not exceed what is permitted under Section 24.06 of the Zoning Ordinance.

The action is based on the following findings:

1. The operation of the outdoor patio space as part of the principal use of the premises is of a size, scale, and nature that appears to require additional conditions in terms of operation using a nuisance mitigation plan as outlined in the City's Outdoor Patio Space Ordinance.
2. The existing residential uses to the east is located a significant distance away from the outdoor patio and any future residential uses will likely be located a significant distance away from the outdoor patio space.
3. The nature of the outdoor patio space would have a minimal impact due to its location and reasonable hours of operation.
4. The outdoor patio space has existed for approximately 13 years, and the City has received no complaints.
5. The application complies with the requirements as set forth in Article 28.19 Outdoor Patio Space of Ordinance #278 of the City Code.

#### ALTERNATE ACTION

In the case number PSP25-0034, First Watch, 14463 Lakeside Circle, motion to **DENY** the proposed nuisance mitigation plan for the outdoor patio space, for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_

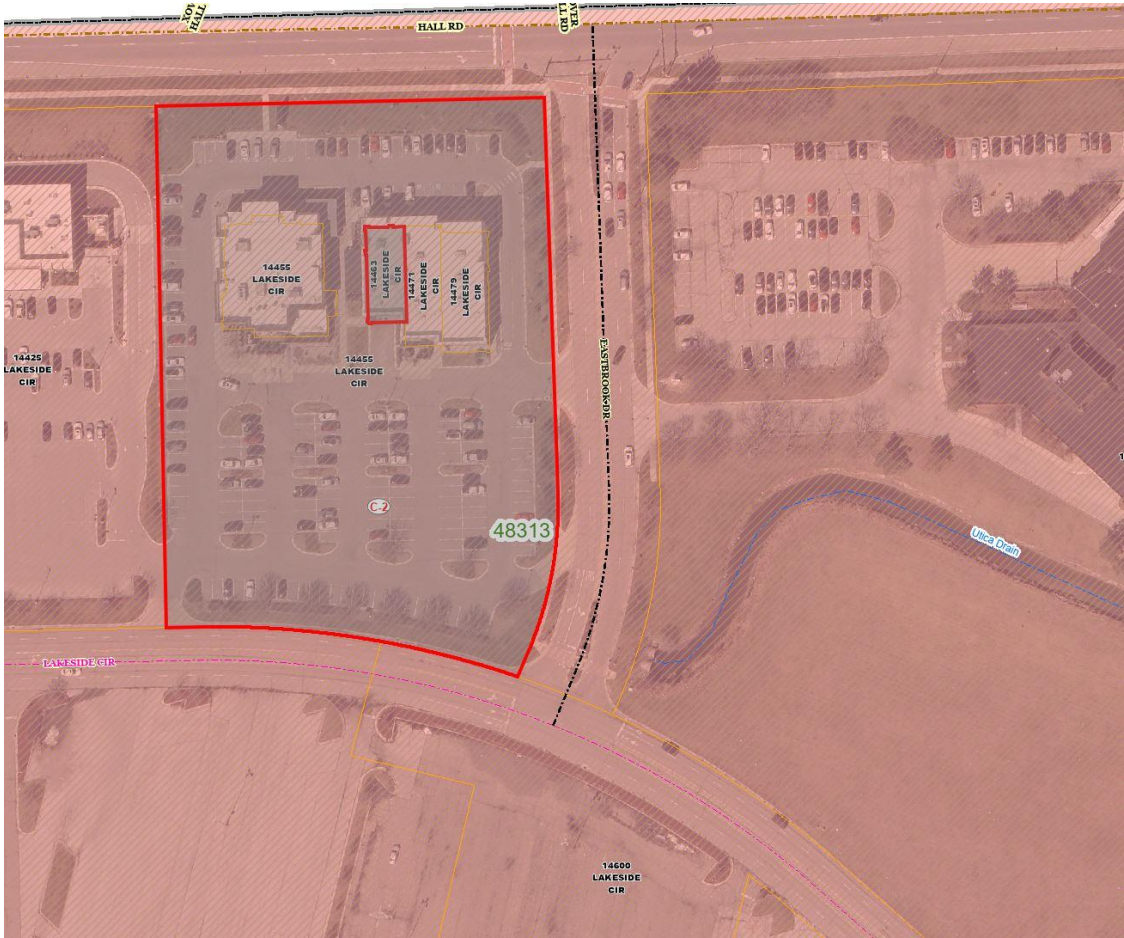
#### ALTERNATE ACTION

In case number PSP25-0034, First Watch, 14463 Lakeside Circle, motion to **POSTPONE** the proposed nuisance mitigation plan for the outdoor patio space to the \_\_\_\_\_, 2026, meeting of the Planning Commission, so the applicant can provide additional information to the Planning Commission.





**Zoning Map**  
**14463 Lakeside Circle**



**Subject Parcel’s Zoning District Designation: C-2 Planned Comparison District and Lakeside Village Overlay**

Direction	Zoning District Classifications
North (across Hall Road)	Shelby Township
South	C-2 Planned Comparison District and Lakeside Village Overlay
West	C-2 Planned Comparison District and Lakeside Village Overlay
East	C-2 Planned Comparison District and Lakeside Village Overlay



Master Land Use Plan – Land Use Map  
14463 Lakeside Circle



Subject Parcel's Land Use Classification: Lakeside Village

Future Land Use Classifications

Large Lot Residential	Multi-Household Residential	Local Commercial
Suburban Residential	Planned Residential	Regional Commercial
Compact Residential	Manufactured Home Residential	Lakeside Village
Office	North Van Dyke Node	Innovation Support
Neighborhood Node	Van Dyke Mixed-Use	Civic Center
District Node	Industrial	Parks/Open Space



# CITY OF Sterling Heights PLANNING

## APPLICATION FOR SITE PLAN APPROVAL / SPECIAL APPROVAL LAND USE / PLANNED UNIT DEVELOPMENT (PUD) CITY OF STERLING HEIGHTS

This application and all required site plans, documents and other supportive information (see complete list below) as required by the City of Sterling Heights Zoning Ordinance shall be submitted digitally to [shplanning@sterlingheights.gov](mailto:shplanning@sterlingheights.gov) or via [BS&A Online](#)

PLEASE ENTER ALL OF THE FOLLOWING INFORMATION

Please select application type:

☐ Site Plan Approval ☐ Special Approval Land Use ☐ Planning Unit Development

☐ Site Plan Approval + Special Approval Land Use (SALU)

Project / Property Attributes:

Proposed development name: existing location, First Watch Restaurants, Inc

Parcel address: 14463 Lakeside Circle, Sterling Heights, MI 48313

Parcel Number(s): 10-10-01-100-022

The property is presently zoned: commerical

*If you have a question as to the current zoning of a property, click the link here [Zoning District Map](#)*

The total site area is na acres.

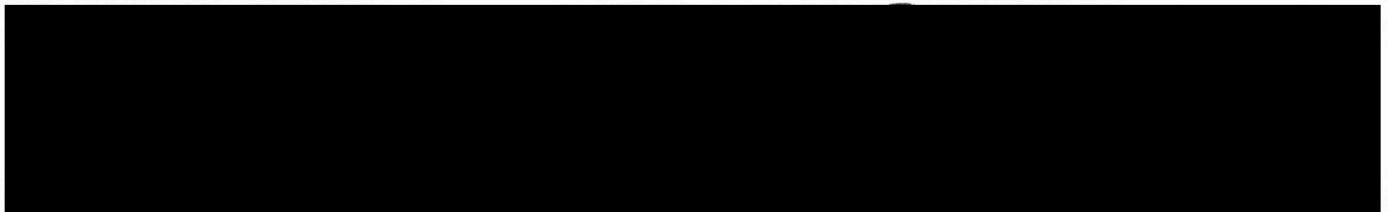
Portion of total site area being developed is na acres.

Project Description (including all uses requiring licenses and all proposed accessory uses):

patio was approved at time of open. following up with a nuisance mitigation plan

*If necessary please attach a separate sheet with project/use narrative.*

Property Owner Information:



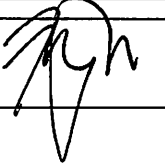


# CITY OF Sterling Heights PLANNING

## Applicant requesting development approval:



Signature of Land Owner (with  
printed name)

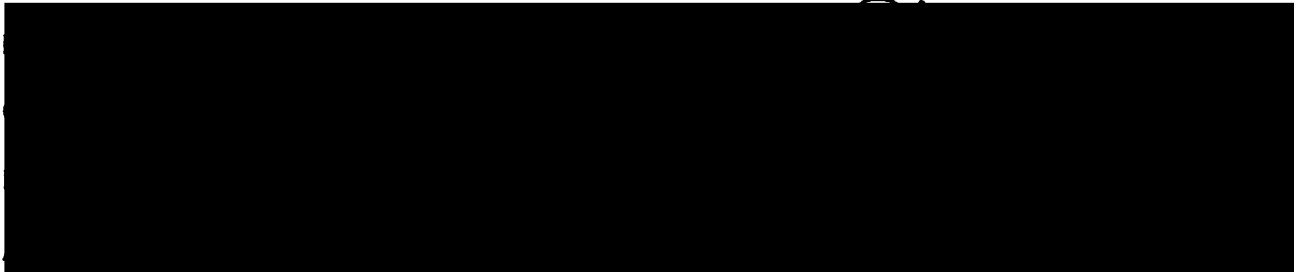
 Fred Goldberg

Signature of Applicant(s) (with  
printed name)

David Nickels David Nickels

## Designated Contact Person (all information regarding reviews, notices, etc. will be sent to this contact):

Same as applicant: ☐ Other: ☒



## Document Submitted:

The following documents/plans must be submitted for all development projects within the City unless otherwise indicated by the City Planner. \*ALL DOCUMENTS LISTED BELOW MUST BE SUBMITTED IN PDF FORM.

- |   |  |
|---|--|
| <input type="checkbox"/> Site Plan                  | <input type="checkbox"/> Photometric Plan (exterior lighting plan)   |
| <input type="checkbox"/> Building Elevations        | <input type="checkbox"/> Tree Survey   |
| <input type="checkbox"/> Floor Plans                | <input type="checkbox"/> Photo ID of applicant   |
| <input type="checkbox"/> Landscape Plan             | <input type="checkbox"/> Verification of ownership of interest in the property   |
| <input type="checkbox"/> Traffic Impact Analysis    | <input type="checkbox"/> Copies of any required City licenses for proposed principal or accessory uses or applications filed. If a principal or accessory use of the property is added or modified that requires an additional or modified City license, or a new review of the special approval land use may be required. |
| <input type="checkbox"/> Stormwater Mitigation Plan |  |
| <input type="checkbox"/> Fees : <u>Fee Schedule</u> |  |





# CITY OF Sterling Heights **PLANNING**

## Addition or Modification of Use

As noted above, if a proposed principal use or accessory use is added or modified after the initial City approval which includes any use that requires one of the following City licenses/uses, an additional review of the special approval land use may be required by the Planning Commission. Please check each type of use/license proposed as a part of the application.

### License Type

- |   |   |
|---|---|
| <input type="checkbox"/> Adult Uses                 | <input type="checkbox"/> Massage Establishment          |
| <input type="checkbox"/> Amusement Devices          | <input type="checkbox"/> Mobile Vending                 |
| <input type="checkbox"/> Auction Sales/Auctioneer   | <input checked="" type="checkbox"/> Outdoor Patio Space |
| <input type="checkbox"/> Banquet and Event Facility | <input type="checkbox"/> Pawnbroker                     |
| <input type="checkbox"/> Body Art / Tattoo          | <input type="checkbox"/> Refuse Collection              |
| <input type="checkbox"/> Carnival / Festival        | <input type="checkbox"/> Secondhand Goods Merchant      |
| <input type="checkbox"/> Going Out of Business      | <input type="checkbox"/> Solicitor / Peddler            |
| <input type="checkbox"/> Hotel / Motel              | <input type="checkbox"/> Taxicab                        |
| <input type="checkbox"/> Junk Yard                  | <input type="checkbox"/> Temporary Use                  |
| <input type="checkbox"/> Liquor License             |   |

## **NOTICE OF SETTLEMENT BY CONSENT ORDER BETWEEN THE UNITED STATES AND THE CITY OF STERLING HEIGHTS, MICHIGAN**

CONSISTENT WITH THE UNITED STATES CONSTITUTION AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 ("RLUIPA"), STERLING HEIGHTS DOES NOT APPLY ITS LAND USE REGULATIONS AND ZONING LAWS IN A MANNER THAT IMPOSES A SUBSTANTIAL BURDEN ON THE FREE EXERCISE OF RELIGION UNLESS IT IS IN FURTHERANCE OF A COMPELLING GOVERNMENT INTEREST AND IS THE LEAST RESTRICTIVE MEANS OF FURTHERING THAT INTEREST, TREAT RELIGIOUS ASSEMBLIES OR INSTITUTIONS LESS EQUALLY THAN NONRELIGIOUS ASSEMBLIES OR INSTITUTIONS, OR DISCRIMINATE ON THE BASIS OF RELIGION.

If you believe that the City of Sterling Heights, or any other local government or municipality, has discriminated against you in the implementation of its zoning or land use laws, you may contact the United States Department of Justice at:

United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave. N.W. – G St.  
Washington, D.C. 20530  
Attn: DJ # 210-37-15  
(202) 305-2011

Further information about RLUIPA is available at the Department of Justice's RLUIPA page, at [www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act](http://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act).

If you have any questions contact the City of Sterling Heights Office of Planning, 40555 Utica Road, P.O. Box 8009, Sterling Heights MI 48311-8009 / Phone: 586.446.2360 / [shplanning@sterlingheights.gov](mailto:shplanning@sterlingheights.gov)



## OUTDOOR PATIO SPACE LICENSE APPLICATION

BSA #

License #

DATE 11/7/2025

☒ **NEW – \$530.00**

☐ **RENEWAL with MODIFICATIONS – \$530.00**

☐ **RENEWAL without MODIFICATIONS – \$265.00**

SUBMIT TO: CITY CLERK  
CITY OF STERLING HEIGHTS  
40555 UTICA ROAD  
P.O. BOX 8009  
STERLING HEIGHTS, MI 48311-8009

RECEIVED NOV 17 2025

The undersigned hereby applies to the City of Sterling Heights for a license to utilize an outdoor patio space. In support of this application, the following representations are made:

1. Name of Applicant: First Watch Restaurants, Inc.

*Provide full name*

☒ Corporation

☐ Partnership

☐ Proprietorship

☐ Limited Liability Co.

2. Name of Business: First Watch

*Must provide a copy of current business registration.*

3.

4. Property Owner: ATMF II, Inc.

*If not owned by business owner – must supply evidence of the signed lease for the business premises and written consent of the owner to utilize an outdoor patio space on the premises.*

5. Attach a copy of a **detailed layout plan**, including:

- ☐ Overall design and placement on a scaled site plan;
- ☐ Location of all seats, tables, serving areas, exits, trash receptacles, and any other temporary fixtures;
- ☐ Lighting (other than decorative lighting);
- ☐ Speakers, amplifiers, televisions, display screens, stages or performance areas, and similar installations designed to facilitate entertainment;
- ☐ Design of any walls, railings, planters, and other screening and boundary elements; and
- ☐ If outdoor heating elements are proposed (permanent or temporary), the location and design of such elements, which shall be required to meet all applicable codes prior to installation.

6. If this is a RENEWAL, are there any proposed changes/modifications? YES NO N/A

If YES, explain the proposed changes/modifications: \_\_\_\_\_

Believe this isn't a renewal because you didn't process our initial application in 2020. No changes have been made though

7. List of all managers and those principally in charge of business operations:

Name:

Address:

Name:

Address:

*Attach additional pages as necessary. Must be updated immediately if this information changes.*

8. Detailed summary of the nature and type of service to be offered/permitted in the outdoor patio space:

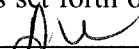
☒ Food Allowed ☒ Beverages Allowed ☐ Music/Amplified Sound ☒ Waitstaff Service ☒ Tables/Seating

Other Activities/Operations: \_\_\_\_\_

9. Days and hours of operation of the outdoor patio space:

Days: Monday - Sunday

Hours: 7 a.m. - 2:30 a.m.

10. I hereby release and authorize the City, through its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth on this application and the qualification of the applicant for an outdoor patio space license:  initials

11. List all business establishments with an outdoor patio space that have been owned and/or operated by the applicant, in whole or in part, within the last ten (10) years (use additional pages if necessary):  
First Watch is a publicly traded corporation with over 600 locations in 33 states. We have many locations with outdoor patio dining

12. Additional documents to submit with this application:

- ☐ **A fully executed maintenance agreement** acceptable to the City Attorney, assuring the upkeep and maintenance of, and the prevention of nuisances created by operation of, the outdoor patio space. The agreement shall remain in effect for as long as the outdoor patio space is operated and properly licensed, and shall include the applicant's agreement to cease operating the outdoor patio space until the operation is in full compliance with the requirements of the maintenance agreement. Any modifications to the outdoor patio space may require an amended maintenance agreement.
- ☐ **A public liability and property damage insurance policy** insuring the establishment and its personnel against any liability arising out of its utilization of an outdoor patio space on the premises. The City, including its employees, agents, officials, officers, and volunteers, shall be named as an additional insured. No person or entity shall maintain, utilize, or allow to be utilized any outdoor patio space unless the insurance required by this section is in force at the time of such operation.
- ☐ **A fully executed indemnity agreement**, approved by the City Attorney, whereby the applicant and property owner agree to indemnify and hold harmless the City and its officers, agents, and employees from any claim arising or resulting in any manner from the operation of the outdoor patio space.

**NOTICE – The City reserves the right to request additional information as deemed necessary.**

## CERTIFICATION

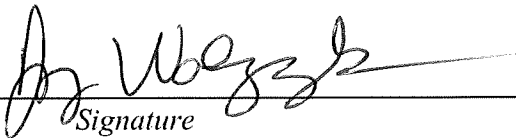
I hereby declare and certify, under oath or affirmation and under penalty of perjury, that the foregoing APPLICATION is true and correct to the best of my knowledge and belief.

I understand that inaccuracies may result in denial of the application.

I UNDERSTAND THAT OMISSIONS WILL BE CONSTRUED AS AN INTENTIONAL FAILURE TO DISCLOSE A MATERIAL FACT AND WILL BE SUFFICIENT GROUNDS FOR DENIAL.

I understand that a renewal application must be submitted prior to January 31 every year in order to operate the outdoor patio space after January 31.

I have reviewed the City's Code of Ordinances and I understand all of the obligations and responsibilities that apply to the operation of an outdoor patio space in the City of Sterling Heights.

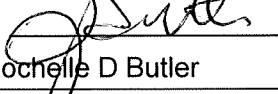
By:  Chief Legal Officer & Secretary  
Signature Title  
Jay A Wolszczak  
Type or Print Name

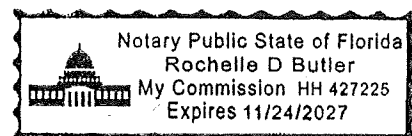
STATE OF ~~MICHIGAN~~ = Florida

SS

COUNTY OF Manatee

On this 7th day of November, 2025, before me, a Notary Public in and for the County of Manatee, personally appeared Jay A Wolszczak known to me to be the said person named in and who executed the foregoing application and made oath that the statements and representations set forth herein are true to the best of his/her knowledge and belief.

Notary Public Signature   
Notary Printed Name Rochelle D Butler  
Acting in Manatee (Florida) County  
My Commission Expires: November 24, 2027





## Checklist for Outdoor Patio Space License

Business Name First Watch

Address 14463 Lakeside Circle, Michigan, 48313

**LICENSE FEE:**

**Paid Date:** \_\_\_\_\_

New \$530 ☒ Renewal w/modifications \$530 \_\_\_\_\_ Renewal w/o modifications \$265 \_\_\_\_\_

### *(CITY CLERK'S OFFICE USE ONLY)*

\*\*\*\*\*

Copies to the following departments for review, investigation, and recommendation:

Police Department      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Fire Department      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Building/Code Enforcement      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Planning/Zoning      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Site plan # \_\_\_\_\_ Date approved \_\_\_\_\_

City Development      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Copy to City Manager for review

\*\*\*\*\*

Upon receipt of favorable recommendation from each of the investigation officials listed:

Outdoor Patio Space License Number \_\_\_\_\_ Date \_\_\_\_\_

LICENSE EXPIRES ANNUALLY ON JANUARY 31

Approved by: \_\_\_\_\_  
City Clerk

\*\*\*\*\*

Forward a copy of issued license to the following:

- ☐ Chief of Police
- ☐ Building Official
- ☐ Fire Marshal
- ☐ City Planner
- ☐ City Development Director
- ☐ City Manager

## Steven Jacobson

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**From:** Bruce Belskey  
**Sent:** Thursday, July 25, 2019 11:42 AM  
**To:** Steven Jacobson; Laureen Sustachek  
**Subject:** FW: Sterling Heights, MI - Patio Application - Information Needed

[EXTERNAL MESSAGE - USE CAUTION BEFORE OPENING LINKS OR ATTACHMENTS]

Bruce-this email will confirm our consent for First Watch to use the patio. Let me know if you require anything else  
. Thx. ATMF II INC. Tom

Sent from my iPhone

On Jul 25, 2019, at 11:13 AM, Bruce Belskey

Tom,

I just got this request. Can you provide the written consent for the patio to be used by First Watch?

Bruce

Bruce - As part of the Sterling Heights, MI Patio Application, we're required to provide evidence of a signed lease AND written consent of the LL to utilize an outdoor patio space on the premises. Can you request that Landlord provide us with written consent for the patio or would a section of the executed lease mentioning our right the have a patio be sufficient?

Thanks,  
Steve J

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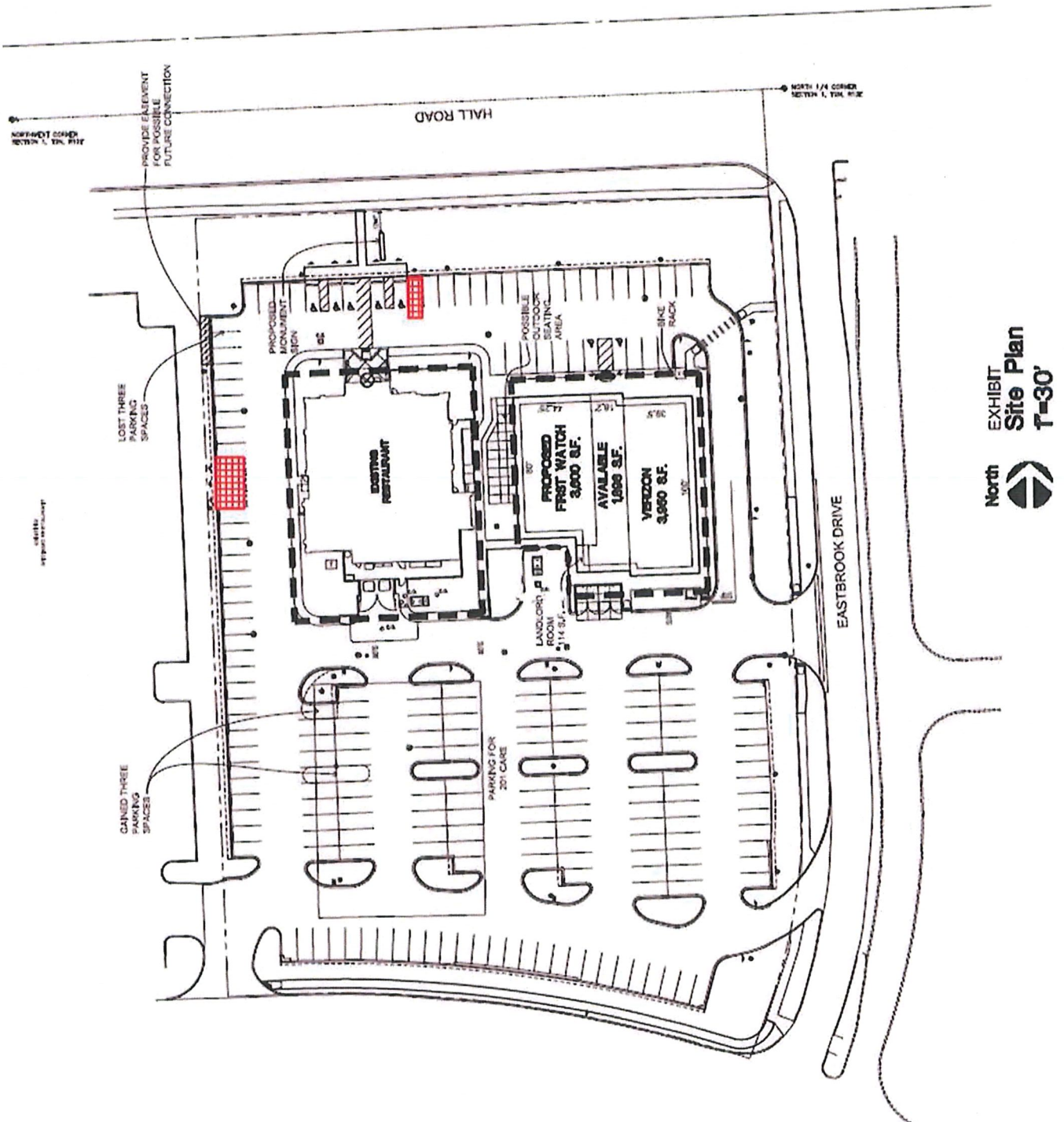
## EXHIBIT "A"

### SHOPPING CENTER SITE PLAN AND LEGAL DESCRIPTION

"No Build Area" means all areas of the Shopping Center depicted below outside of the Permissible Building Area.

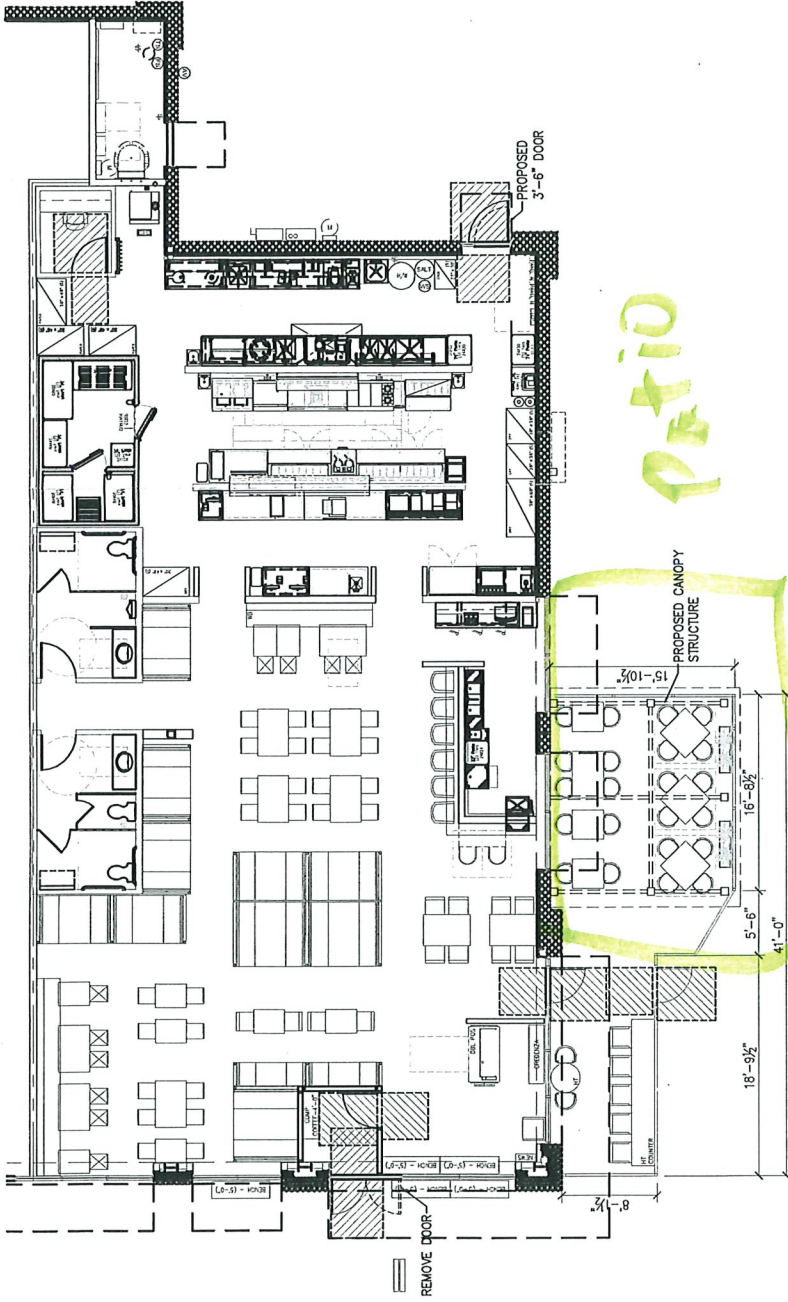
"Protected Egress Area" means the entrances, exits, and drive aisles as depicted on the Site Plan below.

"Reserved Spaces" means those 4 parking spaces shown with a red gridded overlay on the Site Plan below.





**NOTE:**  
ALL SQUARE FOOTAGE CALCULATIONS AND  
FIXTURE PLACEMENTS ARE APPROXIMATE.  
ARCHITECT TO COORDINATE WITH FIELD  
VERIFIED DIMENSIONS PRIOR TO  
CONSTRUCTION.



WAIT SEAT TABULATION		
INTERIOR ONLY	ACTUAL	SEATS
CLASSIC 4' BENCH (2 SEATS EA.)	X	6
CLASSIC 5' BENCH (3 SEATS EA.)	X	6
CHAIR W/ ARMS (1 SEAT EA.)	X	1
CHAIR W/O ARMS (1 SEAT EA.)	X	6
LOVE SEAT (3 SEATS EA.)	X	3
TOTAL:		7

INTERIOR TABLE TABULATION		
ACTUAL	SEATS	RANGE
2-TOPS	9	18
4-TOPS	18	72
6-TOPS	3	18
8-TOPS	X	X
COMMUNITY	1	8
TOTAL:	31	116

EXTERIOR TABLE TABULATION		
ACTUAL	SEATS	RANGE
TABLE	9	29
TOTAL:		

SQUARE FOOT TABULATION		
ACTUAL	RANGE	
LEASEABLE SF	3,600 SF	3,400-3,800 SF
DINING	1,716 SF	
KITCHEN/OFFICE	1,345 SF	1,200-1,300 SF
RESTROOM	291 SF	275-300 SF
HOST	192 SF	235-250 SF
VESTIBULE	56 SF	
PDR	XXX SF	

Architects Project No. 15103	Revisions:
SK-1: 2019-07-25	SK-11:
SK-2: 2019-07-25	SK-12:
SK-3: 2019-07-22	SK-13:
SK-4:	SK-14:
SK-5:	SK-15:
SK-6:	SK-16:
SK-7:	SK-17:
SK-8:	SK-18:
SK-9:	SK-19:
SK-10:	SK-20:

**STERLING HEIGHTS**  
**STERLING HEIGHTS, MI**

**PROPOSED FLOOR PLAN**  
 SCALE: NTS

Date: 2019-07-22  
 Drawn By: NBE

Sketch #  
**SK-3**

**FIRST WATCH**  
 THE DAYTIME CAFE

**IGI**  
 ARCHITECTURAL GROUP INTERNATIONAL  
 1000 S. 10th Street, Suite 100, Louisville, KY 40203  
 P: 502.461.5400 F: 502.461.5550  
 www.igi-va.com  
 designing what you want to go.

## OUTDOOR PATIO SPACE LICENSE

### PATIO MAINTENANCE AGREEMENT

Business Legal Name: First Watch Restaurants, Inc.

Business Assumed Name / DBA: First Watch

Address of the Outdoor Patio Space: 14463 Lakeside Circle, Sterling Heights, MI 48313

In consideration of being licensed to operate an outdoor patio space, the Business agrees that it shall be responsible for safe and proper maintenance of the licensed patio space in accordance with all federal, state, and local laws, ordinances, codes, and regulations, and in accordance with the layout and design plans submitted to the City with the license application.

The Business shall further be responsible for preventing any and all nuisances across any property line, including but not limited to any nuisance to neighboring properties, residents, businesses, motorists, pedestrians, and visitors.

In the event that the Business shall at any time fail to maintain the licensed patio space as required, and in addition to any citations or court actions that may be issued or initiated, the City of Sterling Heights ("City") may serve written notice upon the Business setting forth the manner in which the Business has failed to maintain the licensed patio space as required by this Agreement. Unless an applicable City ordinance provides differently, the Business hereby agrees to cease operating its licensed patio space until it remedies the maintenance failure and the City confirms in writing that the Business is in full compliance with its maintenance obligations under this Agreement.

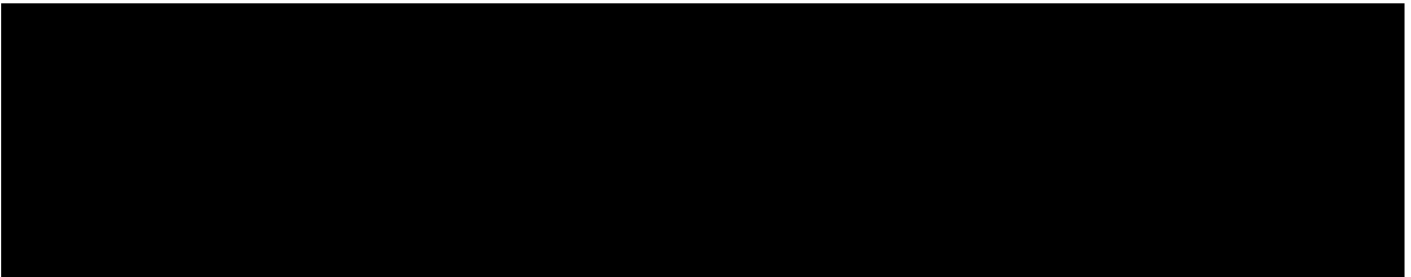
If the Business disagrees with the City's determination that this Agreement has been violated, the Business may pursue the appellate remedies set forth in the City's ordinance for appealing an outdoor patio license suspension.

Should any deficiencies in the maintenance and/or operation of the licensed patio space be determined by the City to constitute an impending danger to the health, safety, or welfare of the public, or to be a public or private nuisance, the City shall have the right to take immediate corrective action and summarily abate such danger or nuisance. In such event, the Business agrees that it shall be responsible for the City's actual abatement costs, including administrative expenses and attorney fees incurred by the City, which shall be paid prior to utilizing the licensed patio space after the abatement.

The Business shall hold harmless, defend, and indemnify the City from any and all claims, demands, costs, expenses, attorney fees, and judgments of any nature that may arise from or relate to the City's abatement of an impending danger, public nuisance, or private nuisance.

Authorized Signature: \_\_\_\_\_

Print Name and Title: Jay A Wolszczak, Chief Legal Officer & Secretary



Agenda Item	Case	Address
5.C	PSP25-0033 Forum at Gateways Shopping Center (Walmart Expansion)	44575 Mound Road

#### Requested Action:

Request to amend an existing Project Development Plan for the Forum at Gateways Shopping Center to allow for an expansion of the shopping plaza structures and addition of a gas station use in the C-4 Multi Use District.

#### Proposal:

The applicant is proposing amendments to the existing Project Development Plan for the Forum at Gateways Shopping Center for modifications to the existing shopping plaza including the expansion of the Walmart store into a superstore with a gas station. Location is West side of Mound Road, south of Dobry Drive in Section 5 of the city.

#### Executive Summary:

The Forum at Gateways Shopping Center is a mixed-use commercial retail shopping center development that is developed in accordance with a Project Development Plan that has been approved by the City of Sterling Heights Planning Commission. The applicant is proposing to amend the existing project development to include the outlots that are currently under development as well as to expand the footprint for the existing Walmart structure and add a gasoline self-service station. Additionally, the applicant is proposing an updated landscaping and parking lot plan for the Walmart parcel that will bring the site into compliance with the city's landscaping requirements. The previous amendment for this Project Development Plan identified five (5) total areas on the site where new commercial retail buildings may be constructed as well as updating the pedestrian plaza at the corner of Mound and Dobry to ensure compliance with Article 14 (C-4 Multi-Use District) of the Zoning Ordinance. The Office of Planning is supportive of the amendments to the structures, uses, and overall site improvements that would be granted through the amendment of this plan.



Forum at Gateways existing conditions (source: Sterling Heights GIS – 2024)



The Forum at Gateways is the city's only development in a C-4 Multi Use District, which requires the Planning Commission to approve a Project Development Plan in accordance with article 14 of the Zoning Ordinance. The original development footprint for the Forum at Gateways Project Development Plan is shown below, not including 20 acres of wetlands that are utilized as preserved open space. The shopping center property (including the AMC Theater parcel) and adjacent wetland parcels are the subject properties that make up the original footprint of the Forum at Gateways project under the original Project Development Plan. Over time, the project footprint has reduced; and Art & Jakes, Cornerstone Federal Credit Union, Raíces Mexican Cantina, Burger King, Flagstar Bank, Texas Roadhouse, Citizens Bank, and the AMC Theater have been removed from the ownership of the applicant. Some but not all of those parcels were released from being subject to the Open Space requirements. However, they are still part of the overall approved Development Plan.



**Aerial View of the existing Forum at Gateways development (2024)**

## Project Development Plan Timeline

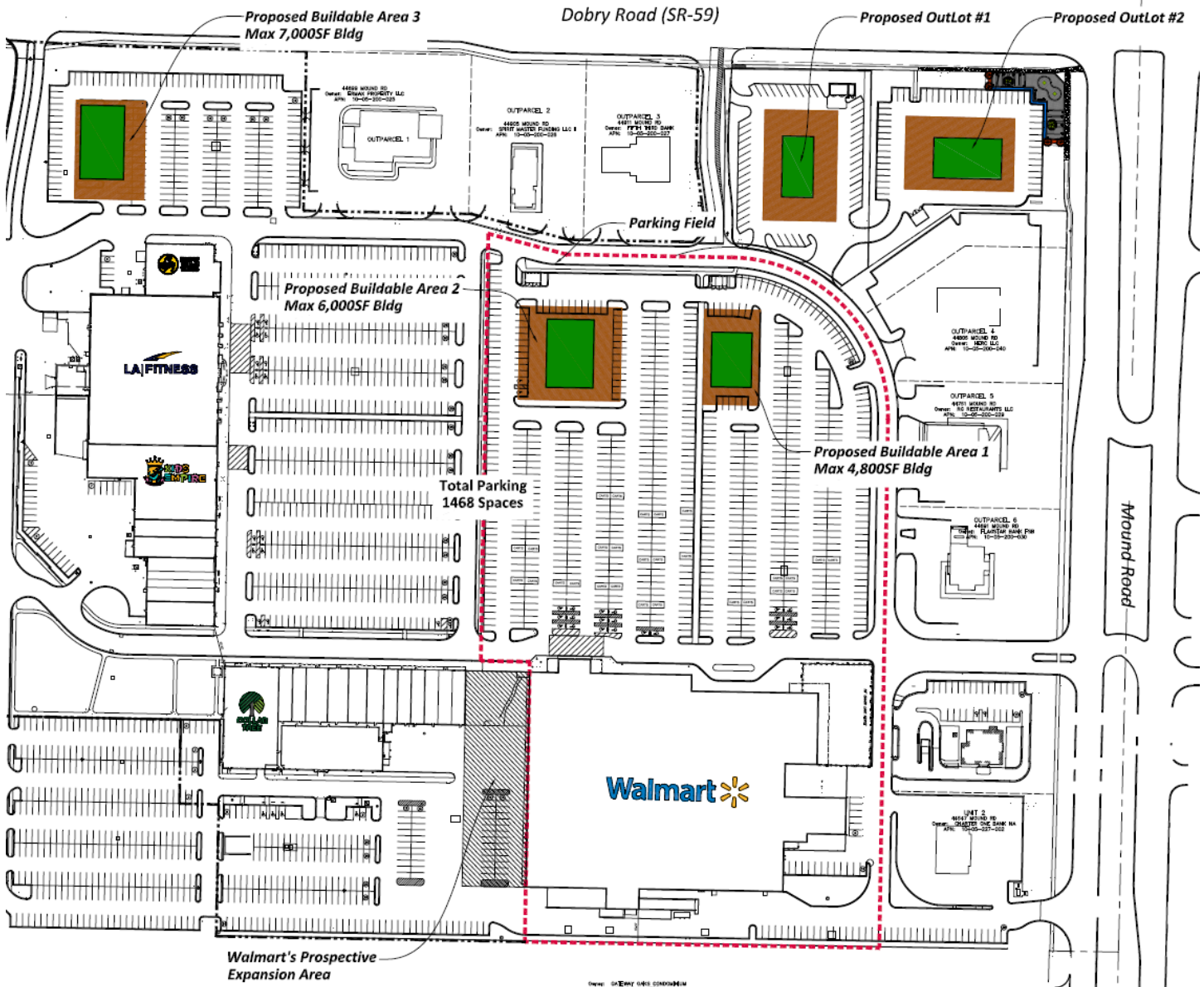
The first request for approval of the Project Development Plan for the Forum at Gateways was introduced to the Planning Commission on November 13, 1996. It was postponed at this meeting and subsequently approved by Planning Commission at their January 22, 1997 meeting. This Project Development Plan was brought back in front of the Planning Commission and City Council multiple times with the following results:

- **July 26, 1995:** Request to rezone the property to the C-4 Multi-Use District, which was postponed by a vote of 9-0.
- **October 3, 1995:** Zoning Map amendment to rezone the property to C-4 Multi-Use District, which was approved.

- **November 13, 1996:** Request for Project Development Plan approval for the Forum at Gateways, which was postponed by a vote of 7-0 with 2 members absent.
- **December 18, 1996 (postponed from November 13, 1996):** Request for Project Development Plan approval for the Forum at Gateways, which was postponed by a vote of 9-0.
- **January 22, 1997 (postponed from December 18, 1996):** Request for Project Development Plan approval for the Forum at Gateways, which was approved by a vote of 8-0 with 1 member absent.
- **April 23, 1997:** Request for site plan approval to construct a multi-use development at 5600 Dobry Drive, including a hotel, retail, and a theater (AMC) adhering to the Project Development Plan, which was postponed by a vote of 6-0 with 3 members absent.
- **May 14, 1997 (postponed from April 23, 1997):** Request for preliminary site plan approval to construct a multi-use development at 5600 Dobry Drive, including a hotel, retail, and a theater (AMC) adhering to the Project Development Plan, which was approved by a vote of 8-0 with 1 member absent.
- **October 22, 1997:** Request for a new preliminary site plan approval due to purchase of the site by a new owner in order to construct a multi-use development at 5600 Dobry Drive, including a hotel, retail, and a theatre (AMC) adhering to the Project Development Plan, which was approved by a vote of 7-0 with 2 members absent.
- **January 14, 1998:** Presenting a modification to the site plan to move the theater to the original location as presented to Planning Commission to better improve traffic circulation.
- **April 8, 1998:** Request for approval of the landscape plan for the approved site plan SPR-2416 for the Forum at Gateways development, which was approved by a vote of 9-0.
- **May 5, 1998:** Approval of the "Agreement for Open Space Plan" from City Council.
- **January 13, 1999:** Request for preliminary site plan approval for SPR-2548, Burger King Restaurant, located at 44751 Mound Road, which was approved by a vote of 8-0 with 1 member absent.
- **April 14, 1999:** Request for preliminary site plan approval for SPR-2572, Arby's Restaurant, located at 5600 Dobry Drive, which was approved by a vote of 9-0.
- **April 28, 1999:** Request for preliminary site plan approval for SPR-2573, Max and Erma's Restaurant, located at 44899 Mound Road, which was approved by a vote of 8-0 with 1 member absent.
- **October 5, 1999:** Approval of an amendment to the "Agreement for Open Space Plan" from City Council.
- **December 8, 1999:** Request for preliminary site plan approval for SPR-2628, Flagstar Bank, located at 44691 Mound Road, which was approved by a vote of 8-0 with 1 member absent.
- **June 13, 2001:** Request to amend the Project Development Plan to allow additional parking on Pad D (Texas Roadhouse), which was approved by a vote of 5-3 with one member abstaining.
- **August 8, 2001:** Request for preliminary site plan approval for SPR-2767, Dunkin' Donuts Restaurant, located at 44603 Mound Road, which was approved by a vote of 8-0 with 1 member absent.
- **January 10, 2024:** Request to amend the project development plan to allow for the creation of two outlots and three pad sites for development as well as a new corner pedestrian plaza developed in accordance with section 14.06(B) of the zoning ordinance, which was approved by a vote of 9-0.

Following the January 2024 Planning Commission meeting, two of the outlots have gone through site plan approval with the city on the northeast corner of the development. One outlot is being developed with a McDonalds fast food restaurant and the adjacent out lot is going to be developed with a multi-tenant plaza with a drive-through on the eastern end cap. The owner of the multi-tenant plaza has entered into an agreement to maintain and develop the corner pedestrian plaza as they begin construction on their structure and parking lot.





Amended Forum at Gateways development plan (2024)

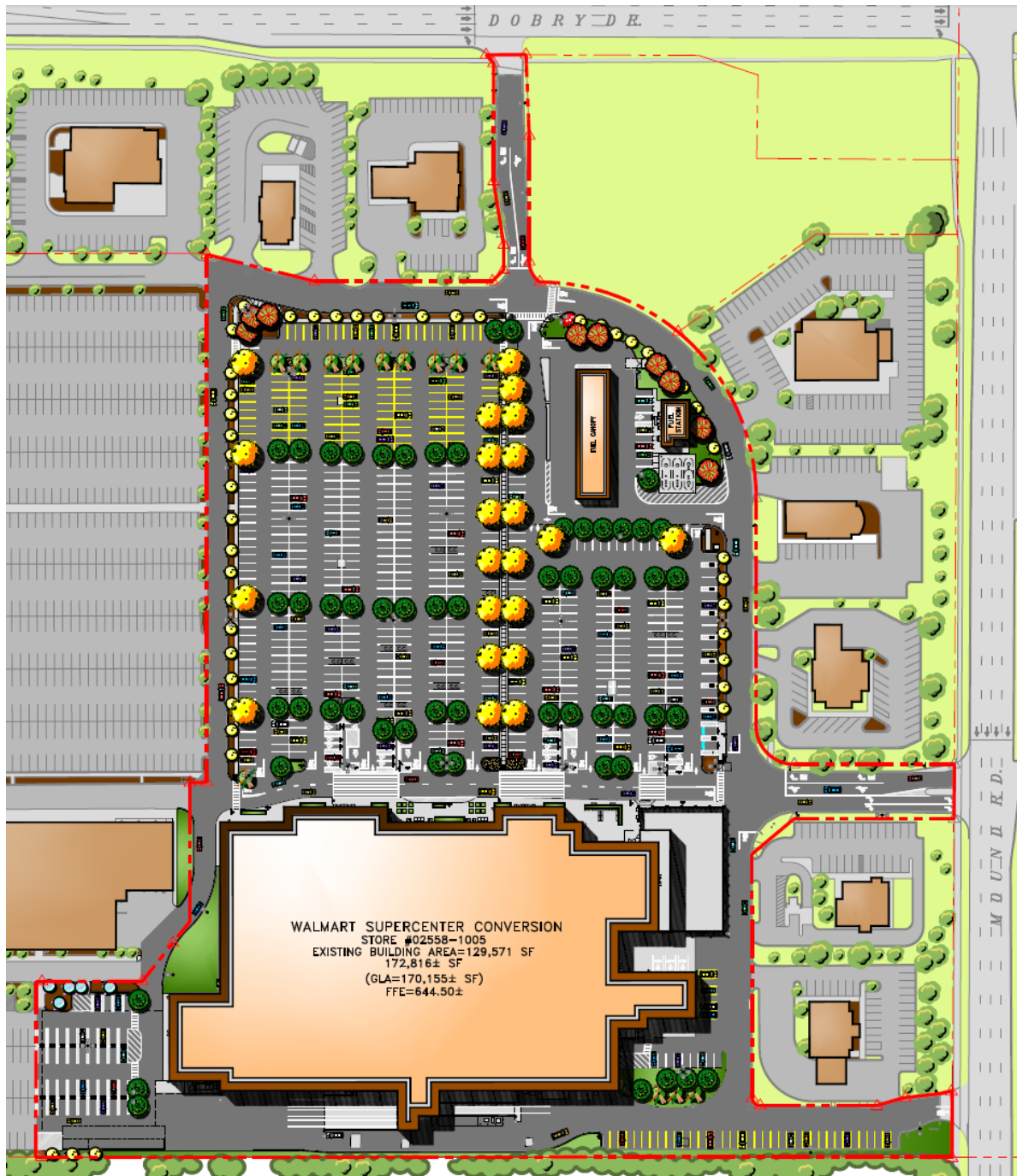
## PROPOSAL

The applicant is proposing to convert the existing Walmart store from a basic model (called Division 1 by their corporate office) to a Supercenter. The modifications to the Walmart site include dedicating a section of the store for online pick up and delivery where customers can order items through their online store and schedule a pick up time. This will include stalls on the western façade where there is currently a small green area and parking spaces. The applicant will be installing a drive aisle that lead from the front of the Walmart store through to the pick up area. The existing floor area for the Walmart is 129,571 square feet and the expansion will increase the Walmart store size to 172,816 square feet. This space will be utilized as follows:

- Proposed area for new proposed Grocery Addition & Secondary Entry Vestibule: 31,135 sq. ft.
- Proposed area for new Online Pickup Delivery Services: 6,156 sq. ft.
- Proposed area for additional Truck dock (Receiving): 411 sq. ft.

- Proposed recycling Center & GM Vestibule: 3,834 sq. ft.

As a part of this store upgrade, Walmart proposes to install an automobile fuel station on the interior of the ring road in the parking lot. This store would be 1,618 square feet for retail use and have ten fuel pumps. As a part of the overall development, the applicant is proposing to repair the existing parking lot, install a total of 103 parking lot trees and 535 shrubs, and two enhanced landscaped features. This includes a walkway from the front of the Walmart store through the parking lot, which will greatly increase pedestrian access, allow for better walkability throughout the entire site, and beautify the existing parking lot. The Office of Planning is supportive of these proposed improvements.



Proposed Walmart Redevelopment (colorized rendering)

The pedestrian open space requirement, which was proposed as a new plaza on the northeast corner of the development abutting the public right-of-way at the corner of Mound Road and Dobry Road, was approved with the updated project development plan in 2024. The plaza parcel is 0.13 acres, approximately 5,782 square feet, has a total of seventeen (17) trees, and includes benches, raised planters, ornamental paving, and decorative light poles as the amenities. Section 14.06(D) of the Zoning Ordinance requires that the plaza's size correlate to the overall gross building floor area of the overall development, ensuring one (1) square foot of open space for each one-hundred (100) square feet of building floor area. The overall gross floor area of the Forum at Gateways development as of 2024 is approximately 449,576 square feet, and the proposed buildable areas and two outlots approved in that amendment added a maximum of 30,133 square feet should they be fully developed. With the Walmart expansion, the maximum size of the overall gross building floor area of the development would increase to 523,572 square feet, which would require that the plaza be no smaller than 5,236 square feet. The previously proposed plaza meets these requirements without modification.

## DRAFT MOTIONS

Based on the information presented to and collected by the Office of Planning regarding PSP25-0033, the Office of Planning presents the following recommended courses of action for the Planning Commission:

## RECOMMENDED ACTION

That the Planning Commission **APPROVE** case number PSP25-0033, Forum at Gateways amended Project Development Plan, as described in the application, and shown on the proposed plans subject to the following conditions:

1. That the development shall remain consistent with the scale and nature of the use as described in the proposal, at Public Hearing, and reflected on the Amended Site Plan provided.
2. That the applicant shall develop the development in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb, and the State of Michigan.
3. That appropriate site plan and engineering plans meeting all other requirements of the City of Sterling Heights for any future development be submitted by the developer for administrative review and approval as the owner/tenant of each such development site is identified.
4. That the applicant agrees to a Second Amended Project Development Plan that is mutually agreeable to the City of Sterling Heights.
5. That the applicant proceeds with the site plan and engineering review process as required by the Second Amended Project Development Plan and Zoning Ordinance, as applicable.
6. That appropriate site plan and engineering plans meeting all other requirements of the City of Sterling Heights for any future development be submitted by the developer for administrative review and approval as the owner/tenant of each such development site is identified.
7. That the applicant diligently pursue development in accordance with the terms of the Second Amended Project Development Plan.
8. That any modifications to the Second Amended Project Development Plan be processed, reviewed, and approved in accordance with the provisions set forth in the Second Amended Project Development Plan and Zoning Ordinance, as applicable.
9. The applicant shall be responsible for all applicable attorney and consultant fees incurred as a result of the review of this project.
10. That sign reviews are a separate review process and all signage shall meet City requirements unless a variance is sought from the Zoning Board of Appeals.

This action is based on the following findings:

1. That the Second Amended Project Development Plan is consistent with and promotes the objectives of the C-4 Multi-Use District that encourage a large set of diverse land uses, including residential, office, retail, recreational, office research, and others, in one contiguous development that is aesthetically attractive and conducive to this density of commercial uses.
2. That the Second Amended Project Development Plan will facilitate development of underutilized portions of the site and renovation and revitalization of an existing shopping center at an important gateway to the city.
3. That the Second Amended Project Development Plan will facilitate the development of an attractive, pedestrian friendly plaza in the shopping center, and encourage integration of pedestrian amenities into the shopping center. The development will improve the overall site and area, serve as an attractive gateway into the city, and continue to enhance the M-59 Corridor.
4. The Second Amended Project Development Plan will encourage revitalization of the entire shopping center and result in improved integration of the open space areas into the entire shopping center.

#### ALTERNATE ACTION

That the Planning Commission **DENY** case number PSP25-0033, Forum at Gateways amended Project Development Plan, as described in the application, and shown on the proposed plans for the following reasons:

1. XXX
2. XXX

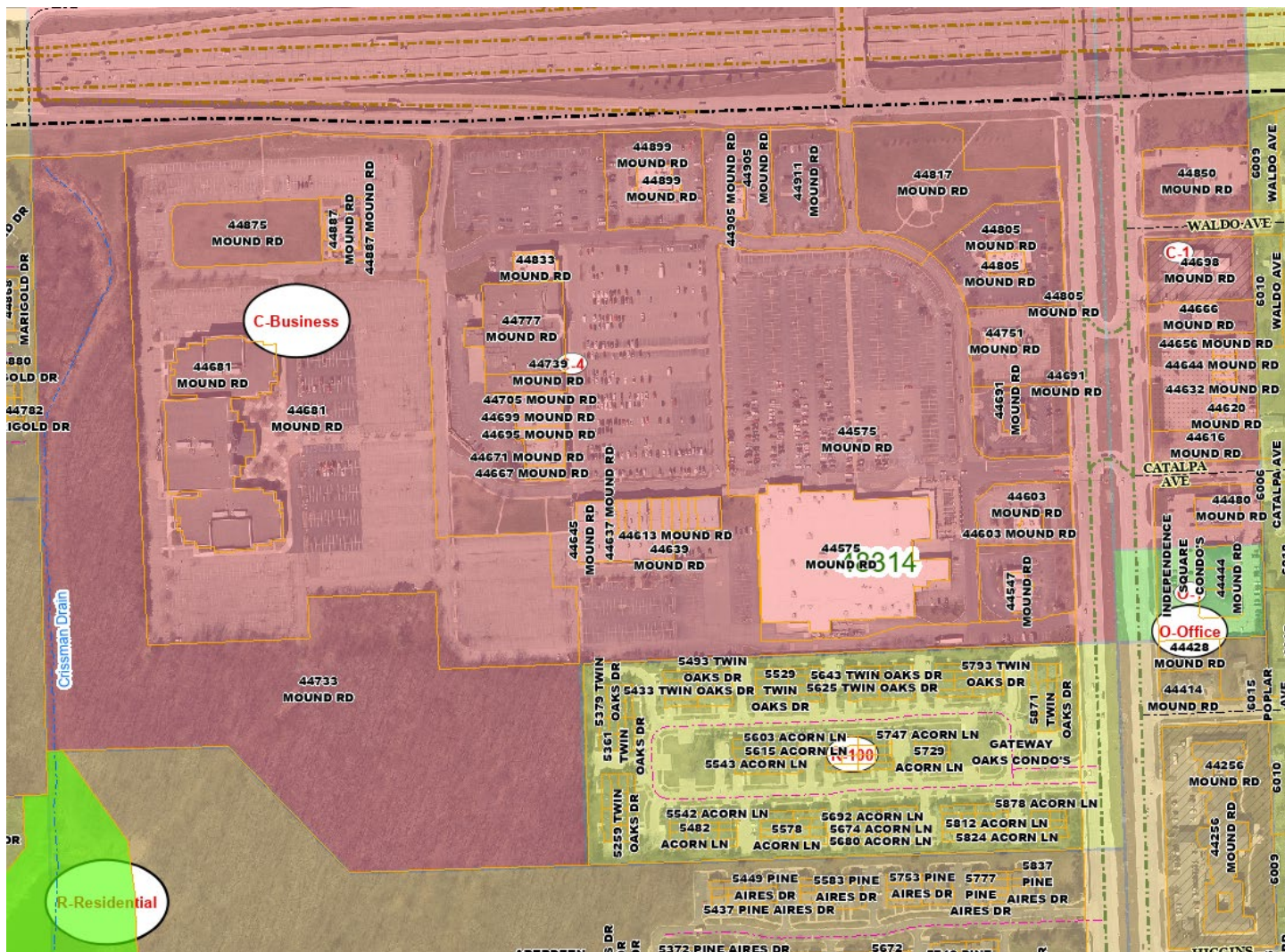
#### ALTERNATE ACTION

That the Planning Commission **POSTPONE** case number PSP25-0033, Forum at Gateways amended Project Development Plan, to \_\_\_\_\_, 2026, so that the applicant can provide additional information to the Planning Commission.





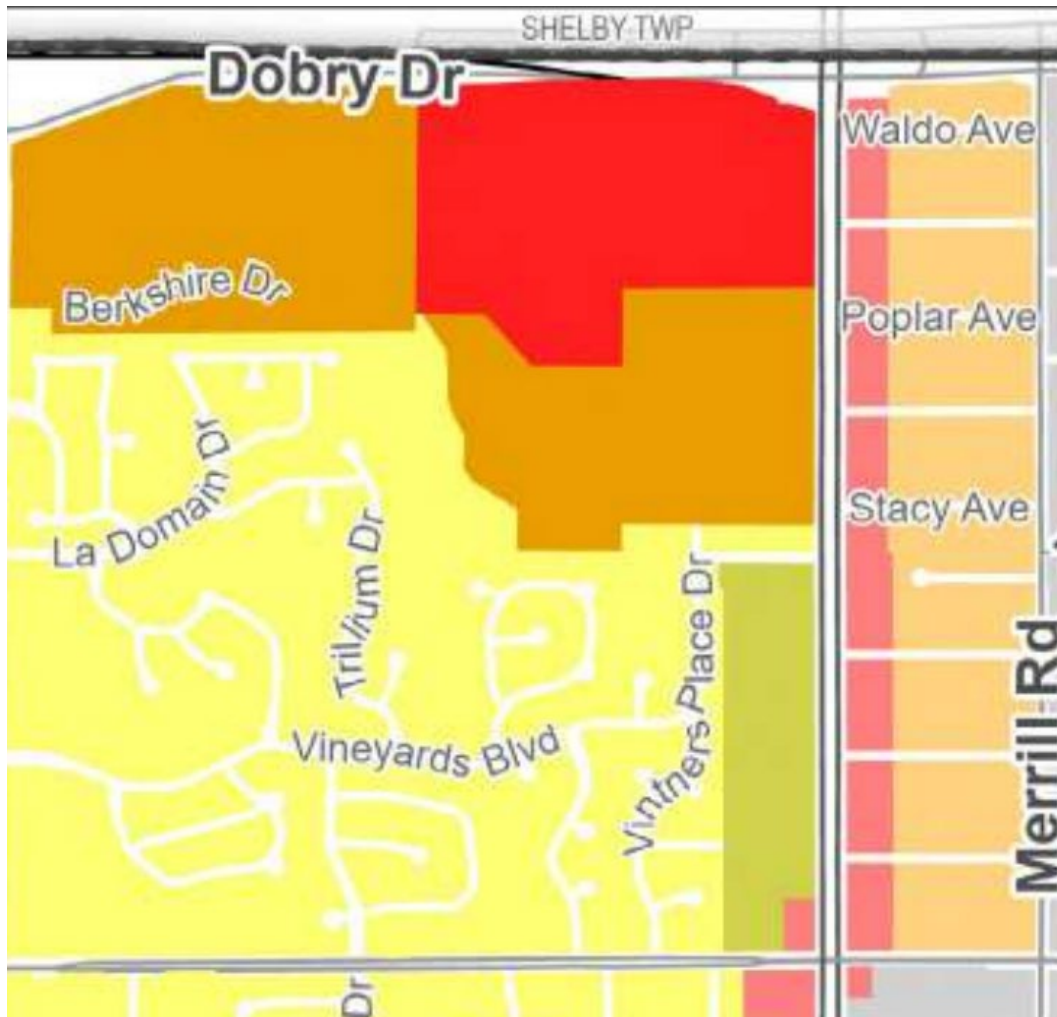
## Zoning Map 44575 Mound Road



Zoning District: C-4 Multi Use District



**Master Land Use Plan – Land Use Map**  
**44575 Mound Road**



**Land Use Designation: Regional Commercial**



**APPLICATION FOR SITE PLAN APPROVAL /  
SPECIAL APPROVAL LAND USE / PLANNED UNIT DEVELOPMENT (PUD)  
CITY OF STERLING HEIGHTS**

This application and all required site plans, documents and other supportive information (see complete list below) as required by the City of Sterling Heights Zoning Ordinance shall be submitted digitally to or via [BS&A Online](#)

**PLEASE ENTER ALL OF THE FOLLOWING INFORMATION**

Please select application type:

- ☒ Site Plan Approval   ☐ Special Approval Land Use   ☐ Planning Unit Development  
☐ Site Plan Approval + Special Approval Land Use (SALU)

Project / Property Attributes:

Proposed development name: 02558-1005 Sterling Heights, MI

Parcel address: 44575 Mound Road Sterling Heights, MI 48314

Parcel Number(s): 10-10-05-200-045

The property is presently zoned: C-4

*If you have a question as to the current zoning of a property, click the link here [Zoning District Map](#)*

The total site area is 12.98 acres.

Portion of total site area being developed is 12.98 acres.

Project Description (including all uses requiring licenses and all proposed accessory uses):

A building expansion is proposed on the existing Walmart building. New asphalt and parking field update with additional landscape. New fuel service building with 10 pump fuel station. New lease lot lines by Owner.

Property Owner Information:





CITY OF  
**Sterling Heights**  
**PLANNING**

Applicant requesting development approval:

Signature of Land Owner (with  
printed name)

*[Signature]*

Signature of Applicant(s) (with  
printed name)

*Zach Luensmann*

Zach

Luensmann

Designated Contact Person (all information regarding reviews, notices, etc. will be sent to this contact):

Same as applicant: ☐ Other: ☒

Document Submitted:

The following documents/plans must be submitted for all development projects within the City unless otherwise indicated by the City Planner. **\*ALL DOCUMENTS LISTED BELOW MUST BE SUBMITTED IN PDF FORM.**

- |  |  |
|--|--|
| <input type="checkbox"/> Site Plan                           | <input type="checkbox"/> Photometric Plan (exterior lighting plan)   |
| <input type="checkbox"/> Building Elevations                 | <input type="checkbox"/> Tree Survey   |
| <input type="checkbox"/> Floor Plans                         | <input type="checkbox"/> Photo ID of applicant   |
| <input type="checkbox"/> Landscape Plan                      | <input type="checkbox"/> Verification of ownership of interest in the property   |
| <input type="checkbox"/> Traffic Impact Analysis             | <input type="checkbox"/> Copies of any required City licenses for proposed principal or accessory uses or applications filed. If a principal or accessory use of the property is added or modified that requires an additional or modified City license, or a new review of the special approval land use may be required. |
| <input type="checkbox"/> Stormwater Mitigation Plan          |  |
| <input type="checkbox"/> Fees : <a href="#">Fee Schedule</a> |  |





### Addition or Modification of Use

As noted above, if a proposed principal use or accessory use is added or modified after the initial City approval which includes any use that requires one of the following City licenses/uses, an additional review of the special approval land use may be required by the Planning Commission. Please check each type of use/license proposed as a part of the application.

#### License Type

- |   |  |
|---|--|
| <input type="checkbox"/> Adult Uses                 | <input type="checkbox"/> Massage Establishment     |
| <input type="checkbox"/> Amusement Devices          | <input type="checkbox"/> Mobile Vending            |
| <input type="checkbox"/> Auction Sales/Auctioneer   | <input type="checkbox"/> Outdoor Patio Space       |
| <input type="checkbox"/> Banquet and Event Facility | <input type="checkbox"/> Pawnbroker                |
| <input type="checkbox"/> Body Art / Tattoo          | <input type="checkbox"/> Refuse Collection         |
| <input type="checkbox"/> Carnival / Festival        | <input type="checkbox"/> Secondhand Goods Merchant |
| <input type="checkbox"/> Going Out of Business      | <input type="checkbox"/> Solicitor / Peddler       |
| <input type="checkbox"/> Hotel / Motel              | <input type="checkbox"/> Taxicab                   |
| <input type="checkbox"/> Junk Yard                  | <input type="checkbox"/> Temporary Use             |
| <input type="checkbox"/> Liquor License             |  |

### **NOTICE OF SETTLEMENT BY CONSENT ORDER BETWEEN THE UNITED STATES AND THE CITY OF STERLING HEIGHTS, MICHIGAN**

CONSISTENT WITH THE UNITED STATES CONSTITUTION AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 ("RLUIPA"), STERLING HEIGHTS DOES NOT APPLY ITS LAND USE REGULATIONS AND ZONING LAWS IN A MANNER THAT IMPOSES A SUBSTANTIAL BURDEN ON THE FREE EXERCISE OF RELIGION UNLESS IT IS IN FURTHERANCE OF A COMPELLING GOVERNMENT INTEREST AND IS THE LEAST RESTRICTIVE MEANS OF FURTHERING THAT INTEREST, TREAT RELIGIOUS ASSEMBLIES OR INSTITUTIONS LESS EQUALLY THAN NONRELIGIOUS ASSEMBLIES OR INSTITUTIONS, OR DISCRIMINATE ON THE BASIS OF RELIGION.

If you believe that the City of Sterling Heights, or any other local government or municipality, has discriminated against you in the implementation of its zoning or land use laws, you may contact the United States Department of Justice at:

United States Department of Justice  
Civil Rights Division  
Housing and Civil Enforcement Section  
950 Pennsylvania Ave. N.W. – G St.  
Washington, D.C. 20530  
Attn: DJ # 210-37-15  
(202) 305-2011

Further information about RLUIPA is available at the Department of Justice's RLUIPA page, at [www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act](http://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act).

If you have any questions contact the City of Sterling Heights Office of Planning, 40555 Utica Road, P.O. Box 8009, Sterling Heights MI 48311-8009 / Phone: 586.446.2360 / [shplanning@sterlingheights.gov](mailto:shplanning@sterlingheights.gov)

## SECOND AMENDED PROJECT DEVELOPMENT PLAN

**PC Sterling Heights, LLC**, a Delaware limited liability company, of 7775 Baymeadows Way, Suite 300, Jacksonville, FL 32207 (“**PC Sterling**”) and **Pacific Coast Plaza Investments, LP**, a limited partnership, whose address is 7775 Baymeadows Way, Suite 300, Jacksonville, FL 32207 (“**Pacific Coast**”) (PC Sterling and Pacific Coast are sometimes collectively referred to herein as the “**Developer**”) submits this Second Amended Project Development Plan (“**Second Amended Development Plan**”) to the **City of Sterling Heights Planning Commission**, of 40555 Utica Road, P.O. Box 8009, Sterling Heights, Michigan 48311-8009 (referred to in this Second Amended Development Plan as the “**Planning Commission**”) relating to "The Forum at Gateways," a C-4 Development in Section 5 of the City of Sterling Heights.

### RECITALS (BASED ON CITY RECORDS PERTAINING TO THE SHOPPING CENTER PROPERTY)

A. Developer is the owner of several parcels of property located in Section 5 of the City of Sterling Heights, Macomb County, Michigan, which were previously owned/developed at various times by Four B’s Partnership (“**Four B’s Partnership**”), as owner, Vineyard Construction Company (“**Vineyard Construction**”), as developer, Sterling/Mound Associates, a Michigan co-partnership (“**Sterling/Mound**”), and AIG Baker Real Estate L.L.C., a limited liability company (“**AIG**”) (collectively referred to as “**Original Owner/Developer**”), which parcels are described on attached **Exhibit A**, and are collectively referred to as the “**Shopping Center Property**”.

B. Since approximately 1989, the Shopping Center Property and adjacent property to the west that is described on **Exhibit B**, collectively referred to as the “**C-4 Development Site**,” have been zoned C-4 (Multi-Use District) under the City of Sterling Heights Zoning Ordinance No. 278 (“**Zoning Ordinance**”).

C. The C-4 (Multi-Use District) under the Zoning Ordinance permits a diversity of compatible land uses, including a mixture of residential, office, retail, recreational, office research and other miscellaneous uses within an aesthetically attractive environment.

D. In 1996, Four B’s Partnership and Vineyard Construction (“**Four B’s/Vineyard**”) approached the City of Sterling Heights (“**City**”) about developing the C-4 Development Site with a C-4 mixed-use commercial development proposal under the provisions of Article 14, the C-4 (Multi-Use District) regulations, of the Zoning Ordinance.

E. In late 1996, Four B's/Vineyard submitted a project development plan ("**Original Development Plan**") to the Planning Commission for the C-4 Development Site so that Four B's/Vineyard could develop a mixed-use commercial retail shopping center/theater use development under the terms of Article 14 of the Zoning Ordinance.

F. The C-4 (Multi-Use District) regulations of the Zoning Ordinance require that a developer of a C-4 project (i) set aside for common open space not less than one acre of land for every ten (10) acres of land in the project development area ("**Preservation Area**"), and (ii) set aside a separate open space for public congregation ("**Pedestrian Plaza**") connected to the pedestrian circulation system that includes pedestrian seating.

G. The Original Development Plan included a somewhat undefined commitment to set aside some areas of the C-4 Development Site as open space areas to satisfy the C-4 development requirements of the Zoning Ordinance.

H. On January 22, 1997, the Planning Commission approved the Original Development Plan so that Four B's/Vineyard could develop a mixed-use development that included some retail development and a multiple screen theater complex, while setting aside some open space areas.

I. At a subsequent Planning Commission meeting held on May 14, 1997, the Planning Commission granted preliminary site plan approval for the C-4 Project, and required, among other conditions of such approval, that Original Owner/Developer more specifically define the open space areas and provide an open space agreement that identified the ownership, management, and other pertinent requirements for the regulation of all designated open space/public congregation areas involving the project to the satisfaction of the city attorney's office.

J. At some time after January, 1997, Sterling/Mound took over ownership and development of the C-4 Development Site.

K. On March 26, 1998, Sterling/Mound granted a conservation easement to the Michigan Department of Environmental Quality that committed to the preservation approximately 42.917 acres of woodland/wetlands in the vicinity of the C-4 Development Site, pursuant to a Conservation Easement dated March 26, 1987 between Sterling Mound and the Michigan Department of Environmental Quality, which agreement was recorded in Liber 08720, Page 675, Macomb County Records.

L. Subsequently, Sterling/Mound proposed an open space agreement to the City to preserve and maintain 20.383 acres of open space/sedimentation area, which Agreement for Open Space Plan was approved by the City Council of the City of Sterling Heights ("**City Council**") on May 18, 1998 and recorded in Liber 8192, Page 313, Macomb County Records.

M. Subsequently, AIG took over ownership and development of the C-4 Development Site.

N. AIG developed the C-4 Development Site in accordance with an approved project development plan, a full copy of which is not currently available.

O. The Office of Planning agreed to utilize a certain site plan prepared by Lowe & Associates, Inc., last revised 5/2/98 (“**Approved Site Plan**”) along with the motions of the Planning Commission for various approvals for the C-4 Development Site as the approved project development plan (“**Approved Development Plan**”).

P. Around September, 1999, AIG requested that the City release part of the site encumbered by the Open Space Agreement to permit further development of the C-4 Development Site.

Q. Pursuant to that request, the City Council approved AIG’s request to release 1.7337 acres from the restrictions of the Open Space Agreement and authorized the City Attorney to prepare a First Amendment to Open Space Agreement, which was prepared.

R. A copy of the executed and/or recorded First Amendment to Open Space Agreement is not currently available.

S. On or about August 24, 2015, PC Sterling acquired ownership of parts of the C-4 Development Site that are legally described on **Exhibit C**.

T. On or about September 5, 2019, PC Sterling conveyed an outlot commonly known as 44817 Mound at Parcel ID No 10-10-05-200-44 (“**44817 Mound**”) to its related entity Pacific Coast.

U. The City, Pacific Coast, and PC Sterling entered into an Amended Development Plan that was recorded at Liber 29813, Page 726 of Macomb County Records, as approved by the Sterling Heights Planning Commission on January 10, 2024, attached hereto as **Exhibit D** (“**Amended Development Plan**”).

V. The Amended Development Plan permitted (i) Pacific Coast to develop two (2) outlots at 44817 Mound, of the C-4 Development Site, described and depicted as Outlot #1 and Outlot #2 on the Amended Site Plan (collectively the “**Outlots**”) attached as **Exhibit D** to the Amended Development Plan (the “**Amended Site Plan**”); and (ii) PC Sterling to develop three (3) pad sites described and depicted as Proposed Buildable Area 1, Proposed Buildable Area 2 and Proposed Buildable Area 3 (collectively the “**Pad Sites**”) on the Amended Site Plan.

W. The Amended Development Plan also allowed Pacific Coast and PC Sterling to eliminate the previously existing Pedestrian Plaza and gazebo (“**Original Pedestrian Plaza**”) in the Approved Development Plan and replace it with a new corner pedestrian plaza area as depicted in the illustration attached as **Exhibit E** to the Amended Development Plan (“**Corner Pedestrian Plaza**”).

X. On April 30, 2024, the Sterling Heights Zoning Board of Appeals approved a non-use variance to allow for the construction of the Corner Pedestrian Plaza within the front yard setback of Mound and Dobry Drive as depicted in the Amended Development Plan, notice of which was recorded with the Macomb County Register of Deeds in Liber 29763, Page 436, Macomb County Records.



Y. Pacific Coast and PC Sterling now wish to make (or allow its tenants) to make further improvements to the C-4 Development Site, including an expansion of the Walmart store (the "**Walmart Supercenter Conversion**") and the development of a new Walmart fuel station with convenience store as an accessory use (the "**Walmart Fuel Station**"), together with all related site improvements (collectively the "**Walmart Expansion Improvements**", which require amendment of the Amended Development Plan and amendment of the Amended Site Plan).

Z. The Planning Commission has reviewed and approved this Second Amended Development Plan and related Second Amended Site Plan, attached hereto as **Exhibit F**, as a preliminary site plan under the Zoning Ordinance, to authorize construction of the Walmart Expansion Improvements.

AA. Developer makes the following commitments to the Planning Commission as part of this Second Amended Development Plan:

### **AGREEMENT**

1. **Walmart Supercenter Conversion and Walmart Fuel Station.** Pursuant to the Planning Commission's approval of this Second Amended Development Plan and the Second Amended Site Plan, attached hereto as **Exhibit F**, on \_\_\_\_\_, 2026 approving the Walmart Expansion Improvements, Developer agrees to:

- Convert the existing 129,571 square foot Walmart building into a 172,816 square foot Walmart Supercenter (with 170,155 square feet of leasable area) as shown on the Second Amended Site Plan attached as **Exhibit F**. Portions of the Walmart Supercenter building expansion of the Walmart Supercenter Conversion will include new vestibules, a recycling center, online pickup and delivery areas, an additional truck dock, and a new parking lot section designated for pickup and delivery parking, as shown on **Exhibit F**.

- Construct, operate, and maintain the Walmart Fuel Station, including convenience store, as shown on **Exhibit F**. This will include a new 1,618 square foot accessory building for retail use, including the sale of alcohol, and ten (10) fuel pumps. The fuel station will be built on Proposed Buildable Area 1, which was an approved Pad Site in the Amended Project Development Plan. The Proposed Buildable Area 2 Pad Site previously approved in Amended Project Development Plan will be deleted as a Pad Site and the land will be incorporated into the Walmart Supercenter parking lot.

- Redevelop the landscaping in the existing parking lot with the addition of two (2) enhanced landscape treatment areas for public outdoor use. Landscape improvements, which include a pedestrian transit corridor through the parking lot and plaza areas along the front of the Walmart Supercenter building, are detailed in the Amended Forums Landscaping Plan attached hereto as **Exhibit G**.

- Provide an upgraded parking lot for the Walmart Supercenter Conversion with enhanced parking lot islands with irrigated landscaping throughout the parking lot, as shown on **Exhibit F** and **Exhibit G**.

- Update existing site signage and install a new, third shared sign for the overall development, as shown on **Exhibit H**.

- Update the existing Walmart building signage as shown on **Exhibit H**.

- Provide sixteen (16) new electric vehicle charging stations in parking spaces within the upgraded parking lot for the Walmart Supercenter.

2. **Site Plan Review and Approval; Modifications.** The Second Amended Site Plan, attached hereto as **Exhibit F**, is hereby approved as a preliminary site plan. The final Second Amended Site Plan approval shall be accomplished through the City's standard administrative site plan review procedures, engineering standards, the C-4 Zoning Ordinance regulations, and other applicable ordinances, which may include reasonable and minor adjustments or revisions. The Office of Planning may not approve major modifications to the Second Amended Development Plan or the Second Amended Site Plan without approval of the Planning Commission as provided for herein and under the Sterling Heights Zoning Ordinance, as applicable. Any changes to the Second Amended Development Plan and the Second Amended Site Plan reviewed and approved by the Planning Commission shall require submission and approval of an amended site plan consistent with such changes and approvals as well as an approved amendment to the Second Amended Development Plan.

The Office of Planning may approve minor modifications to the Second Amended Development Plan or the Second Amended Site Plan without the approval of the Planning Commission. Proposed minor modifications shall be reviewed through the city's standard administrative site plan review procedures, which may require PC Sterling to satisfy additional conditions and/or Walmart to satisfy additional conditions for the Walmart parcel only, that being Tax Parcel 10-05-200-045 ("Walmart Parcel").

Major and minor modifications to this Second Amended Development Plan and Second Amended Site Plan shall be subject to review and approval as follows:

**Planning Commission Review and Approval:**

- Use - if any principal or major accessory use or uses are different than the Walmart Expansion Improvements.
- Footprint - increase in size of or major modifications to the Walmart Expansion Improvements (building, outlot/pads, or site layout) that impact the operation of the site, as determined by the Office of Planning.
- Landscaping - reduction in quantity, quality, size, screening, aesthetic value, etc., or relocation to a dissimilar location, including irrigation, as determined by the Office of Planning.
- Outlots and Pads – creation of new buildable outlots or pads.
- Pedestrian Plaza – reduction in the size or major modifications to the pedestrian plaza portion of the Expansion Improvements, as determined by the Office of Planning.

- Elimination or impairment of cross access to adjacent properties.
- Major modifications to the Second Amended Development Plan and Second Amended Site Plan that materially modify the operation or character of the Walmart Expansion Improvements as determined by the Office of Planning. Major modifications, including, but not limited to, to use, size and location, appearance, site layout, traffic circulation, drive-through lanes, vehicle stacking lanes, and stacking spaces, shall be subject to review and approval by the Planning Commission under the discretionary standards of Section 25.02 of the Zoning Ordinance then currently in effect, with the Planning Commission to give notice to and obtain input from interested parties and the public in accordance with the notice and public hearing procedures set forth in the Zoning Enabling Act prior to approving such requested change(s) in use or other material changes.

b. Office of Planning Review and Approval:

- Footprint - reduction in size of or minor modifications to the Walmart Expansion Improvements (building, outlot/pads, or site layout) that do not impact the operation of the site, as determined by the Office of Planning.
- Landscaping - if equal or greater quantity, quality, size, screening, aesthetic value, etc. or relocation to a similar location, including irrigation, as determined by the Office of Planning.
- Minor accessory uses - additions or changes that do not materially modify the operation or character of the principal use, as determined by Office of Planning.
- Parking spaces – any parking reduction so long as the minimum parking required by ordinance is maintained on site.
- Minor modifications to the Second Amended Development Plan that do not materially modify the operation or character of the Walmart Expansion Improvements as determined by the Office of Planning.

3. **Compliance with Amended Forums Landscaping Plan.** PC Sterling and Pacific Coast shall comply with the Amended Forums Landscaping Plan as to the plantings of trees and shrubs on the Walmart Parcel related to the Walmart Expansion Improvements, which is attached hereto and incorporated herein as **Exhibit G**. Such landscaping installed for the new Walmart Supercenter Conversion and new Walmart Fuel Station, any other previously approved Outlot or Pad Site, and/or any other substantial redevelopment of any part of the C-4 Development Site shall be added to the required tree count for the C-4 Development Site and comply with the overall C-4 Development Site landscaping requirements and then current landscaping standards of the Zoning Ordinance, including but not limited, the required tree count and shrub count, parking lot islands, foundation landscaping, and interior site landscaping. All landscaping related to the Walmart Expansion Improvements on the Walmart Parcel shall be irrigated.

4. **Completion of Walmart Expansion Improvements.** The various components of the Walmart Expansion Improvements shall be completed in accordance with the following schedule:

- Submission of the final planning, building, landscaping and engineering plans, if any, to the Office of Planning within 12 months of the date of approval of this Second Amended Development Plan.
- Obtain a building permit for construction of the Walmart Expansion Improvements within 18 months of the date of approval of the Second Amended Development Plan.
- Commence construction of the Walmart Expansion Improvements by 24 months of the date of approval of this Second Amended Development Plan.
- Completing construction and installation of the Walmart Expansion Improvements within 48 months of the date of approval of this Second Amended Development Plan.

City may agree to extend the applicable time periods upon request of Developer, which extensions shall not be unreasonably withheld by City if Developer shows good cause for the requested extension(s), including events of force majeure beyond its reasonable control. Any request for extension submitted by Developer after expiration of the applicable deadline must be submitted for consideration, review, and approval to the Planning Commission.

If Developer fails to meet the time limitations set forth above (including any extensions granted by City), the approval of the Second Amended Development Plan and any final site plan for the Walmart Expansion Improvements may be terminated by the City. City shall give Developer thirty (30) days written notice of the alleged failure to meet the time limitations and notice of termination, and an opportunity to either (i) be heard by the Planning Commission within forty-five (45) days, if such party disputes the violation or requests an extension, and requests to be heard in writing within ten (10) days after service of such notice, or (ii) to cure such violation(s) or remedy such condition(s) within such thirty (30) day period. If Developer fails to timely cure the violation, or the Planning Commission sustains the violation and/or denies a further extension of the timeline requested by the Developer, the Second Amended Development Plan, and any final site plan may be terminated. Following termination, Developer may develop the Shopping Center Property only in accordance with site plans that are subsequently approved by the Office of Planning, Planning Commission, or City Council, as applicable. The failure by the City to declare a violation of the time limitations shall not constitute a waiver of the City's right to assert any current or future violation.

5. **Jurisdiction of Zoning Board of Appeals.** While no new variances are anticipated for the features approved in the Second Amended Site Plan, variances may be sought and granted, as needed under the Ordinance, and the Zoning Board of Appeals shall have authority to review and grant variances in accordance with the standards of the Zoning Ordinance with respect to the Second Amended Site Plan, attached hereto as **Exhibit F**, provided that the Zoning Board of Appeals shall have no authority to grant a variance that would constitute a major modification under the terms of the Second Amended Development Plan without the Planning Commission having first reviewed and approved the proposed major modification.



6. **Zoning Approvals.** Except as provided above, Developer conditions its commitments herein on the understanding that no additional discretionary land use approvals shall be required for the Walmart Supercenter Conversion and the Walmart Fuel Station including, without limitation, any rezoning, special land use approval, planned unit development approval, conditional use approval, or other discretionary zoning or land use entitlement otherwise imposed by the Zoning Ordinance. All ministerial permits and approvals customarily required for construction, occupancy, or operation of the Walmart Supercenter Conversion and the Walmart Fuel Station shall remain applicable, provided such permits and approvals are consistent with, and do not materially alter the approved Second Amended Site Plan, attached hereto as **Exhibit F**.

7. **Remedies.** After Walmart or Developer commences construction of the Walmart Expansion Improvements, such party shall diligently pursue completion of such improvements and all other site improvements required by this Second Amended Development Plan. City may withhold issuance of a certificate of occupancy for such improvements (including the Walmart Expansion Improvements) until all of the renovations, improvements and landscaping required by this Second Amended Development Plan have been completed. Notwithstanding the foregoing, the City may, in its sole discretion, issue temporary certificates of occupancy for any completed portion of such improvements (including the Walmart Expansion Improvements) as permitted by the Zoning Ordinance.

8. **Miscellaneous Provisions.**

a. Any failure or delay by the City to enforce any provision contained in this Second Amended Development Plan shall not be deemed, construed, or relied on as a waiver or estoppel of the right to eventually do so in the future.

b. Developer has negotiated the terms of this Second Amended Development Plan and the related documents with the City, and this Second Amended Development Plan and such documents represent the product of the joint efforts and mutual agreements of both Developer and the City, their respective employees, staff, and consultants, and their respective attorneys. Interpretation or construction of this Second Amended Development Plan or the supporting documents shall not be construed against either party because of its contributions to the drafting or negotiation of this Second Amended Development Plan or such documents.

c. Developer fully accepts and agrees to the final terms, conditions, requirements and obligations of this Second Amended Development Plan and supporting documents, and Developer shall not be permitted in the future to claim that the effect of this Second Amended Development Plan or the supporting documents has resulted in an unreasonable limitation on use or development of all or any portion of the C-4 Development Site, or claim that enforcement of this Second Amended Development Plan or the supporting documents has caused an inverse condemnation, other condemnation, or taking of all or any portion of such properties, provided that the City complies with its obligations and approvals referenced hereunder. Developer acknowledges that the improvements and undertakings described in the C-4 Development Site and supporting documents are necessary and reasonably proportional to the burden imposed, and are necessary in order to (i) ensure that public services and facilities necessary for and affected by the Project will be capable of accommodating the Second Amended Development Plan

on the Shopping Center Property and C-4 Development Site and the increased service and facility loads caused by this project; (ii) protect the natural environment and conserve natural resources; (iii) ensure compatibility with adjacent uses of land; (iv) promote use of the Shopping Center Property in a socially, environmentally, and economically desirable manner; and (v) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3101 et seq. It is further agreed and acknowledged that all such improvements, both on-site and off-site, are clearly and substantially related to the burdens to be created by the development of the Shopping Center Property and C-4 Development Site and all such improvements without exception are clearly and substantially related to City's legitimate interests in protecting the public health, safety, and general welfare.

d. Developer understands that the City, by virtue of the approvals referenced herein, acknowledges that the Second Amended Development Plan is being developed as separate properties and that there will be conveyances of individual parcels to individual property owners. Developer shall not divide or subdivide any portion of the C-4 Development Site, except in accordance with provisions of the Land Division provisions of the Zoning Ordinance and the City Code or the Michigan Condominium Act, MCL 559.1101 et seq. All such conveyances and divisions shall be subject to the terms of this Second Amended Development Plan, any applicable master deed or by-laws, and state law, the Sterling Heights Land Division Ordinance, the Zoning Ordinance, and other applicable Sterling Heights ordinances. Any breach of this Second Amended Development Plan or violation of any applicable provision of the City ordinances occurring on a part of a particular parcel or unit of the condominium on the C-4 Development Site will be the sole responsibility and liability of the person or entity who or which owns that unit on which the breach or violation occurs and will have no effect whatsoever on the other parcels or condominium units or parts of the C-4 Development Site or the owners of such other portions. The Developer understands that the City, by virtue of the approvals referenced herein, acknowledges and represents that this Second Amended Development Plan may be relied upon for the future land use and development of the C-4 Development Site by Developer, and its successors and assigns and transferees. Any owner wishing to divide a parcel, Outlot, Pad Site or future development site from the C-4 Development Site must comply with the Land Division Ordinance, the condominium provisions of the Zoning Ordinance, or other applicable laws.

e. This Second Amended Development Plan shall run with the land TERLconstitutes the C-4 Development Site and shall be binding on and inure to the benefit of City and its successors, and Developer, all future owners, developers, and builders of any part of the Project, and all of their respective heirs, successors, assigns, and transferees. This Second Amended Development Plan may be recorded by the City or by Developer (or either one of them) following the approval of this Second Amended Development Plan.

f. This Second Amended Development Plan shall be interpreted and construed in accordance with Michigan law and shall be subject to enforcement only in Michigan courts.

g. This Second Amended Development Plan, with the supporting documents, constitutes the entire commitment of Developer to the Planning Commission with respect to the subject matter of this Second Amended Development Plan and shall not be modified

or amended except by a writing executed by authorized representatives of Developer and approved by the Planning Commission. No oral representations shall be binding.

h. This Second Amended Development Plan and any amendment to it may be executed and delivered by the Parties or their representatives in one or more counterparts, each of which shall be deemed to be an original, and it shall not be necessary for the same counterpart of this Second Amended Development Plan or any amendment to be signed by all signatories in order for any amendment to this Second Amended Development Plan to be binding upon all of the Parties. When counterparts have been executed by all Parties or their representatives, it shall have the same effect as if one original had been signed by all Parties. This Second Amended Development Plan and any amendment to it may be executed and delivered via DocuSign, by facsimile, or by .pdf file. Upon delivery, the electronic, facsimile, or .pdf signature will be deemed to have the same effect as if the original signature had been delivered to the other party.

i. No term or provision of this Second Amended Development Plan is intended to be, or shall be, for the benefit of any person not a party to the Second Amended Development Plan, except for Walmart or any other successor owner or developer of the Shopping Center Property, and no person shall have any right or cause of action hereunder. Any clerical errors or mistakes in document or exhibit descriptions contained in this Second Amended Development Plan may be corrected by the Parties, and all Parties agree to cooperate in making such corrections to effectuate the spirit and intent of the Parties' agreement stated in this Second Amended Development Plan.

j. This Second Amended Development Plan addresses improvements related to the Walmart Expansion Improvements. Except as amended or addressed in this Second Amended Development Plan, the terms and conditions in the Amended Development Plan and Original Development Plan as to the remainder of the C-4 Development remain in full force and effect in accordance with their terms.

[SIGNATURES ON PAGES TO FOLLOW]

The Second Amended Development Plan is executed on this \_\_\_\_ day of \_\_\_\_\_, 2026.

**Developer:**

**PC Sterling Heights, LLC, a Delaware  
limited liability company**

By: \_\_\_\_\_  
Frank Gatlin  
Its: Member

**Acknowledgment**

The foregoing Second Amended Development Plan is acknowledged before me on\_\_\_\_, 2026 by Frank Gatlin, Member of PC Sterling Heights, LLC, a Delaware limited liability company on behalf of the limited liability company.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
\_\_\_\_\_  
County, \_\_\_\_\_  
Acting in the County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**Pacific Coast Plaza Investments, LP, a  
limited partnership**

By: \_\_\_\_\_  
Frank Gatlin  
Its: President

**Acknowledgment**

The foregoing Second Amended Development Plan is acknowledged before me on\_\_\_\_, 2026 by Franklin Gatlin, President of Pacific Coast Plaza, LP, LLC, a limited partnership on behalf of the limited partnership.

\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, \_\_\_\_\_  
Acting in the County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Drafted by:  
Benjamin J. Aloia  
Aloia & Associates PC.  
48 S. Main Street, #3  
Mt. Clemens, MI 48054

When recorded, return to:

City Clerk  
City of Sterling Heights  
P.O. Box 8009  
40555 Utica Road  
Sterling Heights, Michigan 48311-8009

## **EXHIBIT A**

## **EXHIBIT B**

## **EXHIBIT C**



## **EXHIBIT D**

## **EXHIBIT E**

## **EXHIBIT F**

## **EXHIBIT G**

## **EXHIBIT H**



# **EXHIBIT A**

## EXHIBIT A

### SHOPPING CENTER PROPERTY

#### 2002 FORUM TRACT LEGAL DESCRIPTION

Part of Previous Tax Parcel ID No. 10-05-200-035

Land in the City of Sterling Heights, County of Macomb, State of Michigan, described as:

Part of the Fractional Northeast 1/4 of Fractional Section 5, T.2 N. - R.12 E.. City of Sterling Heights, Macomb County, being more particularly described as: To fix the point of beginning commence at the East 1/4 corner of said Section; thence N.01°-22'-41"E., on the East line of said Section, 1689.80 feet; thence N.88°-59'-26"W., 102.00 feet to the point of beginning of this description; thence continuing N.88°-59'-26"W., 1221.10 feet; thence S.01°-51'-12"W., 496.20 feet; thence N.88°-30'-07"W., 593.09 feet; thence N.40°-08'-34"W., 433.45 feet; thence N.88°-44'-15"W., 454.12 feet to the North and South 1/4 line of said Section; thence N.01°-48'-55"E., on said North and South 1/4 line, 1465.07 feet to the South line of Highway M-59; thence S.88°-44'-15"E., on said South line, 194.48 feet to a deflection point in said South line; thence N.86°-41'-19"E., on said South line, 39.88 feet; thence S.01°-00'-39"W., 1221.51 feet; thence S.88°-59'-22"E., 413.41 feet; thence N.01°-00'-39"E., 104.00 feet; thence S.88°-59'-22"E., 317.26 feet; thence S.01°-00'-39"W., 186.84 feet; thence S.88°-59'-26"E., 348.75 feet; thence N.01°-00'-38"E., 186.41 feet; thence N.88°-59'-22"W., 60.00 feet; thence N.01°-00'-38"E., 132.43 feet; thence N.88°-59'-22"W., 281.75 feet; thence N.01°-00'-38"E., 641.00 feet; thence N.88°-59'-22"W., 24.35 feet; thence N.00°-37'-45"E., 21.98 feet; thence N.08°-41'-45"E., 56.15 feet; thence N.03°-02'-20"E., 38.70 feet; thence N.06°-51'-02"E., 38.27 feet; thence N.36°-23'-41"E., 27.15 feet; thence N.10°-12'-22"E., 82.89 feet; thence N.06°-43'-02"E., 68.32 feet to the point of curvature of a 29.93 foot radius curve to the left; thence Northwesterly on the arc of said curve, 31.37 feet to a point, said curve being subtended by a chord bearing and distance of N.25°-56'-04"W., 29.96 feet to a point on a 5774.58 foot radius non-tangential curve to the left, said point also being on the South line Highway M-59; thence Easterly on the arc of said curve, 276.17 feet to a point, said curve being subtended by a chord bearing and distance of S.87°-22'-03"E., 276.14 feet; thence S.88°-44'-15"E., on said South line, 164.27 feet; thence S.01°-00'-34"W., 237.57 feet; thence S.88°-59'-26"E., 232.71 feet; thence S.75°-04'-04"E., 137.04 feet; thence S.88°-59'-26"E., 209.96 feet; thence N.46°-00'-34"E., 18.89 feet; thence N.01°-00'-34"E., 29.42 feet; thence N.08°-04'-51"W., 75.95 feet; thence N.01°-00'-34"E., 136.61 feet to the South line of said Highway M-59; thence S.79°-43'-45"E., on said South line, 110.20 feet to a deflection point; thence S.70°-43'-14"E., continuing on said South line, 212.82 feet to a deflection point; thence S.02°-03'-41"W., continuing on said South line, 25.29 feet to a deflection point; thence S.88°-37'-19"E., continuing on said South line, 78.54 feet to a deflection point; thence S.70°-43'-14"E., continuing on said South line, 167.26 feet to a point on the West line of Mound Road; thence S.01°-22'-41"W., on said West line, 36.18 feet; thence N.88°-59'-26"W., 166.54 feet; thence S.55°-43'-26"W., 199.89 feet to a point on a 255.00 foot radius non-tangential curve to the right; thence Southeasterly on the arc of said curve, 223.64 feet to a point, said curve being subtended by a chord bearing and distance of S.24°-07'-08"E., 216.54 feet; thence S.01°-00'-34"W., 269.27 feet to a point on a 45.00 foot radius curve to the left; thence Southeasterly on the arc of said curve, 70.69 feet to a point, said curve being subtended by a chord bearing and distance of S.43°-59'-26"E., 63.64 feet; thence S.88°-59'-26"E., 188.81 feet to the West line of said Mound Road; thence S.01°-22'-41"W., on said West line, 64.37 feet; thence N.88°-59'-26"W., 188.74 feet; thence S.51°-02'-02"W., 64.57 feet; thence S.01°-00'-34"W., 287.52 feet to a point on a 9.50 foot radius curve to the left; thence Southeasterly on the arc of said

curve, 14.93 feet to a point, said curve being subtended by a chord bearing and distance of S.43°-59'-26"E., 13 .44 feet; thence S.88°-59'-26"E., 137.21 feet; thence N.75°-02'-17"E.. 33.38 feet; thence N.84°-28'-42"E.. 43.37 feet: thence N.77°-17'-14"E.. 14.68 feet to the West line of said Mound Road: thence S.01°-22'-41"W., on said West line, 78.12 feet to the point of beginning, containing 54.96 acres of land.

# **EXHIBIT B**

**EXHIBIT B**

**C-4 DEVELOPMENT SITE**

**PARCEL 1:**

2019 SHOPPING CENTER/FORUM TRACT PARENT PARCEL LEGAL DESCRIPTION  
Previous Tax Parcel ID No. 10-05-200-039

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWN 2 NORTH, RANGE 12 EAST, CITY OF STERLING HEIGHTS, MACOMB COUNTY, MICHIGAN, BEING DESCRIBED AS:

COMMENCING AT THE EAST QUARTER POST OF SECTION 5; THENCE NORTH 01 DEGREES 22 MINUTES 41 SECONDS EAST 1690.31 FEET ALONG THE EAST LINE OF SECTION 5; THENCE NORTH 88 DEGREES 59 MINUTES 26 SECONDS WEST 102.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF MOUND ROAD (204.00 FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 59 MINUTES 26 SECONDS WEST 1221.18 FEET ALONG THE NORTH LINE OF GATEWAY OAKS CONDOMINIUM, MACOMB COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 760, AS RECORDED IN LIBER 12253 OF DEEDS, PAGE 106, MACOMB COUNTY RECORDS TO THE NORTHWEST CORNER OF GATEWAY OAKS CONDOMINIUM; THENCE SOUTH 01 DEGREES 51 MINUTES 12 SECONDS WEST 496.20 FEET ALONG THE EAST SIDE OF GATEWAY OAKS CONDOMINIUM TO THE SOUTHEAST CORNER OF GATEWAY OAKS CONDOMINIUM AND THE NORTHERLY LINE OF ABERDEEN PINES CONDOMINIUM, MACOMB COUNTY SUBDIVISION PLAN NO. 673, AS RECORDED IN LIBER 9742 OF DEEDS, PAGE 587, MACOMB COUNTY RECORDS; THENCE ALONG THE NORTHERLY LINE OF ABERDEEN PINES CONDOMINIUM THE FOLLOWING THREE (3) COURSES: NORTH 88 DEGREES 30 MINUTES 07 SECONDS WEST 593.09 FEET, NORTH 40 DEGREES 08 MINUTES 34 SECONDS WEST 433.45 FEET AND NORTH 88 DEGREES 44 MINUTES 15 SECONDS WEST 454.12 FEET TO THE EASTERLY LINE OF ABERDEEN GARDENS CONDOMINIUM, MACOMB COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 600, AS RECORDED IN LIBER 8517 OF DEEDS, PAGE 517, MACOMB COUNTY RECORDS; THENCE NORTH 01 DEGREES 48 MINUTES 55 SECONDS EAST 1465.07 FEET ALONG THE EASTERLY LINE OF ABERDEEN GARDENS SUBDIVISION TO THE SOUTHERLY RIGHT OF WAY LINE OF M-59 (VARIABLE WIDTH); THENCE SOUTH 88 DEGREES 44 MINUTES 15 SECONDS EAST 194.48 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF M-59; THENCE NORTH 86 DEGREES 41 MINUTES 19 SECONDS EAST 39.88 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF M-59; THENCE SOUTH 01 DEGREES 00 MINUTES 39 SECONDS WEST 1221.51 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 22 SECONDS EAST 413.41 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 39 SECONDS EAST 104.00 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 22 SECONDS EAST 317.26 FEET; THENCE SOUTH 01 DEGREES 00 MINUTES 39 SECONDS WEST 186.84 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 26 SECONDS EAST 348.75 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 38 SECONDS EAST 186.41 FEET; THENCE NORTH 88 DEGREES 59 MINUTES 22 SECONDS WEST 60.00 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 38 SECONDS EAST 132.43 FEET; THENCE NORTH 88 DEGREES 59 MINUTES 22 SECONDS WEST 281.75 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 38



SECONDS EAST 641.00 FEET; THENCE NORTH 88 DEGREES 59 MINUTES 22 SECONDS WEST 24.35 FEET; THENCE NORTH 00 DEGREES 37 MINUTES 45 SECONDS EAST 21.98 FEET; THENCE NORTH 08 DEGREES 41 MINUTES 45 SECONDS EAST 56.15 FEET; THENCE NORTH 03 DEGREES 02 MINUTES 20 SECONDS EAST 38.70 FEET; THENCE NORTH 06 DEGREES 51 MINUTES 02 SECONDS EAST 38.27 FEET; THENCE NORTH 36 DEGREES 23 MINUTES 41 SECONDS EAST 27.15 FEET; THENCE NORTH 10 DEGREES 12 MINUTES 22 SECONDS EAST 82.89 FEET; THENCE NORTH 06 DEGREES 43 MINUTES 02 SECONDS EAST 68.32 FEET; THENCE NORTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 60 DEGREES 03 MINUTES 58 SECONDS, A RADIUS OF 29.93 FEET, AN ARC DISTANCE OF 31.38 FEET AND WHOSE CHORD BEARS NORTH 25 DEGREES 56 MINUTES 04 SECONDS WEST 29.96 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF M-59; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT OF WAY LINE OF M-59 EASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A CENTRAL ANGLE OF 02 DEGREES 44 MINUTES 26 SECONDS, A RADIUS OF 5774.39 FEET, AN ARC DISTANCE OF 276.19 FEET AND WHOSE CHORD BEARS SOUTH 87 DEGREES 22 MINUTES 03 SECONDS EAST 276.16 FEET; THENCE SOUTH 88 DEGREES 44 MINUTES 15 SECONDS EAST 164.27 FEET; THENCE SOUTH 01 DEGREES 00 MINUTES 34 SECONDS WEST 237.57 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 26 SECONDS EAST 232.71 FEET; THENCE SOUTH 75 DEGREES 04 MINUTES 04 SECONDS EAST 137.04 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 26 SECONDS EAST 209.96 FEET; THENCE NORTH 46 DEGREES 00 MINUTES 34 SECONDS EAST 18.89 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 34 SECONDS EAST 29.42 FEET; THENCE NORTH 08 DEGREES 04 MINUTES 51 SECONDS WEST 75.95 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 34 SECONDS EAST 136.61 FEET TO THE SOUTHERLY RIGHT WAY LINE OF M-59; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF M-59 THE FOLLOWING FIVE (5) COURSES: SOUTH 79 DEGREES 43 MINUTES 45 SECONDS EAST 110.20 FEET, SOUTH 70 DEGREES 43 MINUTES 14 SECONDS EAST 212.82 FEET, SOUTH 02 DEGREES 03 MINUTES 41 SECONDS WEST 25.29 FEET, SOUTH 88 DEGREES 37 MINUTES 19 SECONDS EAST 78.54 FEET AND SOUTH 70 DEGREES 43 MINUTES 14 SECONDS EAST 167.26 FEET TO THE WESTERLY LINE OF MOUND ROAD (204.00 FEET WIDE); THENCE SOUTH 01 DEGREES 22 MINUTES 41 SECONDS WEST 36.30 FEET ALONG THE WESTERLY LINE OF MOUND ROAD; THENCE NORTH 88 DEGREES 59 MINUTES 26 SECONDS WEST 166.57 FEET; THENCE SOUTH 55 DEGREES 43 MINUTES 26 SECONDS WEST 199.89 FEET; THENCE SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A CENTRAL ANGLE OF 50 DEGREES 14 MINUTES 57 SECONDS, A RADIUS OF 255.00 FEET, AN ARC DISTANCE OF 223.64 FEET AND WHOSE CHORD BEARS SOUTH 24 DEGREES 07 MINUTES 08 SECONDS EAST 216.54 FEET; THENCE SOUTH 01 DEGREES 00 MINUTES 34 SECONDS WEST 269.27 FEET; THENCE SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A RADIUS OF 45.00 FEET, AN ARC DISTANCE OF 70.69 FEET AND WHOSE CHORD BEARS SOUTH 43 DEGREES 59 MINUTES 26 SECONDS EAST 63.64 FEET; THENCE SOUTH 88 DEGREES 59 MINUTES 26 SECONDS EAST 188.81 FEET TO THE WESTERLY RIGHT OF WAY OF MOUND ROAD; THENCE SOUTH 01 DEGREES 22 MINUTES 41 SECONDS WEST 64.37 FEET ALONG THE WESTERLY RIGHT OF WAY LINE OF MOUND ROAD TO THE NORTHERLY LINE OF THE FORUM AT GATEWAYS II, MACOMB COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 730, AS RECORDED IN LIBER 11019 OF

DEEDS, PAGE 118, MACOMB COUNTY RECORDS; THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINES OF THE FORUM AT GATEWAYS II THE FOLLOWING EIGHT (8) COURSES: NORTH 88 DEGREES 59 MINUTES 26 SECONDS WEST 188.74 FEET, SOUTH 51 DEGREES 02 MINUTES 02 SECONDS WEST 64.57 FEET, SOUTH 01 DEGREES 00 MINUTES 34 SECONDS WEST 287.52 FEET, SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 90 DEGREES 02 MINUTES 32 SECONDS, A RADIUS OF 9.50 FEET, AN ARC DISTANCE OF 14.93 FEET AND WHOSE CHORD BEARS SOUTH 43 DEGREES 59 MINUTES 26 SECONDS EAST 13.44 FEET, SOUTH 88 DEGREES 59 MINUTES 26 SECONDS EAST 137.21 FEET, NORTH 75 DEGREES 02 MINUTES 17 SECONDS EAST 33.38 FEET, NORTH 84 DEGREES 28 MINUTES 42 SECONDS EAST 43.37 FEET AND NORTH 77 DEGREES 17 MINUTES 14 SECONDS EAST 14.68 FEET TO THE WESTERLY LINE OF MOUND ROAD; THENCE SOUTH 01 DEGREES 22 MINUTES 41 SECONDS WEST 78.12 FEET ALONG THE WESTERLY LINE OF MOUND ROAD TO THE POINT OF BEGINNING. CONTAINING 54.96 ACRES, MORE OR LESS.

**PARCEL 2:**

**2002 THEATER TRACT LEGAL DESCRIPTION**

Part of previous Tax Parcel ID No. 10-05-200-035 n/k/a Tax Parcel ID No. 10-05-200-038

A parcel of land located in the Northeast 1/4 of Section 5, T.2 N. - R.12 E., City of Sterling Heights, Macomb County, Michigan. described as: Commencing at the East 1/4 corner of said Section 5; thence N.01°-22'-41"E.. 1689.80 feet along the East line of said Section 5; thence N.88°-59'-26"W.. 1328.59 feet for a PLACE OF BEGINNING; thence continuing N.88°-59'-26"W.. 348.75 feet; thence N.01°-00'-39"E., 186.84 feet; thence N.88°-59'-22"W.. 317.26 feet; thence S.01°-00'-39"W., 104.00 feet; thence N.88°-59'-22"W., 413.41 feet; thence N.01°-00'-39"E.. 1221.51 feet to the Southerly right-of-way line of M-59 (variable width); thence along said Southerly right-of-way line the following four courses: N.86°-41'-19"E., 421.76 feet. 50.05 feet along the arc of a 5684.58 foot radius circular curve to the right, chord bearing S.84°-49'-48"E., 50.05 feet, S.84°-34'-40"E., 135.31 feet, and 143.04 feet along the arc of a 5774.58 foot radius circular curve to the left, chord bearing S.85°-17'-16"E., 143.04 feet; thence 31.37 feet along the arc of a 29.93 foot radius circular curve to the right, chord bearing S.25°-56'-04"E., 29.96 feet; thence S.06°-43'-02"W.. 68.32 feet; thence S.10°-12'-22"W., 82.89 feet; thence S.36°-23'-41"W.. 27.15 feet; thence S.06°-51'-02"W., 38.27 feet; thence S.03°-02'-20"W., 38.70 feet; thence S.08°-41'-45"W.. 56.15 feet; thence S.00°-37'-45"W.. 21.98 feet; thence S.88°-59'-22"E.. 24.35 feet; thence S.01°-00'-38"W.. 641.00 feet; thence S.88°-59'-22"E., 281.75 feet; thence S.01°-00'-38"W., 132.43 feet; thence S.88°-59'-22"E., 60.00 feet; thence S.01°-00'-38"W.. 186.41', to the Place of Beginning except the following described parcel:

Land in part of the Northeast 1/4 of Section 5, T.2 N. - R.12 E., City of Sterling Heights, Macomb County, Michigan, more particularly described as: Commencing at the East 1/4 corner of said Section 5, T.2 N. - R.12 E.. thence along the East line of Section 5, N.01°-22'-41"E., 1689.80 feet; thence N.88°-59'-26"W.. 102.00 feet to the Southeast corner of the overall parcel of the Forum at Gateways; thence N.88°-59'-26"W., 1226.60 feet; thence N.01°-00'-34"E.. 318.83 feet; thence N.88°-59'-26"W., 341.74 feet; thence N.01°-00'-34"E., 641.00 feet; thence N.88°-59'-26"W.. 16.99 feet; thence N.68°-25'-41"W., 150.79 feet to the point of beginning; thence N.88°-59'-26"W., 443.00 feet; thence Northwesterly 38.48 feet along the arc of a 24.50 foot radius curve to the right, with a central angle of 90°-00'00" and chord bearing and distance of N.43°-59'-26"W..

34.65 feet; thence N.01°-00'-34"E., 105.54 feet; thence Northeasterly 38.48 feet along the arc of a 24.50 foot radius curve to the right, with a central angle of 90°-00'-00" and chord bearing and distance of N.46°-00'-34"E.. 34.65 feet; thence S.88°-59'-26"E.. 443.00 feet; thence Southeasterly 38.48 feet along the arc of a 24.50 foot radius curve to the right, with a central angle of 90°-00'-00" and chord bearing and distance of S.43°-59'-26"E.. 34.65 feet; thence S.01°-00'-34"W., 105.54 feet; thence Southwesterly 38.48 feet along the arc of a 24.50 foot radius curve to the right, with a central angle of 90°-00'-00" and chord bearing and distance of S.46°-00'-34"W., 34.65 feet back to the point of beginning. Containing 20.83 acres of land, more or less, subject to easements, exceptions, conditions and requirements, if any.

# **EXHIBIT C**

**EXHIBIT C****C-4 DEVELOPMENT SITE LEGAL DESCRIPTIONS**

Legal descriptions pursuant to Sterling Heights Assessor Tax Rolls, as follows:

**PC STERLING PARCEL / PARCEL 1:**

2019 Roll: 10-05-200-039 was split into 10-05-200-043, -044 & -045

T2N, R12E, SEC 5; COMM AT E 1/4 POST SEC 5; TH N01\*22'41"E 1690.31 FT; TH N88\*59'26"W 102.00 FT TO POB; TH N88\*59'26"W 1221.18 FT; TH S01\*51'12"W 496.20 FT; TH N88\*30'07"W 593.09 FT; TH 40\*08'34"W 433.45 FT; TH N88\*44'15"W 454.12 FT; TH N01\*48'55"E 1465.07 FT; TH S88\*44'15"E 194.48 FT; TH N86\*41'19"E 39.88 FT; TH S01\*00'39"W 1221.51 FT; TH S88\*59'22"E 413.41 FT; TH N01\*00'39"E 104.00 FT; TH S88\*59'22"E 317.26 FT; TH S01\*00'39"W 186.84 FT; TH S88\*59'26"E 348.75 FT; TH N01\*00'38"E 186.41 FT; TH N88\*59'22"W 60.00 FT; TH N01\*00'38"E 132.43 FT; TH N88\*59'22"W 281.75 FT; TH N01\*00'38"E 641.00 FT; TH N88\*59'22"W 24.35 FT; TH N00\*37'45"E 21.98 FT; TH N08\*41'45"E 56.15 FT; TH N03\*02'20"E 38.70 FT; TH N06\*51'02"E 38.27 FT; TH N36\*23'41"E 27.15 FT; TH N10\*12'22"E 82.89 FT; TH N06\*43'02"E 68.32 FT; TH 31.38 FT ALG A CURVE LEFT, R=29.93, CB N25\*56'04"W 29.96 FT; TH 276.19 FT ALG A CURVE LEFT; R=5774.59; CB S87\*22'03"E 276.16 FT; TH S88\*44'15"E 164.27 FT; TH S01\*00'34"W 237.57 FT; TH S88\*59'26"E 232.71 FT; TH S75\*04'04"E 137.04 FT; TH S88\*59'26"E 209.96 FT; TH N46\*00'34"E 18.89 FT; TH N01\*00'34"E 29.42 FT; TH N08\*04'51"W 75.95 FT; TH N01\*00'34"E 136.61 FT; S79\*43'45"E 39.57 FT; TH S01\*14'12"E 76.52 FT; TH S01\*00'34"W 148.55 FT; TH 28.26 FT ALG A CURVE LEFT, R=29.50, CB S26\*26'15"E 27.19 FT; TH 177.04 FT ALG A CURVE RIGHT, R=255, CB S69\*07'58"E 173.50 FT; TH S40\*45'06"W 36.00 FT; TH 151.93 FT ALG A CURVE LEFT, R=219, CB N69\*07'00"W 148.90 FT; TH N88\*59'26"W 270.05 FT; TH N75\*04'04"W 90.98 FT; TH S01\*01'37"W 622.01 FT; TH S89\*15'51"E 65.58 FT; TH S00\*59'41"W 362.02 FT; TH S88\*59'26"E 254.69 FT; TH N76\*00'51"E 93.44 FT; TH S88\*59'26"E 198.08 FT; TH N00\*43'00"E 11.05 FT; TH 14.93 FT ALG A CURVE LEFT, R=9.5, CB S43\*59'26"E 13.44 FT; TH S88\*59'26"E 137.21 FT; TH N75\*02'17"E 33.38 FT; TH N84\*28'42"E 43.37 FT; TH N77\*17'14"E 14.68 FT; TH S01\*22'41"W 78.12 FT TO POB 40.11 AC 09/25/2002: 10-05-200-039 was split from 10-05-200-036 and 10-05-200-028-000

Commonly known as: 44645 Mound Road, Sterling Heights, Michigan 48314  
Tax Parcel ID No. 10-10-05-200-043



**PACIFIC COAST PLAZA INVESTMENTS PARCEL / PARCEL 2:**

10-10-05-200-044 LEGAL DESCRIPTION Legal Description correction per survey in 2019. jpg  
 T2N, R12E, SEC 5; COMM AT E 1/4 POST SEC 5; TH N01\*22'41"E 2779.34 FT; N88\*59'26"W  
 102.03 FT TO POB; TH N88\*59'26"W 166.57 FT; TH S55\*43'26"W 199.90 FT; TH 177.04 FT  
 ALG A CURVE LEFT, R=255, CB N69\*07'58"W 173.50 FT; TH 28.26 FT ALG A CURVE  
 RIGHT, R=29.50, CB N26\*26'15"W 27.19 FT; TH N01\*00'34"E 148.55 FT; TH N01\*14'12"W  
 95.87 FT; TH S88\*42'40"E 203.78 FT; TH S70\*43'14"E 73.85 FT; TH S02\*03'41"W 98.58 FT;  
 TH S88\*37'19"E 237.70 FT; TH S01\*22'41"W 87.71 FT TO POB 2.28 AC

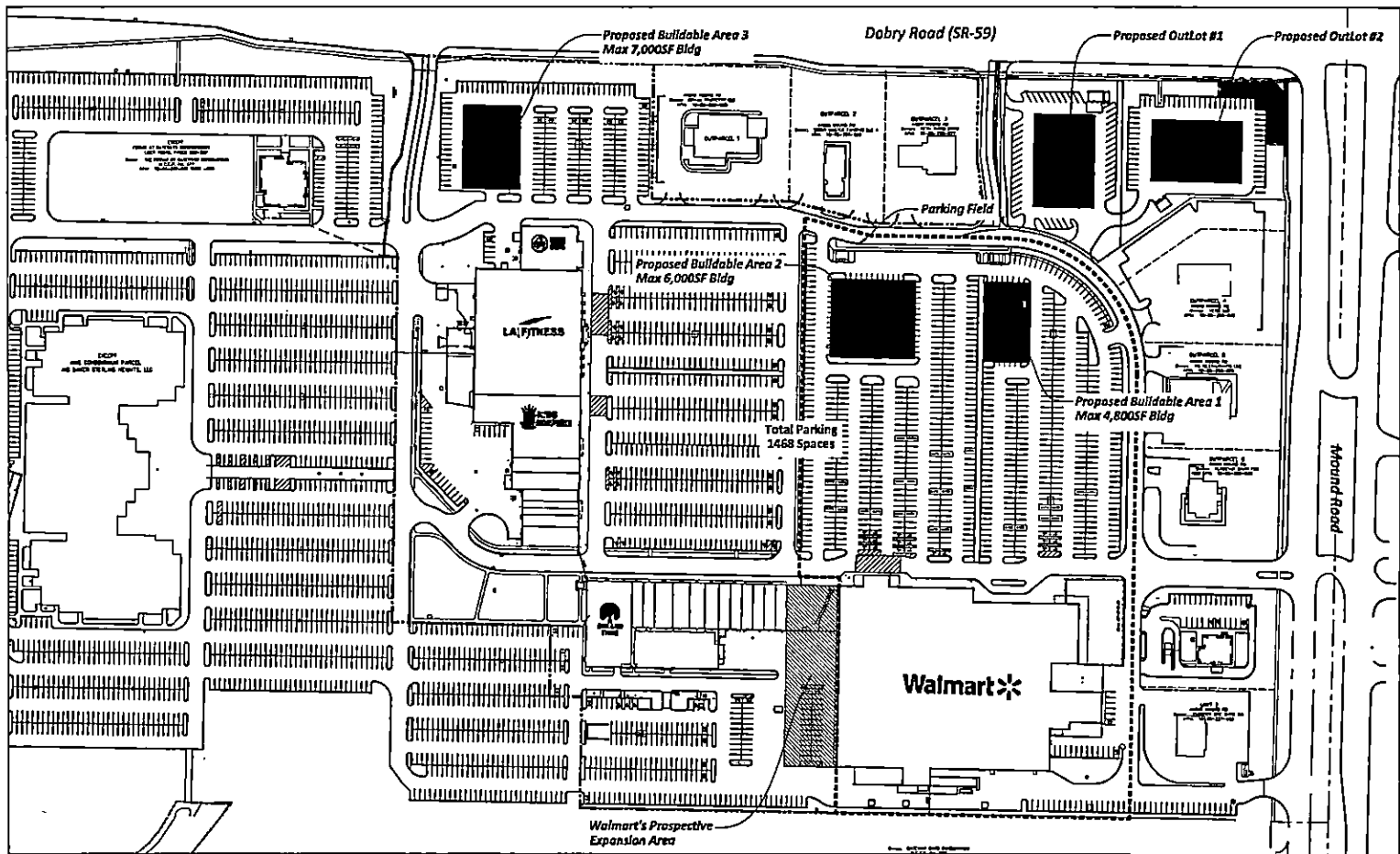
Commonly known as: 44817 Mound Road, Sterling Heights, Michigan 48314  
 Tax Parcel ID No. 10-10-05-200-044

**PC STERLING PARCEL / PARCEL 3:**

2019 Roll: 10-05-200-039 was split into 10-05-200-043, -044 & -045 T2N, R12E, SEC 5; COMM  
 AT E 1/4 POST SEC 5; TH N01\*22'41"E 1690.31 FT; TH N88\*59'26"W 337.64 FT; TH  
 N01\*00'34"E 58.97 FT TO POB; TH N88\*59'26"W 198.08 FT; TH S76\*00'51"W 93.44 FT; TH  
 N88\*59'26"W 254.69 FT; TH N00\*59'41"E 362.02 FT; TH N89\*15'51"W 65.58 FT; TH  
 N01\*01'37"E 622.01 FT; TH S75\*04'04"E 90.89 FT; TH S88\*59'26"E 270.05 FT; TH 151.93  
 FT ALG A CURVE RIGHT, R=219, CB S69\*07'00"E 148.90 FT; TH N40\*45'06"E 36.00 FT;  
 TH 223.64 FT ALG A CURVE RIGHT, R=255, CB S24\*07'08"E 216.54 FT; TH S01\*00'34"W  
 269.27 FT; TH 70.69 FT ALG A CURVE LEFT, R=45, CB S43\*59'26"E 63.64 FT; TH  
 S88\*59'26"E 188.81 FT; TH S01\*22'41"W 64.37 FT; TH N88\*59'26"W 188.74 FT; TH  
 S51\*02'02"W 64.57 FT; S01\*00'34"W 298.57 FT TO POB 12.98 AC 09/25/2002:10-05-200-039  
 was split from 10-05-200-036 and 10-05-200-028-000

Commonly known as: 44575 Mound Road, Sterling Heights, Michigan 48314  
 Tax Parcel ID No. 10-10-05-200-045

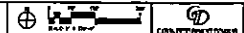
# **EXHIBIT D**



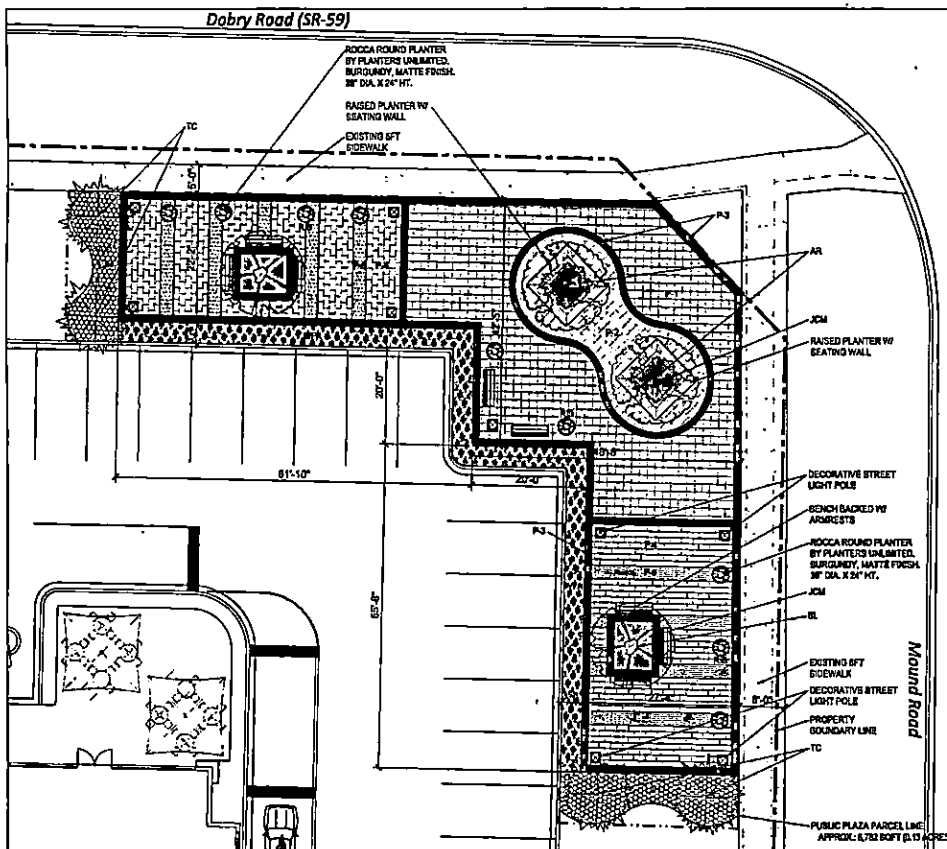
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SP1 Development Plan  
October 24, 2023

Forum at Gateways Shopping Center  
Southwest Corner of Menard Road and Dobry Road, Sterling Heights, MI



# **EXHIBIT E**



LANDSCAPE LEGEND			
TREES	CODE	QTY	BOTANICAL/Common NAME
	AR	2	RED MAPLE (ACER RUBRUM)
	TC	4	EASTERN HEMLOCK (TSUGA CANADENSIS)
	BL	2	SWEET BIRCH (BETULA LENTA)
	RIB	9	BALLERINA INDIAN HAWTHORN (RHAPHIOLEPS INDICA 'BALLERINA')
SHRUBS			
	LJH	TBD	HALL'S JAPANESE HONEYSUCKLE (LONICERA JAPONICA 'HALLIANA')
	JCM	TBD	LIMEADE™ SPARTAN JUNIPER (JUNIPERUS CHINENSIS 'MONTODD')
	WFA	TBD	WINE & ROSES WEIGELA (WEIGELA FLORIDA 'ALEXANDRA')
PAVERS			
	P-1	TBD	TREMONT PARK PLAZA - CONCRETE PAVERS 11"X18" STACK BOND PATTERN, NATURAL GRAY
	P-2	TBD	TREMONT 403 BRICK - CONCRETE PAVERS 4"X8" RUNNING BOND 45° PATTERN, CHARCOAL/NATURAL GREY/WHITE
	P-3	TBD	TREMONT INTERLOCKING CONCRETE PAVERS 4"X4" STACK BOND PATTERN, CHARCOAL, FLAT TOP
	P-4	TBD	TREMONT PARK PLAZA - CONCRETE PAVERS 12"X18" RUNNING BOND PATTERN, WHITE, FLAT TOP
	P-5	TBD	TREMONT PLANK - CONCRETE PAVERS 4"X18" RUNNING BOND PATTERN, NATURAL GREY

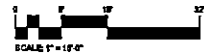
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**SP1**

# Public Plaza Conceptual Plan

October 30th, 2023

**Forum at Gateways Shopping Center**  
Southwest Corner of Mound Road and Dobry Road, Sterling Heights, MI



GATLIN DEVELOPMENT COMPANY



# **EXHIBIT F**







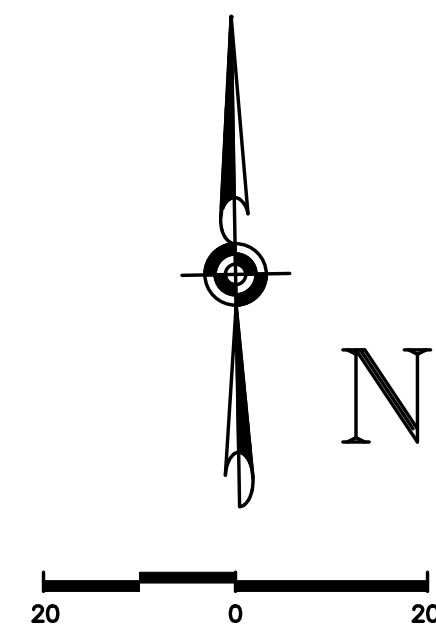




THE CONTRACTOR SHALL CALL 811 FOR LOCATION OF PUBLIC UTILITIES AND ENGAGE A PRIVATE UTILITY LOCATOR SERVICE FOR LOCATION OF PRIVATE UTILITIES AT LEAST 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY.

SITE ANALYSIS TABLE	
	PROPOSED
TOTAL BUILDING AREA	1,618 S.F.
REQUIRED PARKING (PER CITY OF STERLING HEIGHTS)	10 SPACES
REQUIRED PARKING RATIO (PER CITY OF STERLING HEIGHTS)	6.18/1,000 S.F.
REQUIRED PARKING (PER ECR/CC&R)	TBD SPACES
REQUIRED PARKING RATIO (PER ECR/CC&R)	TBD/1,000 S.F.
CUSTOMER AND ASSOCIATE PARKING	9 SPACES
ACCESSIBLE PARKING	1 SPACES
EV PARKING	0 SPACES
FUELING POSITIONS	20 SPACES
TOTAL PROPOSED PARKING COUNT	30 SPACES
TOTAL PROPOSED PARKING RATIO	18.54/1,000 S.F.

1. THE REQUIRED PARKING REQUIREMENTS PER THE CITY OF STERLING HEIGHTS IS DETERMINED BY 1 SPACE PER 200 SF OF FLOOR, PLUS 1 SPACE PER EMPLOYEE AT THE PEAK SHIFT. THE PEAK SHIFT SHALL BE 2 EMPLOYEES.



#### LEGEND

- PROPOSED LEASE LINE
- EXISTING LEASE LINE
- 18" VEGETATION FREE ZONE
- ARCHITECTURAL CONCRETE
- 6" RAISED CONCRETE CURB
- SIGN
- PARKING COUNT
- SINGLE SOLID YELLOW LINE
- ACCESSIBLE PARKING SYMBOL
- PAINTED TRAFFIC ISLAND
- TRAFFIC FLOW ARROW

#### NOTES:

- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR HAVING A THOROUGH KNOWLEDGE OF THE EXISTING CONDITIONS OF THE SITE, AND OF ALL DRAWINGS AND SPECIFICATIONS IN THEIR RELATED FIELD. THE FAILURE TO ACQUAINT HIMSELF WITH THIS KNOWLEDGE DOES NOT RELIEVE HIM OF ANY RESPONSIBILITY FOR PERFORMING HIS WORK PROPERLY. NO ADDITIONAL COMPENSATION SHALL BE ALLOWED BECAUSE OF CONDITIONS THAT OCCUR DUE TO THE FAILURE OF THE GENERAL CONTRACTOR TO FAMILIARIZE WORKERS WITH THIS KNOWLEDGE.
- OVERHEAD CANOPY. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- EDGE OF CANOPY SLAB. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- REFER TO THE SITE PLAN FOR THE WALMART SUPERCENTER, THIS SET, FOR INFORMATION REGARDING LEASE LINE BEARINGS AND DISTANCES.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT THIS PROJECT IS CONSTRUCTED IN ACCORDANCE WITH THESE PLANS AND IN COMPLIANCE WITH CODES INDICATED HEREIN. THE QUALITY OF WORKMANSHIP AND INSTALLATION OF MATERIALS SPECIFIED BY CARLSON CONSULTING ENGINEERS, INC. AND THE ARCHITECT ARE THE RESPONSIBILITY OF THE CONTRACTOR. CARLSON CONSULTING ENGINEERS, INC. AND THE ARCHITECT WILL NOT BE HELD RESPONSIBLE FOR ANY SUBSTANDARD OR INSUFFICIENT WORKMANSHIP, MATERIALS, OR SERVICES PROVIDED IN THE EXECUTION OF ANY PHASE OF CONSTRUCTION OF THIS PROJECT.
- ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S REQUIREMENTS. THE GENERAL CONTRACTOR SHALL ENSURE THAT ALL MANUFACTURER'S WARRANTIES WILL BE HONORED.
- ICE MERCHANTS. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- CANOPY CONTROL POINTS SHOWN FROM THE CENTER OF A CANOPY COLUMN TO A POINT PERPENDICULAR TO THE PROPERTY LINE.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THE SAFETY OF ALL PERSONS ON THE JOB SITE AT ALL TIMES, INCLUDING (BUT NOT LIMITED TO) SUBCONTRACTORS, STORE PERSONNEL, VENDORS, DESIGN STAFF PROFESSIONALS, AND INSPECTION PERSONNEL.
- THE GENERAL CONTRACTOR SHALL COORDINATE PROJECT PHASING AND STORAGE OF MATERIALS WITH THE FUELING STATION CONSTRUCTION MANAGER.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR RECEIVING, UNLOADING, STORING, AND PROTECTING OF MATERIALS AND EQUIPMENT SUPPLIED BY THE OWNER UNTIL IT HAS BEEN INSTALLED AND ACCEPTED BY THE OWNER.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING THE AREA CLEAN AND FREE OF DEBRIS AT ALL TIMES DURING CONSTRUCTION. THE GENERAL CONTRACTOR SHALL POWER WASH THE ENTIRE FUELING STATION CONSTRUCTION AREA PRIOR TO TURNOVER TO THE OWNER.
- CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES AND BE CONSTRUCTED TO SAME.
- ALL DIMENSIONS SHOWN ARE TO THE EDGE OF SLAB, CENTER OF STRIPE, OR GUTTER UNLESS NOTED OTHERWISE.
- ARCHITECTURAL CONCRETE. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- UNDERGROUND STORAGE TANKS. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- H-20 LOAD RATED PULL BOX. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- REFER TO THE "PAVEMENT PLAN", THIS SET, FOR PAVEMENT TYPE, PAVING SECTIONS AND CURB INFORMATION.
- BULK CO2 TANK. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- CONDENSER. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- REMOTE VENT CONCRETE PAD. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- REFER TO THE SITE PLAN FOR THE WALMART SUPERCENTER, THIS SET, FOR INFORMATION AND DIMENSIONS NOT SHOWN ON THIS PLAN.
- ALL RADII ARE 5' U.N.O.
- ALL DELTA ANGLES ARE 90° U.N.O.
- REFER TO THE PLANTING PLAN, THIS SET, FOR LANDSCAPING REQUIRED WITHIN THE FUELING STATION PARCEL.
- TRANSFER SWITCH. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- ATM. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- PIPE GUARD (TYPICAL OF 10). REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- TRANSITION FROM 1' GUTTER TO 0' GUTTER OVER 2 FEET.
- FILTER BARREL. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- AREA STRIPED AT SSVL/4" AT 45° @ 2'-0" O.C.
- AREA STRIPED AT SSVL/4" AT 45° @ 5'-0" O.C.
- SEE THE UTILITY PLAN FOR ADDITIONAL INFORMATION ON PARKING LOT LIGHTING.
- EMERGENCY CALL BOX. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- CANOPY COLUMN (TYP OF 10). REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- REFER TO PAVEMENT PLAN, THIS SET, FOR ADDITIONAL INFORMATION.
- BUILDING CONTROL POINTS SHOWN FROM THE BUILDING CORNER TO A POINT PERPENDICULAR TO THE LEASE LINE.
- FUEL DISPENSER (TYP OF 10). REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- BUILDING CANOPY. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- EXTERIOR MERCHANDISING. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- REMOTE VENT. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- E-STOP. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
- REFER TO ARCHITECTURAL PLANS FOR THE LOCATION AND DETAILS FOR THE 3 PIPE BOLLARDS LOCATED DIRECTLY IN FRONT OF THE SERVICE BUILDING DOORS. ALL OTHER PIPE BOLLARDS LOCATED ALONG THE SERVICE BUILDING SIDEWALK SHALL MATCH THE ARCHITECTURAL PLANS BUT WILL BE CENTERED ON EACH PARKING STALL AND SETBACK 1' OFF THE EDGE OF CONCRETE.

#### NOTICE TO CONTRACTOR

THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO ENSURE DAMAGE TO EXISTING ITEMS TO REMAIN DOES NOT OCCUR. THESE PRECAUTIONS SHALL INCLUDE, BUT ARE NOT LIMITED TO USE OF LIGHTLY LOADED EQUIPMENT IN ORDER TO PREVENT DAMAGE TO EXISTING ROADWAYS AND INFRASTRUCTURE. UNLESS NOTED OTHERWISE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE DONE TO ANY EXISTING ON-SITE OR OFF-SITE ITEMS INCLUDING RELATED APPURTENANCES THAT WILL REMAIN IN PLACE AFTER CONSTRUCTION ACTIVITIES ARE COMPLETE. THOSE ITEMS INCLUDE, BUT ARE NOT LIMITED TO DRAINAGE SYSTEMS, UTILITIES, CURBING, PAVEMENT, LANDSCAPING, IRRIGATION SYSTEMS, FENCING, RETAINING WALLS, PUBLIC ROADWAYS, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS, AND SHALL BE TO THE SATISFACTION OF THE OWNER OF THE REPAIRED ITEM. PRIOR TO MAKING ANY REPAIRS, THE CONTRACTOR SHALL SUBMIT DETAILED REPAIR METHODOLOGY TO THE CEC AND WALMART CM. REPAIRS SHALL NOT BEGIN UNTIL WRITTEN APPROVAL FROM THE CEC AND WALMART CM HAS BEEN ISSUED. CONTRACTOR SHALL DOCUMENT ANY EXISTING DAMAGE WITH PHOTOS, VIDEOS, ETC., AND NOTIFY THE WALMART CONSTRUCTION MANAGER PRIOR TO COMMENCING CONSTRUCTION IN THE AREA OF THE EXISTING DAMAGED ITEM.

#### FUEL STATION SITE PLAN

REVISIONS	BY

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MICHIGAN QUALIFIED ENGINEERING FIRM



WALMART SUPERCENTER #02558-1005  
44575 MOUND RD.  
STERLING HEIGHTS, MICHIGAN  
WAL-MART REAL ESTATE BUSINESS TRUST  
814 RESPECT DR.  
BENTONVILLE, AR 72716



DRAWN	DPS
CHECKED	JSP
DATE	01/06/2026
SCALE	1" = 20'
JOB NO.	02558-1005
SHEET	1 OF 1 SHEETS

# **EXHIBIT G**



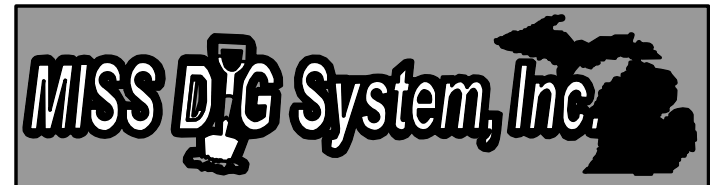
# PLANT SCHEDULE

NOTE: ALL SIZES AND CONDITION OF NURSERY STOCK SHALL MEET THE STANDARDS ESTABLISHED IN THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERMEN, OR A MIN. OF FLORIDA NO.1 GRADE, WHICHEVER IS APPLICABLE.

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE (BOTH MIN'S TO BE MET)	SPACING	CONDITION	REMARKS
<b>TREES:</b> (ALL TREES TO BE GRADED "FLORIDA FANCY")							
15		ACER SACCHARUM 'WHIT XLIX' PP 23957	'POWDER KEG' MAPLE	3" - 3-1/2" C / 14"-16" HT	AS SHOWN	B&B	FULL HEAD w/UNIFORM GROWTH
23		GINKGO BILOBA 'MAGYAR' SEEDLESS	'MAGYAR' GINKGO	3" - 3-1/2" C / 14"-16" HT	AS SHOWN	B&B	FULL HEAD w/UNIFORM GROWTH
4		PINUS STROBUS	EASTERN WHITE PINE	6" - 8" HT	AS SHOWN	B&B	FULL TO GROUND, w/UNIFORM GROWTH
61		TILIA CORDATA 'GREENSPIRE'	'GREENSPIRE' LINDEN	3" - 3-1/2" C / 10"-12" HT	AS SHOWN	B&B	FULL HEAD w/UNIFORM GROWTH
<b>SHRUBS:</b>							
20		HYDRANGEA PANICULATA 'SILVER DOLLAR'	'SILVER DOLLAR' HYDRANGEA	15" - 18" SPD / 3 GAL	AS SHOWN	CONT	ROUND, FULL HEAD
22		ILEX VOMITORIA 'NANA'	DWARF YALPON HOLLY	#3 (GAL) / 24" - 30" HT	36" O.C.	CONT	ROUND, FULL HEAD
235		JUNIPERUS CHINENSIS	SARGENT JUNIPER	15" - 18" SPD / 3 GAL	36" O.C.	CONT	ROUND, FULL HEAD
179		MUHLENBERGIA CAPILLARIS 'WHITE CLOUD'	'WHITE CLOUD' DWARF MUHLY GRASS	12" - 15" HT / 3 GAL	24" O.C.	CONT	ROUND, FULL HEAD
67		PENNISETUM ALOPECUROIDES 'HAMELN'	'HAMELN' FOUNTAIN GRASS	36" O.C.	CONT	ROUND, FULL HEAD	
12		VIBURNUM OBOVATUM	WALTER'S VIBURNUM (TREE FORM-MT)	4' - 5' HT.	AS SHOWN	B&B/CONT	3-5 TRUNKS, FULL ROUND HEAD
<b>GROUNDCOVERS:</b>							
FILL AREA		FESTUCA ARUNDINACEA	TALL FESCUE SOD	SOLID SOD	SOLID	SLAB/ROLL	WEED FREE & ACTIVELY GROWING
112		HYPERICUM CALYCIUM	CREeping ST. JOHN'S WORT	#1 (GAL) / 8" - 12" HT	24" O.C.	CONT	WEED FREE & ACTIVELY GROWING
FILL AREA		SHREDDED HARDWOOD BARK MULCH	DOUBLE - HAMMERED	4" MIN DEPTH	SOLID	BULK	BROWN COLOR - DEPTH TO BE MEASURED
FILL AREA		STONE MULCH	WASHED STONE MULCH	2" - 4" DIA. / 4" MIN DEPTH	FILL AREA	BULK	CLEAN, FREE OF ALL SILT AND FINES
713		HYPERICUM CALYCIUM	CREeping ST. JOHN'S WORT	#1 (GAL) / 8" - 12" HT	24" O.C.	CONT	WEED FREE & ACTIVELY GROWING

NOTE: SYMBOLS SHOWN IN TABLE ABOVE ARE FOR SPECIES IDENTIFICATION ONLY. PLANT SIZE SHOWN IN THE TABLE IS NOT INTENDED TO BE REPRESENTATIVE OF THE PLANT AT EITHER INSTALLATION OR MATURITY. SIZE OF SYMBOL SHOWN IN TABLE ABOVE MAY VARY FROM THOSE SHOWN ON PLANS.

NOTE: SPECIES SUBSTITUTIONS OR UNDERSIZING ANY PLANT MATERIAL IS A BREACH OF CONTRACT OR BID. NO SUBSTITUTIONS OF PLANT MATERIALS ARE ALLOWED WITHOUT THE PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT.



THE CONTRACTOR SHALL CALL 811 FOR LOCATION OF PUBLIC UTILITIES AND ENGAGE A PRIVATE UTILITY LOCATOR SERVICE FOR LOCATION OF PRIVATE UTILITIES AT LEAST 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY.

## SITE LANDSCAPE REQUIREMENTS

### PARKING LOT LANDSCAPE:

- REQUIREMENTS:
  - ISLANDS MUST BE 50% PLANTED
  - INTERIOR PARKING LOT TREES: 1 TREE/5 SPACES, 3" C. IN CURBED ISLAND OR ALONG PARKING PERIMETER

- PROVIDED:
  - NUMBER OF TOTAL PARKING SPACES = 732
  - 1 TREE / 5 SPACES = 147 TREES REQUIRED

- EXISTING PARKING PERIMETER TREES = 43 TREES
- EXISTING INTERIOR PARKING LOT TREES = 2 TREES
- PROPOSED INTERIOR PARKING LOT TREES = 85
- PROPOSED PARKING PERIMETER TREES = 20
- TOTAL NUMBER OF PARKING LOT TREES = 149 TREES
- DIFFERENCE: +2 TREES

### ENHANCED LANDSCAPE TREATMENT:

- REQUIREMENTS:
  - MUST PROVIDE 2 AREAS THAT TOTAL 5% OF GROSS FLOOR AREA OF ALL BUILDINGS
  - 1 MUST BE FOR GENERAL PUBLIC
  - ANY COMBINATION OF:
    - OUTDOOR DINING AREA
    - PEDESTRIAN PASS THROUGH
    - PLAZA

### PROVIDED:

- GROSS FLOOR AREA OF ALL BUILDINGS:
  - SUPERCENTER = 171,554 SF
  - FUELING CENTER = 1,618 SF
  - TOTAL = 173,172 SF

5% REQUIRED = 8,659 SF

### ENHANCED LANDSCAPE AREAS

- AREA #1 - PEDESTRIAN PASSTHROUGH = 9,520 SF
- AREA #2 - PLAZA = 2,100 SF
- TOTAL PROPOSED ENHANCED LANDSCAPE = 11,620 SF (6.71%)

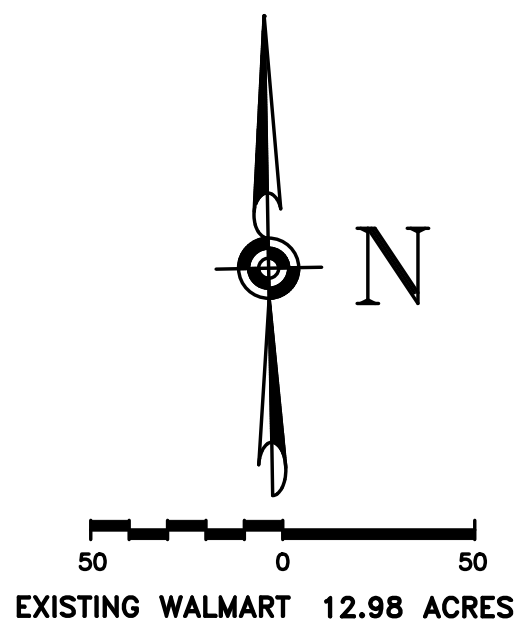
EXCESS AREA = 2,961 SF

### FOUNDATION PLANTINGS:

- REQUIREMENTS:
  - 50% OF BUILDING FACE VISIBLE FROM R.O.W. TO HAVE FOUNDATION PLANTINGS
  - MIN 3 W. MAY INCLUDE IN-GROUND LANDSCAPING, RAISED LANDSCAPE BEDS, DECORATIVE CONTAINER PLANTERS, OR A COMBINATION

### PROVIDED:

- BUILDING FACE IS 518' REQUIRED 50% = 259'
- TOTAL LENGTH OF PROVIDED FOUNDATION PLANTINGS AS RAISED PLANTERS AND TREE WELLS IS 259' OR 50% OF BUILDING FACE
- 50% OF BUILDING FACE REQUIREMENT IS MET



CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL MAINTENANCE AND A WARRANTY ON ALL PLANT MATERIAL AND WORKMANSHIP FOR A PERIOD OF ONE YEAR FROM FINAL ACCEPTANCE.

ALL UNSURFACED AREAS SHALL RECEIVE A 4" LAYER OF SUITABLE TOPSOIL AND SOD. WATER UNTIL A HEALTHY STAND OF GRASS IS OBTAINED

UNLESS SHOWN OTHERWISE, ALL LARGE CANOPY TREES SHALL MAINTAIN 25' HORIZONTAL CLEARANCE FROM ALL OVERHEAD UTILITY LINES AND 10' HORIZONTAL CLEARANCE FROM ALL UNDERGROUND UTILITY LINES.

ALL LANDSCAPE AREAS SHALL BE FULLY IRRIGATED AS SHOWN ON THE IRRIGATION PLAN. SEE IRRIGATION PLAN, THIS SET, FOR ADDITIONAL INFORMATION.

NOTICE TO CONTRACTOR: TESTING OF ALL TOPSOIL SHALL BE APPROVED BY THE CEC AND LANDSCAPE ARCHITECT PRIOR TO ANY FINAL PLACEMENT OF MATERIAL ON SITE. TOPSOIL THAT DOES NOT COMPLY WITH THE PROJECT SPECIFICATIONS SHALL NOT BE APPROVED. CONTRACTOR SHALL AMEND OR REPLACE TOPSOIL AS NECESSARY TO ENSURE COMPLIANCE WITH PROJECT SPECIFICATIONS.

CONTRACTOR SHALL COORDINATE WITH LANDSCAPE ARCHITECT FOR ALL MEETINGS AND INSPECTIONS AS REQUIRED IN THE SPECIFICATIONS.

REVISIONS	BY

CARLSON CONSULTING ENGINEERS, INC.



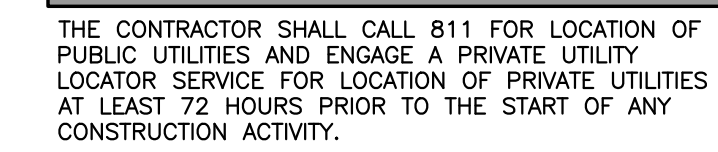
WALMART SUPERCENTER #02558-1005  
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BENTONVILLE, AR 72716



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PLANTING PLAN

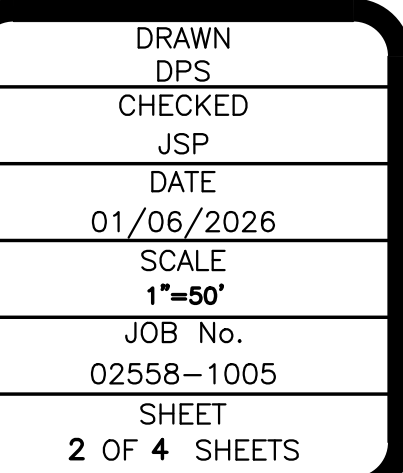
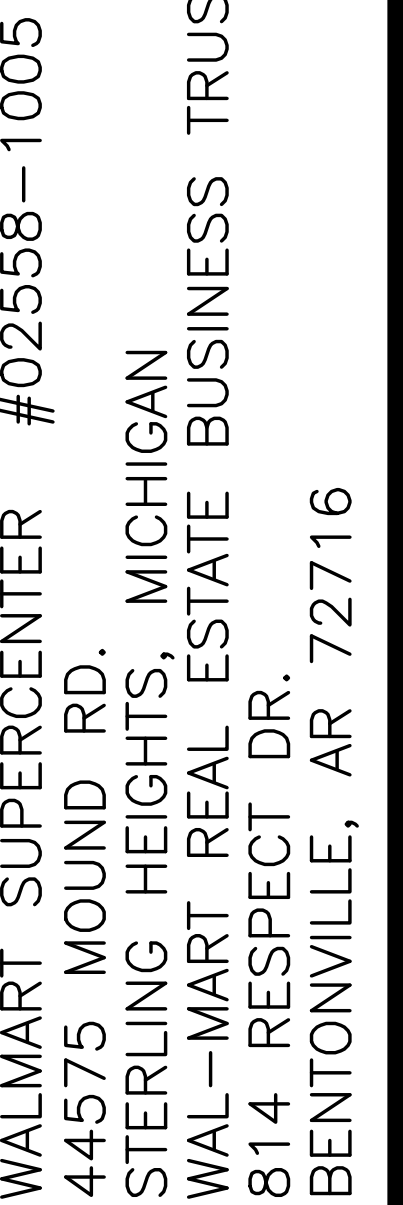



















**CARLSON  
CONSULTING  
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MICHIGAN QUALIFIED ENGINEERING FIRM



PLANT SCHEDULE				NOTE: ALL SIZES AND CONDITION OF NURSERY STOCK SHALL MEET THE STANDARDS ESTABLISHED IN THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, OR A MIN. OF FLORIDA NO. 1 GRADE, WHICHEVER IS APPLICABLE.			
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<b>SHRUBS:</b>							
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<b>GROUNDCOVERS:</b>							
FILL AREA		FESTUCA ARUNDINACEA	TALL FESCUE SOD	SOLID SOD	SOLID	SLAB/ROLL	WEED FREE & ACTIVELY GROWING
112		HYPERICUM CALYCINUM	CREeping ST. JOHN'S WORT	#1 (GAL) / 8" – 12" HT	24" O.C.	CONT	WEED FREE & ACTIVELY GROWING
FILL AREA		SHREDED HARDWOOD BARK MULCH	DOUBLE – HAMMERED	4" MIN DEPTH	SOLID	BULK	BROWN COLOR – DEPTH TO BE MEASURED
FILL AREA		STONE MULCH	WASHED STONE MULCH	2" – 4" DIA. / 4" MIN DEPTH	FILL AREA	BULK	CLEAN, FREE OF ALL SILT AND FINES
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NOTE: SYMBOLS SHOWN IN TABLE ABOVE ARE FOR SPECIES IDENTIFICATION ONLY. PLANT SIZE SHOWN IN THE TABLE IS NOT INTENDED TO BE REPRESENTATIVE OF THE PLANT AT EITHER INSTALLATION OR MATURITY.				NOTE: SPECIES SUBSTITUTIONS OR UNDERSIZING ANY PLANT MATERIAL IS A BREACH OF CONTRACT OR BID. NO SUBSTITUTIONS OF PLANT MATERIALS ARE ALLOWED WITHOUT THE PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT.			
SIZE OF SYMBOL SHOWN IN TABLE ABOVE MAY VARY FROM THOSE SHOWN ON PLANS.							

## PLANTING ENLARGMENT PLAN



PLANTING NOTES

1. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPEARANCES, ETC WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION TO OWNER'S SATISFACTION, AT NO ADDITIONAL COST. NO PLANTING SHALL BE INSTALLED IN CONFLICT WITH UTILITIES.
2. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON THE BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF UTILITY LINES ON THE PROJECT SITE AND ADJACENT TO THE WORK AREA. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD. CONTRACTOR IS RESPONSIBLE FOR VERIFYING EXISTING SITE CONDITIONS PRIOR TO PROCEEDING.
3. SAFE, CLEARLY MARKED PEDESTRIAN AND VEHICULAR ACCESS TO ALL ADJACENT PROPERTIES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.
4. ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE BEGINNING THE WORK. CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN.
5. TESTING OF ALL TOPSOIL SHALL BE APPROVED BY THE CEC AND LANDSCAPE ARCHITECT PRIOR TO ANY FINAL PLACEMENT OF TOPSOIL. TOPSOIL THAT DOES NOT COMPLY WITH THE PROJECT SPECIFICATIONS SHALL NOT BE APPROVED. CONTRACTOR SHALL AMEND OR REPLACE TOPSOIL AS NECESSARY TO ENSURE COMPLIANCE WITH ALL PROJECT SPECIFICATIONS PRIOR TO PROCEEDING.
6. THIS PLAN IS TO BE IMPLEMENTED COOPERATIVELY WITH SWPPP PLAN, AS NEEDED, TO MAXIMIZE THE EFFECTIVENESS OF THE SWPPP PLAN FOR THIS SITE.
7. THE CONTRACTOR IS ENCOURAGED TO COMPLETE TEMPORARY OR PERMANENT SEEDING OR SODDING IN STAGES FOR SOIL STABILIZATION AS AREAS ARE COMPLETED AFTER GRADING.
8. THIS PLAN DOES NOT PRESENT ANY TEMPORARY STABILIZATION REQUIRED FOR PART OF SWPPP PLAN.
9. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
10. ALL PLANTS SHALL BE HEALTHY, VIGOROUS MATERIAL, FREE OF PESTS AND DISEASE.
11. ALL PLANTS SHALL BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED IN THE PLANT LIST.
12. ALL TREES SHALL BE STRAIGHT TRUNKED AND FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
13. AFTER BEING DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCUMULATED FOR TWO (2) WEEKS UNDER A MIST SYSTEM PRIOR TO INSTALLATION.
14. ALL LANDSCAPED AREAS SHALL BE SPRAYED WITH HERBICIDE 4 WEEKS PRIOR TO INSTALLATION OF LANDSCAPE. THE EXISTING MATERIAL SHALL BE REMOVED BEFORE ANY INSTALLATION OF PLANT MATERIAL OR SEED.
15. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
16. CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
17. ALL NEW TREES SHALL HAVE "MYCOR TREE SAVER" OR EQUAL MYCORIZAL FUNGAL TREATMENT INSTALLED AT RATE RECOMMENDED BY MANUFACTURER AT THE TIME OF INSTALLATION. CONTRACTOR TO SUBMIT INVOICES FOR PURCHASE AS EVIDENCE OF MATERIAL INSTALLATION.
18. ALL TREES SHALL BE STAKED OR ANCHORED AS SHOWN IN THE DETAILS.
19. WHEN INCLUDED, ALL SHRUB BED AREAS SHALL RECEIVE A MIN OF 8" OF PLANTING BED MIX AS DESCRIBED IN THE PLANTING BED PREP DETAIL.
20. ALL BED AREAS SHALL BE BERMED A MINIMUM OF 8" TO PROMOTE GOOD BED DRAINAGE (AFTER GENTLE TOPSOIL TAMPING). BEDS SHALL BE MOUNDING FROM SIDES TO CENTER, PROMOTING GOOD DRAINAGE.
21. WEED MAT IS REQUIRED IN LANDSCAPED ISLANDS AS SPECIFIED. SEE PLANTING DETAILS.
22. ALL CONSTRUCTION AREAS TO RECEIVE TURFGRASS SHALL RECEIVE A 4" MIN DEPTH OF SUITABLE TOPSOIL MIX PER DETAILS AND SPECIFICATIONS. RESULTS OF TOPSOIL ANALYSIS ARE TO BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR THE APPROVAL PRIOR TO ANY TURFGRASS OPERATIONS TAKING PLACE.
23. PRIOR TO PLANTING OR SEEDING, MULTIPLE REPRESENTATIVE SAMPLES OF THE TOPSOIL SHALL BE TAKEN AND SENT TO THE STATE EXTENSION AGENCY FOR ANALYSIS. FERTILIZE SUITABLE TOPSOIL IN TURFGRASS AREAS AS PER EXTENSION SERVICE'S RECOMMENDATIONS FOR TURFGRASS SPECIES SPECIFIED ON PLANS. THE PLANTING BED MIX TO BE USED IN SHRUB PLANTING BEDS SHALL BE FERTILIZED AS PER EXTENSION SERVICE'S RECOMMENDATIONS FOR ORNAMENTAL PLANTINGS.
24. ALL PLANTING BEDS SHALL HAVE "SURFLIN" OR EQUAL PRE-EMERGENT HERBICIDE BROADCAST AT RATE RECOMMENDED BY MANUFACTURER.
25. PLANTING OPERATIONS SHALL ONLY TAKE PLACE DURING SUITABLE WEATHER CONDITIONS. PLANTS SHALL NOT BE INSTALLED WHEN THE SOIL IS EITHER HIGHLY SATURATED OR FROZEN.
26. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE MEETING ALL PLANT LIST SPECIFICATIONS. THE CONTRACTOR SHALL BE REQUIRED TO REPLACE EACH PLANT NO MORE THAN ONCE EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO FAILURE TO COMPLY WITH THE REQUIREMENTS.
27. DURING THE GROWING SEASON, ALL ANNUALS SHALL REMAIN IN A HEALTHY, VIABLE CONDITION THROUGHOUT THE CONSTRUCTION PERIOD, WHERE APPLICABLE.
28. UNLESS NOTED OTHERWISE, ALL PLANTING AREAS, SHRUB, GROUND COVER AND SEASONAL COLOR ANNUAL PLANTING BEDS, SHALL BE COMPLETELY COVERED WITH SHREDED HARDWOOD MULCH FROM A LOCAL SOURCE, HARVESTED IN A SUSTAINABLE MANNER AND A MINIMUM LAYER OF (4") FOUR INCHES IN DEPTH AFTER SETTLING, OR AS SPECIFIED ON THE CONSTRUCTION DRAWINGS.
29. THERE IS NO SEPARATE PAY ITEM FOR DRESSING OUT SHRUB BEDS OR TREE SAUCERS WITH MULCH. IT SHALL BE INCLUDED WITH THE COST OF ALL PLANT MATERIALS.
30. ALL DISTURBED AREAS SHALL RECEIVE A 4" LAYER OF SUITABLE TOPSOIL AND HYDRO-SEED AND/OR SOD (WHERE SHOWN), WATER UNTIL A HEALTHY STAND OF GRASS IS OBTAINED. THIS IS EXCLUDING ALL LANDSCAPED ISLANDS AND ENTRANCE AREAS.
31. ANY EXISTING OFFSITE IMPROVEMENTS (HARDSCAPE, UTILITIES, PLANT MATERIALS, ETC.) DAMAGED IN THE COURSE OF OFFSITE WORK SHALL BE REPLACED IN-KIND (INCLUDING SPECIFIC MATERIAL, COLOR, SIZE, SPECIES, CULTIVAR, ETC.) BY THE CONTRACTOR AT NO ADDITIONAL COST TO WALMART.
32. THE CONTRACTOR SHALL BE RESPONSIBLE FOR UNCONDITIONALLY GUARANTEE, AND FULLY MAINTAIN ALL PLANT MATERIALS, LAWNS, AND WORKMANSHIP (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) ALL OF THE PLANT MATERIALS AND LAWN FOR THE PERIOD OF TIME SHOWN IN THE GROUND SPEC. AND IN ACCORDANCE WITH THE FOLLOWING EXTENDED MAINTENANCE/WARRANTY CHART AGAINST ALL DEFECTS AND WORKMANSHIP.

33. REFER TO SAM'S SITEMARK SPECIFICATIONS FOR ADDITIONAL INFORMATION NEEDED FOR IMPLEMENTATION OF PLANTING PLANS.

16. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.

17. CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.

18. ALL NEW TREES SHALL HAVE "MYCOR TREE SAVER" OR EQUAL MYCORIZAL FUNGAL TREATMENT INSTALLED AT RATE RECOMMENDED BY MANUFACTURER AT THE TIME OF INSTALLATION. CONTRACTOR TO SUBMIT INVOICES FOR PURCHASE AS EVIDENCE OF MATERIAL INSTALLATION.

19. OFFEROR SHALL DELIVER OR UNDERTAKE DELIVERY OF THE PLANTS

PLANTS NOT IN A HEALTHY GROWING CONDITION SHALL BE REMOVED FROM THE SITE AT THE DIRECTION OF THE LANDSCAPE ARCHITECT AND THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS WITH PLANTS ALSO GUARANTEED FOR THE REMAINDER OF THE WARRANTY.

34. REFER TO SAM'S SITEMARK SPECIFICATIONS FOR ADDITIONAL INFORMATION NEEDED FOR IMPLEMENTATION OF PLANTING PLANS.

PLANTING NOTES

- NOTE: - INSTALL A SINGLE LAYER OF LARGE STONE THROUGHOUT ENTIRE STONE MULCH BED AREA.
- INFILL GAPS / VOIDS IN LARGE STONE COBBLE W/CLEAN GRAVEL TO A CONTINUOUS MIN DEPTH OF 4".

4" MIN LAYER SMOOTH CLEAN STONE MULCH - LARGE STONE COBBLE 2"-4" DIA. SMOOTH RIVER COBBLE - SMALL GRAVEL 3/8"-3/4" CLEAN GRAVEL

6" METAL EDGING WITH ANCHOR STAKES ON THE INSIDE OF THE BED AREA

DEWITT WEED BARRIER

FINISHED GRADE

TOP OF METAL EDGING

METAL EDGING

METAL ANCHOR STAKES TO BE LOCATED ON THE INSIDE OF EDGING

FINISH GRADE

EXISTING SOIL

TAMP PLANTING BED MIX TO PREVENT SETTLING.

NTS

\* NOTE: MULCH SHALL BE A UNIFORM 4" LAYER AFTER SETTLING - UNLESS OTHERWISE NOTED. SEE PLANS FOR MULCH TYPE.

MULCH TO BE KEPT AWAY FROM THE TRUNK OF ALL PLANT MATERIAL.

SHRUB AND GROUND COVER PLANTINGS W/ EDGING

TYPICAL BED LAYOUT:

1. LAYOUT PERIMETER PLANTING SPACED AS PER PLAN.
2. FILL IN PLANTING BED WITH TRIANGULAR SPACING.
3. ADJUST AS PER LANDSCAPE ARCHITECT'S INSTRUCTIONS.

SCARIFY ROOTBALL

VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

TAMP PLANTING BED MIX TO PREVENT SETTLING.

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STONE-GRAVEL MULCH WITH EDGING

TYPICAL BED LAYOUT:

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2. FILL IN PLANTING BED WITH TRIANGULAR SPACING.
3. ADJUST AS PER LANDSCAPE ARCHITECT'S INSTRUCTIONS.

SCARIFY ROOTBALL

VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

TAMP PLANTING BED MIX TO PREVENT SETTLING.

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SCARIFY ROOTBALL

VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

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SCARIFY ROOTBALL

VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

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SCARIFY ROOTBALL

VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

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SCARIFY ROOTBALL

VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

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SCARIFY ROOTBALL

VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

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EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

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EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

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EXISTING SOIL

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EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

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VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

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EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

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VARIES - SEE PLANS

EQUAL SPACING

4" MULCH

DEWITT WEED BARRIER

FINISH GRADE

PLANTING BED MIXTURE

EXISTING SOIL

TAMP PLANTING BED MIX TO PREVENT SETTLING.

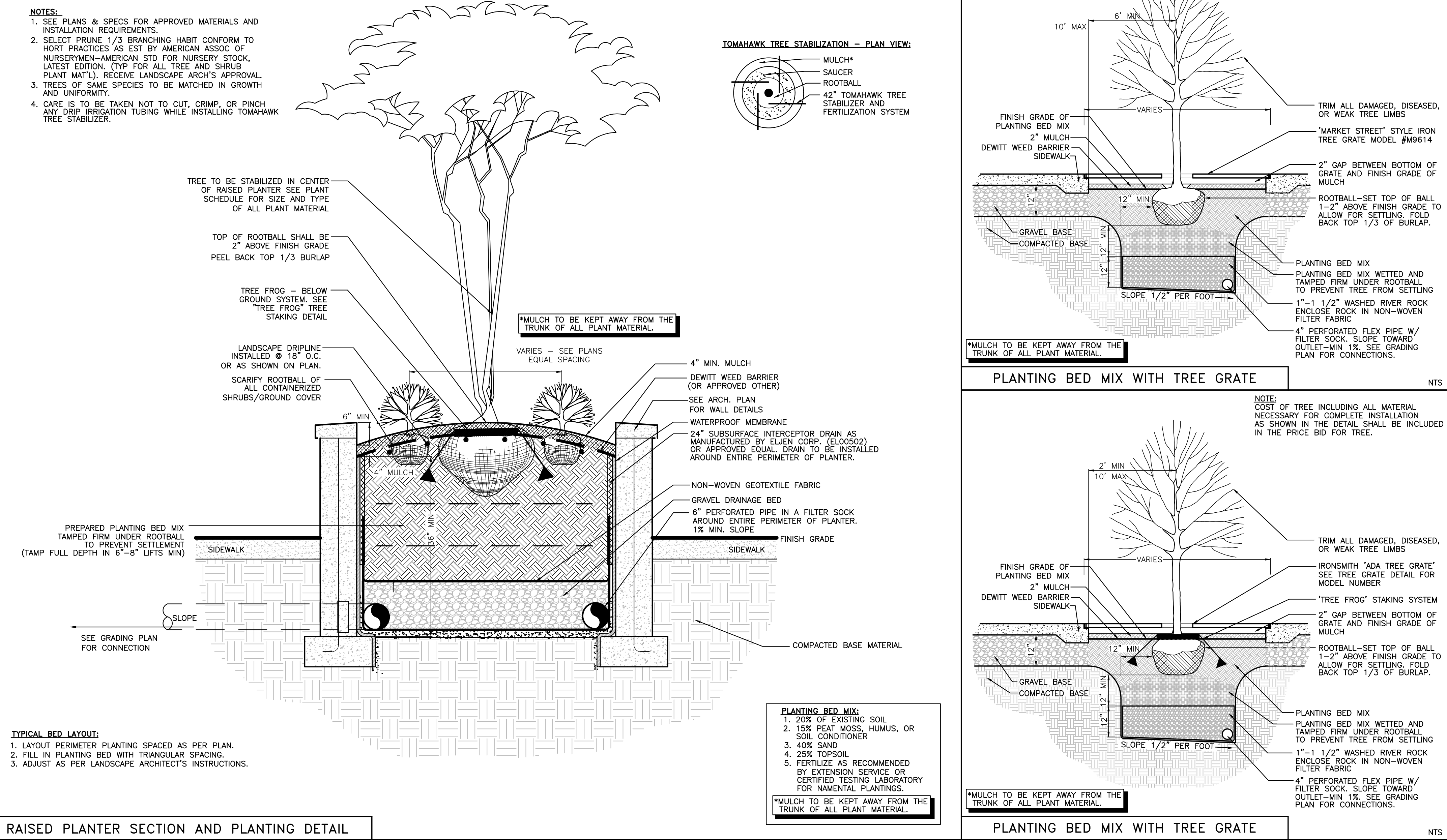
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SHRUB AND GROUND COVER PLANTINGS W/ EDGING





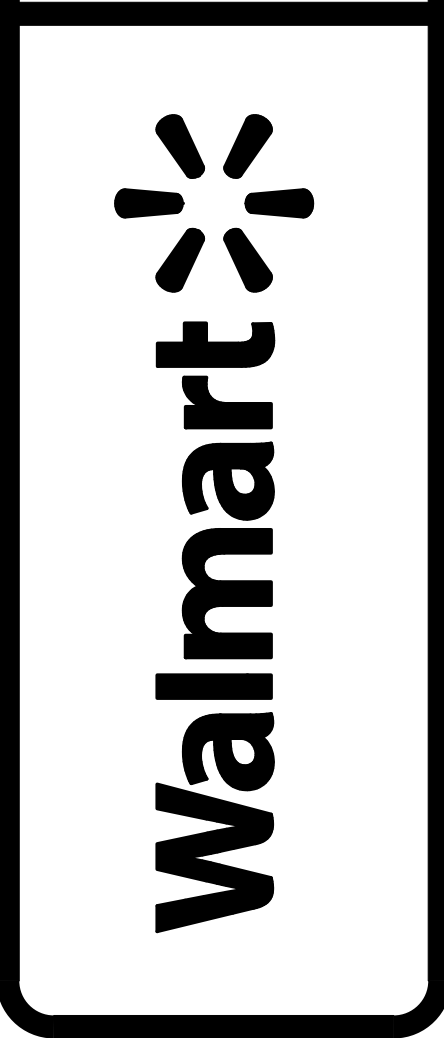
REVISIONS	BY

**CARLSON CONSULTING ENGINEERS, INC.**

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44575 MOUND RD.  
STERLING HEIGHTS, MICHIGAN  
WAL-MART REAL ESTATE BUSINESS TRUST  
814 RESPECT DR.  
BENTONVILLE, AR 72716

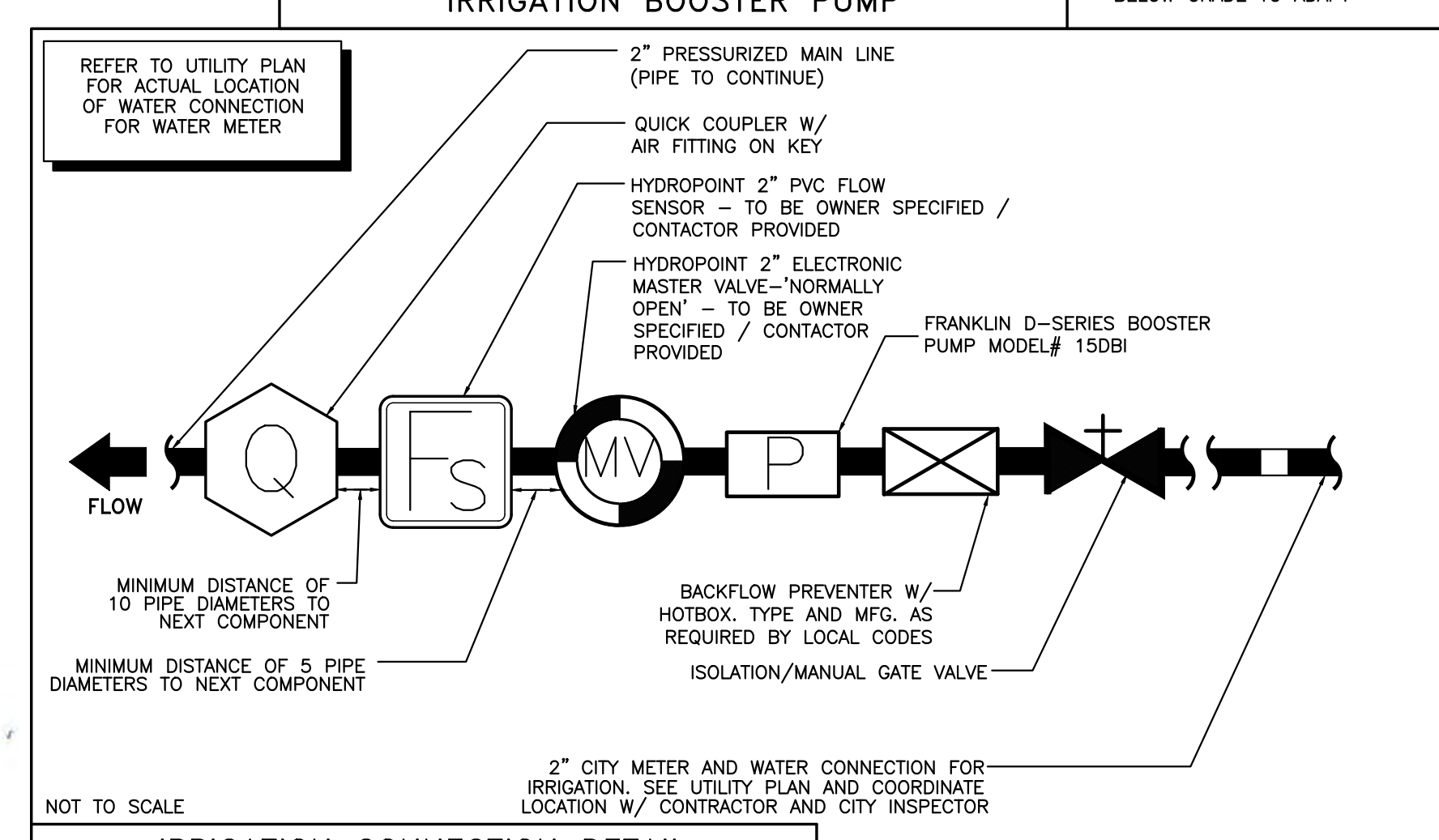
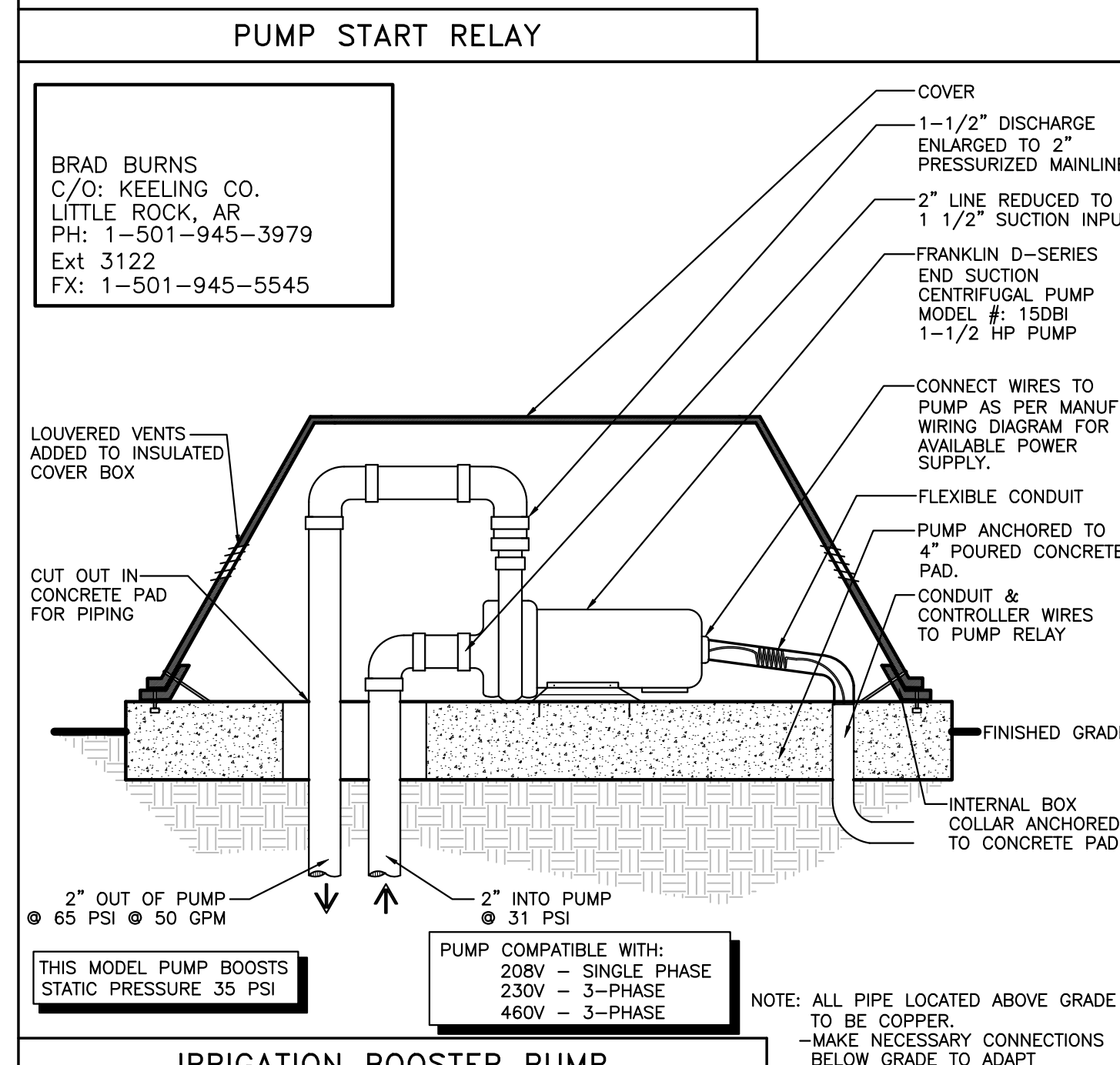
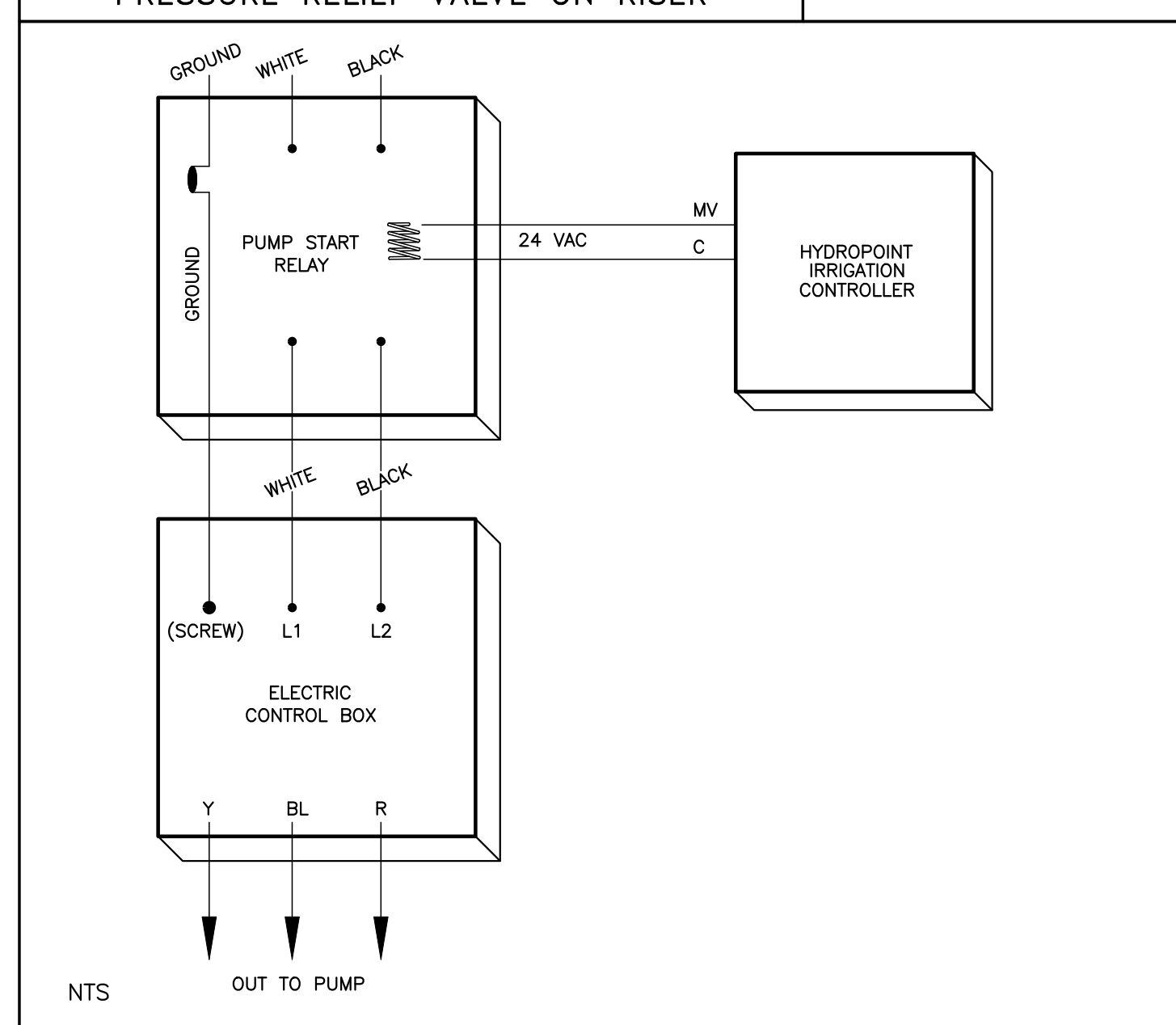
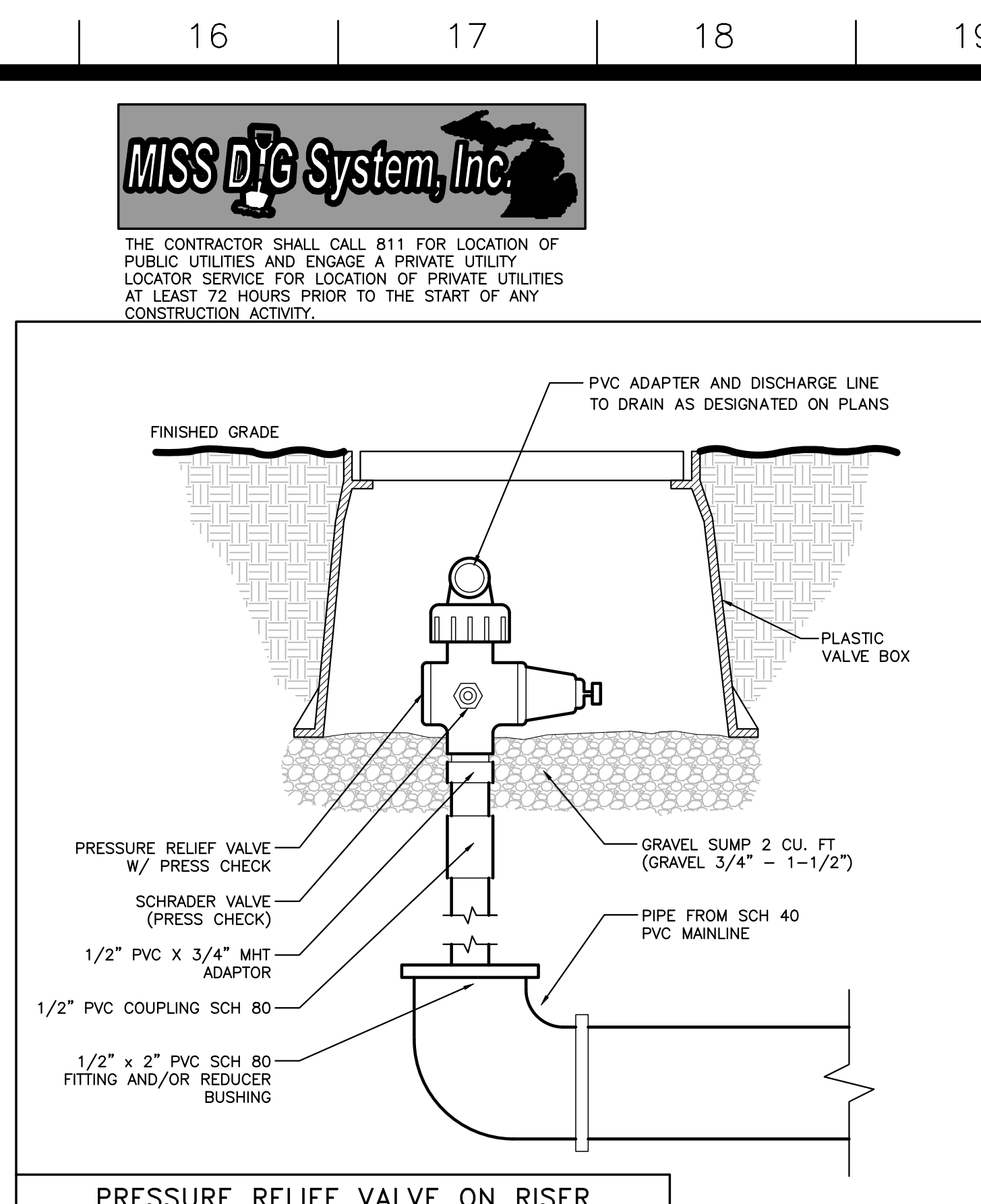
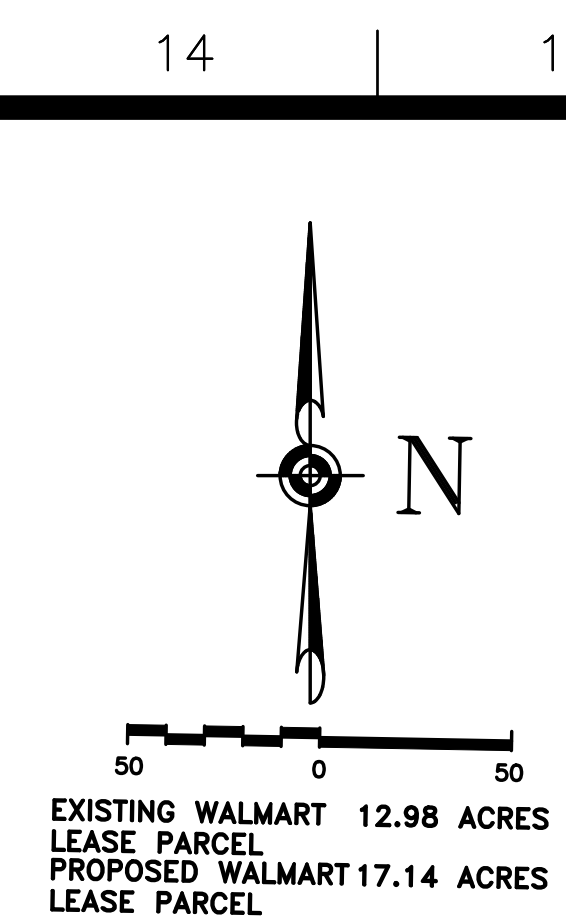


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SCALE	NTS
JOB NO.	02558-1005
SHEET	4 OF 4 SHEETS



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1"=50'
JOB No.
02558-1005
SHEET
1 OF 4 SHEETS





## SPRAY IRRIGATION PLAN

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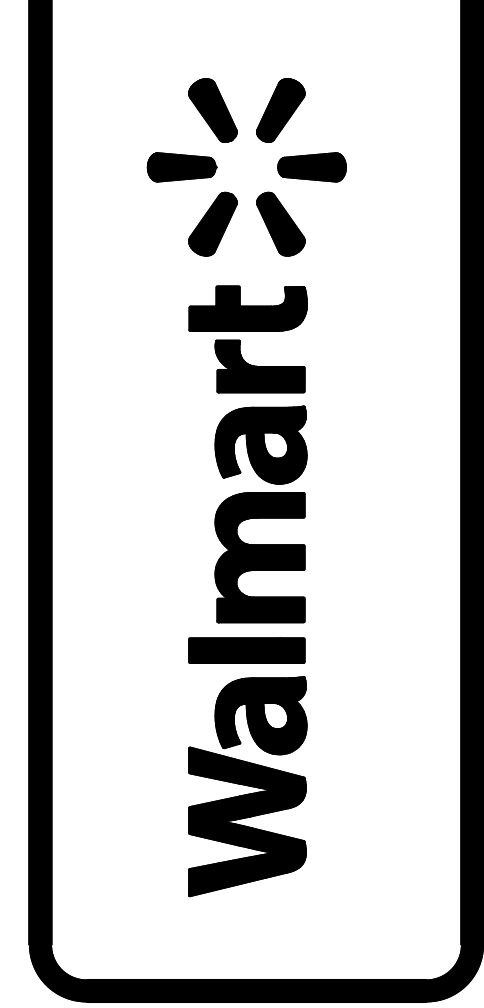
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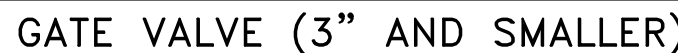
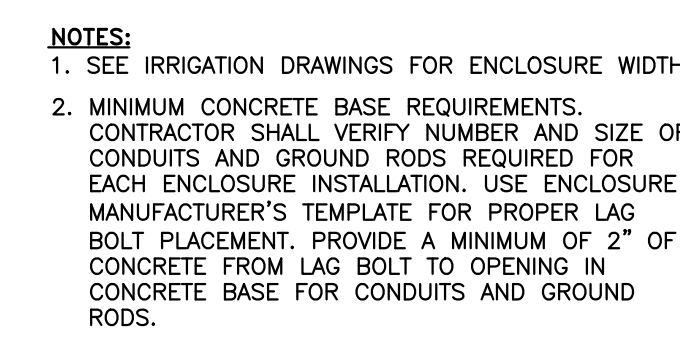
WALMART SUPERCENTER #02558-1005  
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STERLING HEIGHTS, MICHIGAN  
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JOB No.
02558-1005
SHEET
2 OF 4 SHEETS



1. THE IRRIGATION CONTRACTOR IS RESPONSIBLE FOR OBTAINING A COPY OF THE PROJECT SPECIFICATIONS, AND PROVIDING A COPY OF THE SPECIFICATIONS TO THE PLANS MANAGER. THE PLANS MANAGER SHALL CONSULT THE IRRIGATION CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTING WORK AS SPECIFIED IN THE PROJECT SPECIFICATIONS AND ON THE PLANS.
2. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE TOTAL WORK SHOWN ON THIS PLAN IS IN CONFORMANCE WITH SPECIFICATIONS, AND ALSO AS PER INSTRUCTIONS OF THE CONTRACTING OFFICE.
3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS, EQUIPMENT QUANTITIES, AND UTILITIES TO BE CONSTRUCTED TO CONFORM TO THE SPECIFICATIONS.
4. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES IN PLANS OR SPECIFICATIONS PRIOR TO BEGINNING OR CONTINUING WORK.
5. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND FEES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IRRIGATION CONTRACTOR TO ENSURE THAT ALL NECESSARY PERMITS AND FEES ARE OBTAINED PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS OR APPROVALS.
6. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND ADJUSTING THE PROPOSED IRRIGATION SYSTEM TO THE EXISTING CONDITIONS DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO EXISTING UTILITIES OR STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IRRIGATION CONSTRUCTION TO OWNER'S SATISFACTION, AT NO ADDITIONAL COST.
7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE PROPOSED IRRIGATION SYSTEM. THE CONTRACTOR SHALL MAKE ANY NECESSARY ADJUSTMENTS IN THE PROPOSED IRRIGATION SYSTEM TO AVOID CONFLICTS WITH EXISTING STRUCTURES, PARKING, AND UTILITIES.
8. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE PROPOSED IRRIGATION SYSTEM TO AVOID CONFLICTS AS ACCURATE.
9. 58.2 PSI STATIC WATER PRESSURE IS REQUIRED FOR THE EFFICIENT OPERATION OF THE IRRIGATION SYSTEM. THE CONTRACTOR SHALL VERIFY THE STATIC WATER PRESSURE AT THE PROJECT SITE PRIOR TO BEGINNING THE IRRIGATION INSTALLATION. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IF THE STATIC WATER PRESSURE IS NOT ADEQUATE.
10. IRRIGATION CONTRACTOR TO VERIFY AVAILABLE WATER PRESSURE BEFORE BEGINNING INSTALLATION. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IF AVAILABLE WATER PRESSURE IS NOT ADEQUATE FOR THE IRRIGATION SYSTEM.
11. IF STATIC WATER PRESSURES ARE NOT ADEQUATE TO OPERATE IRRIGATION SYSTEM, A PUMP SYSTEM IS TO BE DESIGNED BY AN IRRIGATION SYSTEM DESIGNER. IRRIGATION PUMP SHALL BE INSTALLED IN A CONCRETE PAD. ELECTRICAL CONTRACTOR PUMP MUST BE INSTALLED WITH A TAMPER PROOF ENCLOSURE.
12. IF STATIC WATER PRESSURES EXCEEDS 75 PSI, PRESSURE COMPENSATING HEADS MUST BE USED.
13. IRRIGATION SYSTEMS CONNECTED TO POTABLE WATER SUPPLY SHALL HAVE A WATTS, FERCO, OR WILKINS SYSTEM BACKFLOW PREVENTER (ASSEI) TYPE INSTALLED, OR AS REQUIRED BY LOCAL CODES.

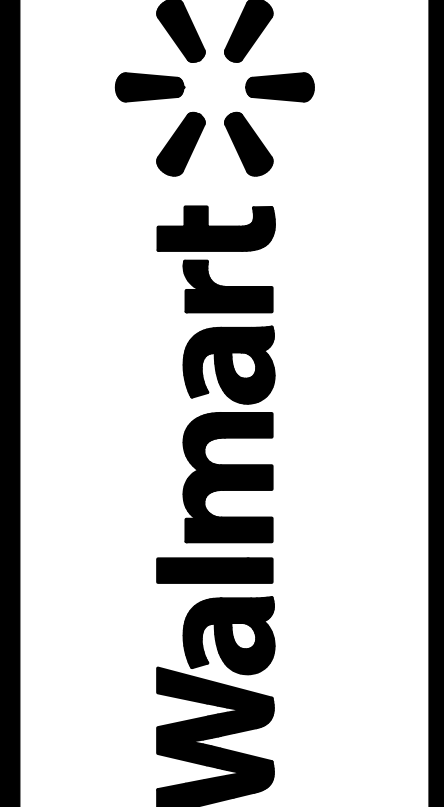
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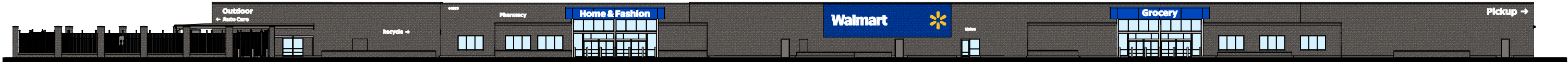
## IRRIGATION DETAILS



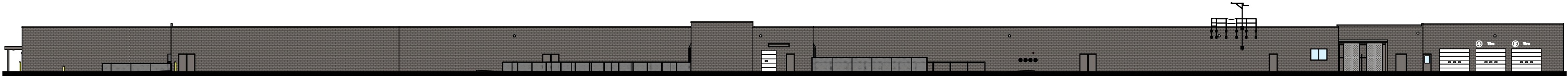




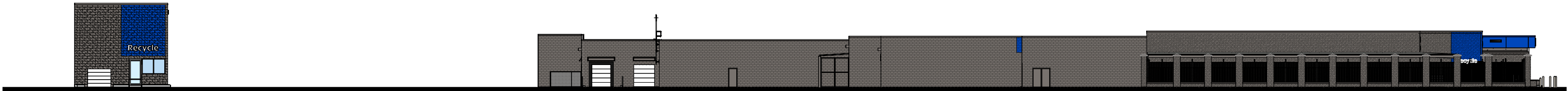
# **EXHIBIT H**



Front Elevation

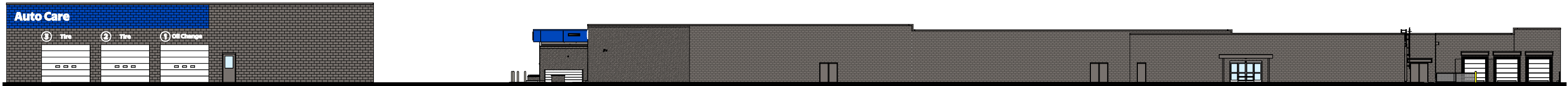


Rear Elevation



Recycle Center Entry Elevation

Side Elevation



Auto Care Front Elevation

Side Elevation

Building Material Legend:



Paint P49E  
Dark Gray



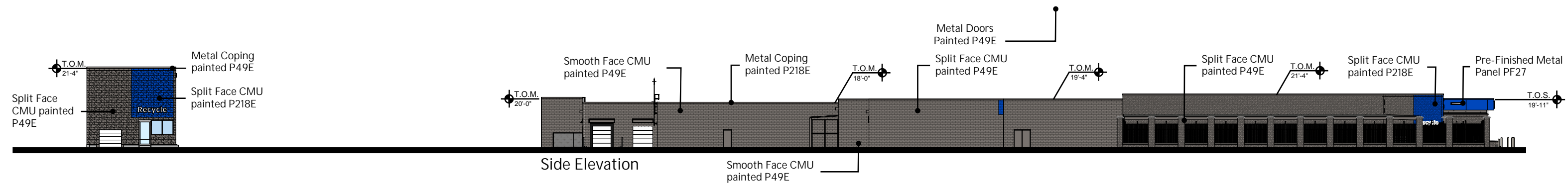
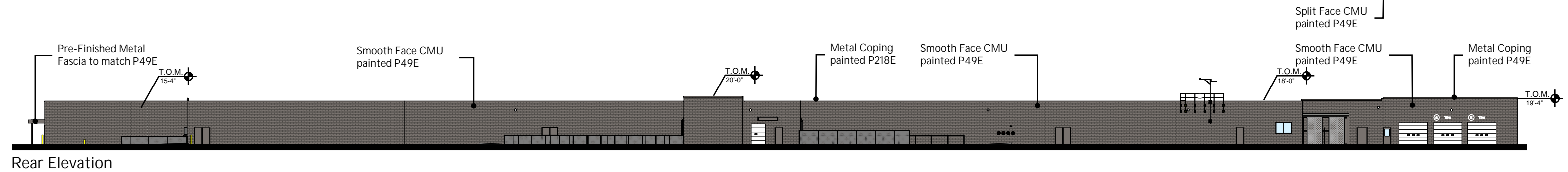
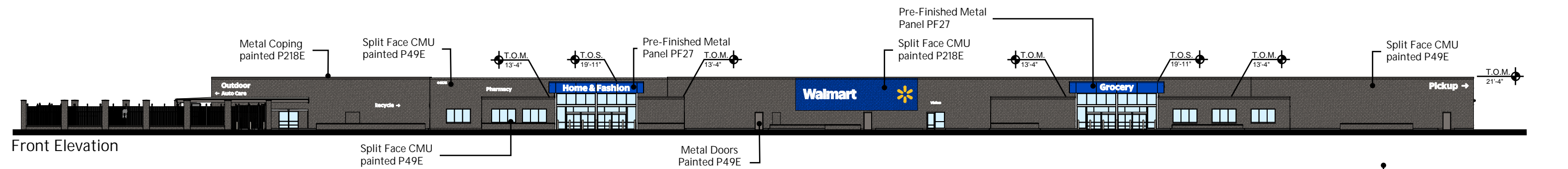
PF28  
Pre-Finished Metal  
Dark Gray



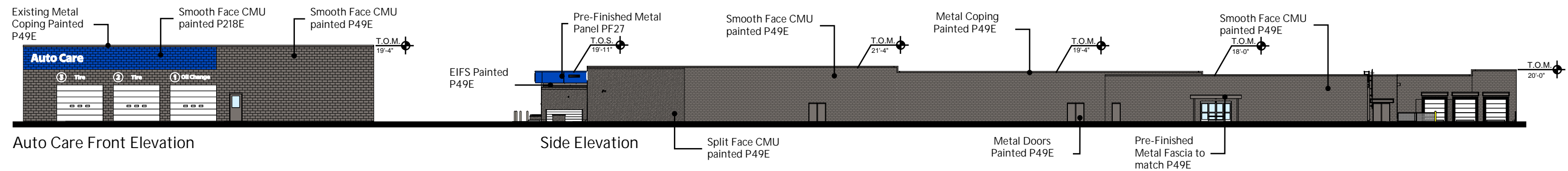
Paint P218E  
True Blue



PF27  
Pre-Finished Metal  
True Blue



## Recycle Center Entry Elevation



10'-6"

1'-6"

1'-0"

1'-10 3/4"

Recycle →

RECTANGLE AREA  
15.38 SF

15

SIGNAGE

7'-4 1/8"

1'-0"

1'-3 1/2"

Oil Change

RECTANGLE AREA  
9.51 SF

13

SIGNAGE

7'-9 5/8"

1'-6"

1'-10 3/4"

Recycle

RECTANGLE AREA  
14.83 SF

10

SIGNAGE

Ø 2'-6"

1

2

3

4

5

CIRCLE AREA  
4.91 SF

7

SIGNAGE

15'-11 1/2"

2'-6"

1'-8"

EQ

EQ

3'-2 5/8"

Pickup →

RECTANGLE AREA  
51.33 SF

INTERNALLY ILLUMINATED

NOTE TO SIGN INSTALLER:  
A. ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED  
B. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE  
C. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES

NOTE:  
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK

3

SIGNAGE

1'-0"

44575

RECTANGLE AREA  
2.89 SF

14

SIGNAGE

2'-8 1/8"

1'-0"

1'-1"

Tire

RECTANGLE AREA  
2.89 SF

12

SIGNAGE

10'-3 3/4"

1'-6"

1'-10 3/4"

Pharmacy

RECTANGLE AREA  
19.60 SF

9

SIGNAGE

12'-9 3/8"

1'-6"

EQ

EQ

1'-0"

← Auto Care

RECTANGLE AREA  
20.01 SF

6

SIGNAGE

27'-2 3/8"

2'-6"

2'-8 1/2"

Home & Fashion

RECTANGLE AREA  
73.60 SF

2

SIGNAGE

11'-8 3/4"

2'-0"

2'-1 1/2"

Outdoor

RECTANGLE AREA  
24.96 SF

11

SIGNAGE

4'-2 3/4"

1'-0"

1'-1"

Vision

RECTANGLE AREA  
4.56 SF

8

SIGNAGE

13'-5 7/8"

2'-1"

2'-0"

Auto Care

RECTANGLE AREA  
12.96 SF

5

SIGNAGE

21'-8 7/8"

4'-0"

4'-1 1/8"

Walmart

RECTANGLE AREA  
88.94 SF

INTERNALLY ILLUMINATED

Ø 6'-10 5/8"

INTERNALLY ILLUMINATED

CIRCLE AREA  
37.28 SF

1

SIGNAGE

PROPOSED SIGNAGE SCHEDULE					
NOTE: THE SQUARE FOOTAGE IS NOT REQUIRED FOR THE SIGNAGE SHOWING 0.00...					
SIGNAGE	NOMINAL HEIGHT	COLOR	ILLUMINATED	QTY	TOTAL AREA
FRONT					
Spark	6' - 10"	YELLOW	YES	1	37.28
WALMART	4' - 0"	WHITE	YES	1	88.94
PICKUP ->	2' - 6"	WHITE	YES	1	51.33
HOME & FASHION	2' - 6"	WHITE	NO	1	73.60
GROCERY	2' - 6"	WHITE	NO	1	42.95
OUTDOOR	2' - 0"	WHITE	NO	1	24.96
PHARMACY	1' - 6"	WHITE	NO	1	19.60
<- AUTO CARE	1' - 6"	WHITE	NO	1	20.01
RECYCLE ->	1' - 6"	WHITE	NO	1	15.38
ADDRESS NUMBERS	1' - 0"	WHITE	NO	1	0.00
VISION	1' - 0"	WHITE	NO	1	4.56
AUTO CARE					
NUMERALS	2' - 6"	WHITE	NO	1	4.91
NUMERALS	2' - 6"	WHITE	NO	1	4.91
NUMERALS	2' - 6"	WHITE	NO	1	4.91
NUMERALS	2' - 6"	WHITE	NO	1	4.91
NUMERALS	2' - 6"	WHITE	NO	1	4.91
AUTO CARE	2' - 0"	WHITE	NO	1	28.16
OIL CHANGE	1' - 0"	WHITE	NO	1	9.51
TIRE	1' - 0"	WHITE	NO	1	2.89
TIRE	1' - 0"	WHITE	NO	1	2.89
TIRE	1' - 0"	WHITE	NO	1	2.89
TIRE	1' - 0"	WHITE	NO	1	2.89
RECYCLE					
1' - 6"	WHITE	NO	1	14.83	
TOTAL BUILDING SIGNAGE: 23				23	467.22

Maximum SF Allowed per code(10% of total building frontage area) = 1,305 SF

13'-9 3/8"

2'-6"

3'-1 3/8"

Grocery

RECTANGLE AREA  
42.95 SF

4

SIGNAGE

NOTE TO SIGN INSTALLER:  
A. ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED  
B. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE  
C. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES THROUGH WASHERS  
D. ALTERNATE HOLES ARE INDICATED WITH WASHERS ONLY OR ARE OTHERWISE MARKED

21'-8 7/8"

4'-0"

4'-1 1/8"

Walmart

RECTANGLE AREA  
88.94 SF

INTERNALLY ILLUMINATED

Ø 6'-10 5/8"

INTERNALLY ILLUMINATED

CIRCLE AREA  
37.28 SF

1

SIGNAGE

NOTE:  
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK



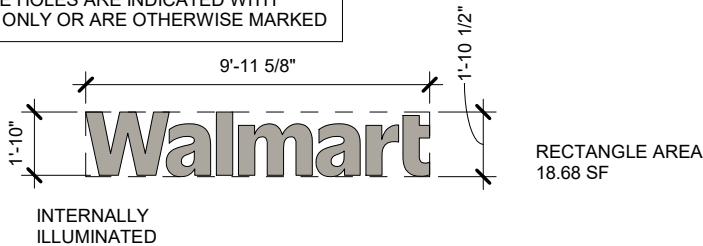
SIGNS		FSA1-SN
		012916
CANOPY / SERVICE BUILDING SIGNAGE		AREA
1. (1) X "SPARK" SIGN - BUILDING	(1) X	34.19 SF
2. (4) X "WALMART" SIGN - CANOPY	(4) X	18.68 SF
3. (4) X DIGITAL PRICE SIGN (UNLEADED)	(4) X	17.72 SF
4. (4) X DIGITAL PRICE SIGN (DIESEL)	(4) X	17.72 SF
5. (4) X DIGITAL PRICE SIGN (WLMT+)	(4) X	17.72 SF
TOTAL SIGNAGE		321.55 SF

NOTE TO SIGN INSTALLER:

- A. ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED
- B. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE
- C. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES THROUGH WASHERS
- D. ALTERNATE HOLES ARE INDICATED WITH WASHERS ONLY OR ARE OTHERWISE MARKED

NOTE:

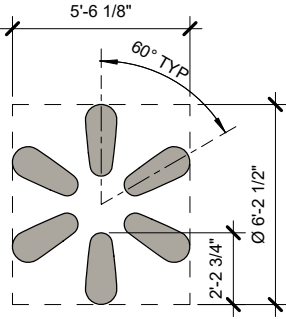
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK



1 WM CANOPY SIGN

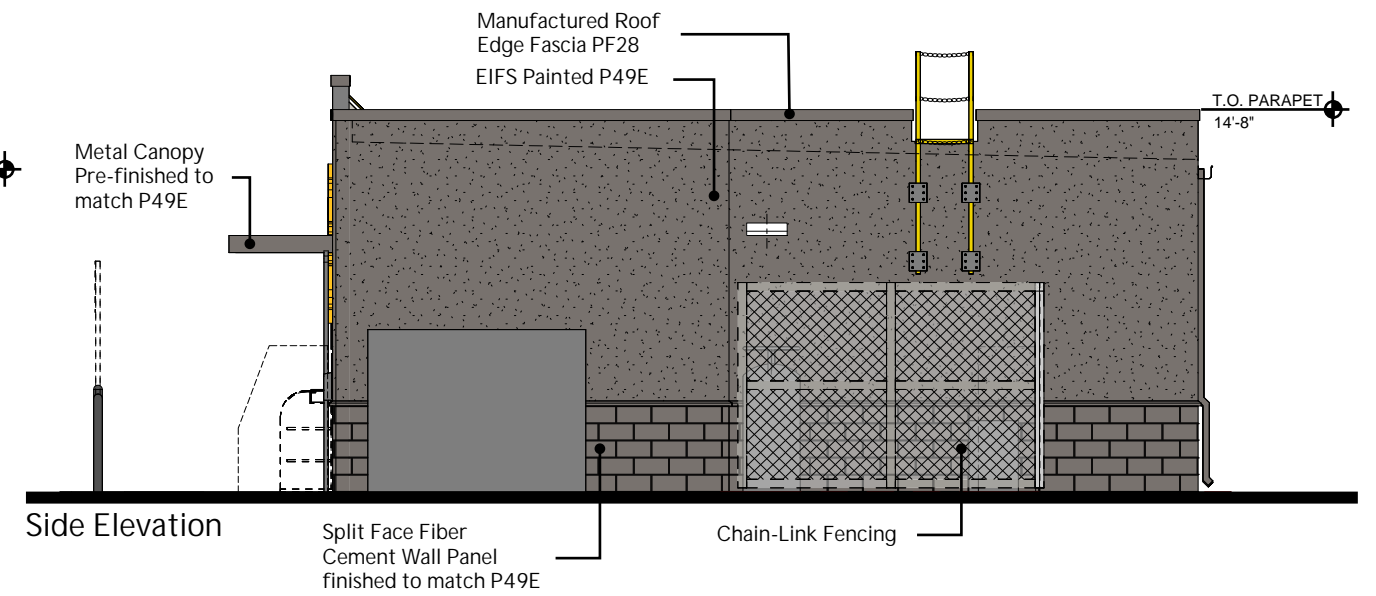
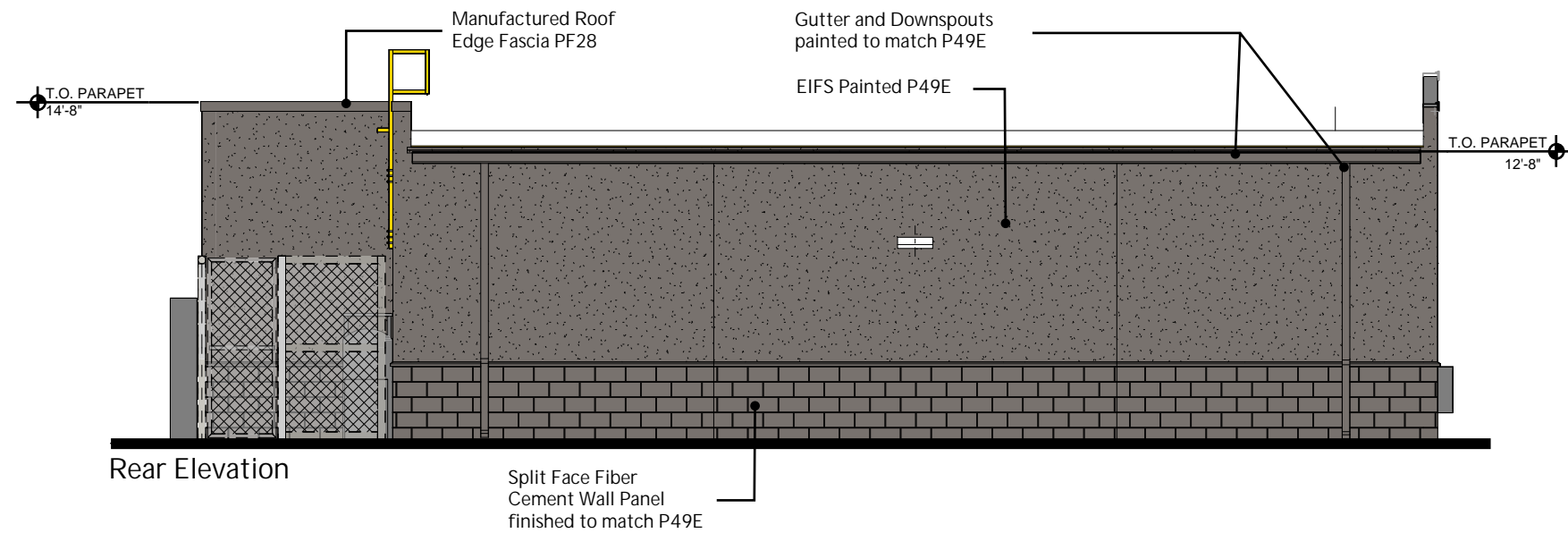
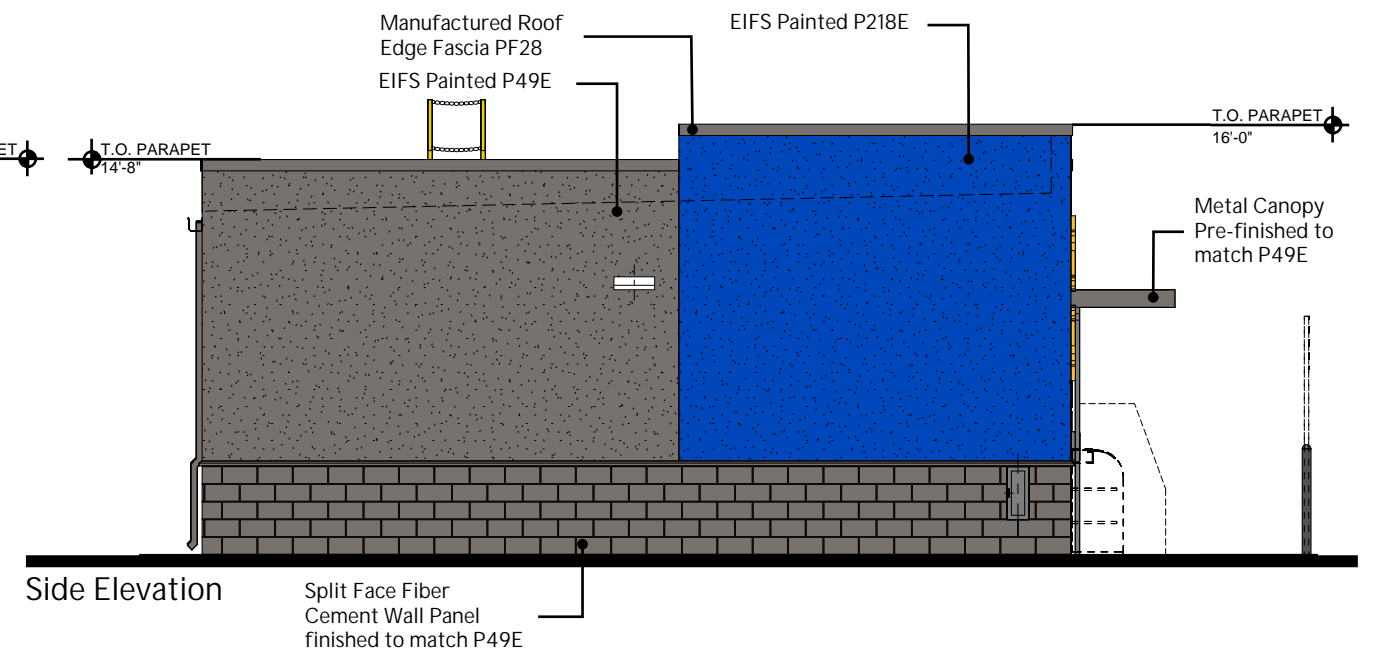
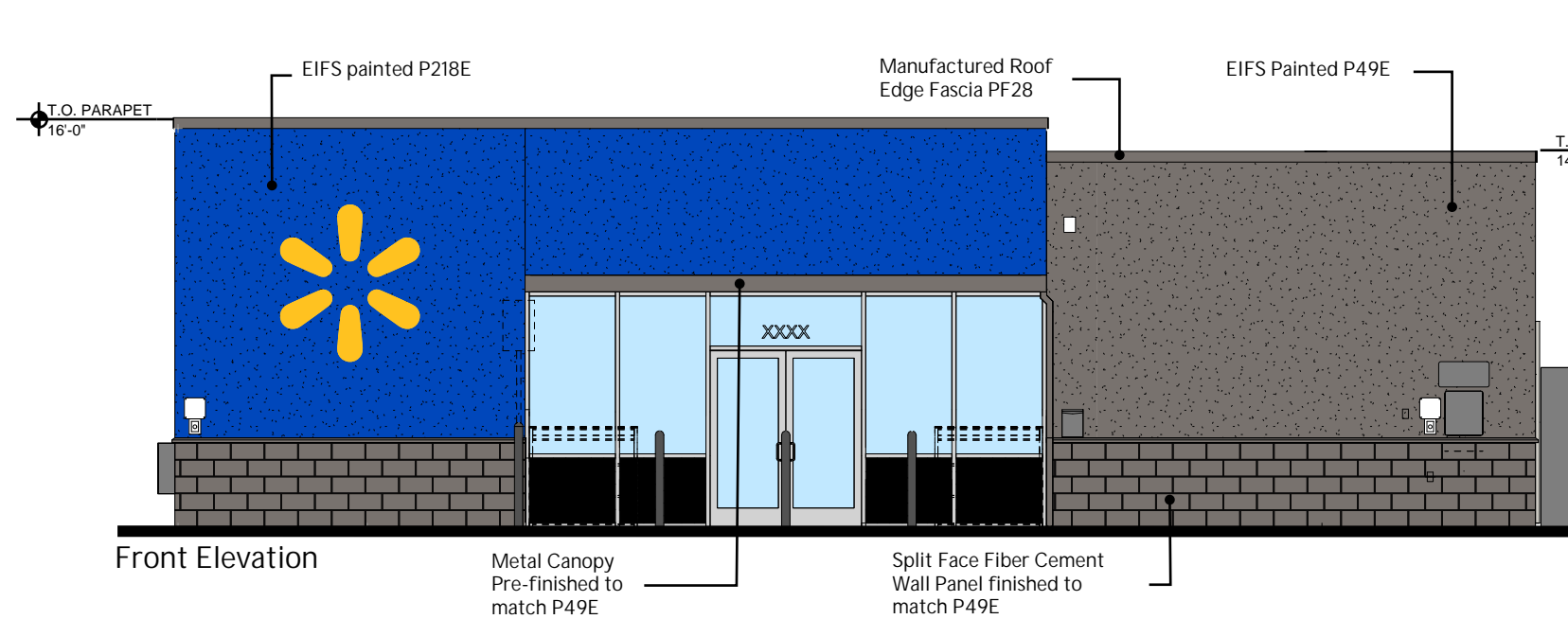
NOTE TO SIGN INSTALLER:

- A. ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED
- B. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE
- C. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES THROUGH WASHERS
- D. ALTERNATE HOLES ARE INDICATED WITH WASHERS ONLY OR ARE OTHERWISE MARKED

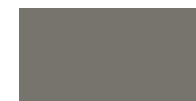


NOTE:  
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK

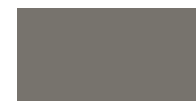
2 WM SPARK SIGN



Fuel & CanopyMaterial Legend:



PF28  
Pre-Finished  
Dark Gray



Paint P49E  
Dark Gray



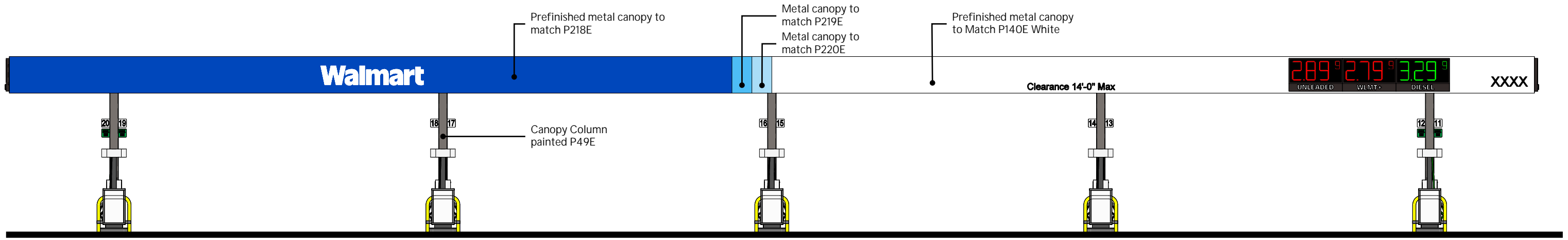
P219E  
Everyday Blue



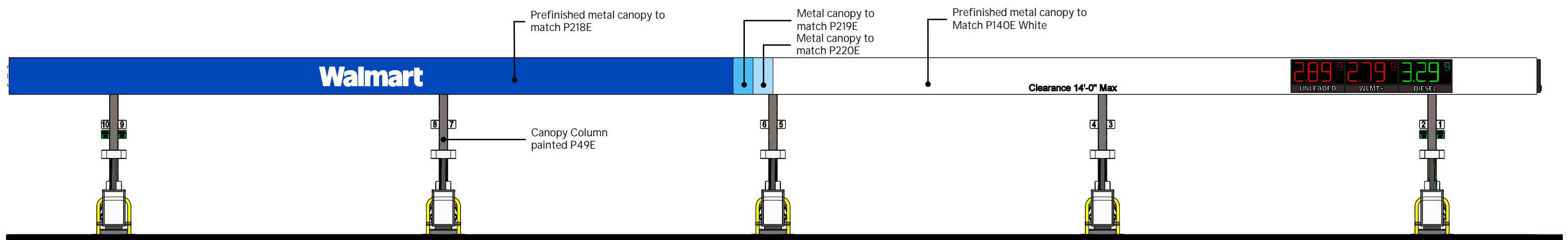
P220E Sky Blue



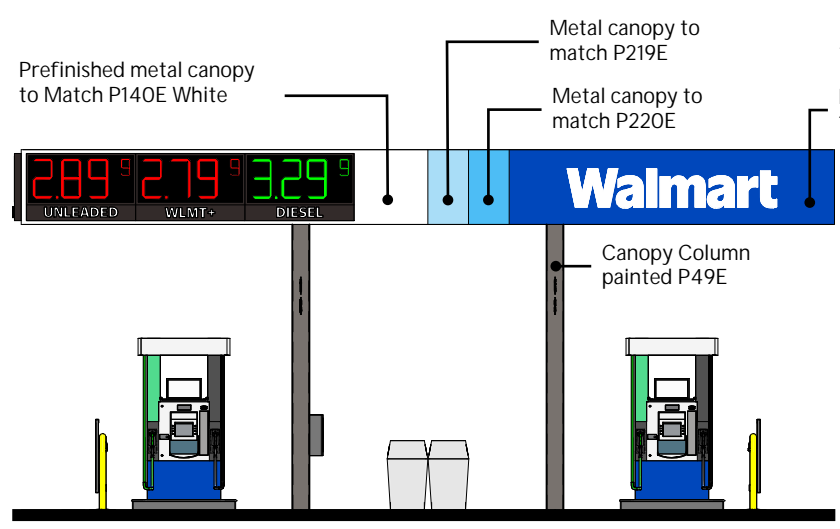
Paint P218E  
True Blue



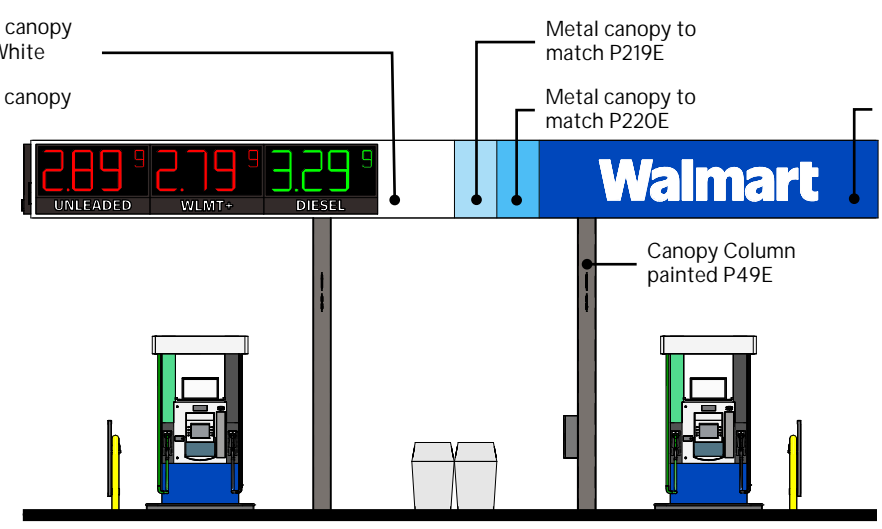
Front Elevation



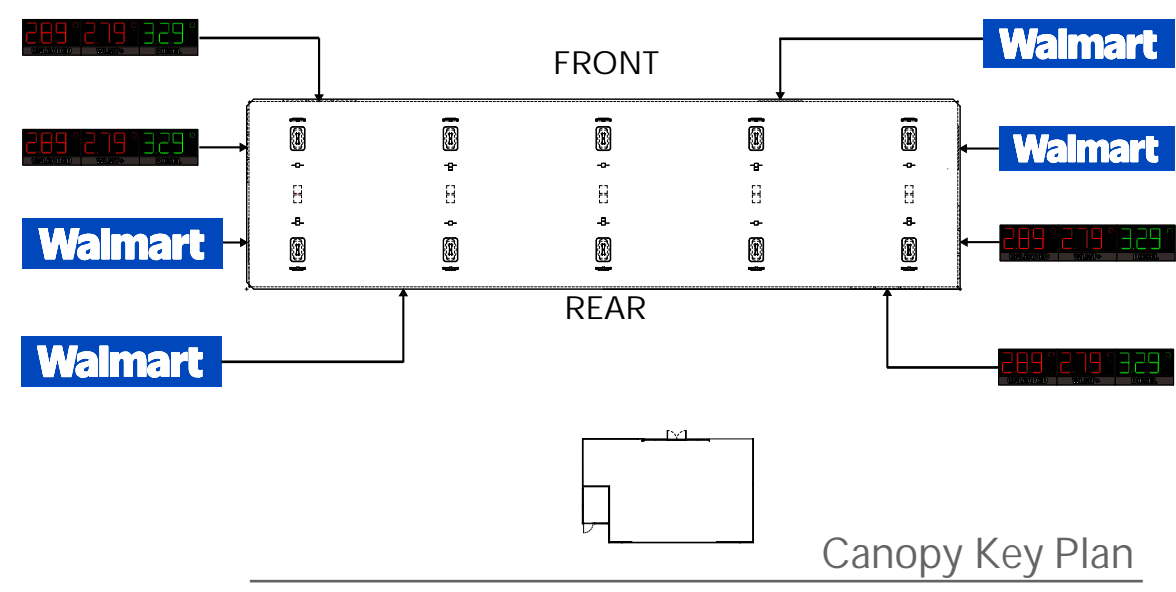
Rear Elevation



Side Elevation

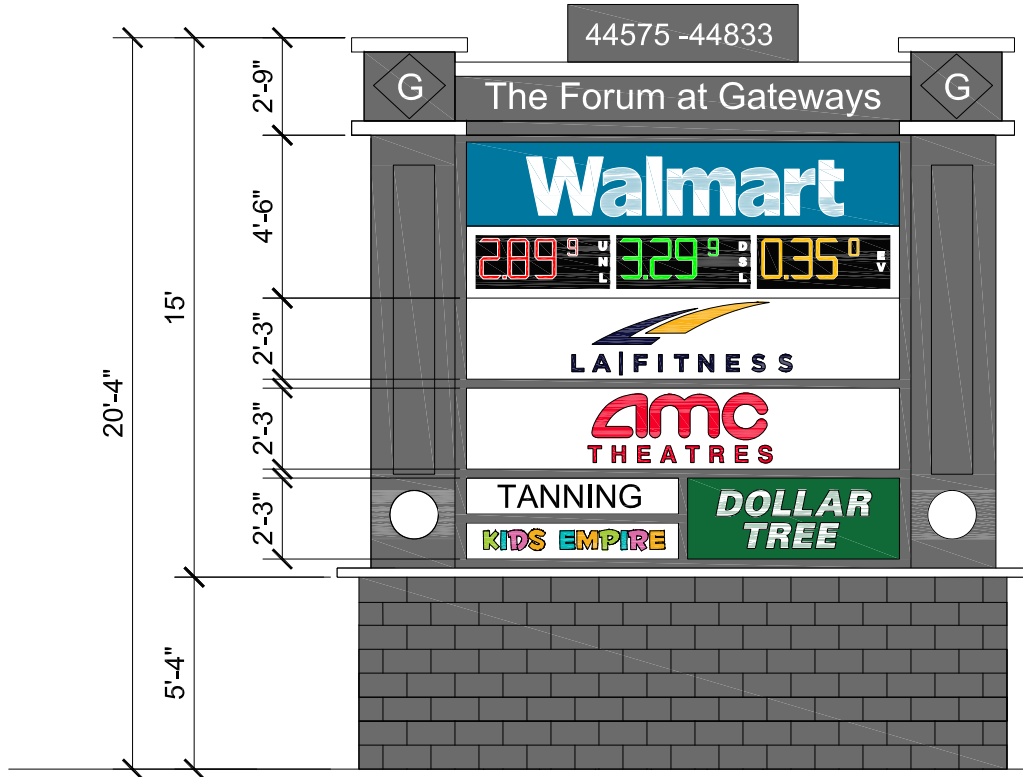


Side Elevation

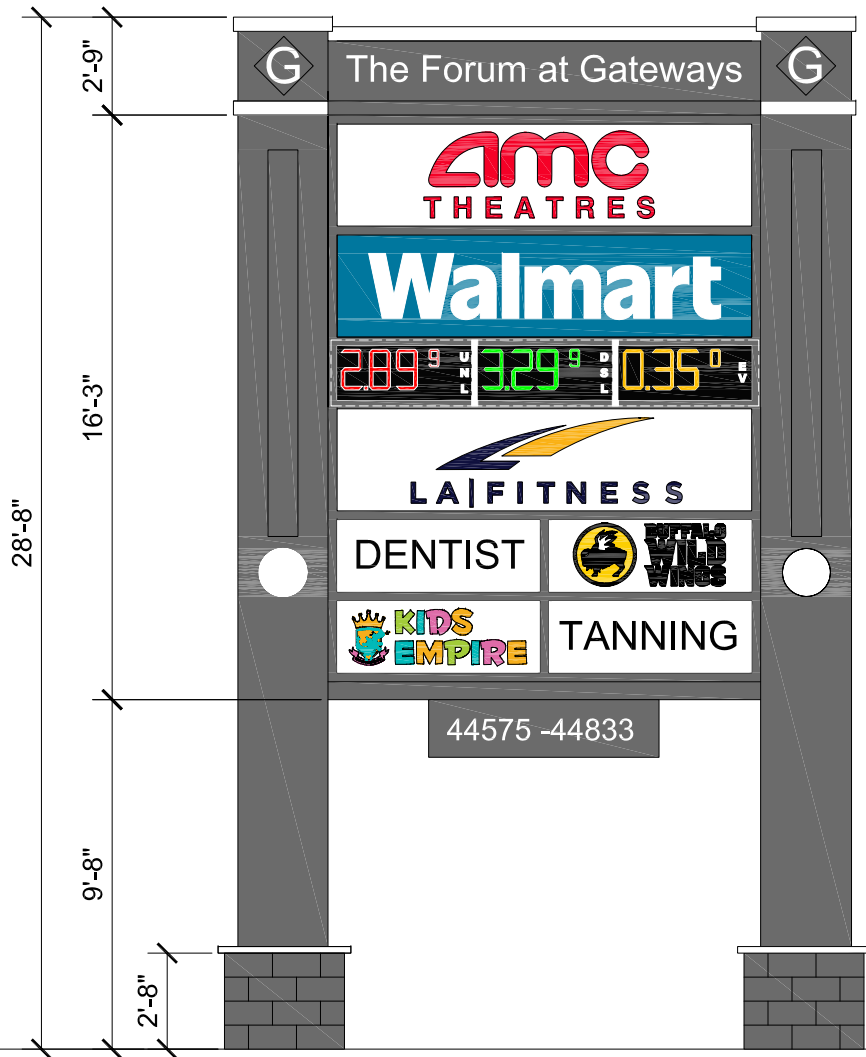


Canopy Key Plan

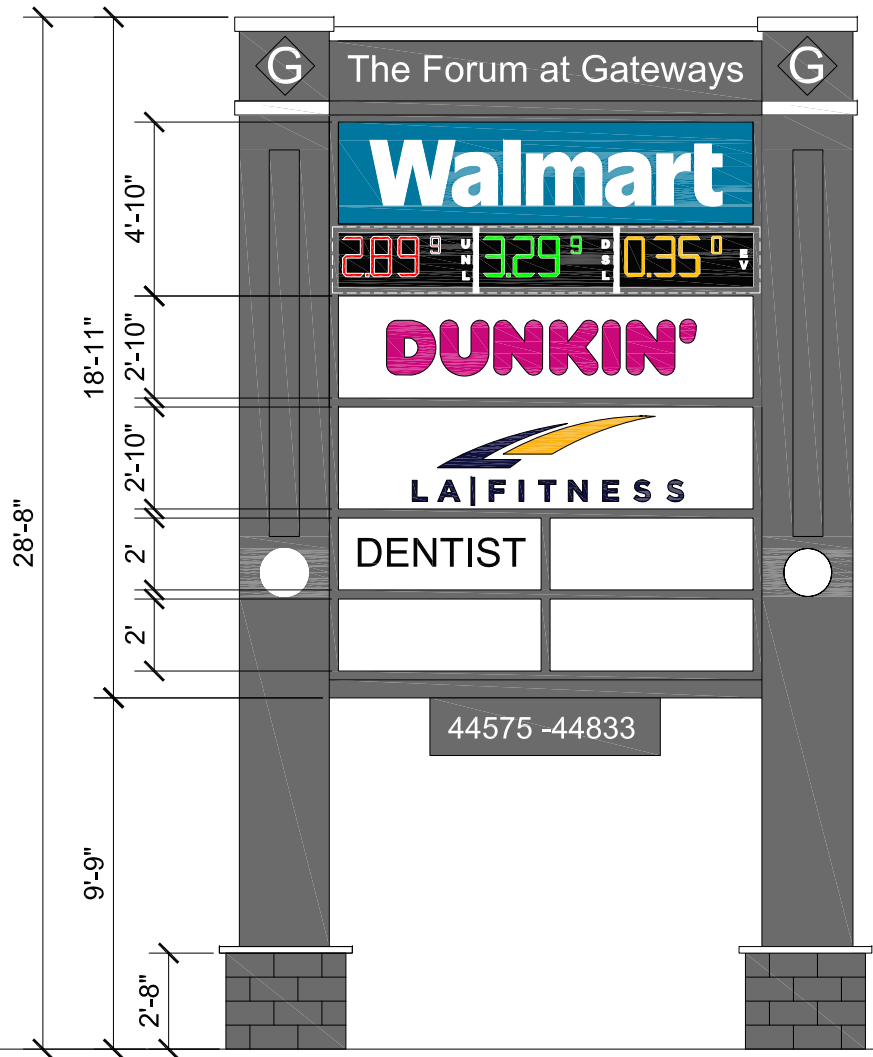




Demolition of Existing Monument Sign.  
Proposed New Monument Sign W/ Proposed  
Fuel Readers & New Finishes



Existing Multi-Tenant Sign W/ Proposed  
Fuel Readers & New Finishes



New Proposed Multi-Tenant  
Sign W/Proposed Fuel Readers

Agenda Item	Case	Address
5.D.	PSP25-00129 – Sterling Bistro – Nuisance Mitigation	42092 Van Dyke Avenue

#### Requested Action:

This is a request for approval of a nuisance mitigation plan for an outdoor patio space in an existing plaza located in the North Van Dyke Avenue Corridor District (North Van Dyke Avenue Industrial subdistrict).

#### Proposal:

The applicant, Francesko Kalaj, is requesting approval to operate an outdoor patio space (OPS) approximately 215 square feet in size that can accommodate 2 tables for the seating of 8 patrons at the Sterling Bistro Sports Bar and Grill located at 42092 Van Dyke Avenue in Section 10 of the city.

#### Executive Summary:

The applicant's plan calls for using the existing 215+/- square foot outdoor patio that appears to have been utilized, since 2012. The patio is designed to accommodate 2 tables that can seat 8 patrons. The space is enclosed with a three-foot-tall decorative fence along the north, south, east, and west (part) sides, as well as the building along the west side. Patron access is provided by way of a door from the building to the outdoor patio space, while an exterior gate along the southeast side is provided for emergency ingress/egress. This request is being brought before the Planning Commission for consideration to bring the business into compliance with the City's ordinance. The outdoor patio space appears to have been used since 2012 without any complaints from neighboring residents or businesses. The applicant does not propose any changes to the outdoor patio space. The Office of Planning believes that the applicant's OPS meets all applicable requirements and should be approved.



Aerial View of the Site



View of Sterling Bistro looking east from the front parking lot

## EXISTING CONDITIONS

The restaurant is located at 42092 Van Dyke Avenue, which is a unit within the Palm's Square Retail Plaza situated on a parcel that is approximately 1.35-acres in size. The site generally located on the east side of Van Dyke Avenue just north of 18-1/2 Mile Road and zoned North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict.

The zoning classification and uses adjacent to the subject site are as follows:

Direction	Zoning District Classifications	Uses
North	North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict	Parkside Professional Center
South	North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict	Nottingham Retail Plaza
West (across Van Dyke Ave.)	North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict	E.R. Graphics
East	RM-2 Multiple Family Low Rise District	Parkside East Apartments

The Office of Planning notes that the business is required to submit a nuisance mitigation plan because of its location within the North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict, which permits residential uses and due to the parcel's proximity, which is adjacent to property zoned for residential use.



Aerial View of the Site



## PROPOSAL

The applicant, Francesco Kalaj, the owner of Sterling Bistro Sports Bar and Grill, is requesting approval to operate a 215+/- square foot outdoor patio space with 2 tables located along the east side of the building that can accommodate 8 patrons. The space is enclosed by a three-foot-tall decorative fence along the north, south, east, and west (part) sides, as well as the building along the west sides. The plans do not include any outdoor lighting for the outdoor patio spaces. Patron access is provided by way of a door from the building to the outdoor patio space while an exterior gate along the southern portion of the east side is provided for emergency ingress/egress. Additional amenities within the outdoor patio space such as speaker system to provide music for the patrons are not proposed.

This request is being brought before the Planning Commission for consideration to bring the business into compliance with the City's ordinance. It appears the restaurant has used the outdoor patio space since 2012 without any complaints from neighboring residents or businesses. The applicant does not propose any changes to the outdoor patio space. The Office of Planning believes that the applicant's OPS meets all applicable requirements and should be approved.



Aerial view of the site

The outdoor patio space is located behind the building and set back approximately 109 feet from the rear property line, while the distance between the outdoor patio space and the nearest apartment building is approximately 170 feet. The site features between the outdoor patio space and rear property line, that is shared with the Parkside East Apartments, includes a 24 foot wide drive aisle, a row of 18 foot deep parking spaces, and a 67 foot wide greenbelt of which the Volkes Drain runs through. The greenbelt does not appear to include any formal landscape planting, other than a few natural trees and scrub and no wall or fence was built along the property line separating the commercial use from the residential use.



View of the 67 foot wide greenbelt looking east from the rear parking lot





View of the outdoor patio space looking west from the rear parking lot



View of the outdoor patio space looking northeast from the parking lot drive aisle

## REVIEW OF THE NUISANCE MITIGATION PLAN

Below is the proposed nuisance mitigation plan for the outdoor patio space based on the information provided by the applicant and a site visit by the Office of Planning staff. It should be noted that the applicant has not provided a formal nuisance mitigation plan, and certain information may be missing or require clarification:

1. The outdoor patio space is adequately screened on three sides with a privacy fence and the fourth side the building and a portion of the fence.
2. The current hours of operation of the outdoor patio will be from 7:00 a.m. to 2:00 a.m. Sunday through Saturday, from March 1<sup>st</sup> through November 30<sup>th</sup>. The Planning Commission should confirm the hours and months of operations.
3. The applicant is not proposing any outdoor speakers or live music in the outdoor patio space nor is the applicant proposing any outdoor lighting for the outdoor patio space.
4. The applicant should confirm that customers will be asked to leave the patio if they create any excessive noise or create a nuisance.

If approved, the applicant has already applied for the required Outdoor Patio Service (OPS) License to the City Clerk's Office pursuant to the Code of Ordinances because the proposed fence and landscaping restricts ingress and egress from the OPS and that OPS is larger than 100 square feet.

## RECOMMENDED ACTION

In the case number PSP25-00129, Sterling Bistro located at 42092 Van Dyke Avenue, motion to **APPROVE** the proposed nuisance mitigation plan for the outdoor patio space, with the following modifications and conditions:

1. The development and operation of the outdoor patio space shall remain consistent with the scale and nature of the use as described in the application, at the Public Hearing, and reflected on the plans provided.
2. The applicant shall maintain and operate the outdoor patio space in compliance with all pertinent codes, ordinances, regulations, and standards of the City of Sterling Heights, County of Macomb, and the State of Michigan.
3. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission, this includes the type of restaurant described by the applicant.
4. Signage shall be placed at the entrance to the outdoor patio space indicating those entering should be quiet and respect the neighboring properties.
5. The applicant shall comply with the Outdoor Patio Licensing ordinance and obtain the necessary license from the City Clerk's office.
6. That applicant may operate the outdoor patio space during current business hours from 7:00 a.m. to 2:00 a.m. Sunday through Saturday, during the months of March through November.
7. The following additional conditions shall be required:
  - a. Patrons in the outdoor patio space who are causing noise beyond reasonable conversation levels shall be advised by the applicant's staff to refrain from causing such noise and shall thereafter be removed from the outdoor patio space if the patron fails to comply.
  - b. The applicant shall promptly implement appropriate remedial measures to proactively address any nuisance complaints it receives regarding the OPS operation to avoid the Planning Commission having to take further corrective action pertaining to the nuisance mitigation plan or the OPS license.
  - c. The outdoor patio shall be closed and vacated by 2:00 a.m. Sunday through Saturday, except for cleanup activities by staff.
  - d. There shall be no live music or music played through speakers played in the outdoor patio space.
  - e. Light trespass for lighting for the outdoor patio space shall not exceed what is permitted under Section 24.06 of the Zoning Ordinance.



The action is based on the following findings:

1. The operation of the outdoor patio space as part of the principal use of the premises is of a size, scale, and nature that appears to require additional conditions in terms of operation using a nuisance mitigation plan as outlined in the City's Outdoor Patio Space Ordinance.
2. The existing residential uses to the east is located a significant distance away from the outdoor patio and any future residential uses will likely be located a significant distance away from the outdoor patio space.
3. The nature of the outdoor patio space would have a minimal impact due to its location and reasonable hours of operation.
4. The outdoor patio space has existed for approximately 13 years, and the City has received no complaints.
5. The application complies with the requirements as set forth in Article 28.19 Outdoor Patio Space of Ordinance #278 of the City Code.

#### ALTERNATE ACTION

In the case number PSP25-00129, Sterling Bistro located at 42092 Van Dyke Avenue, motion to **DENY** the proposed nuisance mitigation plan for the outdoor patio space, for the following reasons:

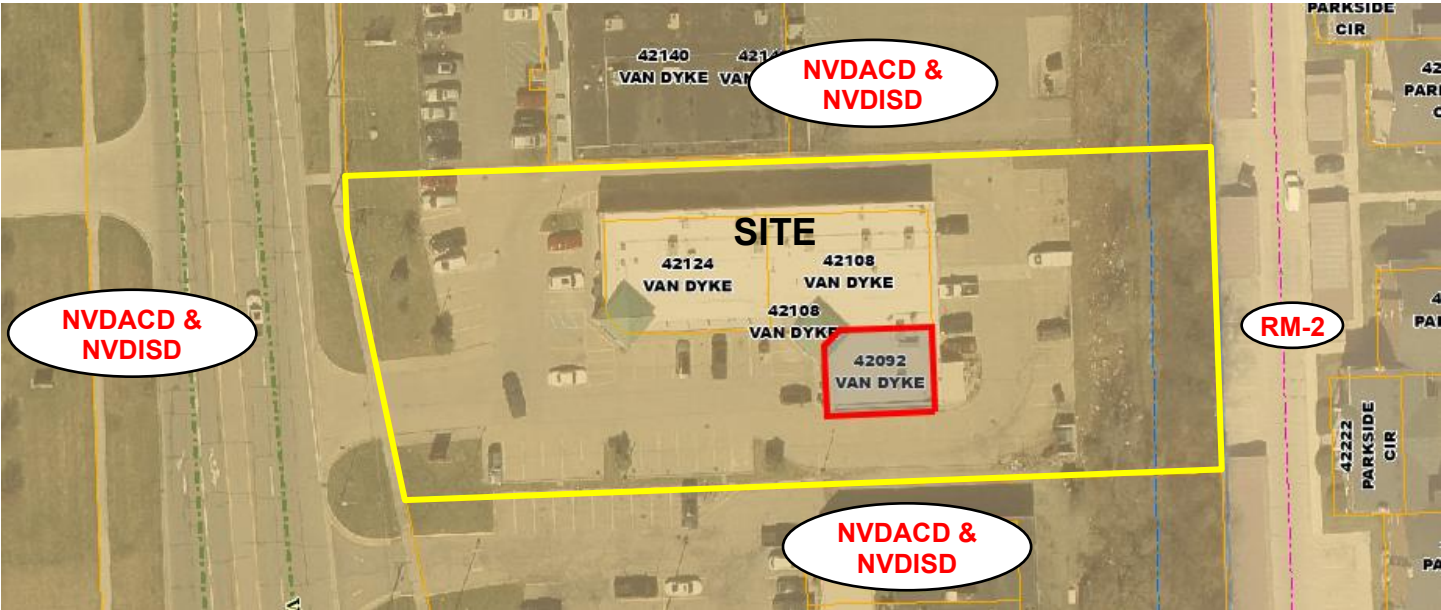
1. \_\_\_\_\_
2. \_\_\_\_\_

#### ALTERNATE ACTION

In case number PSP25-00129, **Sterling Bistro** located at 42092 Van Dyke Avenue, motion to **POSTPONE** the proposed nuisance mitigation plan for the outdoor patio space to the \_\_\_\_\_, 2026, meeting of the Planning Commission, so the applicant can provide additional information to the Planning Commission.



Zoning Map  
42092 Van Dyke Avenue

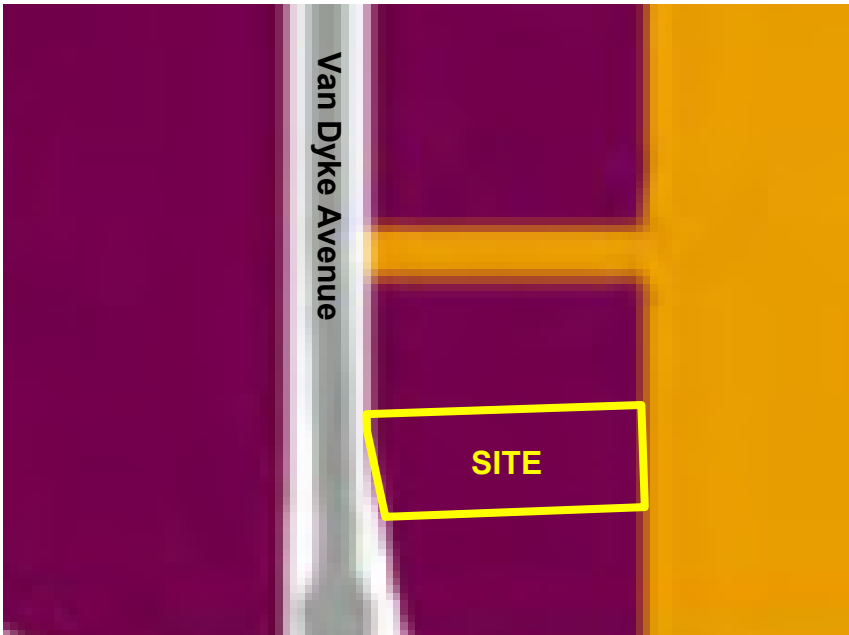


Subject Parcel’s Zoning District Designation: North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict

Direction	Zoning District Classifications	Uses
North	North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict	Parkside Professional Center
South	North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict	Nottingham Retail Plaza
West (across Van Dyke Ave.)	North Van Dyke Avenue Corridor District and North Van Dyke Industrial subdistrict	E.R. Graphics
East	RM-2 Multiple Family Low Rise District	Parkside East Apartments



Master Land Use Plan – Land Use Map  
42092 Van Dyke Avenue



Subject Parcel’s Land Use Classification: North Van Dyke Node

Future Land Use Classifications

Large Lot Residential	Multi-Household Residential	Local Commercial
Suburban Residential	Planned Residential	Regional Commercial
Compact Residential	Manufactured Home Residential	Lakeside Village
Office	North Van Dyke Node	Innovation Support
Neighborhood Node	Van Dyke Mixed-Use	Civic Center
District Node	Industrial	Parks/Open Space





# OUTDOOR PATIO SPACE LICENSE APPLICATION

BSA #

License #

DATE 10/10/25

☐ NEW – \$530.00

☐ RENEWAL with MODIFICATIONS – \$530.00

☒ RENEWAL without MODIFICATIONS – \$265.00

SUBMIT TO: CITY CLERK  
CITY OF STERLING HEIGHTS  
40555 UTICA ROAD  
P.O. BOX 8009  
STERLING HEIGHTS, MI 48311-8009

STERLING HEIGHTS CLERK  
RCVD OCT 10 2025

The undersigned hereby applies to the City of Sterling Heights for a license to utilize an outdoor patio space. In support of this application, the following representations are made:

1. Name of Applicant: Francesco Kalaj  
*Provide full name*  
  
☐ Corporation      ☐ Partnership      ☐ Proprietorship      ☒ Limited Liability Co.
2. Name of Business: Sterling Bistro, LLC  
*Must provide a copy of current business registration.*
3. Business Address: [REDACTED]  
Phone Number: [REDACTED]  
Website: \_\_\_\_\_
4. Property Owner: Noor Van Dyke, LLC  
*If not owned by business owner – must supply evidence of the signed lease for the business premises and written consent of the owner to utilize an outdoor patio space on the premises.*
5. Attach a copy of a **detailed layout plan**, including:
  - ☐ Overall design and placement on a scaled site plan;
  - ☐ Location of all seats, tables, serving areas, exits, trash receptacles, and any other temporary fixtures;
  - ☐ Lighting (other than decorative lighting);
  - ☐ Speakers, amplifiers, televisions, display screens, stages or performance areas, and similar installations designed to facilitate entertainment;
  - ☐ Design of any walls, railings, planters, and other screening and boundary elements; and
  - ☐ If outdoor heating elements are proposed (permanent or temporary), the location and design of such elements, which shall be required to meet all applicable codes prior to installation.
6. If this is a RENEWAL, are there any proposed changes/modifications?    YES    (NO)    N/A  
If YES, explain the proposed changes/modifications: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. List of all managers and those principally in charge of business operations:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

*Attach additional pages as necessary. Must be updated immediately if this information changes.*

8. Detailed summary of the nature and type of service to be offered/permitted in the outdoor patio space:

☐ Food Allowed ☒ Beverages Allowed ☐ Music/Amplified Sound ☐ Waitstaff Service ☒ Tables/Seating

Other Activities/Operations: \_\_\_\_\_

9. Days and hours of operation of the outdoor patio space:

Days: 7 days

Hours: 7am - 2am

10. I hereby release and authorize the City, through its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth on this application and the qualification of the applicant for an outdoor patio space license: \_\_\_\_\_ initials

11. List all business establishments with an outdoor patio space that have been owned and/or operated by the applicant, in whole or in part, within the last ten (10) years (use additional pages if necessary):

\_\_\_\_\_  
\_\_\_\_\_

12. Additional documents to submit with this application:

☒ **A fully executed maintenance agreement** acceptable to the City Attorney, assuring the upkeep and maintenance of, and the prevention of nuisances created by operation of, the outdoor patio space. The agreement shall remain in effect for as long as the outdoor patio space is operated and properly licensed, and shall include the applicant's agreement to cease operating the outdoor patio space until the operation is in full compliance with the requirements of the maintenance agreement. Any modifications to the outdoor patio space may require an amended maintenance agreement.

☐ **A public liability and property damage insurance policy** insuring the establishment and its personnel against any liability arising out of its utilization of an outdoor patio space on the premises. The City, including its employees, agents, officials, officers, and volunteers, shall be named as an additional insured. No person or entity shall maintain, utilize, or allow to be utilized any outdoor patio space unless the insurance required by this section is in force at the time of such operation.

☒ **A fully executed indemnity agreement**, approved by the City Attorney, whereby the applicant and property owner agree to indemnify and hold harmless the City and its officers, agents, and employees from any claim arising or resulting in any manner from the operation of the outdoor patio space.

**NOTICE – The City reserves the right to request additional information as deemed necessary.**

**CERTIFICATION**

I hereby declare and certify, under oath or affirmation and under penalty of perjury, that the foregoing APPLICATION is true and correct to the best of my knowledge and belief.

I understand that inaccuracies may result in denial of the application.

I UNDERSTAND THAT OMISSIONS WILL BE CONSTRUED AS AN INTENTIONAL FAILURE TO DISCLOSE A MATERIAL FACT AND WILL BE SUFFICIENT GROUNDS FOR DENIAL.

I understand that a renewal application must be submitted prior to January 31 every year in order to operate the outdoor patio space after January 31.

I have reviewed the City's Code of Ordinances and I understand all of the obligations and responsibilities that apply to the operation of an outdoor patio space in the City of Sterling Heights.

By: Francesko Kalaj owner  
Signature Title  
FRANCESCO KALAJ  
Type or Print Name

STATE OF MICHIGAN

COUNTY OF Oakland SS

On this 10th day of October, 2025, before me, a Notary Public in and for the County of Oakland, personally appeared Francesko Ndok Kalaj known to me to be the said person named in and who executed the foregoing application and made oath that the statements and representations set forth herein are true to the best of his/her knowledge and belief.

Notary Public Signature Jessica S. Apress  
Notary Printed Name Jessica S. Apress  
Acting in Oakland County  
My Commission Expires 9/30/2031





## Checklist for Outdoor Patio Space License

Business Name Sterling Bistro

Address 42092 Van Dyke Sterling Heights

LICENSE FEE:

Paid Date: 10/10/25

New \$530 \_\_\_\_\_ Renewal w/modifications \$530 \_\_\_\_\_ Renewal w/o modifications \$265 X

### (CITY CLERK'S OFFICE USE ONLY)

Copies to the following departments for review, investigation, and recommendation:

Police Department      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Fire Department      ~~Approved~~ \_\_\_\_\_      ~~Denied~~ \_\_\_\_\_

Building/Code Enforcement      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Planning/Zoning      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Site plan # \_\_\_\_\_ ~~Date approved~~ \_\_\_\_\_

City Development      Approved \_\_\_\_\_      Denied \_\_\_\_\_

Copy to City Manager for review

Upon receipt of favorable recommendation from each of the investigation officials listed:

Outdoor Patio Space License Number \_\_\_\_\_ Date \_\_\_\_\_

LICENSE EXPIRES ANNUALLY ON JANUARY 31

Approved by: \_\_\_\_\_  
City Clerk

Forward a copy of issued license to the following:

- ☐ Chief of Police
- ☐ ~~Building Official~~
- ☐ Fire Marshal
- ☐ City Planner
- ☐ City Development Director
- ☐ ~~City Manager~~

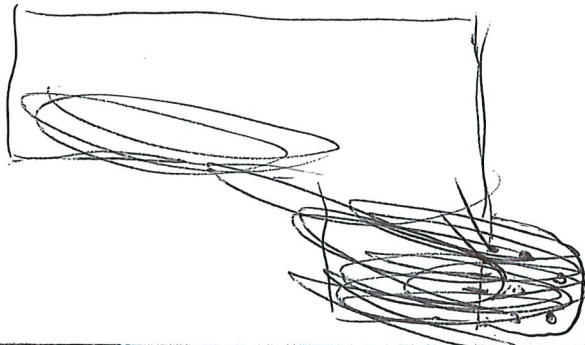


ONE LIGHT

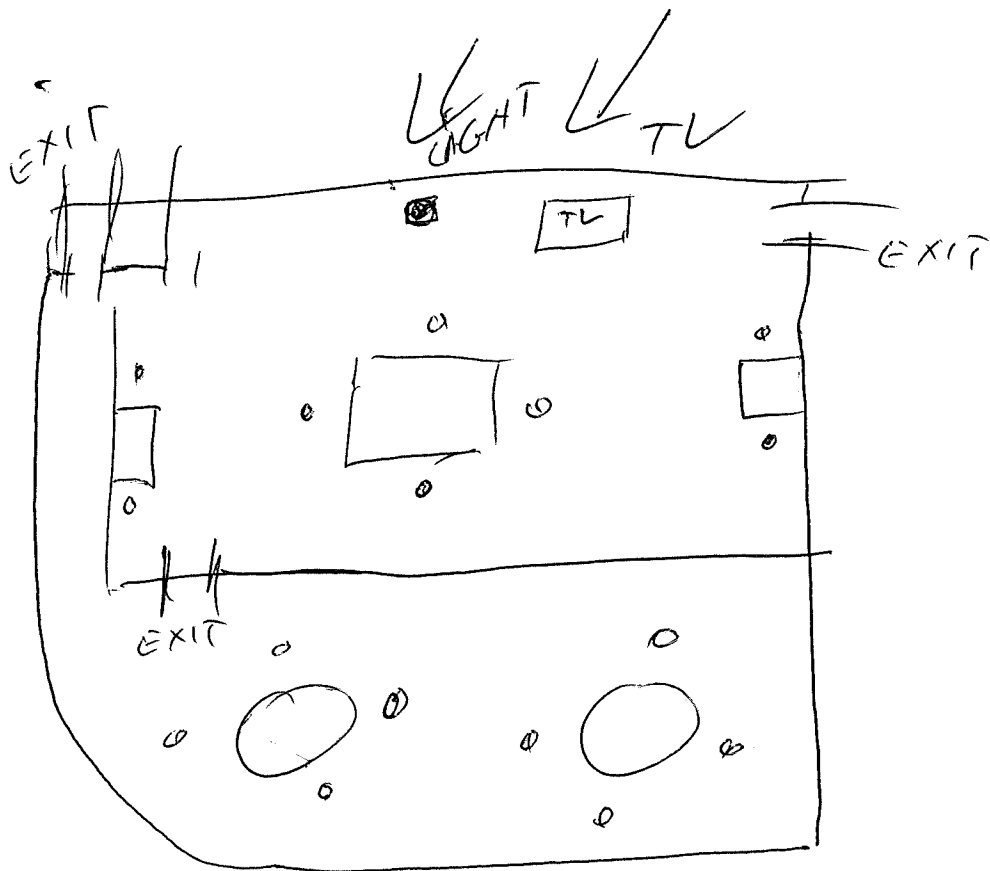
ONE TV

5 TABLE  
TOTAL









## OUTDOOR PATIO SPACE LICENSE

### PATIO MAINTENANCE AGREEMENT

Business Legal Name: Sterling Bistro, LLC

Business Assumed Name / DBA: Sterling Bistro

Address of the Outdoor Patio Space: 42892 Van Dyke Sterling Heights

In consideration of being licensed to operate an outdoor patio space, the Business agrees that it shall be responsible for safe and proper maintenance of the licensed patio space in accordance with all federal, state, and local laws, ordinances, codes, and regulations, and in accordance with the layout and design plans submitted to the City with the license application.

The Business shall further be responsible for preventing any and all nuisances across any property line, including but not limited to any nuisance to neighboring properties, residents, businesses, motorists, pedestrians, and visitors.

In the event that the Business shall at any time fail to maintain the licensed patio space as required, and in addition to any citations or court actions that may be issued or initiated, the City of Sterling Heights ("City") may serve written notice upon the Business setting forth the manner in which the Business has failed to maintain the licensed patio space as required by this Agreement. Unless an applicable City ordinance provides differently, the Business hereby agrees to cease operating its licensed patio space until it remedies the maintenance failure and the City confirms in writing that the Business is in full compliance with its maintenance obligations under this Agreement.

If the Business disagrees with the City's determination that this Agreement has been violated, the Business may pursue the appellate remedies set forth in the City's ordinance for appealing an outdoor patio license suspension.

Should any deficiencies in the maintenance and/or operation of the licensed patio space be determined by the City to constitute an impending danger to the health, safety, or welfare of the public, or to be a public or private nuisance, the City shall have the right to take immediate corrective action and summarily abate such danger or nuisance. In such event, the Business agrees that it shall be responsible for the City's actual abatement costs, including administrative expenses and attorney fees incurred by the City, which shall be paid prior to utilizing the licensed patio space after the abatement.

The Business shall hold harmless, defend, and indemnify the City from any and all claims, demands, costs, expenses, attorney fees, and judgments of any nature that may arise from or relate to the City's abatement of an impending danger, public nuisance, or private nuisance.

Authorized Signat

Print Name and Ti

Business Address:

Contact Phone:

Contact Email:

Date: 10/10/25

## OUTDOOR PATIO SPACE LICENSE

### INDEMNITY/HOLD HARMLESS AGREEMENT

Business Legal Name: Sterling Bistros, LLC

Business Assumed Name / DBA: Sterling Bistro

In consideration of the licensing of the Business' outdoor patio space, the Business agrees to indemnify and hold the City of Sterling Heights (City), as well as its elected and appointed officials, employees, volunteers, and agents, harmless from and against all loss, cost, expense, damage, liability, or claims, whether groundless or not, in any way related to or arising out of the operation or existence of the Business' outdoor patio space, including but not limited to any claims relating to nuisance, trespass, and property damage.

The Outdoor Patio Space is located at the following address:

42092 Van Dyke Sterling Heights

The Business shall, at its own cost and expense, defend any such claim and any suit, action, or proceeding which may be commenced thereunder, and the Business shall pay any and all judgments which may be recovered in any suit, action, or proceeding, and any and all expense, including but not limited to costs, attorney fees, and settlement expenses which may be incurred therein.

Authorized Signature: Francisco Kalaj

Print Name and Title

Business Address

Contact Phone:

Contact Email:

Date: 10/10/25



STERLING HEIGHTS PLANNING COMMISSION  
REGULAR MEETING MINUTES  
CITY HALL  
December 10, 2025

LOCATION: City Council Chambers, 40555 Utica Road, Sterling Heights, Michigan

SUBJECT: Minutes of the Regular Meeting of the Planning Commission held December 10, 2025.

Members present at roll call: Geoff Gariepy, Nathan Inks, Edward Kopp, Nicole McGill,  
Gerald Rowe, Pashko Ujkic, and Brandy Wright

Members absent at roll call: Fiorela Lesaj and Parmpreet Sarau – Excused

Also in attendance: Jake Parcell, City Planner  
Shawn Keenan, Assistant City Planner  
Ryan Fox, City Planner II  
Alexis Weinberg, Sustainability Planner  
Nate Petrusak, Assistant City Attorney

APPROVAL OF AGENDA

Motion by Mr. Ujkic, supported by Ms. Wright, to **APPROVE** the agenda as presented.

Ayes: Ujkic, Wright, Gariepy, Inks, Kopp, McGill, Rowe

Nays: None

Absent: Lesaj and Sarau

Motion carried.

CONSIDERATIONS

**PSP25-0029 – Sterling Bistro – Nuisance Mitigation**

Request for a nuisance mitigation plan for an outdoor patio space in an existing plaza located in the North Van Dyke Avenue Corridor District (North Van Dyke Avenue Industrial subdistrict).

Property Address: 42092 Van Dyke Avenue

Location: East side of Van Dyke Avenue, north of 18 ½ Mile Road

Current Zoning: North Van Dyke Avenue Corridor District (North Van Dyke Avenue Industrial subdistrict)

Mr. Gariepy asked for an overview.

Mr. Fox indicated the applicant has requested to postpone to the January meeting.

Mr. Gariepy asked the Board for a motion.

Motion by Ms. Wright, supported by Mr. Gariepy, in case number PSP25-00129, **Sterling Bistro** located at 42092 Van Dyke Avenue, motion to **POSTPONE** the proposed nuisance mitigation plan for the outdoor patio space to the January 14, 2026, meeting of the Planning Commission, so the applicant can provide additional information to the Planning Commission.

Mr. Gariepy asked for a vote.

Ayes: Wright, Gariepy, Inks, Kopp, McGill, Rowe, Ujkic

Nays: None

Absent: Lesaj and Sarau

Motion carried.

**PPCM-1362 – Collision King**

Request for special approval land use which if granted would allow for an automobile repair garage and auto service center/reconditioning establishment in an M-1 Light Industrial District.

Property Address: 40485 Mound Road

Location: West side of Mound Road, south of Eighteen Mile Road  
Current Zoning: M-1 Light Industrial District

Mr. Gariepy asked for an overview.

Mr. Fox gave an overview stating the applicant is proposing to open a 10,800 sq. foot auto repair garage and auto service center in an existing vacant industrial plaza.

Mr. Gariepy asked for questions from the Board. Being none, he asked the applicant to come forward.

Landy Alton and Dr. Rami Essak addressed the Board. Mr. Alton indicated they are a family-owned business and opened the Eastpointe location when he was 20 years old, in about 2010. They have amazing turnaround times and use top of the line equipment. They opened up their own calibration company and perform the eight safety procedures. They program all the abs modules and safety operations for vehicles which a lot of shops do not do. Dr. Essak indicated they did this as a test run in Eastpointe and have done very well. An opportunity came up to move closer to home to provide a need and a service they could give. He explained how they run their business as high-end and give the best service they can. He is a dentist and owns other businesses and they run them all above board. He indicated there would be no problems with noise or unaesthetically pleasing sights. Mr. Alton indicated the waste would go into separate containers and companies will come and remove it. He also indicated that the scrape is kept in the building and is picked up once a week. He stated they fix high-end cars and there isn't a facility here which does that. They have certified technicians who perform the repairs.

Mr. Gariepy asked for questions from the Board.

Mr. Inks asked if the bay doors will be closed other than when they bring vehicles in and out. Mr. Alton indicated bay doors are always closed for safety purposes. They do not want customers, insurance people, or others to enter their facility through the bay doors so they are always closed.

Mr. Gariepy asked about the paint booth and how they deal with the VOCs which come off the modern paints. Mr. Alton indicated the paint booth they are getting is a brand new down draft booth.

Mr. Gariepy asked about the paint pit on the drawing. Mr. Alton explained that is the basement for the booth and it sucks the fumes down through the filters instead of releasing into the air outside. Dr. Essak explained that the company they work with is always amendable to work with them to meet the city codes.

Mr. Gariepy indicated they get a certain number of vehicles which require extensive work to repair. He asked if those vehicles would remain inside the building while they are working on them overnight and whatnot. Mr. Alton indicated their rule is to never have any vehicles outside the shop. It is a liability as it is not a fenced in lot. They have an offsite lot which holds 60 to 70 cars. If they get cars at the end of the day, they can keep about 15 cars inside the facility. Dr. Essak indicated they will be inside until the repairs are done then they will facilitate to their Madison Heights parking location until the customer is ready to come pick up the car.

Mr. Gariepy asked for any further questions. Being none, he asked for public participation. Also being none, he asked for the Board for a motion.

Motion by Mr. Ujkic, supported by Ms. Wright, the Planning Commission **APPROVE** case number PPCM-1362, Collision King, 40485 Mound Road, to grant Special Approval Land Use for an Automotive Repair Garage and Auto Service Center, as described in the application and shown on the proposed plans subject to the following conditions:

1. That the development and operation of the facility shall be operated as an automotive service center and repair garage with three (3) service bays, consistent with the scale and nature of the use as described in the proposal, at the Public Hearing, and on the site and floor plan provided.
2. That the applicant shall develop, maintain, and operate the facility in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb, and the State of Michigan.
3. That the occupancy of the building shall be consistent with that described in the application.
4. That the applicant operate during the hours they see fit for their business.
5. That the use shall not in any way create any nuisance conditions to neighboring properties, including, but not limited to, outside storage, parking, noise, disposal of discarded items, odors, fumes, gas, etc.
6. That a dumpster enclosure be provided at the rear of the building in a location and manner that does not create a nuisance condition for the adjacent properties and maintains appropriate maneuvering. Trash pickup shall abide by the days/hours permissible by City requirements.
7. That devices and controls meeting the standards in Section 19.06 relative to sound, vibration, smoke, odor, or gases shall be installed. That all repair operations must be conducted within an enclosed building.
8. That service bay door(s) must be closed during hours of operation and service, except for bringing vehicles into or removing them from the building, and for delivery of inventory or removal of discarded items from the building.
9. That, except for vehicles, no outdoor storage shall be permitted, including, but not limited to used tires, auto parts, packaging, crates, etc.
10. That no other debris or trash be located outside of the site, beyond storage within the site itself, or within the designated trash enclosure located on the subject property.
11. That all vehicles awaiting repair must be located behind the building, or off site.
12. That all vehicles stored outside must be parked in parking spaces reflected on an approved site plan and shall not be stored for any period in excess of 15 days.
13. That sign reviews are a separate review process, and all signage shall meet the requirements of the City of Sterling Heights.
14. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.
15. That if there are any substantiated violations of these conditions of approval or of the City Code or other applicable laws, the Special Approval Land Use shall be brought back before the Planning Commission to determine whether the Special Approval Land Use should be revoked as authorized by the Zoning Ordinance.

This action is based on the following findings:

1. That the special approval land use has been found to comply with the specific planning standards of Sections 19.02 (D) and 19.02 (E).
2. That the special approval land use has been found to comply with the general discretionary standards of Section 25.02.

Mr. Gariepy asked for any discussion on the motion.

Ms. Wright asked about the days the employees have to go in early and in the motion it was stated as 9 a.m. Mr. Fox indicated his understanding of the inclusion of "reasonable time before and after" could include emergency situations. He referred to Mr. Petrusak for his comments.

Mr. Petrusak indicated emergency situations are one thing. He thought the applicant should be asked if they require, more consistently, additional time prior to 9 a.m. for the work they are performing on site with their employees on site.



Mr. Alton explained on days like today it was a 3 – 4 a.m. thing because of the snow. No employees come in before 9 a.m. to work in the back. He indicated if he goes into the office at 6 a.m., it is to prepare things for the employees coming in at 9 a.m. If there is a snow storm or flood, he would be at the office to handle things like maybe tow trucks dropping off cars but there are no employees working in the back.

Mr. Gariepy asked Mr. Fox that this being in an industrial part of the City and there are factories near which operate 24/7, does there really need to be an hour's restriction like this is a convenience store near a residential neighborhood. Mr. Fox indicated it is typical to restrict the hours of operation. If the Board deems it fit to not restrict those hours, it is within the Board's right to do that. Mr. Gariepy suggested the Board do that.

Ms. Wright didn't have a problem with it, she wants the applicant to be covered so they can work when they need to work.

Mr. Gariepy suggested an amendment to remove the hours of operation all together.

Mr. Inks indicated he believed the SALU required to state hours. Mr. Petrusak was unsure and indicated he would look it up. Mr. Inks indicated instead of deleting it they could state they could operate 24 hours a day.

Mr. Ujkic indicated he was comfortable leaving the motion as is. If they wanted to add a stipulation for in cases of emergency they could operate as they see fit.

Mr. Gariepy asked to give the attorneys a minute to look some things up. He asked about condition 11 and indicated if he understood the aerial of the site, there is no room to store vehicles behind the building awaiting repair. Mr. Alton indicated there are 10 spaces in the back. Mr. Fox displayed the aerial image and pointed out where the parking spots were. Mr. Gariepy acknowledged and indicated to leave motion as is.

Dr. Parcell indicated nothing came up in regard to hours of operation. He thought just saying they shall operate 24/7 or as they see fit would work and cover them in case of emergencies weather or otherwise.

Motion by Mr. Ujkic, supported by Ms. Wright, to **AMEND** condition 4 to operate during the hours they see fit for their business.

Mr. Gariepy asked for any other discussion on the motion. Being none, he asked for a roll call vote.

Ayes: Ujkic, Wright, Gariepy, Inks, Kopp, McGill, Rowe

Nays: None

Absent: Lesaj and Sarau

Motion carried.

#### **PSP25-0032 - JM Development**

Request for preliminary site plan approval for a mixed-use development containing residential dwelling units located above first floor commercial units in an R-60 One Family Residential District and Neighborhood and District Node Overlay District.

Property Addresses: 39150 Ryan Road and 39272 Ryan Road

Location: East side of Ryan Road, north of Seventeen Mile Road

Current Zoning: R-60 One Family Residential District and Neighborhood and District Node Overlay District

Mr. Gariepy asked for an overview.

Dr. Parcell gave an overview stating the applicant is proposing to construct a mixed-use development that contains 35 upper-level residential units and 24,970 square feet of ground floor retail space.

Mr. Gariepy asked for any questions from the Board.

Mr. Inks asked Dr. Parcell to explain what the scope of site plan review is so comments can be kept germane to what is actually being reviewed by the Board.

Dr. Parcell explained with this type of project, the overlay districts allow this as a permitted use by right. Since it abuts single family, the Planning Commission is required to conduct a preliminary site plan review. What the Office of Planning does after the applicant applies is ensure compliance with all existing codes and ordinances in the City. Then the PC's job is to go through Section 14B.06: Building and Site Design standards to make sure, conceptually, it is in line with what the overlay ordinance calls for and Section 26.02(B)1: Submission Requirements for site plan review. These are what is reviewed by the PC. The Office of Planning looks for compliance with existing codes, compliance with the Master Land Use Plan, and making sure everything is set. No variance is required and the plan could, theoretically, be approved as submitted.

Mr. Inks stated, in essence, they are looking at the layout of the site rather than the uses which would be on the site.

Mr. Gariepy asked for any other questions for Dr. Parcell. Being none, he asked the applicant to come forward.

John Guma addressed the Board. With him was Eric from Fenn & Associates. Eric indicated it will be going into engineering design, they have it pre-engineered. They have already spoken with the county regarding detention requirements and worked with the Planning Department as far as rain gardens and pre-treatment. He understands there are additional comments regarding the approaches, and they will be working with the engineering department to work out the issues.

Mr. Guma thanked Dr. Parcell for working closely with them to get their final design. With a lot of consideration in selection with the lighting, they chose the proper lighting to make sure it does not shine on their property or is overwhelming. The parking lot lights will be shielded downward. They will have extensive landscaping to enhance the property. They are looking forward to enhancing the area. He talked about the exterior materials being hardy and looking nice.

Mr. Gariepy asked for questions from the Board.

Mr. Inks asked if they have a proposed rendering which shows the back of the building. Dr. Parcell displayed the rendering.

Mr. Inks asked for the rationale for only going with the Juliet balcony on the front instead of a deeper balcony. Mr. Guma indicated they wanted it to be simple, small, and intimate. Sometimes bigger balcony's draw parties, grill cooking, etc.

Mr. Inks indicated they have deeper balconies to the rear. Mr. Guma indicated they wanted those away from the front. He explained you do not want to be driving down Ryan and have people hanging out on the balcony and partying or whatever. Dr. Parcell explained they were also ok with the full-size balcony not being on the front because they want to reserve the right for patio space to be used. If there are issues with sun shades, balcony overhang entrances, they wanted to avoid that.

Mr. Inks asked how deep the Juliet balcony is. Mr. Guma stated it is approximately three feet.

Mr. Gariepy asked if there is a dimensional difference in the balconies on the east elevation as opposed to the west. Mr. Guma stated the west is on Ryan Road and the east is the back of the parking lot and those are deeper at six feet. Mr. Gariepy asked if it was possible to make them all the same at three feet. Mr. Guma stated that was fine.

Mr. Gariepy asked for any further questions. Being none, he asked for public participation.

Dan Mezzapelle, 4116 Nathan West, addressed the Board. He indicated he is the house which will be right against the fence they will be putting up. He stated there are 26,300 cars on Ryan Road. The average speed is supposed to be 45 mph; it is going to be well above 50 mph. Currently, going northbound, it is about 57 mph. He talked about the increased traffic and safety in the area. He then talked about the annual costs to society and wondered if the Planning Commission is going to keep that in consideration. He commented about not specifically knowing how many commercial units there will be. He talked about the bigger balconies in the back having fire hazards and they will be facing them.

James Van Dyke, 4171 Nathan West, addressed the Board. He asked about ingress and egress to the property and if it would be from Nathan Road. Mr. Fox indicated there will be two onto Ryan and none from Nathan. Mr. Van Dyke asked what JM Development is and stated he cannot find anything on them. He is very concerned about the added traffic to Nathan Road. He asked about notices only going to people within 300 feet and indicated it should be broader. He stated none of the neighbors are in favor of this and doesn't understand why it can't be single family residences. He asked that JM Development be researched as he could not find anything on it.

Barbara Mezzapelle addressed the Board. She stated she lives on Nathan West and that whole subdivision, which connects in there, has to contend with the other subdivision across the street. She talked about sharing the same left lane to go into the two subdivisions. She stated the traffic there is horrible.

Clara Ligotti, 39161 Ryan Road, addressed the Board. She agreed with the other residents about the traffic and stated how bad the turn lane is. She is very concerned about the garbage with commercial properties. She said it is noisy and dirty. She stated snow plows have knocked down the wall into her yard. She indicated in the summer it smells all the time.

Lynn Potts, lives on Nathan West, addressed the Board. She indicated many of them have lived there for years and plan on retiring there. She opposes this and talked about not getting notified that this changed zoning. She thinks the garbage is going to be a big deal as the area is really not that big. She stated it was bought as residential and that is what they signed up to be next to. She stated it is frustrating that it will be more than one level and is very intrusive to them. She then talked about the accidents in that area.

George Nordstrom, lives on Nathan West, addressed the Board. He asked if these will be considered low-income housing.

Theresa Mezzapelle addressed the Board. She asked about the wall/fence around it and explained it would not be open, and it would feel like their house is enclosed like a prison. She explained where the weight room area is, they have a garden back there and to have garbage there will end up in their garden with smells going into the entire neighborhood. She talked about flashing lights from the other strip malls and now they will have them shining into their houses more.

Mr. Gariepy asked for any further public participation. Being none, he asked the Board for questions or a motion.

Dr. Parcell addressed the public comments and explained the commercial suites are roughed out now at 1,800 square feet at a minimum. They have the right to expand, to take up two or



three of these as one user. He indicated all commercial uses are Special Approval Land Uses so any commercial use here is subject to a public hearing, discretionary standards, and reviewed by the Planning Commission.

Regarding the balconies in the rear, he agrees they should be three feet and ban fire pits or grills in their lease if that is of concern. He indicated there would not be parties on patios, particularly if they change the size but also because they would have the police department enforce. This is not low-income housing; it is market rate apartments. It will be in the \$2,000 for a unit.

In terms of the traffic, they are working largely conceptually on Ryan Road with third party engineers, the City's Office of Engineering, and City administration to work on the traffic count. He has taken the comments down and is working with the police department to look at the issues that are already taking place. Ingress and egress into the development is rated for two-way, it is 26-foot drive isles which will be in and out traffic on the north and south.

Regarding the noticing requirements, for everything they follow the Michigan Planning and Zoning Enabling Act, which are state statutes. Everything is noticed within 300 feet. Ordinance amendments are based on the number of contiguous parcels. When the first one came in 2021, it is noticed in the paper and posted here and online. They followed the state law from before he was working for the City until now with consistent noticing on what comes forward for public hearing.

Dr. Parcell explained JM Development is the conceptual name of what the development is called on the application for their planning process; they may rename the building.

Regarding the garbage smells and trash, he had a conversation with Mr. Mezzapelle about some of the existing code conditions on site. He already sent it to the Code Enforcement Coordinator. Mr. Mezzapelle mentioned flashing lights from an existing plaza, trash which blows into his yard, and it is not supposed to be there so he will work with the Code Enforcement Coordinator and the City Development Director. He has cards to hand out so the residents can let them know for any existing code issues they have. They can get a code enforcement officer out there to enforce and bring it into compliance. A dumpster is supposed to be 40 feet away from a residential zoning district and in this instance the Planning staff recommended it be much further away because they don't want issues to perpetuate and will work with existing plazas that have pushed them closer to the residences. They do their best to mitigate nuisances.

He explained in the neighborhood and district node overlay, that was approved by Council in 2025, there is significant reduction of uses of high intensity. Things you would see using large grease traps, late hours of operation, drive through traffic, speaker boards, and things like that are not permissible here. They aim to have those removed from site so there will not be any nuisances associated with the use. For those, they will be notified of those public hearings as well.

Regarding the screening wall, they are following what the ordinance calls for major impact screening. The purpose of the fence or wall is so the headlights do not come in. They have some flexibility, but they thought the ample number of plantings there would help with the best buffer they could have.

Mr. Gariepy asked for a motion.

Motion by Mr. Inks, supported by Mr. Ujkic, that the Planning Commission **APPROVE** case number PSP25-0032, JM Development, 39150 and 39272 Ryan Road, to grant preliminary site plan approval for a mixed-use development containing residential dwelling units located above first floor commercial units, as described in the application and shown on the proposed plans subject to the following conditions:

1. The development shall remain consistent with the scale and nature of the use as described in the proposal, at the Public Hearing and reflected on the preliminary site plan.
2. The applicant shall develop the site in compliance with all pertinent codes, ordinances and standards of the City of Sterling Heights, County of Macomb, and the State of Michigan.
3. The development shall not in any way create any nuisance conditions to neighboring residential properties, including, but not limited to, odors and noise.
4. The decision of the Planning Commission shall remain valid and in force only as long as the facts and information presented to the Commission are found to be correct and the conditions upon which this motion is based are forever maintained as presented to the Commission.
5. Sign reviews are a separate review process, and all signage shall meet the requirements of the City of Sterling Heights.
6. The applicant must work with the Office of Planning to address any outstanding comments on the overall site plan for the development.
7. The owner must execute and record a parking reduction agreement satisfactory to the Office of Planning and City Attorney.

The action is based on the following findings:

1. The site plan complies with the standards set forth in Section 14B.06 and 26.02(B).
2. The proposed development is consistent with the Master Land Use Plan designation of Neighborhood Node.

Mr. Gariepy asked for discussion on the motion.

Mr. Inks indicated he thinks this is a very good proposal and site plan. He is happy to see a mixed-use development in the nodes that were created in 2020. He thinks this will be a model for what mixed use developments in the City can be. He is fine with the balconies as they are on the eastern facing portion of the building. If it was him, he would prefer larger balconies on the western portion as well. He understands that may be difficult to do while also trying to reserve some patio space. He also encouraged the applicant to contemplate putting in a couple more EV chargers.

Mr. Inks conveyed he believed the backup material indicated these are still two separate parcels and asked if there is any need to include, as a condition, that these parcels would be combined or are they comfortable with the site plan as two separate parcels. Dr. Parcell indicated that is typically handled during engineering plan review.

Mr. Ujkic indicated he thinks this will be the ribbon cutting of this type of concept for what the zoning calls for. He wished the applicant luck. He agreed with Mr. Inks regarding the balcony size as the distance is sufficient and you should be able to have a small table on your balcony.

Mr. Gariepy asked for any further discussion from the Board. There was none.

Mr. Gariepy commented he lives on the corner of 15 Mile near Ryan and is very familiar with the traffic issues. He has witnessed the car accidents and someone died 50 feet from his door in the last two months. If there was something he could do as an individual and speaking as the Chairman of this commission, he would have done so by now. This is not the forum for that or something they can change. They are working on it. It is at the top of mind for him and the other Commissioners that Sterling Heights is a safe place to travel around as much as possible. He thinks this is a good development as far as the site plan approval and will vote for it enthusiastically.

Mr. Gariepy asked for a roll call vote.

Ayes: Inks, Ujkic, Kopp, McGill, Rowe, Wright, Gariepy

Nays: Lesaj and Sarau  
Absent: None  
Motion carried.

APPROVAL OF MINUTES

A. November 12, 2025  
Motion by Mr. Rowe, supported by Mr. Ujkic, to **APPROVE** the minutes of November 12, 2025 Planning Commission Meeting as submitted.

Ayes: Rowe, Ujkic, Wright, Inks, Kopp, McGill  
Nays: None  
Absent: Lesaj and Sarau  
Abstain: Gariepy  
Motion carried.

CORRESPONDENCE

None

OLD BUSINESS

None

NEW BUSINESS

A. Approval - 2026 Planning Commission Meeting Dates

Dr. Parcell explained there are many more dates as they are under contract with Giffels Webster for the Zoning Ordinance comprehensive redraft. The supplemental meetings are under the scope of contract similar for the Master Plan. At these meetings, there will be a 30-minute presentation and then the draft of the ordinance chapters. It is typically the fourth Wednesday; they have accommodated for Sterling Fest in July and there will be public hearings. There will be two workshops not on the list which will be public open houses. It will be kicked off February 10<sup>th</sup> subject to Council approval at the first January meeting. It will be a joint meeting with Planning Commission, City Council, and ZBA which is a requirement for MEDC RRC certification. The only other date change is November 10<sup>th</sup> which is a Tuesday because Wednesday, November 11<sup>th</sup> is Veterans Day.

Motion by Mr. Rowe, supported by Ms. Wright, to **APPROVE** the Approval of 2026 Planning Commission meeting dates as follows:

January 14, 2026	July 8, 2026
February 10, 2026 (tentative)	July 29, 2026 (supp)
February 11, 2026	August 12, 2026
February 25, 2026 (supp)	August 26, 2026 (supp)
March 11, 2026	September 9, 2026
March 25, 2026 (supp)	October 14, 2026
April 8, 2026	October 28, 2026 (supp)
May 13, 2026	November 10, 2026
May 27, 2026 (supp)	December 9, 2026
June 10, 2026	

Mr. Gariepy asked for a roll call vote.

Ayes: Rowe, Wright, Ujkic, Gariepy, Inks, Kopp, McGill  
Nays: Lesaj and Sarau  
Absent: None  
Motion carried.

B. Master Land Use Plan Priority Item Activity



Dr. Parcell conveyed they are well through the first one and are working on a lot of the housing stuff right now. A lot of this will be held and tied up with the Zoning Ordinance redraft. They are working with Giffels to create an action plan for that. They will not be going through the Mentimeter for these for the next few meetings. They will be taking the zoning ones off and doing all of the other capital improvement and administrative project ones and send them to the PC to place priority on. The ones which are zoning related will be discussed throughout the Zoning Ordinance process and therefore not need to be brought up under “new business” each meeting.

Dr. Parcell indicated this would be the last meeting before 2026 and wished everyone a wonderful holiday. He commented that the Board did a wonderful job this year and reminded them to get in their four hours of training.

#### CITIZEN PARTICIPATION

None

#### MOTION TO ADJOURN

Motion by Ms. Wright, supported by Mr. Ujkic, to **ADJOURN**.

Ayes: Wright, Ujkic, Gariepy, Inks, Kopp, McGill, Rowe

Nays: None

Absent: Lesaj and Sarau

Motion carried.

The meeting adjourned at 8:38 p.m.

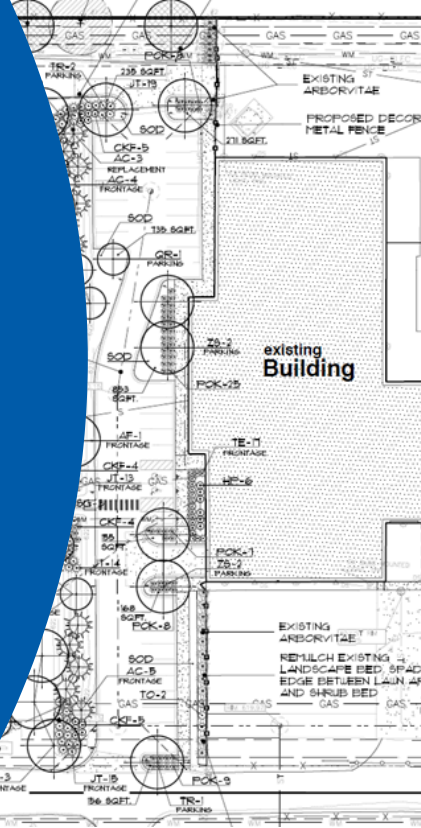
Respectfully submitted

Brandy Wright, Secretary  
Planning Commission



# PLANNING COMMISSION ANNUAL REPORT 2025

Office of Planning



# PURPOSE OF ANNUAL REPORT

- Required by Michigan Planning Enabling Act; Section 19 (2) of the Michigan Planning Enabling Act provides that:  
*“A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”*
- Provides an opportunity to increase information-sharing between staff, administration, boards, commissions and City Council.
- Allows for anticipation of upcoming issues and priorities, in order to prepare and budget, if necessary.

# CREATION OF PLANNING COMMISSION

Division 2 of Article III Boards and Commission Generally of Chapter 2 Administration of the City’s Code of Ordinances.

# MEMBERSHIP OF PLANNING COMMISSION

The Planning Commission consists of nine (9) members recommended for appointment by Mayor and confirmed by City Council.

# PURPOSE OF PLANNING COMMISSION

1. To foster, promote, and maintain a master plan for the physical development of the municipality.
2. To make recommendations regarding the development of said area, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways, water-fronts, boulevards, parkways, playgrounds, and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated for water, light, sanitation, transportation, communication, power or other purposes.
3. To make recommendations regarding the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals.
4. To make recommendations regarding the general location, character layout and extent of community centers and neighborhood units and the general character, extent and layout of the replanning, rehabilitation, and redevelopment of blighted districts and slum areas.
5. To make and maintain a zoning plan for the control of the height, area, bulk, location and use of buildings, premises and land.
6. To make careful and comprehensive surveys and studies of present conditions and future needs of the municipality.
7. To accomplish a coordinated, adjusted and harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and adequate provision of public utilities and other public requirements.
8. To review and consider the granting of special exception uses and temporary uses which are permitted within a zoning district according to Zoning Ordinance No. 278.
9. Such other purposes as may be authorized by Act 285 of Public Act 1973 and Act 207 of Public Act 1921, or as they may be from time to time amended.



## MEMBERSHIP

Commissioner	Original appointment date	Current term expires
Nicole McGill	July 5, 2023	June 30, 2026
Geoffery Gariepy	June 7, 2016	June 30, 2027
Paul Jaboro	June 19, 2017	Resigned June 2025
Gerald Rowe	August 1, 1989	June 30, 2028
Parmpreet Sarau	April 13, 2017	June 30, 2028
Nathan Inks	January 21, 2020	June 20, 2026
Brandy Wright	September 20, 2021	June 30, 2027
Pashko Ujkic	January 21, 2020	June 30, 2027
Ed Kopp	June 17, 2008	June 30, 2026
Fiorela Lesaj	June 17, 2025	June 30, 2028

## PLANNING COMMISSION ACTIVITY

Applications	Total Cases	Site Plans	Special Approval Land Use	Rezoning	PUD	Variances/ Nuisance Mitigation Plan	Revocation Hearing
No. of cases	37	4	19	4	3	7	0

## MASTER PLAN REVIEW

According to the Michigan Planning Enabling Act (MPEA) section 125.3845(2) the Planning Commission shall review the Master Plan every five years following its adoption and determine whether to commence the procedure to amend the plan or adopt a new Master Plan. The City of Sterling Height's current Master Land Use Plan (MLUP) was adopted by the Planning Commission on February 9, 2017. Following discussions with the Planning Commission and City Council it was determined a full re-write of the MLUP was necessary. After securing funding, and selecting a consultant, the City had its MLUP kick-off meeting on December 5th, 2023. The process of rewriting the plan continued into 2024 with extensive community engagement and research. The updated plan was adopted by City Council on May 20th, 2025.



# 2025 MEETING SCHEDULE & ATTENDANCE

## January 8th, 2025

Members Present: Gariepy, Inks, Jaboro, Kopp, McGill, Rowe, Sarau, Ujkic, and Wright

Members Absent/Excused: None

## January 22nd, 2025 (Supplemental Meeting)

Members Present: Gariepy, Inks, Jaboro, McGill, Rowe, and Wright

Members Absent/Excused: Kopp, Sarau, and Ujkic

## February 12th, 2025

Members Present: Gariepy, Inks, McGill, Rowe, Ujkic, and Wright

Members Absent/Excused: Jaboro, Kopp, and Sarau

## March 12th, 2025

Members Present: Gariepy, Inks, Jaboro, Kopp, McGill, Rowe, Sarau, and Wright

Members Absent/Excused: Ujkic

## April 9th, 2025

Members Present: Gariepy, Inks, McGill, Rowe, Ujkic, Sarau, and Wright

Members Absent/Excused: Jaboro and Kopp

## May 14th, 2025

Members Present: Gariepy, Inks, Jaboro, Kopp, McGill, Sarau, and Wright

Members Absent/Excused: Rowe and Ujkic

## June 11th, 2025

Members Present: Gariepy, Inks, Jaboro, Kopp, McGill, Rowe, Ujkic, and Wright

Members Absent/Excused: Sarau

## July 9th, 2025

Members Present: Gariepy, Inks, Kopp, Lesaj, McGill, Rowe, Sarau, and Ujkic

Members Absent/Excused: Wright

## August 13th, 2025

Members Present: Gariepy, Inks, Kopp, McGill, Rowe, Sarau, and Wright

Members Absent/Excused: Lesaj and Ujkic

## September 10th, 2025

Members Present: Inks, Kopp, Lesaj, McGill, Rowe, Sarau, Ujkic, and Wright

Members Absent/Excused: Gariepy

## October 8th, 2025

Members Present: Gariepy, Inks, Kopp, Lesaj, McGill, Rowe, Sarau, Ujkic, and Wright

Members Absent/Excused: None

## November 12th, 2025

Members Present: Kopp, Lesaj, McGill, Rowe, Sarau, Ujkic, and Wright

Members Absent/Excused: Gariepy, Inks

## December 10th, 2025

Members Present: Gariepy, Inks, Kopp, Lesaj, McGill, Rowe, Ujkic, and Wright

Members Absent/Excused: Lesaj, Sarau

# PUBLIC PARTICIPATION PLAN FOR PLANNING COMMISSION MEETINGS

Sterling Heights meets all of the public engagement practices required by law (i.e. advertising public hearings) by using a multi-faceted approach to engaging residents. In order to appropriately advertise required public hearings City staff mails out notices to all parcels located within 300 feet of the subject parcel, providing information about the date of our Commission meetings and when the public may be able to speak. Furthermore, our meeting agendas are noticed in local newspapers as well. The City provides time for general public comment at each Planning Commission meetings, and additionally there is a time for comment at each of the public hearings to ensure that the public has adequate time to speak regarding any of the applications. The City broadcasts Planning Commission meetings live on SHTV and posts the approved meeting minutes on the City's website.





# MEETING SCHEDULE & CASES

January 8th, 2025

1	Case No.	PPCM-1340	Applicant	Christian's Auto Repair
	Requesting special approval land use which would allow an automobile service center and automobile repair garage in an M-1 Light Industrial District.			
	Address: 40494 Mound Road Location: East side of Mound Road, south of Eighteen Mile Road Current Zoning: M-1 Light Industrial District			
	Type: Special Approval Land Use		Action: Approved (9-0)	
2	Case No.	PPCM-1341	Applicant	Appian, LLC
	Requesting special approval land use which would allow storage containers as an accessory use for storage incidental to the primary use in an M-1 Light Industrial District.			
	Address: 6350 Sterling Drive North Location: East of Mound Road, south of Fifteen Mile Road Current Zoning: M-1 Light Industrial District			
	Type: Special Approval Land Use		Action: Approved (9-0)	
3	Case No.	PPCM-1344	Applicant	Sterling Eatery
	Requesting special approval land use which would allow a sit-down and carryout restaurant use in a C-1 Local Convenience Business District and Mound Road Innovation Support District.			
	Address: 34861 Mound Road Location: West side of Mound Road, south of Fifteen Mile Road Current Zoning: C-1 Local Convenience Business District and Mound Road Innovation Support District			
	Type: Special Approval Land Use		Action: Approved (9-0)	
4	Case No.	PPCM-1343	Applicant	My Thai
	Requesting special approval land use which would allow a sit down and carry out restaurant in a C-1 Local Convenience Business District and Traditional Mixed Use Development Node Overlay District.			
	Address: 4120 Fifteen Mile Road and 4124 Fifteen Mile Road Location: South side of Fifteen Mile Road, east of Ryan Road Current Zoning: C-1 Local Convenience Business District and Traditional Mixed Use Development Node Overlay District			
	Type: Special Approval Land Use		Action: Approved (9-0)	
5	Case No.	PZ24-0009	Applicant	Raising Canes
	Request for a conditional rezoning of a parcel from O-3 High-Rise Office Commercial Service District to C-3 General Business District for the purpose of developing a fast-food restaurant with a drive-through on site			
	Address: 12800 Hall Road Location: South side of Hall Road, east of Oleander Drive Current Zoning: O-3 High-Rise Office Commercial Service District			
	Type: Conditional Rezoning		Action: Postponed (9-0)	

6	Case No.	PZ24-0008	Applicant	Proposed Zoning Ordinance Amendment and Zoning Map Amendment – North Van Dyke Avenue
	Proposed text and zoning map amendment to Ordinance No. 278 to establish a new Article being the North Van Dyke Avenue District. The proposed amendment would create a new zoning district providing new land use and design standards for properties located within the North Van Dyke Avenue district as established by the North Van Dyke Avenue Master Plan.			
	Type: Ordinance		Action: Recommend Approval to City Council (9-0)	

## February 12th, 2025

1	Case No.	PPCM-1345	Applicant	St. Mary's Athletic Court
	Request for a special approval land use for a place of group worship, originally approved under case number M-765 in 1993, to construct a recreational facility on a site located in an R-100 One Family Residential District.			
	Address: 43123 Ryan Road Location: Northwest corner of Nineteen Mile and Ryan Road Current Zoning: R-100 One Family Residential District			
	Type: Special Approval Land Use		Action: Approved (6-0)	
2	Case No.	PPCM-1346	Applicant	Drivergent School Bus Terminal
	Request for a special approval land use for a truck terminal for the purpose of storing school buses in an M-2 Heavy Industrial District			
	Address: 6785 Metropolitan Parkway Location: North side of Metropolitan Parkway, in between Mound Road and Van Dyke Avenue Current Zoning: M-2 Heavy Industrial District			
	Type: Special Approval Land Use		Action: Approved (6-0)	
3	Case No.	PPCM-1347	Applicant	Canal Cell Tower
	Request for a special approval land use for a public utility, consisting of a wireless communication tower, antennas, and related facilities, in an R-60 One Family Residential District.			
	Address: 12828 Canal Road Location: South side of Canal Road, west of Schoenherr Road Current Zoning: R-60 One Family Residential District			
	Type: Special Approval Land Use		Action: Approved (6-0)	
4	Case No.	PZ25-0001	Applicant	Traditional Mixed Use Development Node Overlay District Ordinance Amendment
	Proposed text amendment to Ordinance No. 278, Zoning Ordinance, Article 14B, to revise permissible, special approval and, and non-conforming uses for properties located within a Traditional Mixed Use Development Node Overlay District. This includes the removal of the overlay district from two nodes and the establishment of a new Traditional Mixed Use Development Node Overlay District.			
	Type: Ordinance Amendment		Action: Recommend Approval to City Council (6-0)	
5	Case No.	PZ24-0009	Applicant	Raising Canes (Postponed from January 8th, 2025)
	Request for a conditional rezoning of a parcel from O-3 High-Rise Office Commercial Service District to C-3 General Business District for the purpose of developing a fast-food restaurant with a drive-through on site.			
	Address: 12800 Hall Road Location: South side of Hall Road, east of Oleander Drive Current Zoning: O-3 High-Rise Office Commercial Service District			
	Type: Conditional Rezoning		Action: Recommend Approval to City Council (4-2)	



## March 12th, 2025

1	Case No.	PSP23-0026	Applicant	Warner Meadows
	Request for a preliminary site plan approval for a single-family site condominium consisting of thirty-eight one-family residential lots in a R-60 One Family Residential District			
	Address: 2791 Koper Drive, 34601 Viceroy Drive, and 2850 Fifteen Mile Road Location: South of Fifteen Mile Road between Dequindre Road and Ryan Road Current Zoning: R-60 One Family Residential District			
	Type: Site Plan Approval		Action: Withdrawn	
2	Case No.	PPCM-1348	Applicant	Saj Alreef
	Request for an amendment to a special approval land use, originally approved under PPCM-1287, which if granted would permit a restaurant to expand their restaurant area in a C-1 Local Convenience Business District.			
	Address: 4050 and 4100 Metropolitan Parkway Location: South side of Metropolitan Parkway, east of Ryan Road Current Zoning: C-1 Local Convenience Business District			
	Type: Special Approval Land Use		Action: Approved (8-0)	
3	Case No.	PPCM-1349	Applicant	Mound HY Top Wash
	Request for a special approval land use for single structure containing an automobile wash establishment with five bays and an automobile service center with two bays for oil change service in a C-3 General Business District and Mound Road Innovation Support District			
	Address: 34265 Mound Road Location: West side of Mound Road, south of Fifteen Mile Road Current Zoning: C-3 General Business District and Mound Road Innovation Support District			
	Type: Special Approval Land Use		Action: Approved (8-0)	

## April 9th, 2025

1	Case No.	PPCM-1351	Applicant	Akers & Ward Enterprises
	Requesting special approval land use which would allow storage containers as an accessory use for storage incidental to the primary use in an M-1 Light Industrial District			
	Address: 6503 Arrow Drive Location: Northeast corner of Merrill Road and Arrow Drive Current Zoning: M-1 Light Industrial District			
	Type: Special Approval Land Use		Action: Postponed (6-0)	
2	Case No.	PPCM-1350	Applicant	The Heights Shopping Center
	Requesting special approval land use which would allow an amusement device center in an existing shopping plaza in a C-3 General Business District and located in the Van Dyke Mixed Use District.			
	Address: 34762 Van Dyke Avenue Location: East side of Van Dyke Avenue, south of Fifteen Mile Road Current Zoning: C-3 General Business District and Van Dyke Mixed Use District			
	Type: Special Approval Land Use		Action: Approved (7-0)	



3	Case No.	PPCM-1352	Applicant	US Care Pharmacy
	Requesting special approval land use which would allow a pharmacy that customarily related to an existing urgent care within the same building in an O-1 Business and Professional Office District and Traditional Mixed Use Development Node Overlay District.			
	Address: 35200 Dequindre Road Location: East side of Dequindre Road, north of Fifteen Mile Road Current Zoning: O-1 Business and Professional Office District and Traditional Mixed Use Development Node Overlay District			
	Type: Special Approval Land Use		Action: Approved (7-0)	
4	Case No.	PZ25-0002	Applicant	El Car Wash
	Request for a conditional rezoning from C-2 Planned Comparison District to C-3 General Business District for the purpose of developing an automobile wash establishment.			
	Address: 43611 Schoenherr Road Location: Northwest corner of Schoenherr Road and Canal Road Current Zoning: C-2 Planned Comparison District			
	Type: Conditional Rezoning		Action: Recommend Denial to City Council (7-0)	
5	Case No.	PZ25-0003	Applicant	Proposed Zoning Map Amendment – Neighborhood and District Nodes
	Proposed zoning map amendment to Ordinance No. 278, Article 2, Section 2.00(B) regarding the Traditional Mixed Use Development Node Overlay District, to rezone properties currently zoned Traditional Mixed Use Development Node Overlay District to Neighborhood and District Node Overlay District, to add properties generally located at the intersections of 14 Mile Road and Schoenherr Road and Canal Road and Schoenherr Road to the Neighborhood and District Node Overlay District, and to remove properties generally located at the intersections of 17 Mile Road and Schoenherr Road, 17 Mile Road and Van Dyke Avenue, and Utica Road and Van Dyke Avenue from the Traditional Mixed Use Development Node Overlay District.			
	Type: Ordinance Amendment		Action: Recommend Approval to City Council (7-0)	

## May 14th, 2025

1	Case No.		Applicant	Public Hearing for 2025 Master Land Use Plan
	Public hearing to review the proposed 2025 Master Land Use Plan.			
	Type: Master Plan Update		Action: Adopt the Proposed Master Land Use Plan	

## June 11th, 2025

1	Case No.	PSP25-0011	Applicant	Corewell Health Sterling Heights CV
	Requesting preliminary site plan approval for a 13,744 square foot medical office building in an O-3 High-Rise Office Commercial Service District and O-1 Business and Professional Office District.			
	Address: 44300 Dequindre Road			
	Location: East side of Dequindre Road, south of Dobry Drive			
	Current Zoning: O-3 High-Rise Office Commercial Service and O-1 Business and Professional Office District			
	Type: Site Plans		Action: Approved (8-0)	
2	Case No.	PPCM-1355	Applicant	Sunbelt Rentals
	Requesting special approval land use which would allow a truck, equipment, tools, utility, trailer, and industrial and commercial vehicles rental facility in an M-1 Light Industrial District.			
	Address: 3600 Mound Road			
	Location: East side of Mound Road, north of Fifteen Mile Road			
	Current Zoning: M-1 Light Industrial District			
	Type: Special Approval Land Use		Action: Approved (8-0)	



July 9th, 2025

1	Case No.	PPCM-1356	Applicant	Mangiabevi Urban Italian
	Request for a special approval land use for a restaurant in a C-1 Local Convenience Business District and Neighborhood and District Node Overlay District.			
	Address: 35219 Dodge Park Road Location: West side of Dodge Park Road, north of Fifteen Mile Road Current Zoning: C-1 Local Convenience Business District and Neighborhood and District Node Overlay District			
	Type: Special Approval Land Use		Action: Approved (8-0)	
2	Case No.	PPUD25-0002	Applicant	Red Run Self Storage
	Request for a planned unit development which if granted would allow for an outdoor self-storage facility.			
	Address: 12339 and 12555 Fourteen Mile Road Location: North side of Fourteen Mile Road, east of Maple Lane Drive Current Zoning: O-2 Planned Office District			
	Type: PUD		Action: Recommend Approval to City Council (8-0)	
3	Case No.	PZ25-0004	Applicant	Solar Ordinance
	Proposed text amendment to amend Section 26.02 of Article 26 of Zoning Ordinance No.278 of the City of Sterling Heights to add site plan review requirements and procedures for solar energy systems, to amend Section 28.00 of Article 28 of the Zoning Ordinance to add paragraph J which allows and regulates solar energy systems on buildings and structures as accessory structures located in all zoning districts, and to amend Section 31 of the Zoning Ordinance to add definitions of certain terms relating to solar energy systems.			
	Type: Ordinance Amendment		Action: Recommend Approval to City Council (8-0)	

August 13th, 2025

1	Case No.	PSP25-0018	Applicant	Raices Mexican Cuisine
	Request for a nuisance mitigation plan for an outdoor patio space in a C-4, Multi-Use District.			
	Address: 44805 Mound Road Location: Southwest corner of Hall Road and Mound Road Current Zoning: C-4 Multi-Use District			
	Type: Nuisance Mitigation Plan		Action: Approved (7-0)	
2	Case No.	PSP25-0019	Applicant	Ventimiglia's
	Request for a nuisance mitigation plan for an outdoor patio space in a C-1 Local Convenience Business District and Neighborhood and District Node Overlay District.			
	Address: 35197 Dodge Park Road Location: West side of Dodge Park Road, north of Fifteen Mile Road Current Zoning: C-1 Local Convenience Business District and Neighborhood and District Node Overlay District			
	Type: Nuisance Mitigation Plan		Action: Approved (7-0)	
3	Case No.	PSP25-0020	Applicant	Mangiabevi Urban Italian
	Request for a nuisance mitigation plan for an outdoor patio space in a C-1 Local Convenience Business District and Neighborhood and District Node Overlay District.			
	Address: 35219 Dodge Park Location: West side of Dodge Park Road, north of Fifteen Mile Road Current Zoning: C-1 Local Convenience Business District and Neighborhood and District Node Overlay Node			
	Type: Nuisance Mitigation Plan		Action: Approved (7-0)	

4	Case No.	PSP25-0021	Applicant	Kimchi Box
	Request for a nuisance mitigation plan for an outdoor patio space in a C-2 Planned Comparison District and Lakeside Overlay District. Address: 13937 Lakeside Circle Location: South side of Hall Road, east of Schoenherr Road Current Zoning: C-2 Planned Comparison District and Lakeside Overlay District			
	Type: Nuisance Mitigation Plan		Action: Approved (7-0)	
5	Case No.	PSP25-0022	Applicant	Chipotle
	Request for a nuisance mitigation plan for an outdoor patio space in a C-2 Planned Comparison District and Lakeside Overlay District. Address: 13975 Lakeside Circle Location: South side of Hall Road, east of Schoenherr Road Current Zoning: C-2 Planned Comparison District and Lakeside Overlay District			
	Type: Nuisance Mitigation Plan		Action: Approved (7-0)	

### September 10th, 2025

1	Case No.	PSP25-0023	Applicant	Freskia Ice Cream
	Request for a nuisance mitigation plan for an outdoor patio space in a C-2 Planned Comparison District and Lakeside Overlay District Address: 43702 Schoenherr Road Location: East side of Schoenherr, north of Canal Road Current Zoning: C-2 Planned Comparison District and Lakeside Overlay District			
	Type: Nuisance Mitigation Plan		Action: Approved (8-0)	
2	Case No.	PPCM-1358	Applicant	Gordie's Auto
	Requesting special approval land use to permit an automobile repair garage in an M-1 Light Industrial District. Address: 6331 and 6381 Metropolitan Parkway Location: North side of Metropolitan Parkway, east of Mound Road Current Zoning: M-1 Light Industrial District			
	Type: Special Approval Land Use		Action: Approved (8-0)	
3	Case No.	PSP24-0032	Applicant	Maplehurst Village
	Request for a site plan approval for a multi-family development containing 102 units in an RM-2 Multiple Family Low Rise District. Address: 14652 Nineteen Mile Road Location: South side of Nineteen Mile Road, east of Saal Road Current Zoning: RM-2 Multiple Family Low Rise District			
	Type: Site Plans		Action: Approved (8-0)	
4	Case No.	PPUD25-003	Applicant	Sheetz
	Request for a planned unit development which if granted would allow for a gasoline service station as a commercial use in an M-1 Light Industrial District. Address: 36900 Mound Road Location: Southeast corner of Metropolitan Parkway and Mound Road Current Zoning: M-1 Light Industrial District			
	Type: PUD		Action: Renoticed	





## October 8th, 2025

1	Case No.	PPCM-1359	Applicant	Billiards Hall
	Request for a special approval land use to permit an amusement device center (indoor commercial recreational facility/billiards hall) in an existing plaza located on a parcel within the North Van Dyke Avenue Corridor District in the North Van Dyke Avenue Industrial subdistrict.			
	Address: 42108 and 42116 Van Dyke Avenue Location: East side of Van Dyke Avenue, north of 18 ½ Mile Road Current Zoning: North Van Dyke Avenue Corridor District (North Van Dyke Avenue Industrial subdistrict)			
2	Type: Nuisance Mitigation Plan	Action: Approved (8-0)		
	Case No.	PPCM-1360	Applicant	PBS Truck Parts
	Request for a special approval land use to permit limited retail sales of products customarily incidental to the permitted warehouse use in an M-1 Light Industrial District.			
3	Address: 37174 Mound Road Location: East side of Mound Road, north of Metropolitan Parkway Current Zoning: M-1 Light Industrial District			
	Type: Special Approval Land Use	Action: Approved (9-0)		
	Case No.	PPUD25-0003	Applicant	Sheetz
3	Request for a planned unit development which if granted would allow for a gasoline self-service station and convenience store with a fast-food restaurant that includes a drive through service and outdoor eating area in an M-1 Light Industrial District.			
	Address: 36900 Mound Road and 6200 Metropolitan Parkway Location: Southeast corner of Metropolitan Parkway and Mound Road Current Zoning: M-1 Light Industrial District			
	Type: PUD	Action: Recommend Denial to City Council ( 9-0)		

## November 12, 2025

1	Case No.	PPCM-1361	Applicant	Kinder Care
	Requesting special approval land use to permit a child daycare center in an O-1 Business and Professional Office District.			
	Address: 2121 Nineteen Mile Road Location: North side of Nineteen Mile Road, east of Dequindre Road Current Zoning: O-1 Business and Professional Office District			
1	Type: Special Approval Land Use	Action: Approved (7-0)		



**December 10, 2025**

1	Case No.	PSP25-0029	Applicant	Sterling Bistro - Nuisance Mitigation
	Request for a nuisance mitigation plan for an outdoor patio space in an existing plaza located in the North Van Dyke Avenue Corridor District (North Van Dyke Avenue Industrial subdistrict).			
	Address: 42092 Van Dyke Avenue Location: East side of Van Dyke Avenue, north of 18 ½ Mile Road Current Zoning: North Van Dyke Avenue Corridor District (North Van Dyke Avenue Industrial subdistrict)			
	Type: Nuisance Mitigation		Action: Postponed (7-0)	
2	Case No.	PPCM-1362	Applicant	Collision King
	Requesting special approval land use which if granted would allow for an automobile repair garage and auto service center/reconditioning establishment in an M-1 Light Industrial District.			
	Address: 40485 Mound Road Location: West side of Mound Road, south of Eighteen Mile Road Current Zoning: M-1 Light Industrial District			
	Type: Special Approval Land Use		Action: Approved (7-0)	
3	Case No.	PSP25-0032	Applicant	JM Development
	Request for preliminary site plan approval for a mixed-use development containing residential dwelling units located above the first floor commercial units in an R-60 One Family Residential District and Neighborhood and District Node Overlay District.			
	Address: 39150 Ryan Road and 39272 Ryan Road Location: East side of Ryan Road, north of Seventeen Mile Road Current Zoning: R-60 One Family Residential District and Neighborhood and District Node Overlay District			
	Type: Preliminary Site Plan Approval		Action: Approved (7-0)	

## SUPPLEMENTAL MEETINGS

**January 22, 2025**

Review of Overall Master Plan Draft Chapters

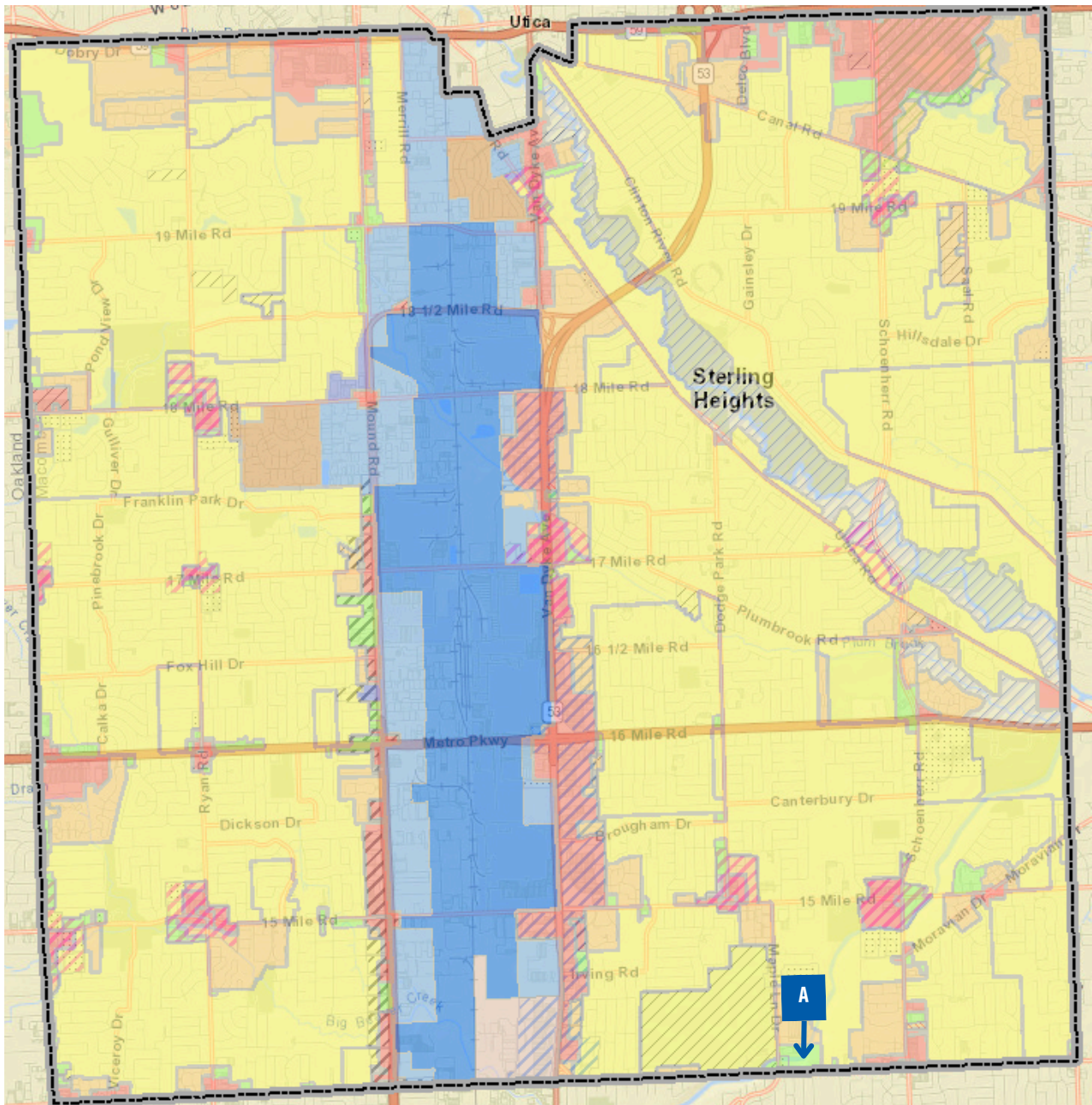
## SUMMARY

In 2025 the Planning Commission approved, denied, postponed (or recommended approval/denial) a total of 41 agenda items (37 individual cases), a decrease from the 62 agenda items reviewed in 2024. The Planning Commission reviewed fewer site plans, special approval land uses, rezonings, and PUDs than they did in 2024. Alternatively, the Planning Commission reviewed 3 more nuisance mitigation plans than they did in 2024. The Planning Commission successfully held a minimum of one meeting for each month in 2025, with one additional supplemental meeting.



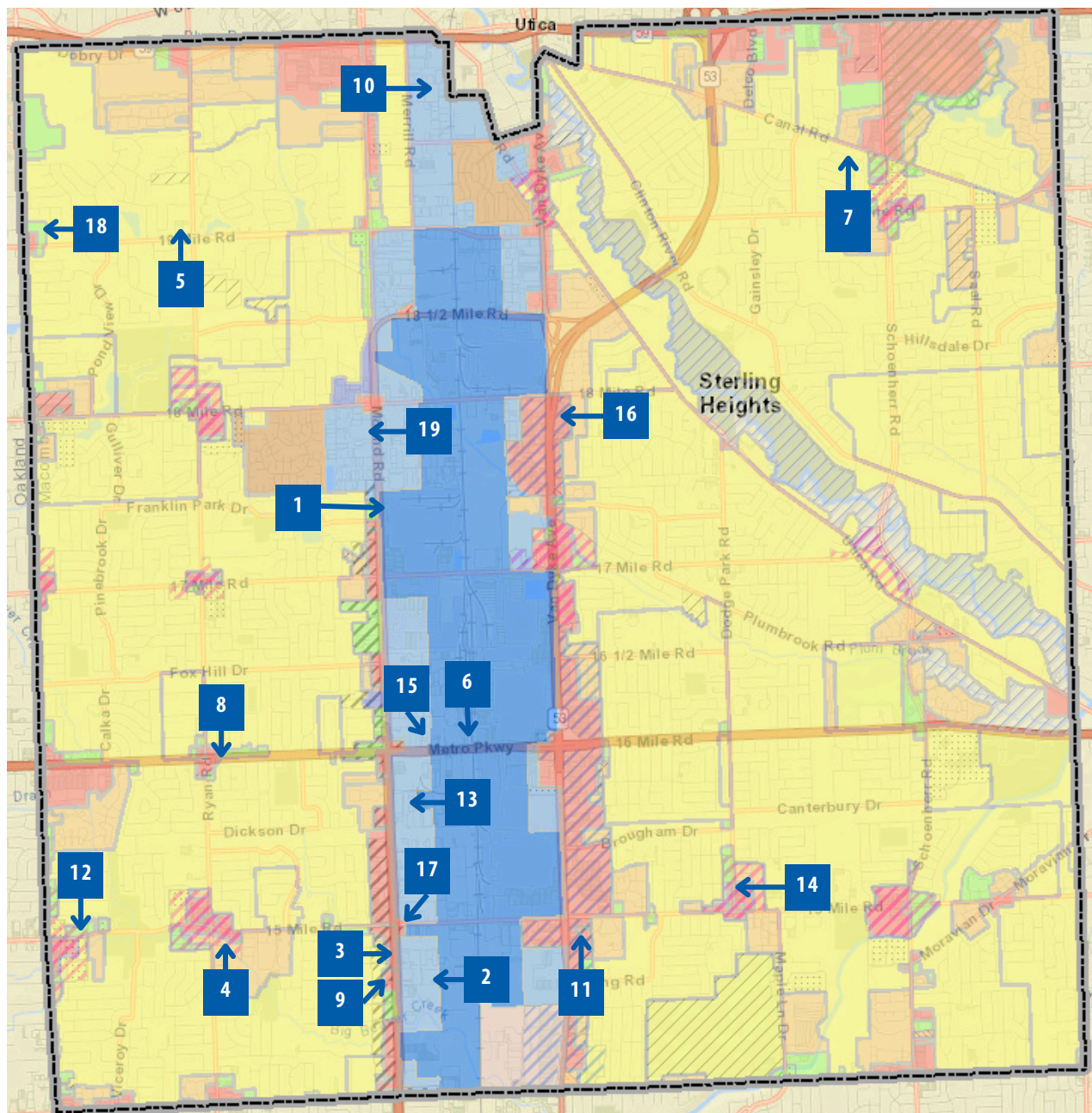


# APPROVED BY PLANNING COMMISSION REZONINGS/PLANNED UNIT DEVELOPMENTS



A. Red Run Self Storage - PUD - 12339 & 12555 Fourteen Mile Road

# DEVELOPMENT MAP (APPROVED SPECIAL APPROVAL LAND USES)



1. Christian's Auto Repair - 40494 Mound Road
2. Appian LLC - 6350 Sterling Drive North
3. Sterling Eatery - 34861 Mound Road
4. My Thai - 4120 & 4124 Fifteen Mile Road
5. St. Mary's Athletic Court - 43123 Ryan Road
6. Drivergent School Bus Terminal - 6785 Metro Parkway
7. Canal Cell Tower - 12828 Canal Road
8. Saj Alreef - 4050 & 4100 Metro Parkway
9. Mound HY Top Wash - 34265 Mound
10. Akers & Ward Enterprises - 6503 Arrow Drive
11. The Heights Shopping Center - 34762 Van Dyke Ave
12. US Care Pharmacy - 35200 Dequindre Road
13. Sunbelt Rentals - 36000 Mound Road
14. Mangiabevi Urban Italian - 35219 Dodge Park Road

15. Gordie's Auto - 6331 & 6381 Metro Parkway
16. Billiards Hall - 42108 & 42116 Van Dyke Ave
17. PBS Truck Parts - 37174 Mound Road
18. Kinder Care - 2121 Nineteen Mile Road
19. Collision King - 40485 Mound Road