

**City of South Lyon
Planning Commission
Regular Meeting Minutes
April 9, 2015**

The meeting was called to order by Lanam at 7:08 p.m.

PRESENT: Keith Bradley, Vice-Chairman
Jerry Chaundy, Secretary
Wayne Chubb
Frank Leimbach
Maggie Kurtzweil
Scott Lanam, Chairman
Steve Mosier
Jason Rose

ABSENT: Carol Segal

OTHERS PRESENT: Timothy Wilhelm, City Attorney
Kristen Delaney, Director of Community & Economic Development

Commissioner Kurtzweil requested that "Knolls of South Lyon" be added to the agenda as New Business, Item #3.

APPROVAL OF AGENDA AS AMENDED:

Motion by Chaundy, second by Bradley to approve the agenda for April 9, 2015 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

Commissioner Kurtzweil stated that she thinks that the minutes are thin and not useful. She stated that the minutes need to have more detail. She presented minutes from Novi and Lyon Township as examples of what minutes should look like. She stated that all Commissioners that participated should have all of their comments included. Kurtzweil stated that they need a recording secretary who knows how to take professional minutes. She suggested asking Marianne Jamison to take the minutes.

Kurtzweil stated that "and the Planning Commission" should be included in the last sentence in paragraph 6 on page 2.

Commissioner Leimbach elaborated on comments he made regarding the proposed medical marijuana activities ordinance. He stated that while he was not in favor of medical marijuana activity, he thought the ordinance was a good way to regulate the activity.

Commissioner Lanam stated that the word "he" should be included in the first sentence in paragraph 4 on page 2.

Carl Richards
390 Lennox

He stated that his comments from January were not detailed enough and did not cover everything that he talked about.

APPROVAL OF MINUTES:

Motion by Bradley, second by Mosier to approve the minutes for February 12, 2015 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

COMMENTS FROM THE PUBLIC

Carl Richards
390 Lennox

Richards stated that the microphone isn't working tonight and it hasn't been working correctly for some time and he can't hear peoples' voices when watching meetings on television. He noted that he was here to discuss hot topics around town. Richards said that he had noticed that the Knolls of South Lyon would be discussed at the upcoming City Council meeting on Monday. He stated that someone from the Planning Commission should be at that meeting.

Richards stated that on behalf of cyclists and people who walk, the Commission should look at the ordinance regarding the clearing of snow from sidewalks because it has expired. Sidewalks are not getting cleared over the winter and the police cannot write tickets because the ordinance is expired.

Richards went on to state that some interior parts of the grain mill will be going to a grain mill in the Village of Leonard. The Village of Leonard owns their grain mill. By his count, there are six buildings in the area that predate the Civil War. In his opinion, South Lyon needs an ordinance to protect buildings. Richards said that old buildings in South Lyon don't even have a plaque on them and that Bob's Barbershop and the stone building downtown are some of the oldest ones around.

OLD BUSINESS

1) Façade Materials for the BP Station Located at 450 N. Lafayette: Planning Consultant Avantini outlined the progress on this property to date. He stated that a few months ago he met with BP's contractor and the property owner on site to discuss needed improvements. At the

close of the meeting, he thought that they had come to a consensus and that the owner was going to go ahead with the decision to use a thin brick material. However, a couple of weeks ago representatives from BP submitted an alternate material - the sample is before the Planning Commission tonight for review. Avantini stated that this material is different from the thin brick material and he did not think it would be appropriate for him to review and approve this deviation administratively. Avantini stated that the alternate material in front of the Commission tonight is Hardie board.

Lanam stated that this goes back to the issues that the Commission has had with this property owner in the past. He said that he does not think that these materials or the colors as presented are consistent with how the building should be improved.

Avantini concurred, stating that the Hardie board is not consistent with what was discussed at the site meeting.

Commissioner Rose stated that Hardie board can be a good material but he is not impressed with how it is being used here.

Avantini stated that he would like to see BP go back to the thin brick that was discussed.

Commissioner Chubb asked if the City had any regulations that they could use to enforce the use of one material over another. Avantini responded that the materials table in the ordinance gave some direction, but isn't entirely clear. Chubb asked how the conversation with the BP representatives went. Namely, did the City offer alternatives other than thin brick? Avantini stated that the applicants suggested the thin brick, and he thought it was a good solution.

Chubb stated that he was disturbed that the applicants are not here tonight to answer questions from the Planning Commission. In his opinion, the material presented tonight is just okay. He would prefer to see the thin brick instead.

Rose stated that brick veneer has a tendency to pop. Avantini responded that in his experience, the technology of thin brick has improved over the years. Rose responded that the adhesion was the problem.

Avantini asked for a consensus from the Planning Commission. Do they approve of the Hardie board material presented here tonight or should the applicant come back with an alternative?

Kurtzweil had no comment.

Chaundy had no comment.

Bradley had no comment.

Rose had no comment.

Mosier had no comment.

Leimbach said he had an issue with the colors as presented. He wants them to use the split brick as they have used in the past. He went on to say that what the applicants are proposing is unacceptable and they need to come in and do a presentation to the Planning Commission.

Lanam agreed, stating that the proposed materials look cheap.

MOTION TO DENY PROPOSED FAÇADE MATERIALS FOR THE BP STATION LOCATED AT 450 N. LAFAYETTE AS PRESENTED, AND REQUEST THAT THE APPLICANT PRESENT ALTERNATIVE FAÇADE TREATMENTS AT A FUTURE PLANNING COMMISSION MEETING:

Motion by Leimbach, second by Chaundy to deny the proposed façade materials for the BP Station and request a presentation of alternative materials at a future meeting.

VOTE

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1) Site Plan for an Addition at Biggby Coffee (TCBY) Located at 22729 Pontiac Trail:

Avantini gave an overview of the progress on the site plan to date. He went over his review letter dated March 12, 2015, noting that the applicant is requesting site plan approval for a 995 SF TCBY addition to the existing Biggby Coffee, along with associated site improvements.

Avantini addressed parking requirements, stating from his review letter that, "The City of South Lyon zoning ordinance does not identify coffee shops as a use under Section 102-476, Parking requirements. The closest standard is for "Establishments for sale and consumption, on the premises, of beverages, food or refreshment" and that requires 1 space for each 75 square feet of usable floor area plus seating based upon occupancy load. We consider this category to be overly broad and not indicative of the primarily drive-through nature of the business. This standard also encourages too much paved surface area, resulting in greater impact on the stormwater management system. The draft zoning ordinance, on the other hand, does address coffee shops and requires 1 parking space for each 80 square feet of gross floor area, plus ten (10) drive-through stacking spaces. Under this standard, the expanded business will require 30 parking spaces, instead of the 39 or more spaces required under the above broad definition. We therefore recommend that the most appropriate standard for this use is the 1 space per 80 s.f. of gross floor area; resulting in required parking of 30 spaces on-site. The revised site plan provides for 31 spaces, thereby meeting this requirement."

Avantini gave an overview of the landscape plan noting that he recommends that the Arborvitae along the north property line be replaced with a smaller species such as Spirea or Hicks Yews.

Avantini stated that the proposed fully-shielded LED fixtures will greatly reduce off-site glare as opposed to the existing lights.

Avantini addressed the proposed building materials for the addition. He stated that although the existing Biggby building has an EFIS exterior, he is recommending that the TCBY addition utilize a higher quality material, such as architectural metal panels. Not only will this improve the overall look of the building, but it will also help differentiate between the two franchises. Avantini noted that the applicant does not agree with this and a Planning Commission determination will be needed.

Avantini continued his review by addressing the proposed screening for the rooftop mechanicals. He went on to state that as part of this project, the applicant had indicated that they will address site maintenance issues.

Avantini concluded, stating that overall he approves of the site plan as presented, but wants the Planning Commission to weigh in on the building materials.

Lanam asked Avantini if he thought that the proposed parapet will sufficiently screen the mechanicals? Avantini responded that he thought what was being proposed would be sufficient on the original portion of the building, but he is not entirely sure about the addition.

Lanam stated that in return for the City giving the applicant some flexibility on the parking requirements, he would like to see some maintenance issues addressed on the site. These maintenance issues include: trees growing out the dumpster enclosure, damage/wear to the dumpster enclosure, peeling paint on the building and surface damage to the parking lot.

Lanam discussed Building Inspector Smith's review of the site plan noting that Smith said that the lot must not have a slope steeper than 1:48. Avantini noted that this was a standard comment and that the site was relatively flat.

Lanam asked about the grease trap on site. Avantini stated that the grease trap was addressed in the site plan.

Dennis Maloney, Architect
620 Hannah Avenue, Alma, MI

Maloney thanked the Planning Commission for accommodations on the parking requirements. He stated that he thought it would be odd to use different building materials for an addition that was less than 300 SF.

Lanam stated that per the site plan, the addition is over 900 SF.

Maloney continued, stating that he and the property owner are trying to make this addition aesthetically pleasing, and trying to make the addition look like it belongs with the original building. In his opinion, using a different building material on the addition will defeat that

purpose.

Lanam suggested doing some improvements to the entire façade of the building, as well as the addition, so it would look seamless.

Maloney responded that the owner really does not want to do this.

Lanam stated that as the applicant builds the addition, the Planning Commission would like to see improvements to the entire site. He stated that this is part of being a good community member.

Maloney stated that the applicant agrees that maintenance issues need to be addressed and they will do that, however they object to the subjective judgment of EFIS as an inferior building material.

Nishant Khetarpal
22729 Pontiac Trail

Khetarpal stated that he was here to represent the Biggby Coffee. His father is the property owner. He stated that he wants to be a good community member and agrees that property maintenance issues need to be addressed. He will address the issues brought up this evening.

Lanam stated that the entire site needs a facelift. Khetarpal stated that he agreed.

Bradley stated that the last few buildings that wanted to use EFIS all the way down to the ground have been rejected. He stated that EFIS has a tendency to get damaged by cars, and it just doesn't age very well.

Khetarpal stated that they would be willing to present different building materials. Maloney noted that he would take the feedback from the Planning Commission and resubmit based on the Commission's suggestions.

Rose brought up the elevations as presented with the site plan. He noted that the height of the parapet as presented will not totally screen the mechanicals from Pontiac Trail. Rose stated that the line of site changes the farther back you are away from the building. Lanam concurred stating that the screening wall should be as tall as the mechanicals in order to completely obscure them. For example, if the mechanicals are 40" tall, the screening wall should be at least 40" tall.

Lanam asked if this addition would require an increase in the number of bathrooms. Chubb stated that this is something that the building official will review and address during the permitting process.

Lanam asked about screening of the transformer box. He noted that on page SP-3 of the site plan dated February 3, 2015, the box is shown on the incorrect location. Maloney reviewed the

plan, stating that what Lanam was looking at on the plan was actually an existing storage building, not the transformer.

Rose asked about the façade on the storage building. Khetarpal responded that it was a heavy duty plastic shed.

Randy Stewart
22729 Pontiac Trail

Stewart stated that he was the contractor for this project. He was involved in changing the building from an Arby's to Biggby Coffee. He stated that the mechanicals are approximately 5' high.

Rose asked if the storage building was a permanent structure. Stewart responded that it was not.

Leimbach stated that he agrees with the other Commissioners' comments made tonight. He also noted that there is absolutely no landscaping in front of the building. He stated that it would be nice to see this addressed. He thinks that it would soften the look of the building.

Rose stated that he has reviewed pictures of the current Biggby location and he is struck by the Luka's Coney Island in the background. It looks very nice, and he would like to see this building brought up to the same standard.

Lanam asked if they planned on redoing the menu board? Maloney responded they were not.

Leimbach agreed about the appearance of the restaurant next door, noting that it used to be a Burger King and they had transitioned the building to another use and made it look very good. Rose agreed, stating that the applicant's building looks rather shabby. Mosier agreed, stating that he'd like to see the entire façade improved.

Bradley stated that his step-daughter currently works for the applicant. Bradley asked the board to determine if this constituted a conflict of interest. Avantini asked Bradley if he had a financial interest in the project. Bradley responded that he did not.

MOTION TO AFFIRM THAT COMMISSIONER BRADLEY HAS NO CONFLICT OF INTEREST IN CONSIDERING THE SITE PLAN FOR AN ADDITION TO THE BIGGBY COFFEE LOCATED AT 22729 PONTIAC TRAIL:

Motion by Leimbach, second by Rose to affirm that Commissioner Bradley has no conflict of interest.

VOTE

MOTION CARRIED

(1) Abstained

Chaundy stated that he agreed with the other Commissioners' comments. He is worried about how the additional foot traffic will work in that lot. Randy Stewart stated that the TCBY would have a walk up window directly in front of the current patio. The patio can accommodate 20-30 people, so there should be no overflow of people into the parking lot.

Lanam asked if customers could also order inside. Khetarpal responded that they could.

Kurtzweil stated that she also agrees with the comments of her fellow Commissioners. She asked the applicant if they thought this site plan would fly in Bloomfield Hills? She stated that it would not, so why is South Lyon being presented this? It's not good enough. Kurtzweil stated that she has some suggestions regarding the landscaping. She stated that it would be nice to see a consistent planting along the north boundary of the property. She stated that Karl Forester grass would look very good and it tends to be very hardy. Kurtzweil stated that she would like to see Sugar Maples planted on the site, as they have nice fall color. She stated that the plan as presented is short on fall perennials and suggested the addition of Russian Sage, Rudbeckia or Sedum for some fall interest. She recommended that the applicant look at the landscaping at the Taco Bell down the street for some idea of what the Planning Commission is looking for.

Kurtzweil asked what was going to be planted around the dumpster enclosure? Maloney responded that Arborvitae would be planted there. Kurtzweil suggested that an Austrian Pine would be a better choice.

Kurtzweil stated that the current landscape plan does not interest her. She does like the seating area and is wondering if the applicant could do something with the Cultural Arts Commission to install a coffee themed bench or something with an artsy flair. She went on to state that an art piece would make a really cool statement.

Chubb agreed, stating that he would not repeat previous comments. He did address the flow of cars on the site, stating that a yield sign for cars merging with the drive-through traffic from the south side of the parking lot might be very helpful.

Maloney agreed, stating that there were issues with the lot, but they couldn't be adequately addressed without a massive redesign of the lot which would be very expensive.

Chubb went on to state that landscaping is key to improving the look of the site. He noted that the location of the proposed ornamental cherry tree is probably not ideal.

Maloney stated that right now people roll over the curb and he was trying to solve that problem. Kurtzweil stated that there was limited root space there, and that landscape stone or a planter might be a better option there.

Chubb cited issues with the parking lot and notes on the site plan that patching is needed.

Lanam stated that it sounds like the applicant is on board to revise and resubmit the plan

based on the feedback given here tonight. Lanam reiterated that he is concerned about maintenance on the site. Rose stated that he would like the applicant to look at alternatives to the shed. Rose suggested adding a storage room to the addition to eliminate the need for the shed. Rose asked what was stored in the shed. Khetarpal responded that they put shovels, brooms, patio furniture and similar items in there.

MOTION TO TABLE THE SITE PLAN FOR AN ADDITION AT BIGGBY COFFEE (TCBY) LOCATED AT 22729 PONTIAC TRAIL:

Motion by Chubb, second by Rose, to table the site plan for an addition at Biggby Coffee.

VOTE

MOTION CARRIED UNANIMOUSLY

2) Election of Officers:

City Attorney Wilhelm went over the nominations process.

MOTION TO NOMINATE LANAM FOR CHAIR:

Motion by Bradley, second by Kurtzweil to nominate Lanam for Chair.

VOTE

MOTION CARRIED UNANIMOUSLY

MOTION TO NOMINATE BRADLEY FOR VICE-CHAIR:

Motion by Kurtzweil, second by Leimbach to nominate Bradley for Vice-Chair.

VOTE

MOTION CARRIED UNANIMOUSLY

MOTION TO NOMINATE CHAUNDY FOR SECRETARY:

Motion by Kurtzweil, second by Leimbach to nominate Chaundy for Secretary.

VOTE

MOTION CARRIED UNANIMOUSLY

3) Knolls of South Lyon: Kurtzweil stated that she had asked for this issue to be placed on the agenda tonight. She asked if any Planning Commissioners had been to the site because every tree is gone. She thought there was a tree survey done, now all the trees are gone. She stated that this is a collapse of management. The property has been clear cut, trees were supposed to be preserved but they have not been. Lanam asked what could be done at this point, aside from tree replacement?

Avantini stated that the first issue is that at the time that this was done there was not a signed development agreement in place. The developer had not installed the required snow fencing, had the snow fencing inspected or been issued any tree removal permits. That falls squarely on the developer – it was their responsibility to take the necessary steps before removing the trees. Avantini stated that he had been in touch with the developer prior to the removal of the trees and he had notified him that the snow fencing needed to be installed and then the Building Official would inspect to make sure that it was correct before a permit would be issued. The developer did not do this. Avantini stated there is a process and the developer did not follow it.

Kurtzweil stated that the developer removing the trees was a breach of contract. City employees are getting paid to monitor this situation and they have dropped the ball.

Rose stated that he was not surprised by this. Developers cut corners all the time. He stated that it would be very easy to clear 25 acres in less than six hours. Rose stated that this happens all the time, because it's easier for the developers to ask for forgiveness than permission.

Kurtzweil stated that people in the adjacent subdivision said it had been going on for weeks. This needs to be monitored and the City did not do that.

Lanam asked if the project could be red tagged or if it had already been red tagged. Avantini responded that the City Manager was working on that.

Avantini noted that the developer may still be in compliance with the original plan. He cannot determine that yet, because the snow fencing has not gone up, but he might not have gotten into the areas of the site where the trees were supposed to be preserved.

Leimbach asked about damages. He stated that clearly trees in protected areas were removed.

Avantini stated that until the snow fencing goes up in the proper location and an inspection is done, he can't verify if protected trees were removed. Wilhelm concurred noting that the City has a legal description of the protected areas.

Rose stated that he had recently walked the site and it has pretty much been clear cut. Rose stated that right now, the best the City can do is to force the developer to mitigate the lost trees.

Kurtzweil stated that City employees need to get out of their offices and drive out to the site on a regular basis.

Avantini stated that he couldn't speak for the administration but he did want to reiterate that the developer was aware of the process and chose to proceed without approval.

Kurtzweil stated that a process needs to be put into place now. Someone needs to figure out how this project is going to be managed.

Lanam asked if this was the responsibility of the Building Official or the Code Enforcement Officer. There was a discussion about the role of each position. Avantini noted that ultimately the Building Official was the person who would give the developer permission to proceed.

Kurtzweil asked about a stop work order. Wilhelm stated that there was not one in place now.

Lanam stated that the City needed to red tag the project.

TABLED BUSINESS

1) Planning Commission By-Laws: None.

PLANNING CONSULTANT REPORT

Avantini gave an update on the progress of the ordinance rewrite. He noted that it still needs to be reviewed by Wilhelm.

STAFF REPORT

Delaney stated that the Huntington Square has sold and the City is in the process of reaching out to the new owners.

ADJOURNMENT

Motion by Bradley, second by Chaundy.
To adjourn the meeting at 8:55 p.m.

Scott Lanam, Chairman

Kristen Delaney, Recording Secretary

Jerry Chaundy, Secretary