

City of South Lyon  
Planning Commission  
Regular Meeting Minutes  
November 12, 2015

Approved:   KM          

The meeting was called to order by Mr. Lanam at 7:05 p.m.

Roll Call:           Scott Lanam, Chair  
                      Keith Bradley, Commissioner  
                      Steve Mosier, Commissioner  
                      Frank Leimbach, Commissioner  
                      Carol Segal, Commissioner

Absent:             Michele Berry, Commissioner  
                      Jerry Chaundy, Secretary  
                      Wayne Chubb, Commissioner  
                      Jason Rose, Commissioner

Guests:            11

Also Present:      Carmine Avantini, Planning Consultant, CIB Planning  
                      Tim Wilhelm, City Attorney  
                      Kelly McIntyre, Director of Community and Economic Development

Mr. Lanam noted that absent Commissioners Berry, Chaundy, Chubb, and Rose are excused.

**APPROVAL OF AGENDA**

**Motion by Mosier, second by Leimbach  
To approve the agenda as presented.**

**Voice Vote: Ayes:       Unanimous  
              Nays:        None**

**MOTION APPROVED**

**APPROVAL OF MEETING MINUTES**

**A. Approval of the August 13, 2015 Minutes**

Minor changes were made to the minutes.

**Motion by Mosier, second by Leimbach  
To approve the June 11, 2015 minutes as amended.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**PUBLIC COMMENTS (non-agenda items)**

None.

**OLD BUSINESS -None**

**NEW BUSINESS – None**

- 1. Request from Biggby Coffee/TCBY addition, located at 22729 Pontiac Trail, for site plan amendment.**

**Representing Biggby Coffee/TCBY addition: Vipen Khetarpal, Owner  
Dennis Maloney, Architect**

Mr. Avantini reviewed the CIB Planning memo dated October 30, 2015. He explained that the applicant is asking for three items be waived from the original site plan approval (May 14, 2015). The applicant wants to: 1. eliminate the curbed island/pedestrian walkway at the southwest corner of the building and replace with pavement striping, 2. Omit the stone wainscoting on the base of the building and replace it with dryvit, and 3. Omit the direct connection of the existing and new downspout into the existing storm basin.

Mr. Avantini explained that the elimination of the curb area will create an unsafe trajectory between vehicles entering the site and exiting the drive-through lane and put pedestrians in harm's way. He does not support the proposed curb cut elimination.

The applicant has asked to replace the stone wainscoting with dryvit as landscaping will cover the materials and is costly. Mr. Avantini stated that even with the landscaping the material will be visible. He noted that dryvit is hard to keep clean and is an issue on the current building. He does not support the request as the goal is to upgrade the appearance of the building with the addition.

Finally, Mr. Avantini does not support the stormwater runoff to sheet drain into the catch basin. Water can freeze in winter and create icy conditions.

Seeing no merit in the requested deviations from the original approved site plan, Mr. Avantini recommends that the Planning Commission deny the request.

Chairperson Lanam asked about the location of the curb cut and Commissioner Bradley asked about the distance between the neighboring drives. Mr. Avantini stated that the applicant should work with the Road Commission of Oakland County to determine if there is a better solution for the curb cut and pedestrian island. If the Road Commission has safety concerns, he will work toward a solution.

Applicant, Vipen Khetarpal, 22729 Pontiac Trail, explained that the parking lot has already been re-asphalted and the drain spouts and curb cut will be difficult to do. Chair Lanam stated that these items should have been done before the reasphalting. Mr. Khetarpal commented that the pedestrian island is complicating the situation on a very tight lot. He has a 43 foot truck that needs to come in as well as a garbage truck and there will not be enough room if the pedestrian island is installed. Chair Lanam stated that additional information on turning radii may be needed. Commissioner Leimbach said that the intent is to keep pedestrians safe as possible and was looked at during the original site plan review for that reason. Chair Lanam said that other options should be entertained before eliminating the curb.

Applicant stated that he did not have a problem with the stormwater downspout issue nor the stone wainscoting.

**Motion by Leimbach , seconded by Segal  
To deny request for site plan amendment.**

**Voice Vote:           Ayes: Unanimous  
                              Nays: None**

**2. Request from South Lyon Square (formerly Huntington Square), located at  
600 N. Lafayette Street, for conceptual feedback on proposed lot.**

**Representing South Lyon Square: Brian Najor, Najor Companies  
  John Abro,  
  Leo Gonzales, CRS Commercial**

Mr. Avantini explained that a conceptual plan with proposed outlot is before the Planning Commission for comment and discussion. He noted that no action will occur as a result of the meeting other than giving the applicant feedback and direction on how the ordinance applies.

Mr. Avantini reviewed his CIB Planning memo dated October 31, 2015. The outlot is located at the southwest corner of South Lyon Square, immediately north of the BP Station/Mini Mart. Mr. Avantini explained that the outlot shown has a drive through component. Based on the ordinance requirements, a Special Land Use approval is needed. Based on the proposed location of the outlot, the sideyard setbacks are only 5 feet and should be 10 feet, the drive through lane is only 17 feet wide and doesn't provide a bypass lane. The parking requirements are met (based on the 272 parking

spaces provided for the entire site), however, the loading zone must be relocated from the front yard to the rear yard. Mr. Avantini stated that these items can be met and should be addressed as part of a site-wide development.

Mr. Avantini would like to see the outlot approval be reviewed as part of an overall plan and site-wide improvement. Landscaping still needs to be addressed. For improved visibility, it was suggested that the existing berm be cut down and replaced with a water feature. Additionally installation of a parapet on the buildings will improve visibility. Mr. Avantini stated that any changes (the addition of an outlot) should be tied to an overall development and update of the center.

Additionally, Mr. Avantini commented that he has spoken to the owner of the BP station (adjacent to the proposed outlot) regarding the removal of the inoperable car wash. The owner has no plans to make any improvements to the car wash. Mr. Avantini encouraged the applicant and BP owners to talk and see if the car wash site could be purchased and included in the outlot project.

Applicant Brian Najor of Najor Companies introduced himself and thanked the Commission for taking time to discuss his concept. He then introduced Mr. Leo Gonzales. Mr. Gonzales addressed the Commission by introducing himself and giving the commission a history of the property. Mr. Gonzales represents CRS Commercial and was hired by the insurance company that foreclosed on the property in 2013. With the closing of Larry's Food Land in 2012 and the economic downturn, the property has struggled. The center was built in the 1990s when the population density was in close proximity to the site. In the last 20 years and more, retail has followed the expansion of development onto Milford Road and 8 Mile and Haggerty Roads. In March 2015 Mr. Najor purchased the property with the hope of stabilizing the site and repositioning the center as a neighborhood center. The developer and Mr. Gonzales met with the city and discussed what is proposed. Mr. Gonzales says they took advice from the city about approaching tenants. They want the best tenants possible and have looked at Aldi's and Trader Joes, with no interest on their part. He stated that it has been difficult getting the "right" anchor to lease. He added that the outlot will bring more traffic into the site and visibility. It is understood that it may not be possible to attract tenants unless the site is nice looking.

Brian Najor explained that he met with the owner of the BP Station concerning the purchase and demolition of the car wash. Mr. Najor is uncertain of the station owner's thoughts on this matter. Mr. Major said he is ready to move forward on the outlot and will pursue the BP Station car wash at a later date.

Commission Chair Lanam commented that getting the property "up to snuff" will take a large investment. Mr. Najor agreed and said that getting tenants in the units will help fund the improvements. Parking lot improvements are a first priority. Mr. Najor would like to have a concrete plan to move forward. Possibly phasing the improvements were discussed by the Commission and Mr. Najor.

In changing the name of the development, Mr. Najor looks to rebrand the site. He has plans for a new monument sign, made of brick and stone, to set the tone for the

redevelopment. The optical store is expanding to two suites and the karate studio makes the center family-friendly. There are limitations with attracting major tenants, but they are trying. Currently in talks with a Mediterranean restaurant for the center.

Lanam stated that the City wants high quality, good-looking center. Changes to the façade can help this. Mr. Najor does not want to do major façade improvements at this time, but agreed that Chair Lanam's "fresh coat of paint" is a good start. Commissioner Leimbach stated that he is encouraged by the desire to move forward and wants the best possible outcome for the City.

The applicants thanked the commission for their time and feedback. The applicant will move forward with their direction.

### 3. Food Trucks

Scenerio handouts were provided in Planning Commission packets by Attorney Tim Wihelm. The scenario handouts are intended to get the discussion going and to highlight the commission feelings on various issues. Mr. Avantini commented that temporary uses and special events will be discussed at another time. He decided to bring food trucks only at this point and will deal with the other issues separately.

Commissioner Segal asked what brought about this ordinance discussion. Chair Lanam reviewed that a brick and mortar establishment asked for a permit to sell food at Pumpkinfest and was denied. The brick and mortar establishment then made an arrangement with a property owner outside the Pumpkinfest area to serve food. The city shut down the food service. Chair Lanam explained that City Council has sent this issue to Planning Commission to draft an ordinance pertaining to food trucks/vending/carts, etc.

Chair Lanam expressed that he was not happy with the way the City handled the Lindsay's Bar B Que situation. He feels that it was not business friendly and the city handled it poorly. He stated that he liked the City of Battle Creek's Food Truck ordinance (provided as an example ordinance in planning packets). He liked that Battle Creek waived fees for veterans and suggested that we do something similar and reduce fees for brick and mortar establishments also seeking a food truck permit.

Commissioner Mosier commented that we already have food trucks in the city at the Saturday morning Farmer's Market and at Concerts in the Park.

Mr. Avantini explained that these are considered special events and are handled under the Special Event permit process.

Questions then ensued about Pumpkinfest and whether an area for food trucks should be designated. Additionally, the commission asked if the food trucks can park in public lots or private, and is this competition for brick and mortar establishments.

City Attorney Tim Wilhelm explained that these are the type of questions he seeks answers to and guidance so he can draft an ordinance. It is for the Planning Commission to discuss and give him direction.

Commissioner Bradley asked if other communities are going through similar situations. Mr. Avantini then introduced Carol Maise, from CIB Planning, who worked on a food truck ordinance in Romulus. Mr. Bradley asked for a copy of Romulus's ordinance for reference.

Food trucks in the downtown area were discussed. Mr. Avantini suggested that a small area could be designated within the city as a "test" area.

Commissioner Leimbach asked if the Health Department is involved in permitting food trucks. Commissioner Bradley explained that it is (there is information in the packet) and that the food trucks need a commissary to return to at regular intervals.

Commissioner Leimbach also discussed the current issue with the Witch's Hat parking. He pointed out that if a food truck is brought on site it will take up even more parking, making the situation worse.

To help further the discussion, Mr. Wilhelm asked the Planning Commission if the food trucks have to move and how often. Also- does the city want to just focus on the public areas as opposed to private property?

Commissioners concurred that the operation is temporary therefore, must have restricted hours of operation and restricted areas to park. It was suggested that food trucks on public property follow park hours, except during special events.

Mr. Wilhelm asked if "manning" or leaving the truck parked and unattended be permissible. He additionally asked if food trucks are permitted on all public streets whether they can park on a public street in front of a residence. He questioned how the city would like to control this and how can an area to confine the trucks be delineated.

Chair Lanam said the he would not like to see the food trucks in residential areas. He stated that a map designating areas and street spaces that food trucks may park be created. Commissioner Leimbach suggested tying the permission to zoning; if zoning ordinance prohibits sales of food in residential then food truck should not be permitted.

City of South Lyon Fire Chief Mike Kennedy addressed the Commission. He stated that fire code requires 10 feet of clearance from any structure (including another parked car). The Fire Department will be diligent in this requirement as there is a history of food trucks/carts and fire. He noted that with this fire and safety requirement, there will be very few public parking spaces in the city that will accommodate the trucks. Chief Kennedy cautioned writing an ordinance for an area where fire code regulations make it not permissible.

Commissioner Leimbach agreed with the Fire Chief and suggested we first determine where the trucks can park and meet fire code. With this in mind Commissioner Leimbach sees the trucks parking on private property more so than on public streets.

Mr. Avantini stated that parking a food truck on private property will trigger a review of the approved site plan to determine if adequate parking and traffic circulation can still be provided. He stated that at a minimum an administrative review will need to be done.

Mr. Avantini explained that during "Special Events" food trucks are within a designated

area and under control. He questioned if the city wants to allow food trucks to park on the fringes of the festival in an uncontrolled area.

Other questions were raised concerning the permitting process, insurance, length of time of permit, how many trucks are allowed on site, appeal process

Commissioner Segal raised concerns that the issue could become a liability for this small town. She questioned what it will do for the City. Mr. Avantini commented that food trucks are quite popular and they brings people into the area and expose them to the city. The City may not have any food trucks, but the City should be prepared.

Mr. Wihelm said the he will send the 30 questions he presented to Council to the Commission and will start framing out the ordinance. He may put “place holders” in the ordinance for the Planning Commission to discuss and fill out. He will additionally send out more sample ordinances from communities.

**Motion by Bradley , seconded by Leimbach  
To table item until December 10, 2015.**

**Voice Vote:           Ayes: Unanimous  
                              Nays: None**

**MOTION APPROVED**

### **TABLED ITEMS**

1.       Planning Commission By-Laws

**Motion by Bradley, second by Leimbach  
To postpone the Planning Commission By-Laws until the 12/10/15 meeting.**

**Voice Vote: Ayes: Unanimous  
                  Nays: None**

**MOTION APPROVED**

### **PLANNING CONSULTANT REPORT**

Mr. Avantini discussed a parcel of land for sale on Stryker Street. The property is for Auction on November 14 and a party interested in purchasing approached the city to determine what could be built on the property. The property is zoned R-3, between South Lyon Woods mobile home park and the City Cemetary. The back of the property is cut off by a county drain. Only two-thirds is viable for building. To build a multi-family development requires second point of access, which is not possible because of the drain.

The potential property owners are considering a mini-storage facility. In order for this to happen, a conditional rezoning would need to occur.

Mr. Avantini asked for the Commission's initial feedback as this will help the potential property owners decide to put in a bid. Discussion ensued about the quality of trees on site, how much property will be used for the use, buffers between the uses, and quality of the development. The Commission is open to seeing a site plan for the property with a mini storage facility, however, are concerned about site design.

**ADJOURNMENT**

**Motion by Lanam, second by Bradley  
To adjourn the meeting at 8:52 p.m.**

**Voice Vote: Ayes:           Unanimous  
                  Nays:           None**

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 8:52 p.m. due to no further business.

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Scott Lanam, Chairman

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Kelly McIntyre, Recording Secretary

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Jerry Chaundy, Secretary