

**City of South Lyon
Planning Commission
Regular Meeting Minutes
February 9, 2017**

The meeting was called to order by Chairman Lanam at 7:03 p.m.

PRESENT: Scott Lanam, Chairman
Keith Bradley, Vice-Chairman
Jerry Chaundy, Secretary
Wayne Chubb, Commissioner
Michelle Berry, Commissioner
Mike Joseph, Commissioner
Steve Mosier, Commissioner

ABSENT: Frank Leimbach, Commissioner (excused)
Jason Rose, Commissioner (excused)

OTHERS PRESENT: Kelly McIntyre, Planning Consultant
Timothy Wilhelm, City Attorney
Megan Blaha, City of South Lyon

APPROVAL OF AGENDA

Motion by Bradley, second by Berry to approve the agenda for February 9, 2017.

VOTE **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF MINUTES AS AMENDED:

Motion by Mosier, second by Bradley to approve the minutes for January 12, 2017 as presented.

VOTE **MOTION CARRIED UNANIMOUSLY**

COMMENTS FROM THE PUBLIC:

None.

PUBLIC HEARING:

None.

NEW BUSINESS:

None.

OLD BUSINESS:

1) Alexander Center Parking Lot

Planning Consultant McIntyre stated that the applicants are here tonight requesting an amendment to the conditions of their site plan approval. McIntyre reviewed Carmine Avantini's letter dated February 7, 2017. She stated that the applicant is requesting to use a portion of the building that was to be left vacant per site plan approval.

Commissioner Chubb asked how the Commission would be able to remove a condition to the site plan that was based on the ordinance? McIntyre responded that the Planning Commission does have some discretion in this area. She also noted that the Planning Commission is currently revising the zoning ordinance and parking standards will likely be revised in the process. McIntyre went on to say that the applicant has submitted their own parking study to the Planning Commission.

Commissioner Bradley asked if, when the new ordinance was in place with lower parking standards, will the applicant still not meet the requirements? McIntyre stated that would be correct, the applicant will still not meet the parking requirements for a restaurant.

Chairperson Lanam went over the history of this project since 2004. He stated that throughout the development of this site, it was always presented as low-use retail. The Planning Commission discussed with the property owner, at length, the parking requirements for a restaurant. Lanam stated that the Planning Commission had repeatedly told the property owner that the site plan, as presented in 2004, did not have enough parking on-site to accommodate a restaurant.

Lanam stated that the property owner got initial site plan approval and then came back asking to put a restaurant at this location and that is how the situation of having two vacant units came about. Lanam noted that the Planning Commission had discouraged the property owner from doing this because it did not make fiscal sense to keep units vacant. Lanam went on to say that the units aren't really vacant like they are supposed to be because they have been used for storage. He continued that the Planning Commission had come up with other ideas for the site plan, including demolition of the original part of the structure to create more parking. He stated that the Planning Commission has consistently tried to help guide the development of this site and help the property owner.

Lanam reviewed the packet for tonight's meeting and stated that there are several meetings that the applicant attended, but these minutes are not included. He stated that they would help everyone, including the property owner's attorney understand the history of the property. Blaha stated that she would research the minutes and distribute omitted ones to the Planning Commission.

Lanam stated that he has several questions for the property owner and/or his representatives. Lanam asked why there is always garbage and clutter stacked up around the back door. He went on to say that cleanliness on the site has been an issue. Lanam said that garbage is kept at the back, the door is rusty, the parking lot bollards have never been painted and there is graffiti that has never been fully removed. Lanam said that the appearance on all sides of the building needs attention.

Lanam stated that he had reviewed the parking study that the applicant submitted and it does not appear to have been conducted by a professional. He noted that he had driven by the site tonight and

counted 23 cars in the lot. According to the parking study, there are never that many cars in the parking lot. Lanam said that he isn't taking much stock in this parking study.

Shiraz Khan, Shiraz LawFirm
20245 W. 12 Mile Road, Suite215, Southfield

Khan stated that he is the attorney representing the property owner of Alexander Center. He said that he doesn't know the entire history of the property and everything that has happened with the Planning Commission. He stated that his client just doesn't have enough seating at his restaurant. Business has increased and the only reasonable solution is to open up Unit C and use a portion of it for seating. According to the parking study, even during peak times, there is sufficient parking.

Khan said that he understands that his client agreed to keep Units A and C empty in 2012 however things have changed. Khan stated that 95% of traffic coming to the center is for the restaurant. He stated that the other tenants in the center are holdover tenants and can be given notice to vacate if need be.

Khan stated that if the requirement is to keep a certain amount of space unused, perhaps the Planning Commission could agree to keep alternate units vacant instead of Units A and C? Khan mentioned using 800 SF of Unit C to provide the restaurant with more seating area.

Khan discussed the shared parking agreement idea that had been suggested a few years ago. He stated that from what he can tell, it is the neighbors utilizing Alexander Center's parking lot, not the other way around. Lanam responded that in all fairness, some of the cars that he counted before tonight's meeting could be from the neighboring property.

Lanam stated that he sees some of Khan's points, but that no matter how you look at this situation, it is a self-imposed hardship and the site doesn't meet the parking requirements for restaurants under the current ordinance or the future, revised ordinance.

Bradley agreed with Lanam, stating that he doesn't see what will stop the applicant from coming back to the Planning Commission again in the future to utilize even more of Units A and C?

Lanam stated that all of these issues go back to the fact that the building was never intended to be a restaurant. He went on to say that history tells them that this issue with Alexander Center will keep coming back.

Shiraz stated that he does not think that his client will want to expand beyond what he is requesting tonight. Lanam noted that the Planning Commission heard that the last time this site was discussed.

Bradley stated that any way you cut it, the ordinance requires a restaurant of this size to have 35 spaces and there are only 32 on the site.

Lanam stated that his issue with this request is that from day one, there were requirements of the site plan that have not been met, and things that have not been done the way they were supposed to be done. The property owner used cheaper materials on some parts of the building and didn't put finishing details on other parts. He hasn't met the requirements of the site plan and he has cut corners. Lanam stated that the property owner was eventually forced to do things some correctly in order to obtain a certificate of occupancy.

Shiraz stated that he doesn't know the whole history of this property and his client's interactions with the Planning Commission but he would like to move forward. Right now his client's issue is that he has enough parking spaces but his customers at the restaurant don't have enough places to sit. Khan stated that he and his client will work with the city. Khan went on to say that he is not asking to use all of Unit C, just enough to fit 10-15 more seats.

Lanam asked for clarification on whether they needed 10-15 seats or tables? Shiraz stated that it was 10-15 tables. Lanam asked if that would mean 40 more seats? Shiraz stated yes, but they would settle for less. Lanam responded that the Planning Commission had already tried that. In 2011 or 2012 when the site plan was approved they showed a minimal number of seats on the site plan and then ended up cramming way more seats in the building than was shown on the plan. Shiraz stated that they will work with the city and do exactly what they approve.

Commissioner Berry asked for clarification on the exact number of seats that they were asking for. Shiraz responded that they were looking to add 35-40 seats.

Commissioner Mosier stated that he thought the property owner would have done the needed maintenance to the property before coming to the Planning Commission asking for an amendment to the site plan. Bradley agreed stating that this is not a tradeoff, there are things that were supposed to be done to Alexander Center that have not been done. They have not met the obligations of the site plan and now they are asking for more.

Lanam stated that he would like to have the opportunity to review the site plan that was approved in 2012 and see what seating was shown on the plan. He would also like to compare it to what the actual seating is now. Lanam stated that without some kind of drawing of what the applicant is proposing, the Planning Commission doesn't really know what they are being asked to approve. Lanam stated that it doesn't need to be a professional drawing but he would like to see a layout of exactly what is being requested.

Commissioner Chubb stated that the Planning Commission usually doesn't look at interior layout and questioned if this was under their purview.

City Attorney Wilhelm stated that he will look into the Planning Commission's authority to make interior use decisions, noting that some of this might overlap with the building code. He stated that the Planning Commission should focus on the parking requirements.

Commissioner Joseph stated that he agrees that the Planning Commission is being asked to make decisions about parking without specific information about how many occupants the applicant wants to add.

Chubb added that the current use might not be there next week but the decisions that the Planning Commission makes will carry over to future tenants and uses.

Bradley asked about any future tenants with more intense uses coming to Alexander Center.

Shiraz clarified what the Planning Commission was looking for. Lanam stated that they wanted to see: current seating, proposed seating and square footage of useable floor area. Mosier added that he would like to see the square footage of all other units in the center.

MOTION TO TABLE THE REQUEST FOR AN AMENDMENT TO THE SITE PLAN FOR ALEXANDER CENTER:

Motion by Bradley, second by Mosier to table the amendment to the site plan for Alexander Center.

VOTE (1 opposed)

MOTION CARRIED

2) Zoning Ordinance Review – Lot Coverage

McIntyre stated that the ZBA has received many variance requests regarding lot coverage. Almost half of these requests have come from Charleston Park when someone goes to build a deck or raised patio. She has researched several neighboring communities' standards for lot coverage maximums. The ordinance currently limits lot coverage to 25%. McIntyre stated that the Planning Commission has a few options, including changing the definition of lot coverage, increasing the percentage or a combination of both.

Lanam asked when residents come for a variance, what is the typical percentage increase they are looking for? McIntyre stated that most requests are looking for a 5% variance or less.

Joseph asked if pavers counted towards lot coverage. McIntyre stated that they are counted, and so are pools, paved areas around pools and covered pergolas. She stated that they currently do not count driveways or parking pads.

Lanam stated that is his opinion a deck or raised patio is different from on-grade pavers or a patio, because an on-grade patio is not intrusive to neighbors.

McIntyre stated that the trend for lot coverage in neighboring communities is 30%, and some go as high as 40%.

Bradley stated that he thought increasing to 30% would be adequate. Berry stated that she also thought that would be acceptable. There was a discussion about changing the definition of lot coverage and including driveways.

Chubb noted that houses in many of the new subdivisions have front yard driveways and probably more than 25% of these lots are covered by impervious surface, maybe closer to 50%.

McIntyre stated that she will do more research.

MOTION TO TABLE THE DISCUSSION OF LOT COVERAGE:

Motion by Mosier, second by Berry to table the discussion of lot coverage.

VOTE

MOTION CARRIED UNANIMOUSLY

TABLED ITEMS:

None.

PLANNING CONSULTANT REPORT:

None.

STAFF REPORT:

There was a discussion regarding signs around town. Blaha stated that a new code enforcement officer had been hired and was working on some of these issues.

ADJOURNMENT:

Motion by Chaundy, second by Bradley to adjourn the meeting at 8:24 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY



Scott Lanam, Chairman

Kristen Delaney, Recording Secretary

Jerry Chaundy, Secretary