

**City of South Lyon
Planning Commission Meeting
Zoom Meeting
May 13, 2021 – 7:00 p.m.**

Approved: 

The meeting was called to order by Chairman, Scott Lanam at 7:05 p.m.

Roll Call: Commissioner Erin Kopkowski, Present, South Lyon, Michigan
 Commissioner Steve Mosier, Present, South Lyon, Michigan
 Chair Scott Lanam, Present, South Lyon, Michigan
 Commissioner Wayne Chubb, Present, South Lyon, Michigan

Also in attendance: Kelly McIntyre – CIB Planning
 Judy Pieper – Deputy Clerk

Motion to Excuse Commissioner Joseph and Commissioner Finnegan

Motion by Mosier, Second by Kopkowski

Voice Vote: Ayes: Unanimous
 Nays: None

Motion Approved

Motion to approve Agenda

Motion by Mosier, Second by Chubb

Voice Vote: Ayes: Unanimous
 Nays: None

Motion Approved

Motion to approve 4-22-2021 Minutes as amended

Motion by Mosier, Second by Finnegan

Voice Vote: Ayes: Unanimous

Nayes: None

Motion Approved

Public Comments – None

Commissioner Joseph and Commissioner Finnegan joined the meeting at 7:11 p.m.

New Business:

a. SPR#22-01, Suzi’s Bar and Grille, 26800 Pontiac Trail

Applicant is seeking site plan approval for a 1,200 square foot patio addition.

Kelly McIntyre, CIB Planning

McIntyre States that she has completed her review of the request for a 1,200 Sq. Ft. covered-patio addition to an existing nonconforming restaurant/bar establishment. The property is zoned R1A, which is our lowest density single-family district. It is surrounded by residentially-zoned property to the north, east, south and west. She goes on to say that there is a small motel, Country Inn and Motel, which is directly north of the property.

McIntyre gives a quick history on this property, explaining that this property was included when the property for Carriage Trace was annexed into the City from the Township in November, 1988. She states that when land is annexed in to the City, it is automatically classified as R1A, Single-Family Residential. It can then be re-zoned, however, this property was not.

She goes on to say, because this is a Commercial use it is not permitted in the residential district. Therefore, it is considered existing and non-conforming.

On March 18, 2021, the applicant appeared before the Zoning Board of Appeals for a variance to permit the expansion of a non-conforming commercial use. The variance was granted by the Board with the following conditions:

1. No building expansion toward the rear of the property,
2. No additional parking to the rear of the building,
3. No excessive lighting on the patio – lighting must be screened,
4. Side door to be used for emergency only,
5. Patio to close by 11p.m.

McIntyre states that the proposed patio will meet all required setbacks. As far as parking, the current Zoning Ordinance says that establishments for the sale and

consumption of food and beverages require one space per 75 Sq. Ft. of usable floor area or one for each two persons allowed within the maximum occupancy load as established by the local, county or state fire, building or health codes, whichever is greater.

The existing building and proposed patio addition require 59 spaces using the square footage calculation or 68 spaces using the occupancy calculations. The 68 parking spaces, including three ADA spaces are shown meeting the requirements.

McIntyre states that as part of the site plan approval, the applicant has agreed to re-stripe the parking lot. She adds that at any time we have a non-conforming property, our goal is to bring the property in to conformance in as many ways as possible, and striping the parking lot is a good start.

McIntyre goes on to discuss the landscaping and screening of the sound. She states that the applicant is proposing 8 potted Evergreen to be placed between Suzi's and the Motel next door. She states that because there is no greenspace, the applicant is pretty limited to what they can do for proper landscape.

McIntyre states that as far as lighting, nothing has been submitted at this time. We do ask that in the event there is some additions, that they are submitted for review.

McIntyre goes on to discuss building elevation. She states that with an expansion, we always try to make sure the proposed façade materials match. She adds that the patio is enclosed on all sides by a 4 foot wall and to access the patio area, you must enter and exit through the restaurant. This structure is supported by columns consisting of C.M.U. painted white with stone caps and wood pillars. The applicant is proposing a roof with shingles. She adds that the face of the gable is proposed as vinyl siding. The materials and color samples must be provided to the City for review.

McIntyre states that they did look at the sidewalks. She states that in the City, if you have frontage along a public street, you are required to have a sidewalk. Looking at the property to the north and to the south, there are no other sidewalks on this side of Pontiac Trail. If the Planning Commission feels that this requirement is not in the best interest of the City, they can waive it.

McIntyre does add that Site Plan approval must be conditioned upon review and approval from other applicable consultants, departments, and agencies.

McIntyre states that they are recommending the plan approval, conditioned upon the following:

1. Any lighting installed on the patio must be submitted to the City for administrative review;

2. The north side “emergency exit” door be used for emergency only and may not be propped open;
3. The patio to close by 11:00 p.m. Existing patrons in the patio area should be asked to move into the building at 11 p.m.;
4. Striping of the parking lot, including installation of fire lanes;
5. Eight (8) potted evergreens, measuring six (6) feet at the time of planting be installed prior to a Certificate of Occupancy of the patio area;
6. Planning Commission waiver of the sidewalk requirement; and
7. Review and approval from other applicable consultants, departments, and agencies.

McIntyre states that she did forward on some letters to the Commission that she received from the neighboring property owners that have concerns, if you would like to have their records as part of our records, you may do so. Their concerns echo the concerns that the ZBA had. Those minutes were also included in the Planning Commissions packet.

Chair Lanam references the CIB recommendation letter (paragraph 2) where it says, land zoned or un-zoned prior to annexation shall be automatically classified as an R-1A district until a zoning map for said area has been adopted by the city council. He questions McIntyre about this process and asks if after the annexation, shouldn't the next step have been to change this classification to commercial? McIntyre states the either the City or the Applicant can initiate that. She states that she is unaware of what the City's intention was at that time. However, property owners can approach the City and ask for the different zoning designation. She adds that this was many years ago and perhaps it was lack of knowledge.

Chair Lanam states that he knows that this is zoned R1A, but this is a non-conforming commercial use, and in commercial uses, we do not allow vinyl siding, shingles, C.M.U. painting, painted trim, etc. We always require maintenance free items. McIntyre states that we are only really looking at the expansion portion. She states that the building is already C.M.U. and they are matching that. She also states that this is in a residential area and because there are residential houses around it, this is more in character.

Commissioner Joseph confirms with McIntyre that because the existing building is masonry the addition is grandfathered in. McIntyre states that this is correct and we

cannot ask the applicant to change the existing building. Joseph confirms that because this is an addition, they can hold it to different standards.

The discussion continues regarding the cost of building materials and how the difference will be minimal with some of the ideas being suggested.

Chair Lanam references the ZBA meeting. He states that there was concern from the City Attorney, Lisa Hamameh, about taking away the non-conforming and making it no longer non-conforming. McIntyre states that they are allowing the expansion, but it is still non-conforming.

Chair Lanam references the potted plants that are being discussed for the South side of the building. He states he would like to make sure that these are added to the Site Plan. He adds he would like to make sure that the right size pots are used for planting, as these pots are going to be too heavy to move. McIntyre advises that this is on the plans, and that these are the types of things that can be requested.

Commissioner Mosier has a question regarding the parking bollard that are on the side of the building. McIntyre states that we can have those added, but that will reduce the handicap parking space by one, on the South side.

Commissioner Finnegan questions how the sign will be done on the building. McIntyre advises that this would fall under a sign permit. He then references the gap property that is south of this site and north of Gateway Commons. He questions if there is any future plans that need to be taken in to consideration as far as sidewalks, etc. McIntyre states that that is all Master Plan for low-density residential, but the complication that comes with that piece of property is the wetlands.

Chair Lanam questions that as far as this plan, if a sidewalk ever comes to the property, can we come to an agreement that at that time, the property owner would continue it. The Commission also goes on to discuss the front of the building where the asphalt and road is and curbing.

Commissioner Kopkowski states that she does not feel that 8 potted plants are going to help to cut down on the noise. She questions who will take care of the enforcement for when the patio closes at 11:00 p.m. She references another establishment in town that attempted this very same thing and it did not work. She states that this is going to be

noisy for the Motel next door. The potted plants aren't going to do it, getting people off the patio by 11:00 p.m., is not going to do it. If you bring the patrons inside, where are they going to go? They are not going to want to go inside, they are going to want to hang in the parking lot. You will hear music coming from the inside, doors will be open, and you are going to want fresh air. This can just go on and on. Eight tall plants are not going to cut it.

McIntyre states that she does agree and the mitigation and the proposed hours were recommended and forwarded on from the Zoning Board of Appeals. How do you enforce this?

Kopkowski references the Motel and states that this is somebody's business and typically Motels are for sleeping. She references the letter from the Motel and states she doesn't know if the two have communicated. She states she is all for outside dining and being in Michigan, we only have a few months for this, but are we opening up a can of worms. Kopkowski states that she does live in town and she can hear all the stuff going on in town.

Chair Lanam questions the placement of the potted plants. McIntyre confirms that they are on the applicant's property. Lanam suggests more of a permanent planter box instead.

Commissioner Chubb questions if there is a way to delay the sidewalk requirement. McIntyre and Lanam discuss possibly indicating future sidewalk on the plans. Chubb states that he is trying to avoid problems in the future.

Hunter Avis, Jolsen Rosenberg, 30665 Northwestern Hwy., #200, Farmington Hills, MI Avis, Attorney for the applicant, addresses the Commission, he states that he is in the position to save this restaurant. We do not want to create an outdoor party or an obnoxious environment and for that reason, we have positioned the addition to face a major road way, with traffic 24 hours a day. In regards to the Motel, there is a lot of noise from vehicles coming and going and it is his understand that the Motel is a short term stay (24 hours or less). So with that said, we have two non-conforming uses that in a way, have always had friction between the two owners. Avis states that if the Commission has any suggestions for his client to help with any issues. He goes on to say that as far as policing, it is going to be a self-policing thing. The community is going to say something, it is not going to go un-addressed.

Avis again states that they are willing to talk through any suggestions and reminds the Commission that their architect is present and is also hear to listen to their ideas. He addresses the sidewalk issue and states that budget wise for his client, it is nearly impossible to have a looming sidewalk in the future. He goes on to clarify, are we talking about the portion of the property that Suzi owns, or are we talking about the Motel having to address a sidewalk issue as well. At the end of the day, all we want is a safer way to do what is a temporary thing for many restaurants.

Phillip Hill, Architect, 3265 Theodore East, Wixom, MI 48393

Hill states that he had gone over the materials that were chosen for the project with the owner. The shingles were chosen to match the shingles that are already being used on the restaurant as well as using concrete block to match up to what she has. He adds that we could probably change that to a split face to add more definition or character to it. As far as the screening, he states that he is not sure of what will work in this situation. Possibly adding a block wall may help more, but what will that look like. He adds that a good planting bed would work real well it that's what we want to do.

Chair Lanam states that they agree that this is probably needed to help function with Covid and the new way of doing things. An outdoor patio is a great idea. It's just trying to do it the best way possible for 10 to 15 years down the road, so that there is no maintenance or deterioration and also being as good to the neighbors as you possibly can. Lanam states that the sidewalk is a down the road concern.

Avis clarifies with Lanam regarding the decision for the sidewalk, asking if they would like to preserve potential sidewalk space from development in our site-plan. Avis adds that if it is decided to do sidewalks in the future, all the owners will be obligated to do them, correct?

Lanam states that if the city were to put them in, then yes. He adds that the sidewalk would be in the right of way and you would not be able to build anything there regardless. But at this time, it would be a waste of time and money.

Chair Lanam reaches out to the Commissioners to see if there are any additional questions.

Commissioner's Mosier, Kopkowski and Finnegan do not.

Commissioner Joseph states that he would like to see the split-face block and would also like to add hardie plank siding in lieu of vinyl siding.

Commissioner Chubb states that he is in line with the hardie plank siding and the split-face block, and he is still thinking about how to handle the sidewalk. Lanam asks for Chubb's opinion on the shingles. Chubb stated that he can get on board with this. He confirms with the architect that this will not be open during the winter months.

Hill states that this is just an open patio, to be used from March to October. He adds that the materials that were discussed are not a problem as long as we can have them spelled out to avoid any confusion. Lanam verifies with McIntyre to make sure that they can get this done for the applicant. McIntyre confirms that this can be done.

Suzanne Lossia, Suzi's Bar and Grill, 26800 Pontiac Trail, South Lyon, MI

Lossia states that she is willing to work with the Commission to make this work. She is wanting to make it work for the community and for everyone.

Motion to approve SPR#22-01, Suzi's Bar and Grille, 26800 Pontiac Trail, South Lyon, MI, with the following conditions:

1. Integrally colored split face block used instead of painted CMU block;
2. Maintenance free materials be used for the siding and trim : Cement Board (Hardie Plank);
3. Any lighting installed on the patio must be submitted to the City for administrative review;
4. The north side "emergency exit" door be used for emergency only and may not be propped open;
5. The patio to close by 11:00 p.m. Existing patrons in the patio area should be asked to move into the building at 11:00 p.m.;
6. Striping of the parking lot, including installation of fire lanes;
7. A large planter with eight (8) six (6) foot high evergreens be planted as a "buffer" between Suzi's and the motel be installed prior to a Certificate of Occupancy of the patio area;
8. Review and approval from other applicable consultants, departments, and agencies.
9. Planning Commission waiver of the sidewalk requirement.

Motion by Mosier, Second by Finnegan

Roll Call: Commissioner Kopkowski	Aye
Commissioner Chubb	Aye
Commissioner Joseph	Aye
Commissioner Mosier	Aye
Chair Lanam	Aye
Commissioner Finnegan	Aye

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

Old Business:

Consultant Report:

McIntyre states that we will be having a meeting on May 27th, discussing a 6-Unit Development (Hexiflex) going in on Donovan Street. She also that she would like to bring to them the Mural Ordinance for Public Hearing and then looking at the sign ordinance and making some revisions.

Staff Report: None

Adjournment:

Motion to Adjourn – 8:21 p.m.

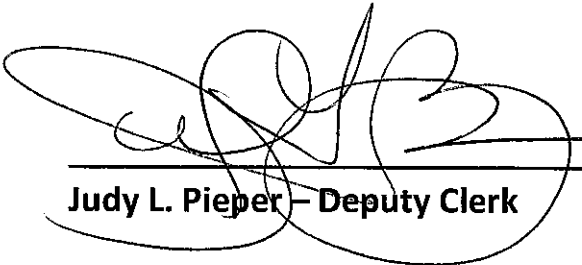
Motion by Finnegan, Second by Mosier

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

Meeting Adjourned

Respectfully submitted,



Judy L. Pieper – Deputy Clerk