

City of South Lyon
Planning Commission
Regular Meeting Minutes
May 14, 2015

Approved: _____

The meeting was called to order by Mr. Lanam at 7:00 p.m.

Roll Call: Scott Lanam, Chair
Keith Bradley, Vice-Chair
Jerry Chaundy, Secretary
Frank Leimbach, Commissioner
Maggie Kurtzweil, Commissioner
Steve Mosier, Commissioner
Carol Segal, Commissioner
Jason Rose, Commissioner, arrived at 7:03 p.m.

Absent: Wayne Chubb, Commissioner

Guests: 16

Also Present: Carmine Avantini, Planning Consultant, CIB Planning
Kristen Delaney, Director of Community & Economic Development
Tim Wilhelm, City Attorney

APPROVAL OF AGENDA

Mr. Avantini requested adding the Three Monk Brewery wall mural to the agenda.

**Motion by Chaundy, second by Bradley
To approve the agenda as amended.**

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

MOTION APPROVED

APPROVAL OF MEETING MINUTES

A. Approval of the April 9, 2015 Minutes

A minor correction was made to the minutes.

**Motion by Mosier, second by Chaundy
To approve the April 9, 2015 minutes as amended.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

PUBLIC COMMENTS (non-agenda items)

Carl Richards, 390 Lennox – Mr. Richards informed the Planning Commission that there is no activity going on at the Sweetwater restaurant/bar. He is concerned about what the impact will be for the town if it does not re-open. He reported that Dante's Real Estate and Dreamway Mobile Homes is located next to the bakery and they are conducting business. There is also a new sign on the front of the building that will be electrified. Also, Scrooge and Barley is open for business and is well supplied in the equipment needed for home brewers. He explained that he walked the property at the BP Gas Station and he is dismayed that it is not being taken care of. He heard that Huntington Square has been sold to Najor Associates from Farmington Hills. He reported that he was derailed by a large rock on the sidewalk which should be located in the rock scape by the sign in front of BP Gas Station.

OLD BUSINESS

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

**Representing Biggby Coffee: Dennis Maloney, Architect
Nishant Khetarpal, Owner**

Mr. Avantini explained that some changes were made since the last meeting where the applicant has agreed to add some additional plantings to the landscape plan.

Mr. Avantini explained all of the lighting will be replaced with shielded LED fixtures. He has also been working with the architect on the building elevations. He thought that they are in a situation where it is very difficult to completely change the exterior appearance of the existing building. The next best step will be to make enhancements to the existing building and put separate screening around the mechanical units. He liked the addition of the stone along the bottom of the building. The applicant has agreed to address all of the maintenance items on the site and he recommends approval.

Mr. Maloney provided samples of the proposed stone which is shown on the elevation. The owners have agreed to paint the whole building including the aluminum *parapet cap* ~~step~~ and the awnings as well.

Mr. Maloney stated that there were a few things out of sync in the drawings. There is a low point just at the turn around in the drive thru, and there was no inlet. On the revised site plan there is an additional inlet and since there is no additional accumulation of runoff it only required an extension to the north inlet. In addition to resurfacing the whole drive they will place a new inlet for storm water. The owner is open to any suggestions.

Mr. Lanam asked if the existing EFIS will need to be removed. Mr. Maloney stated yes and he will look into how the stone will be retrofitted to the wall.

Mr. Avantini suggested that the current black canopy color matches well and gives it a classy look. Mr. Maloney stated that the owner is open to suggestions of colors. Mr. Lanam stated he would like to see the stone go up to 4'. Ms. Kurtzweil agreed and felt it could be raised 3-4 feet.

Mr. Maloney stated he would like to remain sensitive to Biggby colors because they like black, orange and brown. He felt too many colors would make it a little busy.

Mr. Maloney confirmed that the awning over the drive thru was omitted and it should be on the plans.

Ms. Kurtzweil stated that given that there is a black frame around the windows, she would like the sample board with the black and thought it stood out more than the other sample board. Mr. Leimbach stated that he would paint the cap the same as the sill. Ms. Kurtzweil stated that she liked the black and felt it worked better with the whole color scheme.

Mr. Khetarpal stated it doesn't matter if the awnings are orange or black. Ms. Kurtzweil stated that this is an upscale look and felt that black on the awnings would look better. She also asked if the applicant had considered sconce lighting. Mr. Mallory stated that goose neck lighting has been chosen. Ms. Kurtzweil liked the proposed lighting. Regarding landscaping, Ms. Kurtzweil questioned where the boundary is by the sidewalk. Mr. Mallory explained that it is where the monument sign is. Ms. Kurtzweil asked the owner if Biggby will allow them to affiliate with other businesses. Mr. Khetarpal stated that they already talked with Biggby and he has approval.

Ms. Segal felt that the stone would be too high at 4' she felt it would dissect the area. The consensus of the Commissioners was to go 3' high on the stone instead of 4'.

Mr. Lanam suggested spraying the screening *to match the exterior wall color* ~~taupe~~. Mr. Lanam explained that the applicant will need to submit the rendering for their final building drawings along with paint colors and stone colors.

Ms. Kurtzweil asked if they had given any further thought of adding artwork to the outside patio. Mr. Mallory stated that he hasn't, and they would need permission from the corporate office.

Mr. Khetarpal confirmed that he will resurface the parking lot, adding a new layer and seal coat it.

Motion by Bradley, second by Leimbach

To recommend approval of the TCBY addition site plan, Biggby Coffee located at 22729 Pontiac Trail with the following conditions: The conditions listed in the CIB Planning memo dated May 8, 2015, the awnings will be painted black, stone sample B will be used with earth tone grout. The

Dellfield stone will not be used. The screen, stone and paint colors will be submitted for administrative approval. The parapet cap will be painted black and the parking lot will be resurfaced and resealed.

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

MOTION APPROVED

NEW BUSINESS

- 1. Jamestown Site Condominium: The applicant is requesting site plan approval for the proposed development of a 22 unit, attached condominium development on an approximate 2.0 acre parcel. Location is on the south side of 11 mile, just west of the intersection with Pontiac Trail.**

Mr. Avantini reviewed the CIB Planning memo dated April 30, 2015. He explained that they recommend Planning Commission approval of the Jamestown site plan conditional upon the following:

1. Planning Commission determination on whether the RM-1 density standard applies to a single-family attached development.
2. The landscaping changes identified under item #4 in the memo.
3. That mountable curbing be placed around the islands between the garages; and
4. Material samples being submitted for the buildings and that architectural shingles are used for the roof.
5. Review and approval from other applicable departments, consultants, and agencies.

The owner of the property explained they are proposing these as rental units but could turn around and sell them. The owner will own all of the units and rent them out. Mr. Lanam questioned if there will be a potential problem without a Homeowner's Association. Mr. Avantini stated that they would have to come back and go through the condominium review process, but at this time the owner will be in total control.

Ms. Kurtzweil stated that they have more of a commitment to the property if they own the property vs. renting it. Ms. Kurtzweil stated that she did not know this project would be an apartment complex.

The owner stated that in the future they may sell them off as condos but for now they are going to be rentals. He explained that right now it is very hard to get financing. Mr. Avantini commented that it is very difficult to find a nice rental unit like this and there is a strong need for it. The rental prices are not cheap and will go for as much as a mortgage payment. The owners goal is to ultimately sell the units and it will be very important to keep the property maintained and in good condition.

The owner stated that they want the option to build the whole building and rent it. Their intention is to have "for sale" units but to start out they don't want to be restricted from renting.

Ms. Kurtzweil stated that conversion projects do not go well. Converting a unit 3-6 years later, it's not new construction, the renter has to be removed and repairs have to be done to get the unit ready and there tends to be depressed prices on conversion sites. The owner stated that they want renting as an option. Mr. Avantini stated that they can review it as a site condominium project and write in the rental aspect in the Master Deeds. The market price of these units will be \$120,000-\$150,000 with a one car garage.

Mr. Wilhelm commented that it appears this will be a two-step process and that the final approval is after construction.

Mr. Chaundy commented in his condominium site, the developer can rent any units and sell them. Mr. Bradley stated that if they wanted to sublet then they had to get permission.

Ms. Segal commented that if they are going to try and get families to come in to a condo there will need to be more than 2 bedrooms. Mr. Avantini stated that these types of homes are attractive to young empty nesters and people that are just starting out.

There was brief discussion about mortgages and lending and the issue that the owners are having obtaining financing for condos.

Mr. Avantini stated that it seems to be the consensus to go with a site condominium, the Planning Commission shall provide comments and table it so the applicant can get their Master Deed documents together and come back with one package.

Mr. Leimbach stated he would like to see a tree on each piece of property. There is no open space and no landscaping screening by the detention basins.

The owner stated he had no problem making adjustments with the landscaping. Mr. Avanti stated that if the Planning Commission wanted something more formal then they can do that. Mr. Leimbach stated that he was fine with the natural grasses by the detention basin but more needed to be done in the front area. He liked the idea of 3 layers of plantings, he would also like to see articulation in the buildings.

Mr. Avantini stated that the consensus is for a more formal look for the landscaping along with the grasses and he will work with the applicant on that along with the building and materials.

There was brief discussion regarding the density of the project. Mr. Avantini stated that the standard is units per acre as opposed to number of rooms. The Commissioners agreed that they are comfortable with the proposed density.

**Motion by Chaundy, second by Mosier
To table the Jamestown Site Condominium preliminary plan.**

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

MOTION APPROVED

- 2. Jamie Vista Site Condominium: The applicant is requesting site plan approval for the proposed development of a 37 unit, attached condominium development on an approximate 3.107 acre parcel. Location is on the south side of 11 mile, just east of Heritage Blvd.**

Mr. Avantini reviewed the CIB Planning memo dated April 28, 2015. He explained that based upon the review and the number of items requiring Planning Commission input, it was recommended that the site plan request be tabled. This will allow the applicant to revise the plans, according to direction provided by the Commission at the meeting, and submit for review.

There was discussion regarding the detention pond and if the applicant could gain some footage by shifting it a few feet. Mr. Lanam stated he would like to see what their option are for getting the driveways to 18 feet.

Mr. Avantini stated that this is not a Planned Unit Development but a straight site plan in order to go into the setback area a variance would be needed and they would need to prove that they are not creating a practical difficulty with the layout.

Mr. Leimbach questioned if there was cross access with Colonial Acres. The owner was not sure if there was cross access allowed. Mr. Leimbach stated if that issue can't be resolved then there is nothing they can do at this point. He also thought they should discuss density. He felt that there should be open space.

Motion by Leimbach, second by Segal

To table Jamie Vista Site Condominium until some of these issues are resolved

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

MOTION APPROVED

- 3. Third Monk Brewery Wall Mural**

Mr. Avantini explained that wall murals over 12' feet come to the Planning Commission. This proposed wall mural is larger than 12' and it is an attractive mural. He would like to see an exchange for allowing the larger wall mural and change out the existing wall pack and replace it with a down shielded light. The owner stated it has been replaced.

Mr. Avanti stated that he purposefully avoided the content and focused on the aesthetics, once they get into content it can open Pandora's Box. He asked if it is appropriate for the building and appropriate for the downtown area. The intent is to generally allow 10% of the façade area for identification. The portion of the mural that states the name of the business does not exceed the 10% area. Mr. Avanti suggested having the identification portion be within the 10% of the wall area.

Mr. Wilhelm stated that generally you want to avoid content, there is a difference between non-commercial and commercial speech and each is subject to a slightly different standard. There is a 3 part test and the intent was to avoid that content distinction in the Sign Ordinance. This particular one is triggered by the size. He can look into whether they have the ability to look at content. Mr. Lanam stated that clearly this one falls into commercial content, he doesn't want to set precedence.

Mr. Lanam stated that there are 3 large gas meters on the side of the building and there is nothing protecting those meters and it is a driveway. The owner stated that he was told to speak with the Police Department and make it a no parking area.

Mr. Rose questioned if they looked at the mural without the writing on it. Mr. Lanam stated it would still be a logo.

Ms. Kurtzweil stated that they have to look at what they are doing in terms of stifling business. As long as it fits the mural concept this is the kind of interference that this City is well known for to the detriment of businesses. She felt this is a great artistic thing, urban looking and it's fresh. To nit-pick this when they have this business coming in to help us balance out what the City has lost. She saw no problem with the mural. The owner stated that the mural *will be on the* ~~is on~~ the building where the business exists. They are about 6 weeks away from opening.

Mr. Leimbach stated that it's great and he would like to see this centered between the door and edge of the building and put a frame around it so it looks like a painting. Ms. Segal stated she liked the location where it is proposed currently and she liked the idea of it being framed.

**Motion by Bradley, second by Kurtzweil
To approve the mural with the condition of the mural being framed.**

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

MOTION APPROVED

TABLED ITEMS

1. Planning Commission By-Laws

**Motion by Kurtzweil, second by Leimbach
To table the Planning Commission By-Laws to the next meeting.**

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

MOTION APPROVED

There was brief discussion considering an alternate date for the 2nd Planning

Commission meeting. After discussion, the Commission agreed to keep the meeting date as the 4th Thursday of the month.

PLANNING CONSULTANT REPORT

Mr. Avanti explained that he had a meeting on site with the BP station and met with the Code Enforcement Officer and the President of the company. He also met with the folks that bought the strip mall next door. He stated it was a very frank discussion and they are looking at alternate building materials. He stated that the car wash will be tricky, it will either be torn down or they will need to make it operational.

The Planning Commission discussed the Knolls of South Lyon project regarding the tree removal and tree replacement at length. They feel that the tree replacement numbers are short and they felt that more should have been done in terms of a fine for the developer.

Mr. Mosier reported that the signs for Sweetwater have been removed and people were seen removing fixtures from the restaurant.

STAFF REPORT

Ms. Delaney reported that a Public Hearing will be held next month because Tom Schroeder has applied to rezone an 11 acre parcel to PD.

ADJOURNMENT

**Motion by Rose, second by Leimbach
To adjourn the meeting at 10:02 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 10:02 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Scott Lanam, Chairman

Jerry Chaundy, Secretary