

**City of South Lyon
Planning Commission
Regular Meeting Minutes
July 27, 2023**

Approved: 

The meeting was called to order by Chairman, Scott Lanam at 7:00 p.m.

Roll Call: Commissioner Steve Mosier
 Commissioner Tyler Finnegan
 Commissioner Kory Frost
 Commissioner Michael Joseph
 Chair Scott Lanam

Also in attendance: Hannah Smith – Planner, CIB Planning
 Judy Pieper – Deputy Clerk

Absent: Commissioner Kopkowski
 Commissioner Dailey

Motion to excuse Commissioner Kopkowski and Dailey for their absence

Motion by Mosier, Second by Finnegan

Voice Vote: Ayes: Unanimous
 Nays: None

Motion Approved

Motion to approve Agenda

Motion by Mosier, Second by Joseph

Voice Vote: Ayes: Unanimous
 Nays: None

Motion Approved

Motion to approve Minutes from the 5/11/2023 meeting

Motion by Mosier, Second by Frost

Voice Vote: Ayes: Unanimous
 Nays: None

Motion Approved

Public Comment – None

New Business:

- a. **Public Hearing:** SLU #23-01, BP Gas Station, 450 N. Lafayette. The 1.0-acre parcel is proposed to be used for an Automobile Gasoline Station. The property is zoned GBD, General Business District, in which Automobile Gas Station is a special land use. The property identification number is: 21-20-301-019.

Hanna Smith, City Planner, CIB Planning – Smith states that this is a review of the Special Land Use request to redevelop the existing BP Gas Station, located at 450 N. Lafayette. It's being proposed to be re-developed, which includes demolishing the current 1,216 square foot building, and adding 4 new fuel pump islands and a 5,280 square foot building. This building will consist of a convenience store and part of it will be a carry-out food operation. She goes on to say that gas stations are Special Land Use in the General Business District and because this is an expansion of an existing land use, that is why the initial approval is required.

Smith goes on to run through the Special Land Use general conditions:

1. **Be compatible and in accordance with the goals, objectives, and policies of the City Master Plan and promote the intent of the zoning district in which the use is proposed.**

Comments: The City of South Lyon Master Plan designates the subject site as Commercial where automotive gasoline stations can be permitted. Commercial goals outlined in the Master Plan include improving existing commercial development and promoting renovation and redevelopment of sites. The intent of the General Business zoning district is to accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using Lafayette Street. This District is intended to create cohesive commercial areas that take advantage of access provided by the City's roadway system but also provide convenient vehicular access between businesses in attractive settings, thereby ensuring the safety and discouraging undesirable commercial development. The proposed use is compatible with the objectives of the Master Plan, as well as the intent of the zoning district, conditioned upon site plan approval.

Finding: Meets Standard

2. **Be constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.**

Comments: The redevelopment of the property is compatible with the intended character of the area. The form and character of buildings can have a significant impact on the function and activity within the area. Furthermore, the quality of buildings impacts the local economy, as declining commercial districts with dilapidated buildings can have a compounding negative effect on the perceptions of safety and property value. The redevelopment of this site will change the property in a positive manner.

Under previous ownerships, the site was in disrepair and at times an eyesore. By using quality material, better site planning, and additional landscaping, the proposed redevelopment enhances the character of the general vicinity.

Findings: Meets Standard

- 3. Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.**

Comments: The property is currently used as an automobile gasoline station and is adequately served by existing facilities and services. The redevelopment of the site does not require additional services.

Findings: Meets Standard

- 4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.**

Comments: The special use should not have a negative impact on the above items through the excessive production of noise, traffic, etc. The existing automobile gasoline station has buried gasoline tanks on site. The redevelopment of the property does not disturb the tanks; therefore, the potential for an environmental issue is no greater than currently exists. Automobile gasoline stations are regulated, monitored, and licensed by the State of Michigan and the facility will meet all standards to operate.

The increased amount of traffic generated by addition of four pumping islands is minimal and should not have a detrimental impact on traffic or businesses in the vicinity.

Findings: Meet Standard

Smith states then goes over the specific standards for gas stations.

- 1. There shall be a minimum lot area of one acre and minimum lot width of 250 feet.**

Comments: The property is one acre and meets the minimum lot size. The parcel is an already developed gas station site, with 200 feet of frontage on Lafayette Street and 225 feet of frontage on Lottie. As the property and the business is existing, this is considered an existing nonconforming site.

- 2. Pump islands shall be minimum of 40 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.**

Comments: The pump island location meets the minimum setback requirement. The site plan should note a designated area on the site for tanks, propane, and petroleum products to confirm compliance.

- 3. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed**

clearance of any canopy shall be noted on the site plan. Any signs, logo, or identifying paint scheme shall be in accordance with Chapter 70, signs. The canopy shall be no higher than the principal building. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

Comments: The existing canopy will remain as is. This too is nonconforming as it is setback 17 feet from the right-of-way from Lottie. The existing nonconformities of the canopy will not be increased or expanded by the redevelopment of the site. New signage is not proposed. Sign permits are reviewed through a separate review process, should new signage be proposed.

- 4. Only one driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.**

Comments: One driveway curb cut along Lafayette exists and one relocated curb cut along Lottie Street is proposed. The applicant is relocating the driveway along Lottie Street and meets the standards of driveway spacing from the intersection (100 feet). The existing driveway along Lafayette will not be disturbed.

- 5. The intensity of lighting within a site shall meet the requirements of Article XXII, Lighting Standards.**

Comments: The applicant is proposing 4 freestanding light poles, 14 wall pack lights, and 16 canopy lights. A photometric plan is provided confirming the footcandle maximum standards are met. Cut sheets with details of the fixtures are missing and should be provided to confirm the lights are cut-off fixture style and do not create glare or light pollution.

- 6. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten feet beyond the building.**

Comments: The site plan does not indicate an area for outdoor storage of vehicle components and parts, supplies, or equipment. If an area is desired, this should be noted on the site plan and a note added that outdoor storage is limited to defined area.

- 7. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the South Lyon Fire Department.**

Comments: We defer to the South Lyon Fire Department for comments on a PIPP.

- 8. Any use involving maintenance, service, or repair shall also meet the standards for automobile service establishments.**

Comments: No maintenance, service, or repair is proposed. A note stating this should be added to the site plan.

Smith states, based on the information that she just read off, and based on the fact that the site-plan is here and available for consideration tonight, we recommend approval for the special land use with the following conditions:

1. Site plan approval;
2. A note should be added to the site plan indicating:
 - a. A defined area for outdoor display, tanks, propane, and other petroleum products;
 - b. That maintenance, service or repair is not permitted;
3. Submission and approval of a lighting fixture cut-sheet details and a Pollution Incidence Protection Plan (PIPP); and
4. All other state, county department, and consultant requirements be met.

Chair Lanam clarifies with Smith that this is only for the special land use, but will be contingent on site-plan approval.

Open Public Hearing – 7:13 p.m.

None

Closed Public Hearing – 7:14 p.m.

Motion to approve the special land use permit for the BP Gas Station with the following recommendation from the CIB letter dated July 20, 2023 (page 5)

Motion by Mosier, Second by Frost

Voice Vote: Ayes: Unanimous

Nays: None

Motion Approved

- b. **Site Plan Review: SP #23-02. BP Gas Station, 450 N. Lafayette. The applicant is seeking site plan approval for the redevelopment of the site for a gas station use, with additional gas pumps, a convenience store, and take-out restaurant. The property identification number is: 21-20-301-019.**

Smith states that the plan includes keeping the existing canopy but demolishing the building underneath. They are also adding a new building on the east side of the property. That 5,000 sq. ft. building will include the sale of packaged convenience items, packaged alcohol sales, and preparation and sale of take-out food. They are proposing 4 new pump islands.

Smith states that the lot is a corner lot so it has a front yard on Lafayette and on Lottie with Lafayette being designated as the front yard and it meets that setback. The building is proposed to be 5 feet from the rear lot line. The required setback is 35 feet, but the applicant received a variance for the 5 foot rear yard setback from the Zoning Board of Appeals in May of 2023. Smith stated that she wanted to note the lot coverage. She goes on to say that Ordinance permits 50% total impervious surface, but the Planning Commission can approve up to 70% if parking areas, drives, and loading doesn't infringe upon the setbacks or affect neighboring properties. The increase for the lot coverage is very small, and we know it will require a variance, however, if the Planning Commission finds it to be negligible, the variance will not be

needed. In terms of circulation, the egress and ingress are provided from both streets, there is two way circulation around the site except for the drive aisle on the southern part of the property. Two way traffic is possible here, but it will encroach in to the greenbelt area. Given the lack of vegetation, greenbelt standards takes precedence over two way traffic in this area. Smith goes on to say that it is also noted that Truck circulation and turning templates should be provided to confirm access for loading area, tanks and circulation for trash and emergency vehicles. She goes on to discuss parking and states that parking is not permitted in the front yard, however, the Planning Commission may determine that parking lots in the front yard are appropriate and can grant a waiver if there is no other reasonable location. Due to the constraints of the existing canopy, and the location of the buried tanks, the building location is limited to the east side of the property, which naturally forces the parking to be in the front yard. Again, the Planning Commission will need to determine that this parking is appropriate and if so, that will require a waiver from the Planning Commission.

Smith states that the proposed plan requires 35 spaces and they are proposing 28, however they are proposing to defer 7 spaces (showed on the plan) and the Planning Commission can approve this smaller parking area, provided that the area that is required to meet the standard is maintained as open space and the owner is required to add additional spaces if needed in the future. She does add that if parking at the pump is included, that would give them an additional 12 spaces.

Smith goes on to discuss landscaping. She states greenbelt landscaping is required around both street frontages and they are planning on conserving some of the existing trees.

Smith informs the Commission that elevations are provided with the site plan. They are proposing a brick veneer for the majority of the façade. In addition, metal coping and canopies, E.F.I.S., CMU, and limestone trim banding around the building is proposed. She did note that the rear of the elevation is proposed with split face CMU. This elevation is highly visible and should use the same materials (brick veneer). She adds that the ordinance requires that predominant building materials be characteristic of Michigan and the Planning Commission should review the proposed materials and determine if they meet the intent of the ordinance. Smith states that building walls and roofs over 50 feet in length must be broken up with varying building lines, windows and architectural features. She adds the east elevation is 110' and is a long expanse of wall. This elevation should be redesigned to meet ordinance requirements. Smith states that a retaining wall is proposed along the southeast corner of the building. Information on this wall should be provided.

She adds that a waste receptacle exists in the northeast corner of the property and detailed information must be added to the plans. She also states that sidewalks are provided along Lafayette and Lottie street frontage and they do meet dimensional requirements.

Smith states the applicant provided a photometric plan. They will be removing 3 existing light poles and four freestanding lights are proposed along with sixteen canopy lights and fourteen wall pack lights. The fixture details were not provided, they will need to be submitted to confirm that they meet the standards.

Smith states that the site plan does not indicate an area for outdoor sales, so if desired, this should be noted on the site plan along and limited to a defined area.

Smith goes over the recommendation to the Planning Commission, stating that they do recommend approval with the following conditions:

1. Special land use approval;
2. Lot coverage variance;
3. Revised plans and information on a use statement, truck turning templates, retaining all details, east elevation façade materials and architecture, waste receptacle and enclosure details, and an area for outdoor storage/sales (if desired) for administrative reviews;
4. Waiver for parking in the front yard;
5. Acceptance of deferred parking for 7 spaces; and
6. Review and approval from all applicable consultants, departments, and agencies.

Jesse Parkinson, Green Tech Engineering, 51147 W. Pontiac Trail, Wixom, Michigan

Parkinson states that this is an existing gas station and the goal here is to preserve a lot of the infrastructure. There is storm sewer all around the existing pumps, there is existing canopies and the building is just way too small to offer sales of convenient store items. He also mentions that they have 1,000 square foot designated for a carryout restaurant and they are excited to bring that to the North end of town. He adds that the owner currently has an existing station on the South side of town (8 Mile) that they do very well at. This will be a nice welcome mat for anyone driving in to the community and to the locals.

Chair Lanam verifies that the owners other location is at 8 Mile on Pontiac Trail, across from Kroger.

Parkinson thanks the Commission for the special land use approval. He states that regarding the lot coverage, they are currently at 70.4 % and on an acre site with the parking requirement by this ordinance, and the circulation requirement for gas stations, it's very hard to meet the 50% requirement let alone keeping it where it was prior to the development. Any exception for that would be greatly appreciated.

Parkinson adds with regards to the materials, the dumpsters, and the east wall, the materials will match. He adds that they are going to have black and white brick on the bottom with a nice limestone at the top portion.

Chair Lanam confirms that they will be using eifs to replicate the limestone. Parkinson adds that they will have some accent bands above the windows that will be limestone.

Parkinson confirms that they will be selling firewood and propane and points out on the west elevation, northwest corner where that will be.

Parkinson touches on the parking situation and states that at some point, if necessary, they would be willing to put in the 7 additional spaces.

Parkinson adds that all departments, including the City Planners seems to be good with their plans.

Chair Lanam gets a clarification on the letter from the South Lyon Fire Marshall stating that the canopy goes over the existing pumps as well as the new pumps and the building.

Commissioner Finnegan wants to address the back of the building and the color combination is black and white. Parkinson states that the majority of the building will be white and they have a few black two-tone that will be thrown in to the mix as well.

Lanam states that they do like to have samples of the materials to see.

Commissioner Finnegan questions if they will be doing the entire parking lot or just piece in areas that need to be replaced. He also stated that there is 16 parking spaces.

Remy Jonna, 2005 Orchard Lake Road, Sylvan Lake, Michigan

Jonna states that if there appears to be too much repair, they will end up removing the entire thing to avoid it looking bad.

Smith shares the photos that she received at the beginning of the night regarding color and style.

Jonna states that they will be working with Saroki's Chicken for the Carry-out restaurant. He adds that they currently have 7 locations and will be increasing to 17 locations. Parkinson adds that this will be a carry-out, there will be no inside seating.

Brent Jamil, 3161 Green Oaks, West Bloomfield, Michigan

Jamil confirmed that they purchased this property December of last year. He adds that he owns the site at 8 Mile and Pontiac Trail and they like to provide good service to the city.

Lanam questions the conditions of the underground tanks.

Jamil states that they were built in 1994 and they are inspected every quarter, and then a state inspection is done every 3 years. Everything is up to code. They are double lined fiberglass tanks and they last up to 50 years.

Chair Lanam confirms hours of operation to be 6:00 a.m. to 11:00 p.m., this is for the pumps and building. They will not be open 24 hours.

Lanam confirms the plans for the appearance for the rear of the building. Jonna states that this is not going to be a painted brick and references the north elevation plans.

Motion to approve the BP Gas Station Final Site Plan Review, SP #23-02, with the approval of special land use, lot coverage variance up to 75%, the lighting details, reviewed plans and information on the truck turning templates, retaining wall details, east elevation façade materials and architecture, waste receptacle and enclosure details, and an area for outdoor storage/sales for administrative review, waiver for parking in the front yard, acceptance of deferred parking for 7 spaces, and review and approval from all applicable consultants, departments, and agencies.

Motion by Mosier, Second by Finnegan

Voice Vote: Ayes: Unanimous

Nays: None

Motion Approved

- c. **Site Plan Review: SP #23-04, Carriage Trace Phase 5. The applicant is seeking re-approval of an expired site plan for 8 lots that make up Phase 5 of Carriage Trace.**

Smith explains that this is a request for approval of an expired final site plan for Carriage Trace Phase 5. This project received Final Site Plan approval from the Planning Commission on March 22, 2018. Following the meeting, the project was not constructed and the approval has since

expired. They are now requesting re-approval of the site plan with some minor proposed changes to the plan.

Smith goes on to explain they are proposing a 10 foot reduction of the rear yard setback for the lots on the south side of Coach House Lane, it would be changing it from 65 feet to 55 feet. She adds that the original approval was conditioned upon a 50 foot landscape and irrigation easement being maintained along that property line, which would provide a buffer between the development and the adjacent land use.

Smith states the Planning Commission approved the final site plan with the following conditions:

1. The Master Deed amended to reflect Phase 5;
2. A 50-foot landscape and irrigation easement be maintained along the south property lines, providing a buffer between the development and motel;
3. A staggered evergreen buffer, no less than 20 feet in width be planted along the north property line and Trebor Drive;
4. Replacement of any street trees and sidewalks damaged during the construction of the homes;
5. Proper permits to fill the two regulated wetlands obtained and submitted to the city; and
6. Review and approval from all other applicable consultants, departments, and agencies.

She adds that they are still showing the 20 foot evergreen buffer along the north property line, noting that any damage during construction will be replaced, and the 50 foot landscape is maintained. Smith adds, based on their review, she is recommending that the site plan be approved with the same conditions. She also adds that the wetland permits, assuming that conditions could potentially change the expectations is that if it's different now than what it is was in 2018, the proper permits, based on the conditions today, will be pulled.

Chair Lanam adds that because there has been some time, obviously some requirements may be different. The trees that are listed on the plan, are they all still there, are they all still healthy, is placement going to be different, etc.

Ronald Hughes, 37100 Telegraph Road, Bingham Farms, Michigan

Hughes states that he is the developer of Carriage Trace 1 – 4 and this is 5. He adds, that unfortunately, he let the Site Plan expire and he is asking that the plan be re-approved. As Hannah explained, they have increase the size of the envelope by 10 feet. He explains that the builders that he has been talking with has said that the building envelope was a bit too tight. He will be adhering to all the other conditions and recommendations.

Commissioner Finnegan verifies that the original builder is long gone. His concern without seeing elevations or not knowing what builders you will be working with how will we know if the houses are going to be consistent with the rest of the houses. He expects to see some drawings at this point.

Hughes stated that he approves and over sees all the homes to make sure they are in compliance. He states he does not have a builder yet.

Smith states that she confirmed with McIntyre that they would not ask for elevations for this type of development, that is more for P.U.D.'s or consent judgement.

Chair Lanam states that they have done facades for every builder. They have also had redundancy clauses.

Smith states that when looking through the old review letter for Phase 5, it was not brought up. Hughes states that they have to come to him first for architectural control and then they have to comply with the City requirements as well. He again states, that they do not have a builder yet, and the first step is to get the Site Plan re-approved. Then get the engineering involved. Then we will have to extend the utilities from Phase 4 to service Phase 5. There is a lot of work to do.

Lanam asks about a basement being dug and it sat for quite some time. Hughes states, he doesn't recall.

Finnegan asks if they have a builder in mind. His thoughts are to break up the monotony by not using the same builders that are used around town. He again states that he would like to see plans and drawings before he approves anything.

Hughes states that because each one of these homes are built separately, he will need a site-plan. He adds that it would be impossible to provide 8 elevations, none of this is planned in advance.

Lanam confirms with Hughes that there were no floor plans for Phase 1 – 4. Hughes adds that each floor plan had to be submitted for approval and then submitted to the city for all the city requirements. Lanam confirmed that the HOA had by-law requirements that had to be followed.

Chair Frost confirms with Smith that nothing materially has been changed since the last time. Hannah states that nothing that would affect the layout.

Lanam confirms with Hughes that because they are all custom built homes, he will not have a floor plan until he has a buyer. Hughes adds that this is the same as the last approval. Lanam adds that the majority of the trees that exist are still in good shape.

Lanam confirms that if this is approved tonight, it would not come back to the Planning Commission. Smith states it would go on to the Building Department.

Finnegan states that there are a lot of compromises here and a lot of unknowns. He will not vote for anything that he cannot see.

Hughes states that this would be impossible and explains that when you develop a sub-division, and you go in to the municipalities, the Site-Plan is approved, the engineering is approved and then the developer or the owner of the property brings in a builder. It is not done in advance, these are all custom homes.

Commissioner Joseph states that you will get interested builders and then they will come to the applicant for architectural control. Hughes states, that is correct. Every lot has been done this way.

Chair Lanam asks if they can put a contingency on review of façades or floor plans. Smith states that because that wasn't required for the other development and because this is not a requirement, she would feel more comfortable having the City Attorney weigh in on that. She

states that is the same for the Commission requiring side garages and she would want to make sure that this could be done legally.

Joseph states that he would like to have some type of assurance that whatever is going to go in there that we have an approval.

Hughes questions if the builder would have to come in for each custom home. This would be very restrictive and he would not be able to sell the lots.

Finnegan states that he would like to see homes that are consistent and look like there is a common element which would make a difference between a custom home and a mid-level home.

Hughes asks if they could have a compromise regarding approval of side entry garages, if the builder has an issue with making the lot work with that, they would have to see the ZBA and apply for a variance to prove a hardship for that home. Smith states that she is not comfortable with making that decision without talking to the Attorney. Hughes states that the Master Deed may already say that a side entry garage is mandatory. Smith states she will take a look at that and this would make her more comfortable and she would still reach to our Attorney for guidance.

Motion to table the Carriage Trace Phase 5 - Site-Plan until August 24th.

Motion by Mosier, Second by Joseph

Voice Vote: Ayes: Unanimous

Nays: None

Motion Approved

Old Business –

Consultant Report -

Chair Lanam questions if there has been any development with the Washington Manor development. Smith states that at this time they do have a Committee, but they will need a Executive Director.

Smith adds that there was a ZBA training last week and she has some extra packets if anyone would like one.

Also, in the packet is a letter from the City Manager regarding transportation in to the city. Smith advised that the City Manager wanted the Commission to know that the Capital Improvements plan is in the works.

Staff Report –

ADJOURNMENT

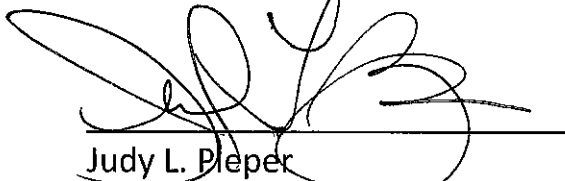
Motion by Mosier, supported by Finnegan
Motion to adjourn 8:55 p.m.

VOTE:

MOTION CARRIED

Meeting Adjourned

Respectfully submitted,



Judy L. Pieper
Deputy Clerk/Treasurer