



**Thursday, September 22, 2022  
7:00 P.M.**

Vice Chair Rossmassler called the meeting to order at 7:01 p.m.

### **ROLL CALL**

Present: Rossmassler, Grossmeyer, Whittaker, Campbell, Siwik, Csapo,  
Senyko, Anderson, Steffey  
Absent: No one  
Others Present: Jason Payne, Building/Zoning Administrator, Carmine Avantini,  
CIB Planning & Consulting

### **MINUTES**

**Motion by Grossmeyer, supported by Campbell, to approve the minutes of the August 25, 2022. Motion passed.**

### **PUBLIC HEARINGS/BUSINESS**

**A. PUBLIC HEARING – To allow public comment on a Special Land use to allow an addition of a climate-controlled storage building at 999 Silver Lake Road, Tax ID #53-26-552-043 zoned IND, Industrial District, where self-storage warehouses are permitted by Special Use.**

The public hearing was opened at 7:04. There were no speakers and the hearing was closed.

**B. PSLU22-0004 – Special Land Use request for Storage Rentals of America, 999 Silver Lake Road, who is requesting to construct a new 24,000 square foot climate controlled building.**

Mr. Avantini, CIB Planning gave the following report:

We have reviewed the above special land use request to construct a new 24,000 square foot climate controlled building at the southwest corner of the existing mini-storage facility. In addition to the new building, additional paving, parking and landscaping is proposed for the site. The property is zoned IND, Industrial District, where mini- or self-storage warehouses are special land uses in that District.

The opinions in this report are based on a review of the site plan submitted by the applicant and conformance to City plans and ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. In reaching a decision on the application, the Planning Commission should consider our comments along with those from other staff and consultants, additional information provided by the applicant, input provided during the public hearing, and your own findings based on ordinance standards as part of your deliberation.

## **GENERAL SPECIAL LAND USE STANDARDS**

According to *ARTICLE 14*, any special land use must adhere to all of the following general standards listed in the Zoning Ordinance:

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

**Finding - In compliance:** The subject site is located in an area designated industrial and in the Master Plan “is intended for general light industrial development that will not have a negative impact on adjacent residential neighborhoods through the creation of smoke, noise, odor, vibration, etc. Although a residential neighborhood is located to the east of this site, on Ponchartrain Drive, the mini-storage storage use was approved many years ago and deemed acceptable next to single-family homes. The intent of the current zoning designation, IND district, “is intended to primarily accommodate research, wholesale, and warehouse activities, and light industrial operations whose external and physical effects are restricted to the district and in no manner affect in a detrimental way any of the surrounding districts.” This is very similar to the Master Plan goal for the industrial use and the same conditions apply.

*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.*

**Finding - In compliance:** The proposed storage building will add to an existing facility and not change the character of the area.

*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.*

**Finding - In compliance:** The subject site will be adequately served by existing facilities and roads.

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.*

**Finding - In compliance:** The special use should not have a negative impact on the above items through the excessive production of noise, traffic, etc.

## **SPECIFIC SPECIAL LAND USE STANDARDS**

The special land use application has been reviewed utilizing the following specific standards outlined in *Section 36-14.08, Special land use specific requirements*, of the Fenton Zoning Ordinance.

*x. Mini- or self-storage warehouses.*

1. *Minimum lot size shall be three acres.*

**Finding - In compliance:** The site is larger than three acres.

2. *Minimum building and parking setbacks shall be 50 feet from any public street right-of-way line, 50 feet from any residential district and 25 feet from any nonresidential zoning district.*

**Finding – In compliance:** These setbacks are met.

3. *The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by the planning commission.*

**Finding – In compliance:** The storage building will not be visible from any public-right-of-way or residential district.

4. *The storage units shall be screened from all abutting properties through the use of landscaping and/or walls.*

**Finding - In compliance:** The storage building will be screened by existing buildings and landscaping and vegetation.

5. *Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick. All roofs must be pitched.*

**Finding - In compliance:** The proposed building will not be visible from surrounding properties and there is no need for more decorative materials.

6. *No storage unit doors shall face a public right-of way. Walls, fences, and landscaping as determined by the planning commission may be utilized to obscure views of doors from the public right-of-way.*

**Finding - In compliance:** The storage building door will not face a right-of-way.

7. All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with section 36-14.08y. Outdoor display, sales, or storage.

**Finding - In compliance:** The storage will be kept within the new building.

8. Buildings shall be limited to storage only.

**Finding - In compliance:** The building will only be used for storage.

## **RECOMMENDATION**

Based upon the above analysis, **we recommend approval of the special land use for the Storage Rental of America building**, conditioned upon the following:

- 1. Site plan approval; and**
- 2. Review and approval from all applicable consultants, departments and agencies.**

Mr. Ryan Singles, of Kimberly Horn Architects, stated he was here on behalf of the applicant and is present to answer questions regarding this project. There were none; the following motion was then made:

**MOTION by GROSSMEYER, SUPPORTED by STEFFEY, to approve the special land use for Storage Rentals of America, located at 999 Silver Lake Road, for their addition of a climate controlled building.**

**MOTION PASSED (7-0) Siwik – yes, Grossmeyer – yes, Csapo – yes, Senyko – yes, Campbell – yes, Steffey – yes, Rossmassler – yes**

*Commissioners Whittaker and Anderson arrived at 7:11 pm.*

**C. PSPR22-0015 – Site Plan review for Storage Rentals of America, 999 Silver Lake Road, zoned IND, Industrial District. Applicant is requesting to build a 24,000 square foot climate-controlled storage building.**

Mr. Avantini gave the following report:

At your request, we have completed our review of the above site plan to construct a new 24,000 square foot climate-controlled building at the southwest corner of the existing mini-storage facility. In addition to the new building, additional paving, parking and landscaping is proposed for the site. The property is zoned IND, Industrial District, where mini- or self-storage

warehouses are special land uses in that District, and a separate review letter for the special land use review letter has been prepared.

The opinions in this report are based on a review of the proposed site plan and conformance to City ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. Key review item points in this letter are underlined for the benefit of the applicant. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application.

## **REVIEW COMMENTS**

This application has been reviewed utilizing the standards in *Article 19, Site Plan Review Standards*. Based on our review of the site plan, a site visit, and discussions with Mr. Jason Payne, Building and Zoning Administrator, we offer the following comments for your consideration:

**1. Area and Bulk.** The proposed site was reviewed in accordance with *Article 15* were all in compliance except for the maximum coverage which was not in compliance. The building coverage is only 19.8% but the information is needed regarding the pave area coverage.

**2. Building Design.** The proposed building has metal siding and will be similar in appearance to the other buildings in the complex. Section 36-2.20, *Non-residential design requirements*, of the ordinance states that “The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units and/or glass products” and “Other materials such as smooth-faced concrete block, undecorated tilt-up concrete dryvit panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.” Since this building will only be visible from within the site, we are of the opinion that the use of prefabricated steel panels are acceptable for this storage building.

**3. Site Improvements.** Pavement is proposed on the north and east sides of the new building, to connect with existing paved areas. This includes seven (7) additional parking spaces along with a loading area.

**4. Landscaping.** A small amount of landscaping is provided along the south property line, abutting the Shoemaker’s landscaping site. A significant amount of natural vegetation currently exists along that property line and the proposed building should not be visible to public roadways or abutting properties.

**5. Outdoor Storage Area.** The site plan indicates that there will be existing gravel and outdoor storage to the west of the proposed building. A review of aerial photographs indicates that the

proposed building location is where the outdoor storage has been in the past. In addition, the gravel surface will have to be moved farther to the west and would require Planning Commission approval.

**6. Lighting Plan.** A complete lighting plan is needed including a photometric grid and manufacturer's specification sheets for light fixtures, meeting ordinance requirements. This can be reviewed administratively if the Planning Commission so chooses.

**7. Other Reviews.** This review is also conditioned upon review and approval from all applicable consultants, departments and agencies.

### **RECOMMENDATION**

Based upon the above comments, **we recommend that the site plan for Storage Rentals of America at 999 Silver Lake Road be approved, conditioned upon the following items:**

1. Planning Commission approval of the special land use request;
2. Information being provided indicating that paved surface lot coverage requirements have been met;
3. Submission of a complete lighting plan, for administrative review and approval;
4. Planning Commission approval of the gravel surface for the outdoor storage area to the west of the new building; and
5. Review and approval from all applicable consultants, departments and agencies.

Jason Payne, Building Official, also added that he had Chief Cairnduff review the site plan and stated that anything over 12,000 square feet had to be fire suppressed and depending on the material being stored, there may have to be a water main in close proximity.

The question was asked if there would be any outdoor storage since this building would be built on the only area where there is approved outdoor storage.

The applicant, Ryan Singles, of 999 Silver Lake Road, stated that the intent is to reduce the amount of gravel on the site with the building addition. There will be no expansion of the gravel to the west side of the site. They won't be infringing any further out or into the wet lands. Mr. Singles further added regarding the fire suppression, they are willing to work with city staff to make sure they meet all the requirements.

**MOTION by CSAPO, SUPPORTED by GROSSMEYER, to approve the site plan for Storage Rentals of America, located at 999 Silver Lake Road, for their addition of a climate controlled building, conditioned upon the items listed in the CIB letter dated 9/6/2022.**

**MOTION PASSED (9-0) Siwik – yes, Grossmeyer – yes, Csapo – yes, Senyko – yes, Campbell – yes, Steffey – yes, Rossmassler – yes, Whittaker – yes, Anderson – yes**

**D. PSPR22-0016 – Site Plan review for 111 Leroy Place Signage, located 111 N. Leroy St. zoned CBD, Central Business District/PUD, Planned Unit Development. Applicant is requesting**

**signage for the second floor tenants, to be placed above the second-floor space.**

Mr. Avantini gave the following review:

At your request, we have reviewed the above request to provide identification signage for second floor businesses at 111 Leroy Place. When the building was developed, sign area was provided above the first-floor retail spaces but not for second floor tenants, since the exact number was not known. The applicant is now proposing tenant signage on the Leroy Street elevation, above the second-floor space. A “Hackney Jones Wealth Management” sign, with an area of 45.5 square feet, is proposed underneath the second row of apartment windows. Similarly, a “Brown and Brown” Insurance sign, with an area of 60.95 square feet, is proposed underneath the third row of apartment windows. Additional directional signage is proposed next to the doors on the north and east elevations and a “111” sign is proposed at the northwest corner of the building. The property is zoned CBD, Central Business District/PUD, Planned Unit Development and this request is considered a site plan amendment.

The opinions in this report are based on a review of the proposed site plan and conformance to City ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. Key review item points in this letter are underlined for the benefit of the applicant. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application.

## **DISCUSSION**

Based on our review of the proposed signage, meetings with the applicant, a review of the zoning ordinance and Downtown Design Guidelines, and discussions with Mr. Jason Payne, Building and Zoning Administrator, we offer the following comments for your consideration:

**1. Business Identification Signs.** We recognize the need for business identification signs for the two key second floor tenants and the number of visible locations are limited. The ordinance allows one (1) wall sign per business with a sign area of 10% of the façade area or 100 square feet, whichever is less. It appears that both signs fall under 10% building frontage requirement on N. Leroy Street. It is also clear that there are no other feasible alternatives that would protect the character of the building and not make the signs look out-of-place. We are of the opinion that these signs are appropriate for identification of the second story tenants and meet ordinance/design guideline standards.

**2. First Floor Directional Signage.** The applicant is also requesting approval for first floor identification signage that will direct people to the door leading to the second-floor office space. The goal is to direct people toward the entrance on the north side of the building and not confuse them with the entrance to the third and fourth floor apartments. The signs are tastefully designed and we are of the opinion that they meet ordinance and design guideline standards.

**3. Building Numbering Signage.** We recommended that the applicant consider attaching a tasteful projecting sign from the northwest corner of the building that indicated this was “111 Leroy Place”. The proposed “111” letters on the N. Leroy Street elevation do not accomplish

that and look out of place. We do not recommend approval of this signage because it does not match the character of the building.

## **RECOMMENDATION**

Based upon the above review, **we recommend Planning Commission approval of: 1) the Hackney and Jones Wealth Management and Brown and Brown signs; and 2) the first floor directional signs that lead people to the second story entrance. We do not, however, recommend approval of the 111 sign at the northwest corner of the building because it does not match the character of the building.**

The question was asked about additional signage if the second floor were to receive other businesses? Mr. Avantini stated that was discussed and there is area for additional signage to the south on the building. Anything other than what is approved tonight would have to come back to the Planning Commission for approval.

Some of the Planning Commission members thought that the Brown and Brown sign would look esthetically better if it were between the two columns.

The applicant, Jim Niestroy, of Bill Carr Signs, 719 W. 12th Street, Flint, presented scale renderings of how the signs would appear on the building. The Brown & Brown sign meets city ordinance and they are the primary tenant on the second floor. The sign is actually smaller than what could be allowed. Chairperson Rossmassler then noted that it's not something we could enforce since the sign meets the city's ordinance. Niestroy added that regarding the 111 signage, the owners of the building were wanting this. He does disagree with Mr. Avantini's opinion of the sign. If they were to do anything that protrudes like a blade sign, there could be possible wind damage like there has been with previous signs on the building. This is why they went with clean, classy aluminum numbers that match the trim on the building.

Commissioner Grossmeyer proposed that they just eliminate the 111 sign and see if it presents an issue after the other signage is up and, on the doors, directing customers to the second floor.

After further discussion, the following motion was made:

**MOTION by SENYKO, SUPPORTED by GROSSMEYER, to approve the 111 Leroy Plan signage request as presented and reviewed by the Administration along with the conditions listed in the CIB letter dated 9/1/22.**

**MOTION PASSED (7-2) Siwik – yes, Grossmeyer – yes, Csapo – yes, Senyko – yes, Campbell – no, Steffey – no, Rossmassler – yes, Whittaker – yes, Anderson – yes**

**E. PSPR22-0017 – Site Plan review for Fast Eddie's Car Wash, 1161 & 1209 N. Leroy Street, zoned GBD, General Business District.  
Applicant is requesting to remodel the existing car wash and façade**



**along with adding vacuum islands. A lot consolidation of the two parcels is required.**

Mr. Avantini stated that some of the comments in his letter below do not exactly apply to the site plan he reviewed earlier since they just recently submitted changes to the plan for a third time. They now meet the setback requirements so they do not need a variance; regarding the façade, it can be approved administratively by Jason Payne. They do realize that they need to do curbs and gutters throughout the expanded portion of the site, and they need to still get the access agreement easement with user to the rear, along with a lighting plan which can be looked at administratively.

At your request, we have completed our review of the above *revised* site plan to remodel the existing 4,480 square foot car wash at 1161 N. Leroy Street. Included is consolidation of the site with the lot to the immediate north and construction of a vacuum island with associated site improvements. The property is zoned GBD, General Business District, where automatic car washes are special land uses in that District and since the car wash is existing, a new special land use review is not needed.

The opinions in this report are based on a review of the proposed site plan and conformance to City ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. Key review item points in this letter are underlined for the benefit of the applicant. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application.

## **REVIEW COMMENTS**

This application has been reviewed utilizing the standards in *Article 19, Site Plan Review Standards*. Based on our review of the site plan, meetings with the applicant, a site visit, and discussions with Mr. Jason Payne, Building and Zoning Administrator, we offer the following comments for your consideration:

**1. Setback Requirements.** Per *Section 36-19.06(d)(3), Off-street parking space design and setback requirements*, of the ordinance, “Parking lots shall have a minimum rear and side yard setback of 50 feet from any single-family residential zoning district and 20 feet from any multiple-family residential zoning district. This setback area shall include either berming, landscaping and/or a wall to screen headlights, designed according to the standards of Article XXI Landscape Standards and Tree Replacement.” The abutting property to the west is zoned HDR, High Density Residential, which is a multiple-family residential district. A 20-foot landscaped setback is therefore required along the rear property line where a three (3) foot setback is provided. In addition, a ten (1) foot parking lot setback is required along the north property line while a zero (0) foot setback is provided. To mitigate the provided setbacks, a six (6) foot high beige vinyl screen fence is proposed. Variations would have to be obtained from the Zoning Board of Appeals (ZBA) for the proposed setbacks to be permitted.

**2. Building Design.** A new peaked façade for the front portion of the existing, flat roof building is proposed along with painting of the existing block. *Section 36-2.20, Non-residential*

*design requirements*, of the ordinance states that “The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units and/or glass products” and “Other materials such as smooth-faced concrete block, undecorated tilt-up concrete dryvit panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure.” This is an existing building in need of improvement and the proposed façade changes will enhance the appearance of the car wash facility.

**3. Site Improvements.** Although there is existing pavement on the lot to be consolidated with the car wash, all site improvements must meet ordinance requirements. The site plan proposes curb and gutter throughout the site except around the detention pond. The City engineer should be consulted regarding the ability to drain stormwater into the basin with the island being curbed. In addition, new pavement is required throughout the site and the old asphalt must be removed.

**4. Site Access.** The existing car wash entryway and drive lane provide sole access to the storage facility to the rear of the property via an easement. The City’s traffic consultant, Pete LaMourie, has recommended an alternate layout for this site and provided a sketch showing how it would work. We find this alternate layout to be a vast improvement over the current and proposed configuration, as it provides safe, efficient circulation through the site.

**5. Lighting Plan.** Although an additional light pole has been provided, a complete lighting plan is needed including a photometric grid and manufacturer’s specification sheets for light fixtures, meeting ordinance requirements.

**6. Car Vacuums.** The car vacuums can be noisy and we recommend that they only operate during regular business hours for the car wash.

**7. Lot Combination.** Site plan approval will have to be conditioned upon combination of the two (2) lots.

**8. Other Reviews.** This review is also conditioned upon review and approval from all applicable consultants, departments and agencies.

## **RECOMMENDATION**

Based upon the above comments, **should the applicant agree to the proposed layout by the City’s Traffic Consultant, Pete LaMourie, we recommend approval of the site plan, conditioned upon the following:**

1. Administrative review and approval of a revised site plan, matching the sketch plan provided by the City’s traffic consultant;
2. Approval of setback variances at the north and northwest property line from the Zoning Board of Appeals, as detailed under item #1 above; *(no longer needed with revised plans)*
3. The installation of curbing around the detention basin and new pavement throughout the new

- parcel; (*they have done this with the recently revised plans*)
4. Submission of a complete lighting plan including a photometric grid and manufacturer's specification sheets for light fixtures, meeting ordinance requirements;
  5. The vacuums only operating during regular business hours for the car wash;
  6. Combination of the two (2) lots; and
  7. Review and approval from all applicable consultants, departments and agencies.

Mr. Payne added that our traffic consultant did recommend closing one of the three entryways to this site.

The applicants, Scott Perrin, of Perrin Construction, along with Matt Letavis, one of the owners of Fast Eddie's were present. Mr. Letavis stated he is a third generation running Fast Eddie's and they have been in business for 45 years; this will be their 17<sup>th</sup> location in Michigan. Regarding the comments given by the traffic engineer and Mr. Avantini, he does not have any issues with their recommendations. He will be working with the storage unit owners with the easement and signage.

After some clarification of the entrances to the car wash and storage units, the following motion was made:

- A. MOTION by WHITTAKER, SUPPORTED by SENYKO, to approve the latest site plan submitted 9/16/22 for Fast Eddie's Car Wash, located at 1161 & 1209 N. Leroy Street, conditioned upon the items listed in the CIB letter dated 9/15/22, with the exceptions of 2 & 3 since they have already been met.**

**MOTION PASSED (9-0) Siwik – yes, Grossmeyer – yes, Csapo – yes, Senyko – yes, Campbell – yes, Steffey – yes, Rossmuessler – yes, Whittaker – yes, Anderson – yes**

## **1. TABLED ITEMS**

**MOTION BY STEFFEY, SUPPORTED BY CSAPO, TO MOVE THE TEXAS ROADHOUSE BACK TO THE TABLE. MOTION PASSED ALL IN FAVOR.**

- A. PSPR22-0008 – Site Plan Review for Texas Roadhouse, 18555 Silver Parkway, zoned GBD, General Business District/PUD, Planned Unit Development. Applicant is requesting to construct a new 8,039 square foot restaurant.**

Mr. Avantini gave the following review:

At your request, we have completed our review of the above *revised* site plan to construct a new 8,039 square foot Texas Roadhouse restaurant on the existing undeveloped site at 18555 Silver Parkway in the Silver Lake Village Planned Unit Development (PUD). Proposed is the

construction of a new building, with a pick-up window, and associated parking lot improvements. The property is zoned GBD, General Business District/PUD, Planned Unit Development, where restaurants with carryout windows are permitted uses in that District.

The opinions in this report are based on a review of the proposed site plan and conformance to City ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. Key review item points in this letter are underlined for the benefit of the applicant. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application.

## REVIEW COMMENTS

*Section 36-13.08, Final PUD Site Plan Submittal Requirements*, of the ordinance, requires the submission of a Final PUD Site Plan meeting the requirements of *Section 36-16.05* of the City of Fenton Zoning Ordinance. Based on our review of the proposal, discussions with Mr. Jason Payne, Building Official/Zoning Administrator, past discussions with the applicant, Planning Commission input, and a visit to the site, we offer the following comments for your consideration:

**1. Area and Bulk.** The proposed site was reviewed in accordance with *Article 15* as described in the following table.

		<u>Required</u>	<u>Proposed</u>	<u>Comments</u>
<b>Building Height</b>		Max. 2 stories 30 ft. max.	1 story	In compliance
<b>Front Yard Setback</b>	Building	40 ft.	70 ft.	In compliance
	Parking	20 ft.	40 ft.	
<b>Rear Yard Setback (east)</b>	Building	<u>25 ft.</u>	55 ft.	In compliance
	Parking	10 ft.	12 ft.	
<b>Side Yard Setback (north)</b>	Building	10/25 ft.	73 ft.	<b>Parking setback not in compliance, a one ft. waiver is needed</b>
	Parking	10 ft.	<b>9 ft.</b>	
<b>Side Yard Setback (south)</b>	Building	10/25 ft.	70 ft.	In Compliance
	Parking	10 ft.	10 ft.	
<b>Maximum Coverage</b>	Buildings	30% max.	11.5%	In compliance, the overall impervious surface calculation meets ordinance
	Paved Areas	45% max.	Not Provided	

**2. Building Design.** The building has a one-story, southwestern “roadhouse” design with brick along the lower part of the building, vertical and horizontal cement broad siding, and a metal roof system. *Section 36-2.20, Non-residential design requirements*, of the ordinance states that “The predominant building materials should be quality materials that are characteristic of

Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units and/or glass products” and “Other materials such as smooth-faced concrete block, undecorated tilt up concrete dryvit panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.” We are of the opinion that the building materials and design meet ordinance requirements.

**3. Carry-out Window.** The previously shown pick-up window on the Silver Parkway elevation has been replaced with a carry-out window and four (4) adjacent parking spaces. The Planning Commission had discussed a carry-out area and will need to decide if this meets the intent of their previous direction. The applicant will also have to address whether barrier-free access to order pickups will be provided at this or other locations on the site.

**4. Signs.** In addition to panels on the main identification signs at the entry to the center and along US 23, identification signs are proposed on three (3) of the four elevations. The ordinance allows one identification sign for each road frontage, so waivers are needed for these additional signs to be permitted. Since this site is located in a Planned Unit Development (PUD), the Planning Commission can approve these signs under site plan review. The requested signs, sizes and needed waivers are indicated below:

<u>Elevation</u>	<u>Size</u>	<u>Permitted</u>	<u>Required Waivers</u>
West	108.75 s.f.	100 s.f.	8.75 s.f.
South	231 s.f.	100 s.f.	131 s.f. & second sign
East	179.5 s.f.	100 s.f.	79.5 & third sign

There are two 18 s.f. signs over the door on the south elevation and the walk-up window on the west elevation that we do not consider to be identification signs. Instead, they are intended to provide internal direction to customers and in our opinion, waivers are not needed. We are also of the opinion that since this is a heavily travelled area, the additional building-mounted identification signs will help customers better locate the business without cluttering the look of the building or area. All signs require permits and any other sign requests must meet ordinance requirements.

**5. Building-Mounted LED.** The application also indicates the use of white border LED accent lighting on the east, west and south elevations. Per the Silver Lake Village PUD Design Guidelines, prior Planning Commission approval is required. We question the need for building-mounted LED border lighting given the exposure provided by the additional identification signage requested.

**6. Parking Lot Requirements.** The following table lists the requirements for parking lot design.

	<u>Required</u>	<u>Provided</u>	<u>Comments</u>
<b>a. Parking Spaces</b>	134 spaces and 4 barrier-free spaces	95, including 5 barrier free spaces	<b>Potentially in compliance:</b> a waiver is needed but the Silver Lake Village PUD provides for shared parking between uses. A significant amount of underutilized parking is available in the center to the east.
<b>b. Parking Aisle Width</b>	26'	26'	In Compliance
<b>c. Parking Space Dimensions</b>	9'x18' & 9' x 21'	9'x18'	In Compliance
<b>d. Barrier-Free Parking Spaces*</b>	2 spaces	2 spaces	In Compliance

**e. Loading Zone**

1 Loading space

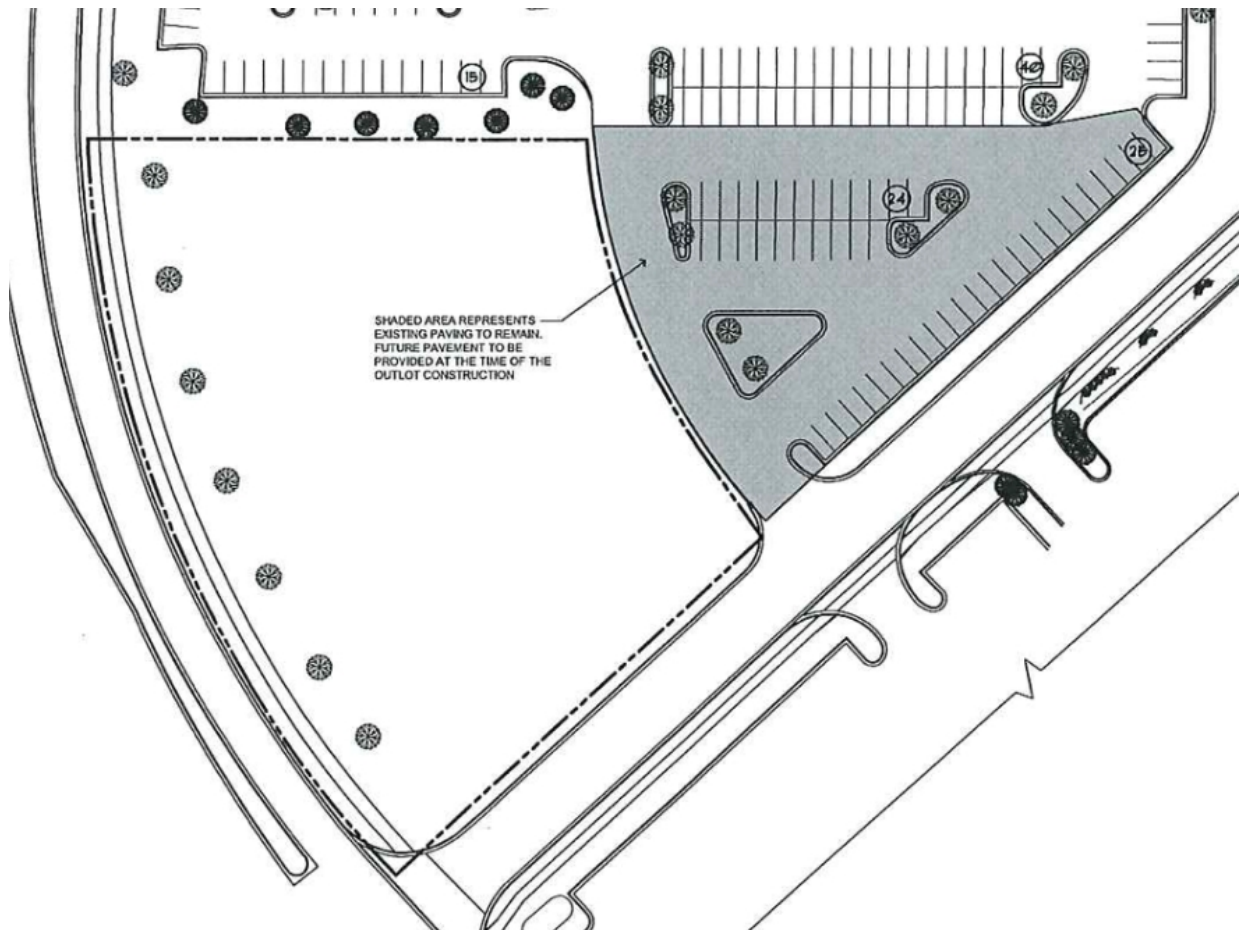
0 loading spaces

**Not in compliance:** a waiver is required for no loading zone being provided. There is likely not enough space for a loading zone and the application should indicate how this will be addressed.

\* barrier free spaces are subject to the State of Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division regulations.

**7. Shared Parking.** Although 134 parking spaces are required and only 95 are provided on-site, there is a sufficient supply of available parking spaces in the shopping center lot to the east. The following items must be considered:

**a.** The Silver Lake Village PUD provides for shared parking between units and the owner of the center must also recognize that parking spaces need to remain available for shared use by Texas Roadhouse. Since this project is being utilized through a land lease, a unit split or easement would only be necessary in the event of separate ownership between the out lot and shopping center. We recommend that a written understanding of the parking arrangement be submitted by the property owner.



Shopping Center Site Plan Submission

**b.** The Planning Commission previously allowed deferment of pavement replacement for the parking lot opposite the subject site. This parking area must now be re-paved and striped, per

the agreement with the Planning Commission when the shopping center was redeveloped.

c. The striped area for pedestrian crossing on the drive lane to the east of the building has been removed. We recommend that a pedestrian crossing be added and located far enough away from the corner to provide a safe crossing location.

d. The developer indicated that he might want a portion of the parking lot to be converted to an out lot in the future, but shared use of these parking spaces might eliminate that option.

**8. Bumper Blocks.** The Silver Lake Village PUD Design Guidelines prohibit the use of bumper blocks. The spaces to the south of the carry-out window utilize bumper blocks but there may be no feasible alternative given the close proximity to the building and five (5) foot wide sidewalk.

**9. Landscaping.** A landscape plan has been included in the site plan submission and we note that the Silver Lake Village Design Guidelines require a minimum 3-inch caliper for deciduous trees.

	<u>Required</u>	<u>Provided</u>	<u>Comments</u>
<b>Parking Lot &amp; Tree Replacement</b>	1 canopy per 8 spaces, 1/3 within parking lot islands; 12 trees required with 4 in parking lot islands.	20 new canopy trees with 4 located within islands. within islands.	In compliance with parking lot and tree replacement requirements.
<b>Greenbelt (Silver Parkway)</b>	20' width, 1 canopy tree and 6 upright shrubs per 30 linear feet; 13 trees, 78 upright shrubs required.	20' width, 14 canopy trees and 66 shrubs are provided.	Potentially in compliance: Replacement trees have been Provided and we agree with removal of existing maple trees, since they will block views of the new building. Also, <u>the required number of Shrubs along Silver Parkway is Deficient but the intent is met With the additional plantings Along the interior drive.</u>

**10. Lighting Plan.** The photometric grid meets ordinance requirements, but manufacturer's detail sheets must be submitted for all light fixtures.

**11. Site Details.** A sheet with site details must be provided for items like curbing, pavement, dumpster enclosure, etc.

**12. Other Reviews.** This review is also conditioned upon review and approval from all applicable consultants, departments and agencies.

## **RECOMMENDATION**

Based upon the above comments **we recommend approval of the site plan for Texas Roadhouse at 18555 Silver Parkway**, conditioned upon the following:

1. Planning Commission approval of a one (1) foot parking lot setback waiver along the north property line as well as a waiver from the ordinance loading zone requirements;
2. Planning Commission approval of the walk-up window;
3. Approval of the sign waivers listed under item #4 above;
4. Elimination of the white LED building-mounted border lighting;
5. Approval of a waiver from the parking space numerical requirements with an agreement or easement providing shared use of spaces to the east;
6. The use of 3” caliper deciduous trees instead of the proposed 2.5” caliper ones shown on the landscape plan;
7. Submission of information items identified in this review letter; and
8. Review and approval from all applicable consultants, departments and agencies.

The applicant, Emily Bernahl, Bernahl Development and Services stated she is the consultant for Texas Roadhouse. She added they are not purchasing the land but leasing it from the landlord. She will work with the City and Landlord in getting the portion of the parking lot repaved. They have worked hard on getting all the items addressed at the last meeting and she feels their new submission has addressed the previous issues. As far as the conditional items in the CIB letter, she does not have any issues with them.

There were some questions and concerns about the dumpster location Ms. Bernahl addressed. Mr. Avantini also added that when you are in a highly visible 360 location, it is difficult to put the dumpster on a side where it won't be seen. The nice thing about the way they have it set up is it does stay closed and it doesn't jump out the way a typical dumpster enclosure does since it is attached to the building.

Commissioner Rossmassler added that he does not feel it is a hardship for the applicant *not* to follow the city ordinances regarding signage so he will not be supporting the site plan with the way it is presented. He ok with the three signs, he's just not ok with the signs being over the square footage. Commissioner Senyko stated he believes the size of the signs should be granted because it fits with the décor and style of the site. He does not think it is inappropriate compared to what one would see at a Texas Roadhouse anywhere else. Mr. Avantini stated the way the sign is measured, there is a lot of air space and not sign area due to the logo of the Texas state emblem. Commission Csapo began a motion regarding the signage but then amended it since it was explained how the signs are measured, he is good with the waivers. The following motion was then made:

**MOTION by CSAPO, SUPPORTED by GROSSMEYER to approve the site plan for Texas Roadhouse, located at 18555 Silver Parkway, subject to the conditions in the 9/1/22 CIB letter.**

**MOTION PASSED (8-1) Siwik – yes, Grossmeyer – yes, Csapo – yes, Senyko – yes, Campbell – yes, Steffey – yes, Rossmassler – no, Whittaker – yes, Anderson – yes**

**CALL TO THE AUDIENCE**



No on this evening

## **ADMINISTRATIVE ITEMS**

Mr. Payne announced that Beauchamps decided to change the color of their building from the bright blue to gray. Members were happy to hear about this change. Mr. Payne also asked how using the laptops were going for the members. They all said good but would like to see the files/letter/plans specifically named so it can be easier to locate.

Jason Payne also added that with all the new members being appointed and present, the next order of business is to elect a new chairperson, vice chair, and secretary.

The following motions were made:

**Commissioner Csapo recommended Terry Steffey for Secretary, which was supported by Commissioner Rossmassler. Motion Passed unanimously.**

**Commissioner Grossmeyer recommended Mike Csapo as Vice Chair, which was supported by Commissioner Whittaker. Motion Passed unanimously.**

**Commissioner Grossmeyer recommended Tyler Rossmassler as Chairperson, which was supported by Commissioner Csapo. Motion passed unanimously.**

## **CIB ITEMS**

Mr. Avantini welcomed the new members and added that Justin Sprague, Vice President of CIB will also be attending the Planning Commission meetings as well.

## **COMMISSION MEMBER ITEMS**

The new members were welcomed to the Planning Commission.

## **ADJOURNMENT**

The meeting was adjourned at 9:15 pm.

Respectfully submitted by,

**Linda Davis**

Recording Secretary