

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS
NOVEMBER 9, 2005

A Special Meeting of the Sylvan Lake City Council, sitting as the Zoning Board of Appeals, was held on Wednesday, November 9, 2005, opening at 7:43 p.m. at the Sylvan Lutheran Church, 2399 Figa, West Bloomfield Twp, with Mayor Conkey presiding.

Present: Maurina, Eriksen, Hunger, Lorenz, Conkey **Z-009-05**
Absent: None
Also Present: City Manager Martin, Clerk Clippert and City Attorney Bibeau
Petitioner: Larry Yaldo
Property: 2451 Orchard Lake Road
Zoning Ordinance Sections: Sec 78-296 p. CD78:55

In accordance with the provisions of the Zoning Ordinance, a Public Hearing was held by the Zoning Board of Appeals at the request of the petitioners, to grant a variance from the zoning ordinance to allow the reconstruction and expansion of an existing nonconforming structure at the Citgo gas station, 2451 Orchard Lake Road. The petitioner is requesting approval to remove an existing storage building and convenience store and construct a new convenience store with canopy and underground storage tanks. The proposed construction is at the rear property line abutting the Clinton River Trail property.

All property owners within 300 feet of the parcel in question have been duly notified of the hearing; Mayor Conkey opened the hearing.

Don Thompson, architect for the Yaldo s, noted three of the above ground tanks have been removed. He feels their plan is the best plan given the traffic conditions. They looked at other ideas for the site and they would be impossible to manage. There is no alternative plan because of the type of operation. They elected to push the building back from Orchard Lake Road as far as possible. They have offered landscaping all along the back trail.

Conkey questioned the exterior of the building. Thompson stated it was agreed at a Planning Commission meeting to make the building appear residential with a pitched roof.

Eriksen questioned the relationship between the square footage of the building and expected gross revenue. Thompson stated the fueling systems are marginally profitable. A lot of the money is from convenience items sold in the store. Eriksen is trying to understand if a 5,000 square foot building is needed to be profitable.

Laith Yaldoo s vision is to have a comfortable size business. They need it for the counters, aisles and rest rooms. The size will make their investment worthwhile. It is not disproportionate with the size of the property.

Thompson added, their hardship is the shape of the property.

Eriksen is concerned with the parking. McKenna is saying 35 spaces are needed and their plan has only 16 on it.

John Jackson, Planner from McKenna, handed out a plan which they drafted three years ago for the site. It showed what other developments could be built there.

Hunger is finding this difficult because they are currently in the middle of defining what they want Orchard Lake Road to be in the Master Plan. He asked the status on it. Michelle Anoil, McKenna, stated they will be holding a workshop shortly after the first of the year, they will determine their goals and objectives and then they have to update the future land use map. She estimated they should have a draft for Planning Commission in February.

Hunger feels Council needs to decide whether they are going to go with the Corridor plan or not. He wishes they were further along on the Master Plan.

Lorenz inquired the reason for the tank farm. Thompson explained they have a lease agreement with the prior owner to keep the tank farm for not more than 10 years. They provide wholesale fuel to other vendors. Yaldoo added, it is not part of their long term plan. They have worked with McKenna in the past. They tried the plan with the building up in the front of the property and found it didn't work.

Lorenz asked what the life expectancy of a station is. Thompson replied, it typically is 15-20 years.

Eriksen questioned if the West Bloomfield Fire Department has given any guidance on this. Yaldoo stated when they showed them the sketches with the building up front, they were strongly advised against that. They felt it would not be good access for their fire trucks. Martin added the fire department did do a preliminary review. There was one concern with water availability for fighting fires. Martin has spoken with Larry Yaldo on this. The existing hydrants are too far away to get to the back of the building. They offered three options - to install another hydrant, sprinkle the building or move the building closer to Orchard Lake Road. Yaldo agreed to sprinkle the building.

Council asked McKenna to give their opinion on the project. John Jackson stated they have worked with the city on the corridor plan. The city is experiencing pressure for redevelopment. The Yaldos have the opportunity to redevelop the site and make it a much more efficient, profitable gas station. The City also has an opportunity here, to achieve some of its objectives. The corridor plan is in place and you can create a viable business district. McKenna's approach is to make a win-win situation. The shape of property does create a hardship. The end results have to be consistent with the intent of zoning ordinance and Master Plan. You have to weigh the redevelopment opportunity and make sure it is still a viable operation. He would like to try to find a way to make the alternate plan work (having the building up front). It may require front and rear yard variances. They feel this is a legitimate compromise.

Mayor Conkey opened the meeting to the public.

Bob Blackstar , Detroit Edison, noted with the revised plan, visibility creates the possibility for accidents. There is a timing issue to get out onto Orchard Lake Road. The rate of speed driven on Orchard Lake Road has to be considered.

Patrick Riney, West Bloomfield Deputy Fire Marshall, made a point of clarification, he only did a plan review for the building at the back of the site for access, egress, sprinkler and hydrant location. He has not seen the plan for the building up front.

Dave MacGillis, 1746 Woodland, sees the need for a variance. He would like to see the parking space requirements met. He would like council to consider the field of view getting out onto Orchard Lake Road. He believes with the building back it controls the traffic better and where they will park.

Ed Simons, Manager of Citgo, explained a 40-foot delivery truck is going to have problems maneuvering with the building up front.

Hunger is concerned they have already exhausted all avenues with McKenna. Thompson replied, he prefers the plan they are presenting because it is more efficient. There is more liability with the other plan.

Lorenz asked how wide the trail easement is. Martin informed him it is 50'. Lorenz questioned if they put an access road on it. Martin stated, he would have to check with the State. Bibeau added, it would be almost impossible to get approved with the DNR.

Lorenz doesn't understand how it got to this point when they know they are working to make this corridor on Orchard Lake Road. They plan to continue using the tank farm. He is not in favor of this. Thompson stated they are planning to phase out the tank farm and that area will provide for future parking and landscaping. Yaladoo explained they invest a lot in the city. He would like them to take a check list and go over it one by one. Having the building up front is only one thing that goes with the corridor plan.

Lorenz asked him if any other business could work in there. Yaladoo doesn't believe so.

Eriksen would like to have some experts come in and talk to them about the intensity of traffic. With the line of site, they may have to cut off 10 feet of the building.

Moved by Eriksen, seconded Lorenz, to table the variance for further study until the December 14th meeting at 7:30 p.m.

Yes: All
No: None

MOTION CARRIED

Dennise Clippert, City Clerk