

CITY OF SYLVAN LAKE
STUDY SESSION
SEPTEMBER 27, 2006

A Study Session of City Council was held on Wednesday, September 27, 2006, at Sylvan Lutheran Church, 2399 Figa, West Bloomfield, at 7:06 p.m. with Mayor Lorenz presiding.

Present: Eriksen, Hunger, Hungerman, Lorenz, Conkey

Absent: None

Also Present: City Manager Martin (7:15 p.m.), Clerk Clippert and City Attorney Bibeau, Michelle Anoil, McKenna

Meeting Open to the Public for Brief Comment

There were no public comments. Mayor Lorenz closed this portion of the meeting.

Discussion of Community Center and City Hall Proposals

Mayor Lorenz provided drawings from Stephen Auger Architect. He stated the drawings will be on a board and left at City Hall. He stated they have discussed numerous times how the building should sit on the property. Brian Schulz had recommended the entrances be at the highest point of property. Lorenz explained how the drawing shows the entrance on the current driveway side and the pavilion on the tennis court side.

Eriksen questioned where an addition could be made in the future. Lorenz replied, on the pavilion side or the north side. Eriksen also questioned the basement. Lorenz explained it is an unfinished basement, for storage only. Hunger asked about the depth of the basement. Lorenz stated that hasn't been ironed out at this time.

Eriksen shared he has soil boring data from the past proposal that they could use.

Hungerman questioned the floor plan showing an elevator. Lorenz stated it will be roughed for an elevator. It was suggested they mark that as an elevator closet.

Hungerman also asked about the funds and amounts for the parks millage. Eriksen suggested they set percentages instead of dollars. Lorenz provided: seawall \$5000 (13%), maintenance for Community Center building-annually \$4000 (10%), utilities \$3000 (8%), replacement of revenue (tags) \$16,500 (43%), and discretionary \$10,000 (26%).

Martin joined the meeting, 7:15 p.m. He was late due to a meeting a City Hall with the Zoning Board of Appeals.

Citgo Property and Proposal

Martin reported the last information City Council looked at was two months ago. Since then there have not been many changes to the site plan. The propane tanks are off per the site plan approval. Martin has contacted the traffic engineers and they have drafted a review, which Martin provided. He outlined their recommendation. The traffic engineer also suggested a deceleration lane in front of the plaza. Martin has also sent the plan to the Road Commission. They said they would look at it closely and respond quickly. Martin discussed the above ground tanks and having them eliminated before any building takes place.

Eriksen discussed the Yaldeo s appealing Council s decision saying they are abusing their discretion in granting them special use. Bibeau stated, to determine whether discretion is used reasonably or abusively, is by following the ordinance. If the ordinance does allow it, and if they apply very difficult conditions, that could be determined to be abusive discretion. Eriksen added based on the decisions they make and on the facts that they have. Bibeau advised when they have the hearing to base their decisions on facts that have been presented and the reasoning why they are doing it and those facts should be reiterated in the motion.

Lorenz suggested they go with McKenna s recommendation from their letter dated October 2005 for reduction of the intensity of the site by eliminating the tank farms and reorientation of the site to provide safe direct pedestrian connection from the sidewalk.

Conkey disagreed with telling them to eliminate their above ground tanks. It is not fair when they have agreed to them in the past. He suggested they stick with the three they have discussed, a smaller building and a set number of pumps. Lorenz agreed he could live with the August 2008 date to eliminate the tanks.

Eriksen questioned requiring two bathrooms. Bibeau stated that would be covered in the code. Eriksen suggested they also demand the kind of brick they are going to use.

Hunger asked where they draw the line on abusive discretion.

Martin reminded them Planning Commission already put 24 conditions on the site plan.

Lorenz questioned the Zoning Board of Appeals meeting before City Council approving the special use. Martin stated Council can approve the special use contingent upon ZBA approval.

Lorenz discussed the rear yard setback and the size of the building and number of parking spaces required. He explained the cross access parking agreement would be no good because they don t have extra spaces over at the plaza. He stated they could require a building no bigger than the number of spaces needed. Eriksen added, he calculates that to be a 3,000 square

foot building. Lorenz suggested they stick with the 3280 square feet they stated in their prior letter.

Eriksen stated they should require a wall in the back because the neighbors could have cause of action because of the light and noise. He believes the ordinance requires a six foot wall along the length of the property. Council debated the definition of an alley and how this is zoned. Lorenz would rather have landscaping than a wall. Hungerman agreed also.

Eriksen questioned stacking and if it is required. Michelle Anoil, McKenna, stated the ordinance doesn't require stacking for a gas station. Conkey feels there would be less stacking with six pumps. Eriksen argued then the number of incursions increase stacking. Conkey would recommend landscaping instead of a wall and six pumps. Hungerman prefers landscaping along the trail and six pumps also. He noted they will have credit card capability at the pumps which will help keep them moving. He stated he understands the rule of thumb with incursions and more traffic.

Lorenz expressed what he is looking at with special use, is how to minimize the impact on the adjacent properties and road ways.

Lorenz reviewed their previous conditions from their letter dated March 2006.

Lorenz brought up racing fuel. He had a discussion with Ed Simon's who stated they are going to maintain this. It is currently with the kerosene. Martin noted this is not on the plan they have provided. Eriksen suggested they set a condition for kerosene only.

Lorenz inquired if one of the conditions can be if all conditions for removing the above ground tanks are agreed upon and not met, then all legal fees against them are their responsibility. Bibeau replied, they could do that, but it should be a cash bond. Martin stated what was agreed at the site plan review.

Bibeau stated another condition should be the approval of marginal access easement and landscape maintenance easement. He feels it shouldn't be a lease, but a license agreement. Martin stated that was all apart of the site plan approval and the documentation has to be approved by the City.

Martin shared that he informed Yaldoo's architect that they want a real rendering of what it is going to look like. Eriksen is concerned with the bricks. He suggested colonial bricks with a pitched roof, no masonry block, standard brick veneer.

Eriksen also suggested they follow the engineers recommendation for a deceleration lane and relocating the curb cut.

Lorenz would like to give them tentative approval based on these conditions. Martin suggest they write out a list and approve this at a special meeting in a week. They can do a special use approval with the conditions and ZBA approval and that it meets all the site plan requirements as approved by Planning Commission.

Bibeau asked if one of the conditions was going to be they have to pay all the costs. Martin stated it is and they have been told they have to be up to date before City Council will do anything else.

Eriksen questioned what happened with the left turn lane. Martin is waiting for the Road Commission s input. He will call them.

Eriksen discussed building size and stated he would like 7' taken off the back, 10' taken off the front and 4' taken off the pump side off the building. This will improve line of site for vehicles exiting the property.

Council agreed to set a study session for next Wednesday at 7:00 p.m.

Continued Discussion of Community Center and City Hall Proposals

Lorenz asked about the number of times in a day the police department have to process incidents in City Hall. Martin stated is varies. At least two-three a day during regular hours.

Lorenz covered some other questions he has been asked. He also asked if they have found a project manager yet. Hunger feels they are really close.

Adjournment

Moved by Eriksen, support Hunger, to adjourn the Study Session Meeting.

Yes: All

No: None

MOTION CARRIED

The study session adjourned at 9:38 p.m.

Dennise Clippert, City Clerk