

SYLVAN LAKE PLANNING COMMISSION

Minutes of the February 9, 2015

Regular Meeting

REGULAR MEETING

CALL TO ORDER

Chairperson Endres called the meeting to order at 7:16pm and presided of the pledge of allegiance.

ROLL CALL

PRESENT

Jim Endres, Chairperson
Graham Cousens
David MacGillis
Russ Meskin
Pete Shelters
William Brundage

ABSENT

Mike Menuck
Megan Zumbach, Secretary
Ed Robbins

APPROVAL OF AGENDA

City Manager Martin mentioned that in the past the election of officers was not done unless there was a full board, or close to it. There are three members absent tonight. It is not policy so it is up to the Planning Commissioners.

MOVED BY MacGillis, second by Cousens to approve the agenda with the removal of the election of officers for this meeting.

YES: All NO: None Motion passed.

APPROVAL OF THE MINUTES

Moved by MacGillis, seconded by Brundage to approve the minutes of the meeting of October 6, 2015.

YES: All NO: None Motion passed

MEETING OPEN TO PUBLIC FOR BRIEF COMMENTS

Chairperson Endres opened the meeting for public comment. There were no comments.

NEW BUSINESS

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Recommendation to City Council – Special Land Use for Pepino’s Restaurant,
Alcohol Sales

Chairperson Endres asked City Manager Martin to give a synopsis. City Manager Martin stated this is Planning Commission’s opportunity to make statements and ask questions of the owner or the City Manager regarding the Special Land Use. He reminded Planning Commission that this is a recommendation to City Council. The proposed motion is quite lengthy. The agenda item is for Planning Commission to make a recommendation to approve or deny the special land use to sell alcohol per our ordinance.

MOVED by Shelters, seconded by Brundage to recommend approval to recommend approval of special land use to City Council for CMH Restaurants Inc. d/b/a Pepino’s, located at 2440 Orchard Lake Road, for a restaurant obtaining a Class C license that appears to meet the requirements for approval based on the following:

- A. With regard to the requirements for special land use approval, Section 78-178:
1. The location, size, and intensity of the proposed use are compatible with adjacent uses and zoning of the property, given that the new restaurant will be owned and operated by CMH Restaurants, Inc. who has shown good business sense while operating Pepino’s in Walled Lake for over 30 years, and because the location has recently served as a licensed restaurant without incident.
 2. The proposed use of the property as a licensed establishment is consistent with the scope and intent of the Special Land Use chapter of the Ordinance, given the recent prior restaurant use.
 3. The proposed use, similar to the prior restaurant use, does not interfere with the natural environment or natural resources.
 4. The proposed use will continue to be properly served by municipal services and facilities.
 5. The proposed use, similar to the prior use, will not adversely affect the social and economic well-being of the residents, businesses, or surrounding land owners; rather, it can be expected to enhance the economic prospects of the area.
 6. The proposed use promotes the use of the land in a socially and economically desirable manner, given the prior use as a restaurant,

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and the fact that its use as a licensed premise, under the business plan submitted by the applicant, will strengthen its business.

7. The proposed use is consistent with vehicular and pedestrian traffic routes and flows, as it is an existing business on Orchard Lake Road.
 8. The proposed use will not adversely affect development of the area, given that this is existing building, the restaurant use currently exists on the premises, and the addition of the licensed aspect is a natural progression of same.
 9. The nature, location, size, site layout, and function of the use are harmonious with the district in which it already exists.
 10. The location, size, intensity of the prior restaurant use and site layout were not objectionable to nearby dwellings, inasmuch as the use has existed in similar form for a period of time; given the limited nature of the licensed use as proposed, the addition of that aspect should not adversely affect the area.
- B. With respect to the requirements of Section 78-180 relating to service of alcohol:
1. The proposed use will promote the City's economic health, and contribute to the City's master plan and zoning ordinance policies, since the proposed use is consistent with the master plan and the zoning ordinance and the proposed occupant and licensee is a successful restaurant business seeking to expand its options at the site.
 2. There are currently no fully-licensed establishments active in the area (i.e., with a full Class C liquor license), and the addition of the fully licensed establishment would be an asset to the area, particularly given the limited nature of the proposed restaurant use.
 3. Given the fact that the business is limiting hours proposed for the use, it does not appear that the use would have any appreciable negative effects on the area.
 4. Given the proposed business plan reflected in the email from their attorney, Seth Tompkins, dated January 29, 2016 a copy of which is attached, limiting the hours of usage to 11:00 a.m. to 11:00 p.m. seven days a week and given the greater focus of 70% for food services and 30% for alcoholic beverage service, it appears to meet the requirements of the ordinance.

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5. Compliance with the business plan and hours of usage is a condition of this special land use approval.
6. Any change in use or ownership, including a change in the use described in the application and/or the above approval will require additional application and separate approval in accordance with City ordinance.

Discussion:

Brundage asked if this is a temporary plan. Kathy Kwiecinski responded that was the original plan. However, it will be a long time to rebuild; everybody has worked very hard to make this move, so it may be permanent. Brundage responded it is a wonderful restaurant and he hopes this move becomes permanent. Meskin asked if there was a lease. Kathy responded it is a one-year lease with a 5-year option. She added that they love the area and the people. Support has been amazing. Meskin added he wishes them success. Cousens thanked them for coming and being thorough in their application. He asked them to explain how they would manage the drinking, people that may have had too much to drink and may drive. Ms. Kwiecinski responded that all of her employees are TIPS trained and certified. It is very important to her and her family. They monitor their patrons very closely. They have never had a violation. MacGillis asked if this location doesn't do well in Sylvan, they would move back to their other location. Is there a possibility they would have both locations open if this location does well? Ms. Kwiecinski responded they have not thought that far ahead but doubts it. She honestly feels this is where they will stay. Chairperson Endres wished them well and hopes they stay.

Chairperson Endres asked if there was any input from the public. Al Payson asked if we think there will be an issue with City Council approving it if Planning Commission recommends it. Commissioner/Mayor Pro Tem Meskin stated he cannot speak for the other City Council members but his position is that he will recommend support. Meskin and Endres gave a brief history of the City not having and restaurants or bars that allow the sale of liquor by the glass and the recent approval by the voters that would now allow it. Endres also explained that City Council and Planning Commission along with City Manager Martin and the City Attorney came up with Ordinances to protect the City from establishments that may not be what the City would like to have. Martin added that is one of the reasons this is a Special Land Use. MacGillis stated he understands Mr. Payson's concerns. He believes Mr. Meskin misspoke, there is another establishment that sells liquor in the City; The Oakland County Boat Club. He understands the concern with drinking and driving. That was an issue before MacGillis moved into the City and continues to be. From what he has seen and

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read, Pepino's' is not that kind of business. Mr. Payson responded he is worried City Council will not approve it.

Brundage asked Martin if there were any liquor licenses available through the City or do they have to bring one in? Martin stated there are none available and one would need to be transferred into the City. MacGillis asked if all three owners of the restaurant were co-owners of the liquor license. Yes they are. Martin and Attorney Seth Thompkins explained how the licensing at the State works and regarding new owners/transfers and how the review process with the City works. Brundage asked if there is a limit on the amount of liquor licenses that would be allowed in the City. Martin explained recent law changes that would now allow a liquor license to transfer into the City without local approval. Prior to that, a resolution was required before the State of Michigan would allow a transfer into a municipality. So, they do not need approval to bring the license into the City, but they need City approval to use the license they bring in. That is another reason why we have these ordinances in place. It gives some control back to the City to help regulate. Technically there is no limit on the number of establishments that serve alcohol. It is up to the Planning Commission and ultimately City Council to approve or deny based on several factors.

Hearing no more discussion, Chairperson Endres called for the vote.

Yes: MacGillis, Meskin, Shelters, Brundage, Cousens, Endres

No: None

MOTION CARRIED

Clear Vision Ordinance for Intersections

Martin said this has been discussed before. There is no information so there will be no discussion tonight. He asked all of the Commissioners in the next few weeks to drive around and see what intersections they feel have vision obstructions. It could be a bush, tree, wall, sign, or anything. Email the list to Martin as soon as possible. Martin will compile the lists and bring it to Planning Commission at a future meeting. MacGillis said there are two spots that he knows of; Comerica Bank and Woodland at Orchard Lake Road when the snow is piled up. Meskin asked for clarification of the current ordinance and that we may be asking people to remove bushes or trees if necessary. He can probably name 3 today. Martin asked everybody to email him.

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Mailbox Rack placement/replacement

This is a new topic for Planning Commission. It has been discussed at City Council and he wants to put it on the PC agenda for discussion. We currently have racks that have one mailbox on them and some that are more than 15' long. There are two goals in mind; one is to make all of the mailbox racks one size for repair and replacement. It just makes sense that they are all the same size. To do that will require separating some racks into two and adding to the length of some so we need to make sure the placement is correct. We know there will be people that are unhappy either with them being too close or too far from their home. So, while you're out looking at intersections, take a look at the mailbox racks so they will understand what we're talking about. Mailbox rack replacement is a never ending job, either from age or being run into. MacGillis has one in his front yard and the color clashes with his home. Martin said that is something to discuss. Meskin would like to make all of the mailboxes the same. The colors are all different and sizes are all different. He would like to make them the same. Endres said there will be people that will be unhappy with whatever it is we decide. Meskin said when he drives through the City he has noticed there are many different sizes of racks.

OLD BUSINESS

None

CITY MANAGER COMMENTS

We will soon be discussing parking in the ROW again. It has been brought up at City Council. There are people that are parking on unimproved portions of the road right of way and making a mess, or parking in front of a neighbor regularly. We have been getting more complaints recently about this issue. He doesn't want to discuss it tonight because there is no more information.

There have been a couple people coming in to talk about the vacant school property and the property on Inverness opposite City Hall. He won't get excited until he actually sees a plan.

The City Hall project is going great. The space we are currently working out of in the basement is very tight but very manageable. It is very exciting and will be a huge improvement.

PLANNING COMMISSION COMMENTS

MacGillis is very happy with the new restaurant coming in. He knows Martin didn't want any discussion on the ROW ordinance, but he has to comment. From

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what he knows of the ordinance, the areas need to be maintained. There are areas that are not maintained they have weed growing in them. You're not supposed to have new gravel areas and there are some. He's upset because he wants additional parking and is frustrated because there are some that aren't maintained. Martin stated he isn't talking about improvements in the ROW he's talking about parking in the ROW. You don't have to have an improved spot to park in the ROW. MacGillis asked what Martin was proposing. Martin stated he will discuss it at a future meeting.

Shelters is very happy for Pepino's approval. He is sorry he won't be able to attend the City Council meeting to support it.

Cousens thanked Martin for all of the information prepared and given to Planning Commission. The other thing is he would like to be a better Commissioner in the coming years. He would like to look at what other nearby communities are doing to encourage businesses to come into their city. We should look at ways to incentivize them to come in.

Brundage feels there is a lot to offer here and agrees with Cousens on ways to bring in more. There are 2 or 3 new houses being built and interest in both the School property and the Inverness property.

Endres is very excited about Pepino's and hopes City Council will approve their applications. There is an excellent video on Civic Center TV that is a flyover of Sylvan Lake. It is a great positive thing and would be a great advertisement

MOVED BY Shelters, seconded by Cousens to adjourn the meeting.

Joe and Cunningham and his wife, Ms. McDonald joined the meeting at 7:45 and asked to make a brief presentation. They congratulated Sylvan Lake on their wonderful annual fireworks. The presentation is regarding Orchard Lake Road. They would like to see if Sylvan Lake and other communities could get together to plant trees, maybe flower boxes, etc. to beautify it. They made the same presentation in Keego Harbor. Sylvan Lake has a garden club and maybe that is where some of the discussion could be. Endres said he would be happy to discuss it with the Garden Club. Martin agreed with the Corridor not be very attractive. It is a sea of asphalt with many overhead wires on the north side of the road. We as a City have worked for many years with other municipalities to create an Orchard Lake Road Corridor study knowing that the study would be the easy part, implementing the ideas is the difficult part. Ms. McDonald asked how we get the merchants to pay for it. They don't own the buildings. Martin responded that they would reap the benefits of the beautification. Even though it is not their property, it would be in their best interest to beautify and add curb appeal for their customers. Another difficulty is how much space there is to plant. It would take a lot of conversation with business owners and property owners.

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The way we do it now is through the site plan review process, but it is only when work is being done on the property. It would be nice to get some excitement about this. Even flowers in big pots would be a start. Mr. Cunningham asked who to talk to in Sylvan Lake. Chairperson Endres said the Garden Club would be a good contact.

Meeting adjourned at 8:09 p.m.