

**City of South Lyon  
Planning Commission Meeting**

April 8, 2010

Chairman Weipert called the meeting to order at 7:05 p.m.

All present recited the Pledge of Allegiance to the Flag

PRESENT: Commissioners Chubb, Kurtzweil, Mosier, Weipert, Bradley, Culbertson, Lanam and Leimbach. Commissioner Subotich was excused.

Also present were Ben Tallerico (Planning Consultant), and Kristen Delaney, Director of Community and Economic Development, Parvin Lee, City Attorney, David Murphy, City Manager and Joe Veltri, Building Inspector.

**APPROVAL OF AGENDA:**

**Motion by Mosier, supported by Kurtzweil**

**To approve the Agenda April 8, 2010.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

**Motion by Bradley, supported by Lanam**

**To approve the Minutes for January 28, 2010 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

**Motion by Culbertson, supported by Chubb**

**To approve the Minutes for February 11, 2010 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC COMMENT**

There was no public comment.

**PUBLIC HEARING**

Revised Façade Ordinance

Chairperson Weipert declared the public hearing open at 7:10pm.

There was no public comment.

Chairperson Weipert declared the public hearing closed at 7:11pm.

Weipert asked Mr. Lee if he made any changes to the ordinance. Lee replied it was reviewed but did not recall any changes that were made.

**Motion by Bradley, supported by Lanam**

**To approve recommend to City Council approval for ordinance 102-442.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS**

Special use request for 601 Ada Street

Weipert noted the ordinance was revised after the September 24, 2009 meeting and asked for comments. Veltri noted the Planning Commission can set the limits of the special use and distributed photographs of the site.

Weipert asked where the storage area would be located within the photographs. Veltri stated the pictures were taken of the locations based on the application. Kurtzweil asked if there was anything on the site that would not be allowed. Veltri replied, in his opinion, yes.

Mike Harris, 601 Ada Street.

Mr. Harris reviewed the photographs and stated that was how the property has looked for the past four years. Lanam asked if there was scrap metal. Harris replied some of the items were posts from a temporary structure.

Chubb asked what the applicant was supposed to be doing with the property during this process. Veltri replied they were still in violation but no action was taken while everyone was waiting for a decision.

Culbertson asked if screening was already required. Veltri asked where he wanted the screening. Harris stated he added trees and the only thing visible from the street was the box truck which could be moved.

Kurtzweil asked where the photographs were taken in relation to the property. Harris replied from the Department of Public Works property. Kurtzweil asked if the items in

the photograph could be seen from the road. Harris replied no. Veltri noted he took them so the Commissioners could see what was stored on the lot.

Weipert asked if the limitations needed to be adjusted for the special use. There was a general discussion.

Murphy questioned the number of vehicles on the property. Tallerico stated the ordinance reflected the personal versus business vehicles. Harris stated they would be shielded from the road and assured everyone his neighbor's son would let the city know if there was a problem. Weipert asked if the concern was over the employee vehicles. Tallerico stated they would follow normal regulations and the vehicles stored on the lot were addressed.

There was a general discussion regarding how many vehicles would be on the property and the difference between employee's personal vehicles and vehicles for the business and what number allowed of each was appropriate.

Murphy stated there were questions relating to the screening and the hours of operation. Harris replied the one thing he would like in the limitation was access to come and go in case of a snow emergency. Lanam noted if the business hours began at 7:00am employees would be there beginning no later than 6:45am. Culbertson stated if the Department of Public Works operates similarly than what was the difference. Harris noted his neighbor would complain. Chubb replied the Department of Public Works was allowed because it was city property. There was a discussion regarding the ordinances preventing construction or landscaping noise during specific hours.

Mark Gawrych, 408 Ada Street

Gawrych stated work would not start until 8:00am the extra hours was providing some cushion.

Weipert suggested leaving the time and see how it would work out.

**Motion by Bradley, supported by Leimbach**

**To approve Special Use Request for 601 Ada Street on the condition that the screening be maintained, and no more than ten employee vehicles on the site at any time.**

VOTE

MOTION CARRIED – SEVEN IN FAVOR; ONE  
OPPOSED

Oakland 40 Rezoning/Contract Zoning

Susan Friedlaender, 33493 West 14 Mile Road

Friedlaender is the attorney representing Arnold Cook, owner of the property. Ms. Friedlaender reviewed the formal request and described the property.

Tallerico reviewed his written comments and noted they did not yet know how the

wetland would change the design. He stated a contract zoning required more detail to ensure what was presented had no deviation and was within a specified time period. This was not a fast process. Friedlaender stated this had been a surprise to her and she was caught off-guard because she had not seen the comments from Mr. Tallerico in advance.

Mr. Lee stated the goal tonight was not to come out with a contract but to decide if the Planning Commissioners wanted to enter into a contract negotiation. The timeframe would be the starting point for the negotiation. Weipert agreed her intent was to recommend to City Council where or not contract zoning was recommended. The final decision was up to City Council whether or not to proceed.

Chubb stated he was not clear on the process. Lee explained the contract would be the guide for the final development. Weipert provided some examples of what the contract would address. Lee added the fine details would be part of the normal planning process.

Weipert asked Ms. Friedlaender what the applicant wanted from this meeting. Friedlaender replied a recommendation to City Council to move ahead.

There was a general discussion regarding some of the notations on the draft plan. Culbertson stated in his opinion they would need to limit new Zoning Board of Appeals action with setback lines. Friedlaender stated that was a great point.

Weipert stated before there was a discussion regarding the plans they needed to decide whether or not to move forward with a contract.

Lanam asked what would be the limits of the contract. Tallerico replied there would be no deviation. Lee stated there would be openings for the requirements for the police and fire department. The contract would protect the city. Lanam noted if the Planning Commission's hands were going to be tied he would not support this. Lee stated the contract would leave specifics to the planning process. The contract would address the maximum number of units but not how they were laid out. Lanam stated he thought the contract should include the limit and the final approval of the Planning Commission. Lee replied any recommendation the Commission need could be in the recommendation to City Council.

Lanam asked for clarification on how to calculate the units per acre considering wetlands versus useable acres. Friedlaender noted she was aware of the ordinance and understood the concern. Lanam felt that the numbers were not accurate. There was a general discussion regarding setbacks and acreage with cluster properties.

Leimbach stated his concern was that no perimeters were laid out. This was a new concept and he felt he did not have enough information to make a decision. He suggested tabling the issue to have a discussion regarding the potential ramifications. Friedlaender stated the R2 regulations apply and the cluster option also applies. The only contact would address the differences between the R2 and the cluster. Contract zoning makes the planning more restrictive and not a free for all. Tallerico stated that was 100% correct. He

apologized if he misunderstood the goal of the meeting. The city could say the conditions include the design of the building and landscaping. The applicant has to offer conditions but the city would not have to agree.

Weipert stated she was still at the point considering whether or not she was in favor of the property going to residential from IRO. Culbertson stated in his opinion if the Planning Commission agreed it should be R2 then it should be up to the city and the city's attorney to set the contract and make sure the Commission's hands were not tied. He asked if this application would better service the city. He also asked if a public hearing would be necessary.

Lee replied his understanding was no public hearing was necessary because they would enter a contract and not just rezoning. If the contract was not completed within the specified timeframe then the property reverts back to IRO.

Veltri replied there was a public hearing on this property and it did not make it through City Council which was when the negotiating began for the contract zoning.

Bradley stated he agreed with Leimbach because this discussion was bringing up more questions. Lee stated the threshold question was whether or not they wanted to recommend to City Council entering into contract zoning negotiations or not. Friedlaender suggested adding a provision for Planning Commission input.

Lanam stated he agreed this would be the way to develop this property because it would not violate the Master Plan.

Tallerico stated they could designate someone to be part of the negotiations. Weipert stated she felt they needed more time to be able to make some decisions on their conditions.

Lee suggested he, Chairperson Weipert, the city's planner, and Ms. Friedlaender meet to come up with preliminary ideas. Friedlaender stated she and the applicant want to work with the city so this did not have to be an adversarial process.

Kurtzweil stated she was not in favor of this at all. The applicant had not presented anything to show a housing demand for this type of project. There was no demand for new construction. Friedlaender replied there was a housing study in 2005 for Oakland County and when there would be a new demand that South Lyon would not have the ability to satisfy the need. Kurtzweil stated the basic assumption was based on a job market that was no longer in existence. Friedlaender replied she did not want to argue. Mr. Cook stated homes were being sold in the area and there was a demand. Kurtzweil stated she spoke with a couple of city attorneys with experience on contract zoning. They complained keeping the developers on the timeline was a nightmare. She noted at the public hearing to rezone the property the neighbors were against it and this process thumbs your nose at them.

Mosier asked if they get the contract could he sell the property. Lee replied the contract stays with the property.

Chubb noted he would like to look at the public comments from the beginning of this process. Delaney stated she would pull the meeting minutes.

Weipert stated it sounded like the Commissioners were willing to entertain the contract zoning but everyone was overwhelmed. Lee asked if they would like to see a more flushed out proposal. He offered to meet with the applicant and identify items that could be left open for the Commission.

Mosier stated he would like more information regarding their responsibility. Bradley would like to digest the information and see a more flushed out proposal. Weipert reminded everyone that the final decision is ultimately up to the City Council. Lee stated the City Council highly values the Planning Commission's recommendations and the city staff agreed to start the process here.

**Motion by Culbertson, supported by Bradley**

**To table Oakland 40 Rezoning/Contract Zoning recommendation until April 22, 2010.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS**

There was no new business.

**TABLED ITEMS**

Blight (Vacant, Abandoned, and Foreclosed Structure Registry)

Weipert stated the blight issue would be addressed at the next meeting. Delaney included an article regarding property registry in everyone's packets.

Annual Retreat

Wind Energy Ordinance

**STAFF REPORTS**

Veltri stated there have been no Zoning Board of Appeals meeting. He provided updates on Crossroads, the lumber store and Alexander's.

Weipert stated Planning Commission appointments were renewed unless replaced.

Culbertson asked if sandwich board signs could be hand written. Veltri replied chalk boards were allowed but moveable letter were not. Anyone in violation was given notice.

Murphy asked if the Planning Commissioners would investigate an ordinance regarding legalized medical marijuana. Tallerico stated he could send he has to Mr. Lee and Mr. Lee could then decide which language he feels would be more appropriate. Lee noted the state was looking at modifying the statute so they may be jumping the gun.

**ADJOURNMENT**

**Motion by Culbertson supported by Lanam**

**To adjourn the meeting at 9:07 p.m.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

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Pam Weipert, Chairperson

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Jennifer Knapp, Recording Secretary

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Keith Bradley, Secretary