

**City of South Lyon  
Planning Commission Meeting**

October 13, 2011

Chairperson Weipert called the meeting to order at 7:00 p.m.

All present recited the Pledge of Allegiance to the Flag

PRESENT: Commissioners Kurtzweil, Mosier, Bradley, Culbertson, Lanam, Leimbach, Chaundy and Weipert were present. Commissioner Chubb was absent and excused.

Also present were Benjamin Tallerico (Planning Consultant) and Kristen Delaney, Director of Community and Economic Development.

**APPROVAL OF AGENDA:**

**Motion by Culbertson, supported by Bradley**

**To approve the Agenda October 13, 2011 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

**Motion by Lanam, supported by Leimbach**

**To approve the Minutes for September 22, 2011 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC COMMENT**

None

**OLD BUSINESS**

Lexington Place Condominiums Site Plan

Jim Clarke, President, Robertson Brothers, 6905 Telegraph Bloomfield Hills, MI

Mr. Clarke stated his company has listened to everything the Planning Commissioners have said and made a number of changes to the site plan. He reviewed what was changed and what was not. The decks still encroach into the set back. The three-unit building was removed. A storm line was moved. A new unit was added on Surrey Lane. Sidewalks

have been added along one side of the street but not on both sides. The layouts of two homes were flipped so the residents will be able to back out of their driveways easier. They will meet all landscape and tree ordinance requirements. Clarke has asked for a meeting with the neighbors along Surrey Lane to address their concerns. He provided handouts of other projects currently in development to give a better idea of what the company produces. He also brought along some of the building materials. Clarke noted with the sidewalks, they believe there is now ample room for emergency vehicles and would like to meet with the Fire Chief to discuss the plans.

There was a general discussion regarding the building materials.

Tallerico reviewed his comments. There was a general discussion when sidewalks were added in as a requirement for developments.

Clarke noted some of the driveways would not be twenty-feet long so the on-street parking is critical. Tallerico asked if they could move forward with the development without the parking. Clarke stated he did not think the units would sell without it.

Tallerico also noted that in some cases patios might be more appropriate than decks because they are less intrusive.

There was a general discussion regarding the roads, sidewalks, and timelines.

Kurtzweil stated she did some research on condo minimum developments in the area and her position has not change. She is more committed that this project does not meet the standards of the community. This product stands out like a sore thumb. Kurtzweil provided an example of a development she does like. She suggested the Mr. Clarke go back to the bank to see if they could assist with more money. She is not voting for this as it is.

Mosier stated he appreciates the applicant's willingness to make changes. The sidewalks are critical. The colors of the building materials will need to be worked on.

There was a general discussion regarding what was bonded and under whose name the bond was made.

Lanam asked if the sidewalk would be able to sustain the weight of the emergency vehicles. Clarke replied they were willing increase the thickness to support the vehicles, if necessary.

Lanam asked if a model would go on the property. Clarke replied that sales were better with a model but they might set one up until it sells and then use a different location for the model so one is always in production.

Lanam asked if there was a way that a certain portion of the sidewalk would not have to curve around an island. Clarke replied it could be corrected.

Lanam asked if the shortest driveway was eighteen-point-six. Clarke replied twenty by twenty was their ideal. Lanam noted that ninety percent of the passenger cars would fit. Lanam asked about the width of the driveways. Clarke replied they would meet the eighteen inches.

Chaundy stated the on-street parking might be confusing because it jumps from one side of the street to another. Clarke agreed it was not ideal and added he needed to speak to the Fire Chief. Chaundy stated he would like to see all the parking on the same side of the street. Clarke replied they should be able to figure out a way to make that work.

There was a general discussion regarding parking.

Leimbach stated what concerns him the most is that there is really nothing special or unique. The development is cost-effective for the developer. He cannot support this plan as it is, unless the buildings can be enhanced.

Clarke stated it was always a balancing act. These plans have had success. He does hear that the Commission is not pleased with the architecture and asked if it was their direction to have different elevations. Kurtzweil stated thank you for taking an interest but she was sad that her community has to think this is acceptable. Clarke stated he believes they can work on the architecture. He not looking to bring junk to South Lyon and his company does not have a reputation for building and then moving on.

Culbertson stated he was not as opposed as some other. He understands where they came from but if a different elevation could be designed that would only enhance the development.

Weipert stated she thinks the buildings are kind of cute. The concern she has is with the building materials and colors not provided enough of a contrast to coordinate with Carriage Trace. She stated she was not as concerned with the street width because the street she lives on is extremely narrow.

Clarke stated he was happy to provide tours, or video tours, of other development to give the Commissioners a better feeling for their product. He explained the complications with bank financing versus FHA approvals for condominium developments. Weipert stated she was not concerned about the units being detached, simply the colors and textures. Clarke stated they could work on that.

John Morgan, 1108 Surrey Lane

Mr. Morgan stated they did meet with the builder and the one thing that struck him was that it was odd the representative who came to meet with them had different stories about who was missing from what meeting and why. The developer added another unit but you did not get all the sidewalks you wanted. He did not hear any objection to that additional unit. Morgan measured out fifteen feet to show how close a deck would be to his property line. He asked the Commissioners to not let them add a unit anytime they are asked for an

improvement. This builder is doing spec and sells and if it does not work you will be left with a shantytown.

Allen Bond, Lexington Place

Mr. Bond is a resident of Lexington Place and they like it there. With respect, South Lyon is not Bloomfield Hills. We have our own unique charm. As a resident of the site, I'd rather see homes being built than mud and weeds that are on this site now. He was sure the developer wanted to build units that can sell, and he is in favor of that. It will only improve his home value and bring jobs to the area. He does not see a downside when you have a developer willing to work with the city.

Culbertson asked Mr. Bond his thoughts about the sidewalks. Bond answered in his experience people walk on the road. He added as a retired police chief from Redford, the streets would be wide enough for emergency vehicles.

Kurtzweil stated one way or another, this will be a development; it is just a matter of when. Bond stated he has been waiting for three years.

Delaney clarified the complication of getting Mr. Clarke to appear at the last meeting and it was merely a timing issue and no fault of the developer.

Tom Duncan, 11 Mile Road

Mr. Duncan stated that Mr. Morgan's comments regarding a shantytown stuck him. No one knows if this developer will be able to finish the development either. There needs to be an assurance that this can be completed. The bond is a minor deposit.

Clarke stated a lot of developers went under because of debt and/or financing. That is not an issue with his company. They have been around for sixty-eight years and bought back the developments when builders left.

Mr. Morgan added that Ms. Delany has been good about notifying the neighbors. He noted any commitments made need to be held accountable.

Clarke stated he is in a meeting and when committing to something it is recorded. He added he would like some direction from the Commission. He heard different things about sidewalks and asked if different elevations were enough.

Tallerico stated if the parking is imperative then maybe Mr. Clarke should start with a discussion with the fire department.

There was a general discussion regarding parking and sidewalks.

Morgan asked how did they find a way to increase density with one more unit? Can that be put on the table?

Bradley stated they couldn't tell him he cannot add a unit because the site is way under

density. Clarke stated they were eighteen units under density.

There was a general discussion regarding the next steps in the process.

#### Annual Report

Tallerico asked for comments and/or suggestions. Weipert stated she had some comments but did not have her notes with her.

Tallerico stated they could discuss it again at the next meeting.

#### Residential in B-3

Delaney made the changes as requested during the last meeting.

A public hearing was set for November 10, 2011.

### **NEW BUSINESS**

#### Class A Nonconforming Use Request – 459 W. Liberty

Martin Gaut, 459 West Liberty

Gaut stated he would like to have the non-conforming use on his property changed to Class A so the rental home can be insured. The property cannot be split because the frontage does not meet the requirement.

Tallerico asked if there were two driveways. Gaut replied yes.

Tallerico reviewed a history of the property and noted what the applicant was asking for was a non-conforming structure, just as a technical point of clarification. He reviewed his comments and included pictures.

Leimbach stated the property has been like that for seventy-five to eight years and it looks like the applicant was making improvements.

Chaundy asked the depth of property and asked if it could be split that way. Tallerico replied he thought it was half an acre but the frontage was the problem with splitting the site.

Lanam stated he and Mr. Gaut were acquaintances and has been to the property a few times. He asked for clarification regarding set back.

There was a general discussion regarding which has room to add on without affecting setbacks. The back house could not add on at all but the front house has room on its west side. The back house is the non-conforming structure. The back house address is 461 West Liberty.

Kurtzweil asked when the fence would be painted. Gaut replied in a couple of weeks. Kurtzweil asked when the siding would be completed. Gaut replied by spring. Kurtzweil asked if the neighbors would have to look at it uncompleted. Gaut replied they would have to be on the property to see. Kurtzweil stated she was in favor of approving this with conditions on a timeline to finish the work.

Gaut stated it would be done either this fall or in the spring, depending on the weather.

**Motion by Kurtzweil supported by Leimbach**

**To grant the request for 461 West Liberty as a Class A Non-Conforming structure with the following conditions:**

- **New fencing to be painted within the next year to match the house**
- **Siding on the house and shed to be completed within one year**
- **Trim, completed and painted within one year**
- **The residents stay in compliance with respect to no junk vehicles in driveway or one property**

Tallerico noted the approval granted was temporary until all conditions are met.

There was a general discussion regarding whether or not a public hearing was required.

Culbertson asked if there were other conditions that should be placed. There was a general discussion and no other conditions were added.

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

Election of Officers

Weipert stated she would not be opposed to no longer being the Chair. Kurtzweil suggested it might be a good chance to change up the leadership.

After a general discussion Weipert agreed to continue as Chair until April at which point she will step down. Bradley suggested it might be a good chance to change all three officers.

**Motion by Leimbach supported by Culbertson**

**To continue with current slate of officers until a new election in April.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**TABLED ITEMS**

BP Building Façade

Delaney provided and update. Siding materials have been ordered but she cannot tell if it was new material or replacement mater. Delaney will consult with the building inspector.

Alexander Center

Medical Marijuana Dispensary Ordinance

Complete Streets & Safe Routes to School

Annual Retreat

### **PLANNING CONSULTANT REPORT**

Tallerico provided an update on state bills and court cases precedence.

### **STAFF REPORTS**

Tallerico stated he does this it is proper to have a public hearing the non-conforming use. The Commissioners agreed and decide to schedule one.

Delaney suggested having an annual retreat in December or January. Everyone agreed and will schedule the date at the next meeting.

Delany provided updates on Bella Luna and Crossroads.

Weipert provide an update on the City Council meeting. Kurtzweil stated the blight ordinance was designed to take care of blight and in reality the blight is in the downtown area. The three members who voted no also live in the downtown. They did a real disservice to the downtown community. Once you have blight, it spreads and is hard to correct. They are not doing anything to help property values.

Weipert asked if Ms. Kurtzweil could be at the next council meeting when blight is discussed.

Kurtzweil stated they simply do not care about blight. Obviously it is sad that they are only hurting themselves and the downtown area. Her expectations were too high.

Mosier stated it was sad that at the joint meeting Council asked the Planning Commission to look into this issue.

Lanam stated if the downed trees were the issue, you already have to take care of it as it is. Kurtzweil suggested taking out the tree item and sending it back.

There was a general discussion regarding the wording, what changes the Planning Commission can make and whether or not another public hearing was necessary.

Culbertson suggested putting blight back on the agenda so changes and motions can be made. Tallerico added Council could ignore the discussion if it is under general

discussion. The Commissioners agreed to add blight to the next meeting agenda.

**ADJOURNMENT**

**Motion by Culbertson supported by Kurtzweil**

**To adjourn the meeting at 9:37 p.m.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

\_\_\_\_\_  
Pam Weipert, Chairperson

\_\_\_\_\_  
Jennifer Knapp, Recording Secretary

\_\_\_\_\_  
Keith Bradley, Secretary

DRAFT