

**City of South Lyon
Planning Commission
Regular Meeting Minutes
November 12, 2020**

Approved: 

The meeting was called to order by Chairman, Scott Lanam at 7:00 p.m.

Roll Call: Scott Lanam, Chair
Steve Mosier, Commissioner
Erin Kopkowski, Commissioner
Michael Joseph, Commissioner
Wayne Chubb, Commissioner

Absent: Jason Rose, Commissioner

Also in attendance: Kelly McIntyre – CIB Planning
Lisa Hamemeh – City Attorney
Judy Pieper – Deputy Clerk

**Motion to excuse Commissioner Rose
Motion by Mosier, Second by Chubb**

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

**Motion to approve Agenda
Motion by Mosier, Second by Kopkowski**

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

**Motion to approve minutes from 9-24-2020, as amended
Motion by Mosier, Second by Chubb**

Voice Vote: Ayes: Unanimous
Nays: None

Commissioner Kopkowski abstains from vote, as she was not present for the 9-24-2020 Meeting

Motion Approved

Public Comments: None

New Business:

a. PUBLIC HEARING

REZ#20-01: Vacant Property, parcel number 21- 30-126-003. The applicant is proposing to conditionally rezone a 34.32-acre parcel on the east side of Dixboro Road, south of Ten Mile, from I-1, Light Industrial, to R-3, Single Family Residential and develop the property using the Open Space Preservation Option.

Kelly McIntyre, CIB Planning, states that she will first be discussing the conditional rezoning, and with this conditional rezoning, she will also be discussing the attached site plan which will be using an open space preservation option.

McIntyre states that the Commissioners first heard from the applicant on 9-24-2020, with a rezoning proposal requesting the property be changed from I1, Light Industrial to RT, 2 Family. After some discussion with the Planning Commission, the applicant decided to withdraw their application.

The applicant has returned with a revised request, which is a Conditional Rezoning from I1, Light Industrial, to R3, Single Family Residential.

She goes on to say that the Michigan Zoning Enabling law permits the land owner to offer certain uses and development of the land as a condition to a rezoning.

The Conditional Rezoning is reviewed by the Planning Commission after a public hearing. After that, a recommendation is made to City Council. City Council reviews the application, and if they are inclined to rezone the property they do so

during the reading of the 1st Ordinance. The 2nd reading will follow in a subsequent meeting, along with the approval of the Conditional Rezoning Agreement.

McIntyre gives a brief background on this property. She states that this property was rezoned Residential to Industrial in 1989. Ten years later, the property owner submitted a site plan for a light industrial park with 11 units, which we now call West End Industrial. This was approved and construction began in 2003. The utilities were installed and the road constructed but there has been no other activity since. Then in 2016, the property owner requested that the property be rezoned back to residential. The Planning Commission recommended denial of the request. The City Council also unanimously denied the application. She states that this is now a rezoning request, but instead of multi-family, it is a request for single family homes.

As part of this conditional rezoning, the petitioner is offering to include sidewalk construction. The construction and completion of a sidewalk path, filling gaps from the corner of West Lake Street and Dixboro Road to downtown.

McIntyre goes on to review Conditional Zoning and states that consideration is given to surrounding land uses, the existing infrastructure and consistency with the Master Plan. This site is surrounded by varied uses: to the north and to the west are residential; industrial is to the south and to the east. This includes an active industrial site – Michigan Seamless Tube.

McIntyre explains that in reviewing this application, the Planning Commission should consider additional comments from the applicant, relevant factual new information presented at the public hearing, and the following criteria, among other factors they may deem appropriate, in making their findings, decision and corresponding recommendation:

The first criteria is whether the requested zone is consistent with the goals, policies and future land use map of the Master Plan, including any location-specific or corridor studies. Also, If conditions have changed since the Master Plan was adopted and whether the proposal is consistent with recent development trends in the site's area.

McIntyre notes that there has been some development activity in this vicinity. The parcel at the southeast corner of Ten Mile and Dixboro Road was recently annexed into the City in 2017. The property was conditionally rezoned in 2018 to permit multiple family, Westlake Apartments.

This is a unique situation as the property was brought into the City after the Master Plan had been completed, therefore, there was not a designated future land use category assigned to the property. (The history on the conditional rezoning is that in our ordinance, when something is annexed into the city, it comes in at the lowest zoning district, which is R1A - large lot, single family homes. It comes in as that until it can be zoned to a more appropriate classification. In this instance this property was then zoned to multiple family apartment, which is a good transition between industrial that surrounds it and single family homes – Charleston Park. This situation is not like the conditional rezoning request tonight.

She explains that a Conditional Re-zoning limits the use of the property to what is presented. In this case it is single family. The City does have the ability to permit use that does not match the future land use plan if the conditions proposed as part of the zoning makes the use compatible to the surrounding land. McIntyre states, that at this point they do not feel this has been demonstrated.

Another consideration is the site's physical, geological and environmental features. This site contains over 9 acres of wetlands, however, it is large enough to accommodate the uses permitted in the R-3 District.

She then states that another criteria is that the applicant provide evidence that a reasonable return on investment through one of the permitted uses, under the current zoning, cannot be obtained. At this point they do not feel that this evidence has been provided. She acknowledges that certain industrial use may not be desirable, but it could be used for business centers with small offices that may need industrial spaces.

McIntyre goes on to say, that the greatest concern is the adjacent use of the industrial. Concerns over the noise, as well as light, dust and dirt from the existing operations, and a possible expansion. Future residents would have no recourse and would have to live with the situation.

She states that the demand needs to be evaluated. The City of South Lyon land use inventory is rich in residential development. 65% of the land within the City is zoned residential, 4.3% is currently used for industrial and less than 4% remain undeveloped.

Given this analysis, they do not recommend the Conditional Re-zoning on this parcel based on the following:

1. The single-family residential designation is not consistent with the City's Master Plan. The parcel is planned for Industrial;
2. Single family residential land use in the City exceeds 65% of the land. Less than 5% of the City's land is zoned and master planned for industrial; rezoning the property to single family residential does not meet a land use need/goal of the Master Plan.
3. Evidence has not been provided that demonstrates that the property can't be used for any of the permitted and special land uses in the current I-1 zoning district; and
4. The proposed use is not compatible with surrounding uses to the east and south.

McIntyre goes on to explain that because the Conditional Re-zoning ties a Site Plan to the Conditional Re-zoning, she went ahead and reviewed the Preliminary Site Plan and is going to go through this now so that in the event the Commissioners are going to recommend approval, we have covered this information.

She states that the applicant, in addition to re-zoning it to R3, would like to use the Open Space Preservation option. This is an alternative to conventional development that allows a reduction in the lot size and setbacks in exchange for preserving open space.

She states that in order to determine the number of units that are allowed, the applicant has to provide a parallel plan using the R3 standards. With this plan the applicant shows that 73 units can be developed; 62 units on the south-west portion of the property and 3 units along Lake Street. They have provided a comprehensive preliminary plan that demonstrates the property can be developed using the standards. The Open Space Option permits a reduction in lot size. Currently the R3 Zoning would allow 8,750 square feet for a lot, with the Open Space Option, the lot size can be reduced to 7,000 square feet. Lot width in R3 is 70 feet and with the Open Space, it is reduced to 60 feet. Any Rear Yard Setback can be reduced from 35 feet to 25 feet.

The proposed plan that has been submitted does meet all these requirements. The overall layout uses the existing road with two access points off of Dixboro Road. McIntyre states that the Open Space area does not include the Wetlands. The Wetlands will not be touched, they will be preserved. The Open Space area is approximately 2 acres centered around lots 37 to 65.

McIntyre goes on to reference the review from the city engineers, HRC, and states that they have some concerns with the water main, sanitary sewer and storm sewer that need to be addressed. If these issues can be addressed, they'd be in a better position to recommend approval. But at this time, they cannot.

McIntyre goes on to say that based on the Site Plan alone, should the Planning Commission approve the re-zoning to R3, we would recommend approval of the Site Plan. We would recommend that based on a final approved Site Plan being submitted to the City. Acceptance and approval of the Conditional Re-zoning and the accompanying agreement; and that resolution of the water main, sanitary sewer, storm sewer issues and any other issues from agencies, departments and consultants be addressed.

Chair Lanam begins public hearing and gives each member of the Commission a chance to speak.

Commissioner Kopkowski asks McIntyre what else we have that is vacant and zoned Light Industrial. McIntyre states that there may be one or two vacant lots scattered around the city. McIntyre also confirms that the percentage of Light Industrial currently being used (not including this piece of property) in the city is 4.3%. Adding this property would add an additional 1 or 2 %.

Commissioner Kopkowski questions what the property was zoned when it was residential before. McIntyre states that our Zoning Ordinance has changed and she would have to go back and look at the records.

Commissioner Joseph confirms that the lot size is 7,500 Sq. Ft. because they are proposing Open Space R3.

Commissioner Chubb – Nothing at this time.

Commissioner Mosier confirms with McIntyre that there are a couple of vacant lots on Mill Street that are vacant.

Chair Lanam confirms that when calculating the Open Space it not only includes the piece of open land, but the ribbon of land around the South as well. Lanam adds that it appears that the Open Space has limited access.

Chair Lanam adds that all the trees had not been cut when the development had begun as Industrial, so this will have to be included in the calculations for tree

removal and replacement. McIntyre agrees and said that they can go back to see how many trees were removed and what needs to be replaced.

Motion to open Public Hearing – 7:39 p.m.

Motion by Mosier, Second by Joseph

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

Chair Lanam questions one of the items on McIntyre's list showing that we did not receive from the developer any type of proof or documentation that the property cannot be sold or developed. Lanam states that in his opinion, this needs to be provided and we really shouldn't move forward without it. Lanam goes on to question that in the event that Seamless Tube should expand, or perhaps even if they don't, would there be some type of buffering done, especially down at the East end.

Chair Lanam refers to the Site Plan questioning how the calculations came to be.

Michelle Spencer, Powell Engineering & Associates, Inc., 4700 Cornerstone Drive, White Lake, Michigan

To explain how she got the open space calculations, Spencer states that she took the net area and divided it by the open space to give the percentage of open space. She did not use the 20% allowed Wetland area as part of that though ordinance does permit it. She states that she took the percent open space between the park open space and the ribbons outside of the wetlands and added them together which gave her the open space number. She did not include the wetlands or right-a-ways.

Lanam then states that she is including the open space around the perimeter of the lots, but this is not accessible by everyone in the development, so it can't be used as open space.

Mark Szerlag, Thomas Duke Company, 37000 Grand River, Farmington Hills, MI

Szerlag states that he has been in Commercial Property Development for over 30 years. He adds that he respectfully disagrees with Kelly's opinion. He states that in the last 20 years, the owners have had 4 different agents marketing this property and there has been zero interest.

Chair Lanam states that we trust your opinion but they would need some information in writing stating that this property is not marketable as Industrial.

Spencer states that this property was actually petitioned to the Planning Commission to change this property from residential to be industrial. She does confirm that there has been no interest and states that she has spoken with many of her clients and the reasons she received is that it is 15 minutes from the expressway, driving through a downtown to get there, and the overall market value competition between here and surrounding areas (Wixom, Lyon Township and Milford) is a negative from their perspective.

She goes on to discuss the environmental effects of an Industrial development on the land. We would be seeing contaminates from this industrial site running in to the wetlands, and this particular site has 9.3 acres of wetlands. That is a concern and feels that would be a concern to the city as well.

Spencer reminds the Commission that they are looking for a Conditional Re-zoning. If this site is not developed it will then revert back to Industrial and there will be a whole other option of moving forward in a different way. She states that this is an open space, which allows them to make the parcels smaller and leave the vegetation all the way around the South property line to screen and buffer this residential neighborhood. Spencer states that she feels this is the best option for this site. She states that we are looking for recommendation and references the city engineer's letter stating that these are standard things that are required on any lot.

Commissioner Kopkowski states that she lives about a half a mile from the Tube Mill and she can hear it at night, so she is not sure how much the buffering is going to help. She states that the applicant is setting themselves up for failure, she sat on Council for 10 years and they had complaints from the adjacent homes that are there, knowing that they moved in next to a Tube Mill and being surprised how much noise there is. She adds that the Tube Mill is a good

neighbor, but what they do creates noise and you will not be able to buffer that with trees.

Thomas Schroder, Cornerstone Residential Group, 8555 Boulder Shores Drive, South Lyon, MI

Schroder states that he has been building homes in this area for over 38 years. The housing demand in this area, especially within walking distance of the downtown, is very desirable. He goes on to discuss the noise issue. He states as far as the Tube Mill, people are buying the house knowing it's there. But adding thicker walls, more insulation, triple pain windows, there are ways to reduce the noise in the home. He adds that having a home that backs to an Open Space is a benefit, enjoying the wetlands, birds and trees.

Chair Lanam states he would like to see what the number of homes would be without the Open Space. Without seeing these different calculations he is not comfortable voting one way or the other.

McIntyre states that they did submit a parallel plan and the number of homes is 73. She states that it is important to know that the Open Space area has to be accessible by all.

Spencer states that they would be happy to add trails to the Open Space.

McIntyre states that the ordinance specifically talks about prohibiting industrial areas adjacent to new residential development. Because we do know that this can be a problem and they are not necessarily compatible with each other. Also, McIntyre goes on to say again that with Light Industrial it does not necessarily mean contamination. It can be small offices with a place to house equipment or trucks. The applicant needs to provide us information that those types of uses are not obtainable on this property.

Chair Lanam adds that whether you are residential or industrial, it is still illegal to contaminate the ground.

Commissioner Chubb to McIntyre, they are applying for a Conditional Re-zoning, but when they come back for a Preliminary are they required to take this plan and come back with it or is this the worst case scenario and they will finalize it and submit it as a Preliminary. McIntyre states that this is the Preliminary and what they would come back with would be the Final. A lot of details, engineering and landscaping, are not there, but this is Preliminary and this is what you get.

Chubb to Lanam then requests to hear from Public Comment.

Suzan Martin, 602 W. Lake Street, South Lyon, Michigan

Martin states that the preservation of the Wetlands sounds great. But right now, she does not think that the 3 homes on W. Lake Street fit with the rest of the property and the homes. No one is very happy about that and that is the entry way in to the City. The Wetlands are a unique echo system, according to the Michigan State University water school 90% of Michigan’s Wetlands are gone. She thinks it is great for you to save the 9.3 acres of Wetlands, but she would not recommend the 3 homes on Lake Street.

No other comments.

McIntyre states that if there is a recommendation to Council, it needs to be tied back to specific criteria that are evaluated as part of the Conditional Re-zoning.

Motion to close the Public Hearing – 8:10 p.m.

Motion by Chubb, Second by Kopkowski

Roll Call:

Commissioner Chubb	Yes
Commissioner Kopkowski	Yes
Commissioner Mosier	Yes
Commissioner Joseph	Yes
Chair Lanam	Yes

Ayes: Unanimous

Nayes: None

Motion Approved

Commissioner Chubb states that after listening to everyone, as a Conditional Re-zoning the petitioner needs to offer a material benefit. He states that he does not consider a sidewalk a material benefit to the City. He adds anyone that develops a parcel would provide that. He appreciates that, but there needs to be something more. He is not a fan of the architecture that is being presented. We need something fresh and new. It’s just a sea of garage doors when you drive down the

street. He adds that he does respect that the owner came to re-zone it. He is not in favor of the plans that are in front of him.

Schroder clarifies that he didn't have an adequate amount of time to come up with plans. The plans he used are plans with 40 foot lots that he used and got approved a couple years ago on 11 Mile in the City of South Lyon. He is using them as representatives of what he can do. With a 60 foot lots, he would come up with similar homes. He states based on Chubb's comment, the reason you see these homes all over, is because these are the homes that people want to buy.

Commissioner Chubb states that he disagrees with that statement and says that people buy what you show them.

Schroder adds that most that live and work in South Lyon need an affordable home.

Chair Lanam states that none of these have any windows on the front of these homes. Schroder again says that these are a representation of what they can do. Lanam to McIntyre confirming the lot width is 70 feet, but with the Open Space it is reduced to 60 feet. Lanam states he is not comfortable moving forward without the real calculations of the Open Space. He adds that we can talk about the Elevations all day, but He doesn't feel they will get anywhere.

Commissioner Kopkowski – no other comments

Commissioner Joseph states that he is not against residential, however the density concerns him and the Elevations need to be looked at.

Commissioner Mosier states that they did a lot of work on the Master Plan and he is really against changing it. He states that as far as trucks, the City's Water Treatment Plant is there on Dixboro and they have no problems getting their trucks out there. He adds that he is against this.

Spencer states that she would like to table this so that she can go back and look at the calculations and the architecture to make sure she gets the Commissioners what they are looking for.

Mike Powell, Powell Engineering & Associates, Inc., 4700 Cornerstone Drive,
White Lake, Michigan

Powell states he would like to point out to Commissioner Mosier that the Master Plan is a holding pattern and is meant to be a guide line to the community and assuming all the estimates, and all the guesses and all the crystal balls are right when you first adopted the Master Plan. It's meant to be looked at. Things change over the years. This property has laid dormant for over 20 years and is looked at as a blight on the community and no community wants that. He adds, as a trustee for White Lake Township, we would do anything we could to prevent our community from having a dormant project for this long. Powell adds that other options for Industrial uses can be used, yet it didn't entice any users what so ever and this needs to be taken in to account.

Motion to table to 12-10-2020
Motion by Chubb, Second by Kopkowski

Roll Call:

Commissioner Chubb	Yes
Commissioner Kopkowski	Yes
Commissioner Joseph	Yes
Commissioner Mosier	Yes
Chair Lanam	Yes

Ayes: Unanimous
Nays: None

Motion Approved

Old Business – None

Consultant Report –

Chair Lanam questions if we have heard anything on the RCA building regarding the windows. McIntyre states that she has not, but she did notice some activity there when driving by. She will reach out to them.

Chair Lanam questions the status on the BP station. McIntyre states that she will reach out to the Building Department as she has not heard anything at this time.

Chair Lanam questions the status of Alexander's legal issue. McIntyre states that she does not.

Staff Report – None

Adjournment:

Motion to Adjourn – 8:33 p.m.

Motion by Mosier, Second by Kopkowski

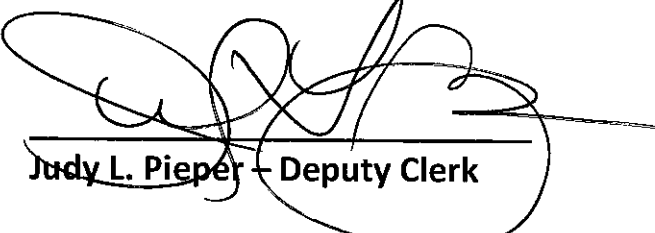
Voice Vote: Ayes: Unanimous

Nays: None

Motion Approved

Meeting Adjourned

Respectfully submitted,



Judy L. Pieper – Deputy Clerk