

**City of South Lyon
Planning Commission Meeting**

November 10, 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 Bradley, Chaundy, Chubb, Culbertson, Kurtzweil, Lanam and Weipert were present. Commissioners Leimbach and Mosier were absent and excused.

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

APPROVAL OF AGENDA:

Motion by Bradley, supported by Lanam

To approve the Agenda November 10, 2011 as written

VOTE

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES

Motion by Lanam, supported by Chaundy

To approve the Minutes for October 13, 2011 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

None

OLD BUSINESS

None

PUBLIC HEARING

To allow same Principal Uses in B-3 District as in B1 and B2 Districts

Called to order 7:07 p.m.

Public Comments

None

Chairperson Weipert closed the public hearing at 7:08 p.m.

Brief discussion of “principle use” and the change in wording.

Delaney provided copies of the Ordinance change to Commissioners for review.

Ordinance change Division 10 – B-3 General Districts
Sec. 102-322. – Principal Uses

- (1) Any uses permitted in B-1 and B-2 districts as principal uses permitted and uses permitted subject to special conditions ~~excluding dwellings.~~

Motion by Bradley supported by Lanam

To recommend to City Council to strike the words “excluding dwellings” from number (1) of Sec. 102-322 – Principal Uses Permitted

VOTE

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARING

Martin Gaut 461 W. Liberty seeking Class A Non-Conforming Structure

Called to order 7:11 p.m.

Public Comments

None

Chairperson Weipert closed the public hearing at 7:12 p.m.

Delaney confirmed that letters were sent to neighbors within 300 feet of the 461 W. Liberty address.

Weipert addressed Martin Gaut regarding property maintenance issues. Delaney spoke of discussion with Ordinance Officer Phil Schulz regarding construction materials at the site. Gaut said materials had been removed following Schulz's visit.

Tallerico stated that the designation of a Class A Non-Conforming Structure shall be deemed temporary until the Planning Commission receives written verification from the building inspector that the party in question has complied with all conditions set forth at the last meeting.

Discussion between homeowner Gaut and Kurtzweil regarding fence painting condition set by Commission at October meeting. Culbertson asked for clarification by Gaut on timetable for painting the fence. Can the job be completed within one year? There is the risk of losing the Special Use of Structure designation if conditions are not met.

Weipert and Delaney discussed phone calls received from concerned homeowners regarding the change in designation due to the general appearance of Gaut's property.

Tallerico stated that there would be a review by the Planning Commission after 6 months, and an extension of 6 months would be granted, giving Gaut a total of one year to comply. Commission can vote to approve temporary designation now, unless there are changes to conditions. Tallerico also recommended referencing the garden fence in photo #1 of the October 5th report.

Weipert asked for comments from other commissioners. Discussion was held on do it yourself projects. Weipert asked for explanation of the two property addresses. Gaut explained that his actual address is 459 W. Liberty and that 461 is just a mailing address for the structure in question.

Motion by Bradley, supported by Kurtzweil
To grant the request for 461 W. Liberty Class A Status

With following conditions:

- (a) The fence shown in Photo #1 of October 5th Beckett & Raeder report will be painted within one year to match the house.
- (b) Siding on the house and shed to be completed within one year.

- (c) Truth that the residence stays in compliance with respect to no junk vehicles in the driveway or on the property.

VOTE

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

Lexington Place Condominium Site Plan

Jim Clarke, President, Robertson Brothers, 6905 Telegraph, West Bloomfield

Clark began by addressing items of concern at last meeting. Driveway width, pavement depth of sidewalks. He provided Commission with a copy of a letter from the Fire Chief regarding the approving parking on one side of the street.

Presented new elevation drawings reflecting suggested improvements in color schemes and materials as suggested by the Commission at the last meeting. Also brought actual material sample boards for trim, siding, brick and stone. Commissioners had been concerned about the look and lack of richness in first elevations. Clarke said he felt they had addressed those concerns.

Clark then invited questions from the Commissioners.
Weipert asked Tallerico to go over his review of the last meeting.

Tallerico presented highlights of his review: the thickness of the sidewalks was subject to review by the engineers. Sidewalks of a minimum of 5-ft. wide were to be provided on just one side. No rezoning issues exist because the project was already designated as a PUD a few years back. He said he believed the new elevations presented by Mr. Clarke met the concerns of the Commission about a lack of diversity in the initial designs submitted.

Weipert asked Clarke what he was hoping to get from the Planning Commission at this meeting.

Clarke replied that he was hoping that by making the changes requested he could get a favorable opinion, a positive recommendation that he could take to City Council. He also said they would provide final engineering (costly) when they received approval from both Planning and City Council.

Chubb asked whether the bridge was the responsibility of the commercial or the residential developers.

Tallerico explained that it is not a residential responsibility, rather it's the commercial developer who is ultimately responsible. When asked, City Manager David Murphy confirmed that the City holds a bond for the completion of the bridge by the commercial developer.

Chubb asked Clarke about whether there are parking concerns among the current residents of Lexington Place. Clarke said he had sent letters to the current residents, and would be communicating again soon, including the three brand new owners of existing units.

Kurtzweil and Bradley complimented Clarke on the new elevations. They saw a tremendous improvement over the first presentation. Clarke said it was the same architect, that he had just incorporated the color and richness of materials as requested by Planning.

Brief discussion of trim elements, window options, cedar shakes, etc. in the new elevations. Clarke explained the material choices were to save on maintenance and association fees.

Weipert asked about the price range of the units. Clarke said there would be a 1400 sq. foot unit as well as a 1600 sq. foot starting prices range from \$150,000.00 to \$170,000. In his experience in other developments, the average buyer then adds approximately \$28,000.00 in interior extras. Potential buyers are shown a 40 page Selection Catalog to choose finish options.

Weipert suggested extending the sidewalk around the 5 space parking area on the west side of the property. Clarke said it had been designed to stop at the parking area do to the close proximity to Unit 22. He feels that by putting a 5 ft. wide sidewalk in, it would encroach on the resident's deck area, reducing their privacy.

Weipert invited Public Comments regarding the Lexington Place project.

Mrs. Green
26055 Philcrest Drive

Mrs. Green presented Commissioners a letter she had received from last developer describing the planned improvement and landscaping. She pointed to Item #4 Restoring Topsoil, Item #5 Fencing and Item #7 Erosion Control. The soil has in fact been eroding and washing away. The fencing has never been completed and what is installed is inferior. 2 years ago Mrs. Green contacted Joe Veltri in the Building Department about a "cave in" under the fence/wall. Joe had the former developer fill in soil that had washed away beneath the wall. This problem now exists in new areas of the wall. Mrs. Green expressed her concern that the new developer must be required to address the pre-existing problems and improve upon the look of the development along her property lines. Mrs. Green also said the old developer had removed "property pins" and never replaced them. Who is responsible for paying for a new survey or replacing those property line markers?

Weipert and Tallerico agreed that the City needs to address these issues and decide whether it would be the responsibility of the bank as current owner or of the new developer upon acquisition of the development.

Mrs. Green invited the Commissioners to come out and see for themselves the things she described.

Culbertson asked whether the City holds a bond. Clarke said there is a \$100,000.00 bond for road paving. There should be money left after paving, lighting that could be used to satisfy other issues.

Delaney assured Mrs. Green that she would have Andy Gerecke of the Novi Building Department visit the site in the very near future to evaluate the conditions there.

Tom Duncan
60440 Eleven Mile Rd.

Mr. Duncan stated that his property abuts the East property line of Lexington Place. He stated that he doesn't appreciate the pressure being put on the Planning Commission to rush into accepting this plan when the development has been vacant and untouched for 3 years. He explained that while he likes Clarke, he needs more than just promises from him. Duncan also spoke of the lack of screening, piles of soil left behind by last developer now covered in noxious weeds and inadequate plantings (not only in the front of the development). He would like to see all patios look the same and of the same materials. Unlike the existing hodgepodge of patios. Review the old Master Plan and re-write for the new plan? Planning Commission has the best leverage BEFORE granting approval.

Shantel Heiler
1096 Surrey Lane

Heiler complimented Clarke on the richness of the new elevations. She agreed with what Duncan had said. Very concerned about the density of the new plan. Discussed decks being just 15 ft. from nearest neighbors property lines. Need for larger setbacks. Units too close together, kitchen window to kitchen window. She wishes developer would have considered Carriage Trace setbacks.

Weipert asked Clarke for his comments on the resident concerns.

Clarke said Duncan made some very good points. And apologized for the inconvenience of the last 3 years. He said they would address all those issues.

Lisa Morgan
1108 Surrey Lane

Morgan questioned the choice of trees used as screening. Deciduous trees vs. pine trees? Any trees will eliminate the backyard area after just a few years. Also concerned about root damage to trees. She would have preferred 40 foot setbacks because it backs up to the R-1 District (Carriage Trace).

General discussion of tree ordinance, lack of backyard space, etc.

Clarke assured the Commission that they will do whatever is required on a unit to unit basis. He suggested they could call any City Manager where there is a Robertson Brothers development. We have had no problems.

Kurtzweil asked whether Clarke would be willing to make a commitment to clean up and improve at least the front of the development along Eleven Mile? To be done in April or May if he gets the approval?

Clarke replied that if that is a condition of approval, then add it to conditions.

Weipert asked for any more comments? None.

Motion by Lanam supported by Bradley to recommend Preliminary Approval to City Council.

VOTE

MOTION CARRIED UNANIMOUSLY

Tallerico reminded Clarke that the recommendation would go to Council and that proposal would then come back to Planning for Final Approval.

ANNUAL RETREAT

Brief discussion of dates and possible locations for Annual Retreat.

Date set for January 21, 2012 at 10:00 Breakfast at South Lyon Big Boy, rear dining room.

BLIGHT ORDINANCE

Brief discussion about new Council members elected, Ryzyi and Dixon, lack of a liaison between Council and Planning (formerly Ron Morelli). Decision was made to move any talk of changes to the Blight Ordinance to a future agenda, until Planning can speak with Council members.

PLANNING CONSULTANT REPORT

Tallerico provided an update on recent State Court of Appeals rulings regarding FOIA requests for private notes and temporary signs along highways.

A brief explanation of the new Master Plan received from Lyon Township. City has 63 days to respond to the Township. Oakland County has scheduled a meeting for Dec 6, 2011 regarding the plan. Planning Commission should review the 200+ page document prior to our December 8th meeting.

Delaney said she had spoken with JoAnn Harding, a principal planner with Oakland County. Delaney further explained that any comments from the City of South Lyon would go directly to Lyon Township. The County's roll is merely as a recommending body. They will review the plan and make comments or recommendations but will not alter the plan. Lyon Township will decide whether or not to accept those recommendations.

STAFF REPORTS

Delaney reported that the City had received a preliminary site plan from Lucas Land Levelers for an additional structure. Tallerico is reviewing plans, please add to December agenda.

Weipert asked about status of the Alexander Center project. Delaney replied that she had not had any recent communication with the owner.

Culbertson asked about the splitting of 106 S. Lafayette, formerly Crossroads. Delaney explained that dividing the building was an allowed use in the B-2 District.

ADJOURNMENT

Motion by Weipert supported by Kurtzweil

To adjourn the meeting at 9:20 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY

Pam Weipert, Chairperson

Anne Badarak, Recording Secretary

Keith Bradley, Secretary