Regular City Council Meeting Agenda

February 22, 2021

7:30 p.m.

Call to Order

Pledge of Allegiance

Roll Call

Approval of City Council Minutes: February 8, 2021

Approval of Bills: None Approval of Agenda

Public Comment

Discussion - Downtown

Fire Chief Report Police Chief Report

CDBG Public Hearing

I. Old Business

1. 2021 CDBG Allocation

II. New Business

- 1. Consider Approval of Revised Resolution Establishing Policies and Guidelines for Granting Poverty Exemption from Payment of Property Taxes
- 2. City Investment Policy
- 3. First Reading of Ordinance to Amend the Official Zoning Map of the City of South Lyon Conditionally Rezoning 34.42 acres (Parcel No. 21-30-126-003) from I-1 (Light Industrial) to R-3 (Single-Family Residential) using the Open Space Preservation Option
- III. Budget
- IV. Public Comment
- V. Manager's Report
- VI. Council Comments
- VII. Adjournment

^{*}Please see reverse side for rules of conduct for public comment at City Council meetings*

City of South Lyon Regular City Council Meeting February 8 2021

Mayor Pelchat called the meeting to order at 7:30 p.m. Mayor Pelchat led those present in the Pledge of Allegiance

Roll Call: Mayor Pro Tem Kivell joined the meeting from South Lyon MI, Councilmembers: Dilg joined the meeting from South Lyon MI, Kennedy joined the meeting from South Lyon MI, Kurtzweil joined the meeting from South Lyon MI, Richards joined the meeting from South Lyon MI and Walton joined the meeting from South Lyon MI

Also, present: City Manager Zelenak, Attorney Hamameh, Chief Sovik, Chief Vogel, Finance and Benefit Administrator Tiernan, DDA Director Nate Mack, Superintendent Varney and Clerk/Treasurer Deaton

Absent: Mayor Pelchat

MINUTES

CM 2-1-21 MOTION TO APPROVE MINUTES

Motion by Kennedy, supported by Dilg Motion to approve the minutes as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

BILLS

CM 2-2-21 MOTION TO APPROVE THE BILLS

Motion by Kennedy, supported by Walton Motion to approve the bills as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

AGENDA

CM 2-3-21 MOTION TO APPROVE AGENDA

Motion by Kurtzweil, supported by Dilg Motion to approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

1. Resignation by Ryan Lare from the Cultural Arts Commission

CM 2-4-21 MOTION TO APPROVE CONSENT AGENDA

Motion by Dilg, supported by Kennedy

Motion to approve the consent agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Ryan Lare stated last night at 10:00 he had the privilege of watching SLPD and SLFD and HVA respond to a rollover crash at Eleven Mile near Colonial Acres. He stated the response time by all departments were absolutely amazing. He stated there was a fire and if there were injuries, he hopes they get well soon. Again, he stated the response time was amazing and their dedication to get there at that time of night was absolutely impressive. He then congratulated Chris Sovik and his department and thanked Chief Vogel and his department and the towing service and the HVA for their incredible work and due diligence at 10:30 at night.

DISCUSSION- Downtown

DDA Director Nate Mack stated he submitted the application for phase 2 of the restaurant relief program through Oakland County on February 4th. He further stated he requested an additional 30% above our original allocation, the County stated they didn't expect everyone to participate so they encouraged the participating communities to request more funding. He then stated he requested 3 hand sanitization stations that would be in one location, we discussed having one on the trails, and maybe one more downtown. He then stated he requested to reimburse the costs they have incurred for improving their sanitation, or anything to accommodate out-door dining, they can submit receipts to us and then we will evaluate the applications and get them reimbursed based on the amount we receive. He stated we haven't been told how much funding we will be allocated. Mr. Mack reminded everyone that indoor dining resumed on February 1st at 25% capacity and a 10:00 p.m. curfew. He stated the DDA Board of Directors is meeting this Thursday via zoom and it will be like an annual board retreat to discuss the upcoming goals for 2021. He then stated on January 29th the Lyon Area Task Force received an award for the best marketing project in a community over 10,000 from the Michigan Downtown Association. He then stated he is still working with the applicant for the liquor license at 135 E Lake to ensure they have all the information necessary before it comes to Council for review. Mr. Mack stated we have all the greenhouses out except for one as part of the phase one of the restaurant relief program. He stated Java House has decided not to use one, so he is reaching out to a few other businesses to see if they would like to use it, if not Lake Street Tavern said they would use another one. He stated he will be attending the March 26th training program that he is involved with. He then mentioned the vendor may not be able to fill the order for the black garbage can lids for the downtown. He is trying to find another way to match them.

FIRE CHIEF REPORT

Chief Vogel stated it has been very busy since it has been cold, there was a second alarm house fire in Northfield Township, another one in Green Oak Township, then we had to deal with the car crash that caught fire. He stated it is very typical when it gets this cold out. He then thanked Nate in the DDA. He stated outdoor dining has been a disaster and he appreciates Nate for working with our new Inspector and trying to get through these green house issues. He appreciates them working together for trying to figure out what is safe for our citizens and to get our businesses back open. He then stated we had part two of the promotional system today and we had 2 tests for Lieutenant and 1 for Sergeant and he thanked Councilmember Kennedy for assisting with that and he hopes to announce some promotions soon. Councilmember Kennedy stated there are some fine candidates in the Fire Department and it will be a tough decision.

POLICE CHIEF REPORT. Police Department Annual Report

Chief Sovik stated if he had to describe the year 2020, it would be COVID. He then stated what we are all living through could not have been predicted. The virus forced the Police Department to make changes to protect the employees and those we come in contact with from the potentially dangerous and deadly disease. He stated we chose to partner with the CDC and relied heavily on the information passed onto us from the Oakland County Health Department. He stated they immediately enacted safety protocols and procedures and were ready to change procedures based on new information. He further stated closing the station was never an option. Our community knows we will respond no matter the circumstances. We did change how we responded. We temporarily shut down some of the services in an attempt to limit contact with those who may be infected. Our response time did not suffer and we appeared in person to most of the calls we would before the pandemic hit us and we took more reports over the phone and when we did respond in person, we took every precaution in order to prevent further

spread of the virus. We made less traffic stops and less community contacts than in years past. He stated he proud of the changes they made in order to safely continue to partner with our community. Chief Sovik stated we hired our newest officer Joseph Czapski and he continues to perform as expected. He begins his 2-week shadow period on Wednesday. He will be critically evaluated during that time to prove he is capable to respond to calls on his own. He came from the Burton Police Department with 6 years of experience and the City looks forward to a long-term relationship with Joe. Chief Sovik stated succession planning is important to the future growth and leadership of the Police Department. It is a goal of his to leave this Police Department in better shape than when he took over 2 years ago. He further stated he can confidently say if he left tomorrow the goal would have been accomplished. He stated Lieutenant Baaki attended the Michigan Association Chief of Police executive school this past November. Developing leaders at every level, whether it's first-line supervisors or new patrol officers learning their craft is our focus. Officer Jacobs was nominated by his peers as Officer of the wear. This is only the second year our department has recognized an officer for his or her accomplishments, and we will continue for many years to come. The committee unanimously agreed that Jake was deserving of this recognition and in addition to receiving the departments certificate of merit earlier in the year. He was a two-time recipient of officer of the year while part of the Walled Lake Police Department. He also officiated a wedding for his friend during the pandemic, the ultimate citizen assist. He stated Officers Stevens and Schneemann received the lifesaver award for their actions in October. They responded to a smoke investigation in Colonial Acres. While assisting the Fire Department with occupant evacuations, they located an unconscious elderly male lying face down on the floor. After the wing him from the condo, they reentered the residence and located an elderly female in a hospital bed unable to move. They safely removed her from the situation as well. Both Officers received awards from Michigan State Representative Kathy Crawford for their selfless actions. Chief Sovik stated they made some improvements to their buildings, most of the original fencing was replaced in addition to some kitchen updates. He further stated he planned on having an open house at the Police Station before COVID hit and he hopes to plan that in the future after the numbers are lower. He stated several officers chose to go with the outer load bearing vests instead of the undershirt soft body armor. The outer vest can be easily removed and put back on as needed. According to our research the vest is supposed to help with back and hip pain associated with the current duty belts. All the officers currently using these are happy with their decision. Chief Sovik stated the vests were no extra cost to the City, as they were paid for by the individuals. He then stated everyone has noticed the portable speed radar signs throughout the City during the nicer months of the wear. He stated we received a lot of positive feedback, and we will be using them again this year. Chief Sovik stated even though there were many birthday parties cancelled this year, the Police and Fire Department performed about 50 drive-bys. He stated the parents of the birthday boy or girl requested that Police and Fire drive by their location with lights and sirens on to celebrate their special day. He stated recipients ranged from a 2-year-old boy, 21-year-old twins, and a 43-year-old. He stated they were thankful to bring a little happiness to them. He then thanked Council for their unwavering support for the last year, it means a lot to the Officers. Councilmember Dilg stated it is a great report and all the things the Police Department has had to change over the past year and it is very impressive and she thanked him for all he does for the community. Councilmember Kurtzweil stated the drive by's really meant a lot to people and it made a huge difference in peoples lives. It has been very difficult for people. It meant a lot to people and they are still talking about it, and how great it is to live in a small town with a great Police Department. Councilmember Kennedy stated the annual report was great and is very thorough and detailed.

OLD BUSINESS- None

NEW BUSINESS

1. CDBG Set public hearing February 22, 2021 7:30 p.m.

City Manager Zelenak stated each year the US Department of Housing and Urban Development (HUD) provides funds to jurisdictions throughout the country for projects that meet their national objectives. The City of South Lyon will receive funds from HUD via Oakland County. This coming year our tentative allocation will be \$29,552. Last year the City designated the funds to be used for the Senior Center and Haven. The 2021 CDBG application deadline for receiving CDBG funds for the upcoming year is Friday March 5th. Tonight, we are requesting to schedule our CDBG Public Hearing for Monday February 22, 2021 at 7:30 p.m. This will be published in a local newspaper which gives the opportunity for hearing public comments relating to allocating those funds in South Lyon.

CM 2-5-21 MOTION TO SCHEDULE 2021 CDBG PUBLIC HEARING

Motion by Kennedy, supported by Dilg

Motion to schedule the 2021 CDBG public hearing for 7:30 PM on Monday February 22, 2021

ROLL CALL VOTE:

Walton-Yes
Dilg-Yes

Kurtzweil- Yes Kennedy- Yes Richards- Yes Kivell- Yes

MOTION CALLED UNANIMOUSLY

2. Purchase of automated fingerprint identification system (AFIS)

Chief Sovik stated in August of 2020 last year. CLEMIS informed us that we're going to be needing new automated fingerprint identification system (AFIS). He stated it is part of the booking process and for building criminal histories. He stated they gave us enough time to update our system. He further stated we have been having some issues with our current system with having to recalibrate fingerprints from time to time. He further stated this was not a budgeted item because we weren't informed beforehand. In September after being notified of this, we received a substantial cash seizure forfeit from when we had a guy working with the DEA taskforce. He stated he would like to use those funds to pay for this system. It costs \$8,232.00 In addition, there is 139 police agencies that use the CLEMIS system and when they go out to find the vendors, they get the cheapest price possible because of the bulk they buy at. To go out on our own to try to find other bids, it wouldn't help the City. He stated he is asking to waive the bidding process and to allow them to purchase the AFIS:

CM 2-6-21 MOTION TO WAIVE THE BID PROCESS AND PURCHASE AFIS

Motion by Walton, supported by Kennedy

Motion to waive the bidding process and to purchase the AFIS system from line item 265-000-000-964-000 in the amount of \$8,232.00

ROLL CALL VOTE:

Walton- Yes
Richards- Yes
Kennedy- Yes
Kurtzweil- Yes
Dilg- Yes
Kivell- Yes

MOTION CARRIED UNANIMOUSLY

BUDGET- No discussion was held

PUBLIC COMMENT- None

MANAGER'S REPORT

City Manager Zelenak stated the department heads have been working on their preliminary budgets and we will be scheduling our budget meetings very soon. They will be sometime in early March. He stated the CDBG application will be ready at the next meeting and we will have the public hearing. He stated he has spoken with some Councilmembers regarding the joint City Council and Planning Commission Meeting. We would like to have it either Thursday the 25th of February or Monday March 1st. He stated the Capital Conference is March 16th and 17th if anyone would like to attend, please let us know. He further stated for upcoming Council Meetings we will have our investment policy which is included in the packet for review. He stated we will have a representative that assisted us with the preparation of that document at the meeting as well. City Manager stated at the next meeting we will have the conditional rezoning meeting of Holly Hills. At a future meeting we will be bringing the mural ordinance before City Council.

COUNCIL COMMENTS

Councilmember Dilg welcomed back the restaurants and it is good to see people out there eating and seeing some life back in our restaurants.

Councilmember Kennedy reminded everyone that this is the final week for the Shop Local Bingo game created by the Covid-19 Lyon Task Force. So, get out in the community to shop, dine and get carryout and complete your bingo card. The deadline is February 15th.

Councilmember Kurtzweil reminded everyone to buy their Girl Scout Cookies, we have to support them and don't forget to stop by the Village Bakery to buy your paczkis next week. She then thanked everyone for supporting the restaurants downtown and try to visit our restaurants downtown during the next few weeks.

Councilmember Richards stated the map of the City that was part of the CDBG application is excellent and he is a student of looking at maps and he hopes we can make a larger copy and make them available to the public. There are always questions about the City boundaries. He then stated he visited the hill in McHattie Park because he wanted to see how many people were using the hill for sledding. He further stated there were at least 20 people there having a good time. The straw bales that were used for bumpers were really getting used. He stated he hopes the skating rink can get flooded again so people can use it. He thinks it would get a lot of use.

Councilmember Walton thanked Patry Carcone from Lyon Township for helping her with a Lyon Township resident that reached out to her. She then thanked the DPW for keeping the streets cleared from the snow. They have done a great job and she hopes everyone stays warm in the cold weather.

Mayor Pro Tem Kivell stated he hopes everyone will dine local, we have a lot of people that have stepped up and made some great investments in our community and they still need our help. Everyone needs to help and get out and dine at our local restaurants. They can use our business to keep their businesses running. He further stated he hopes the greenhouses continue to accommodate people that want a safe environment. He stated watching the kids on the sledding hill reminds him of being a little boy in Hines Park where he would spend hours. He then stated the hill is product of some of the soils and things that

were taken out when we did Reynold Sweet Parkway was augment to that so it was a little higher and steeper and he is grateful we capitalized on the mistake made at Reynold Sweet Parkway.

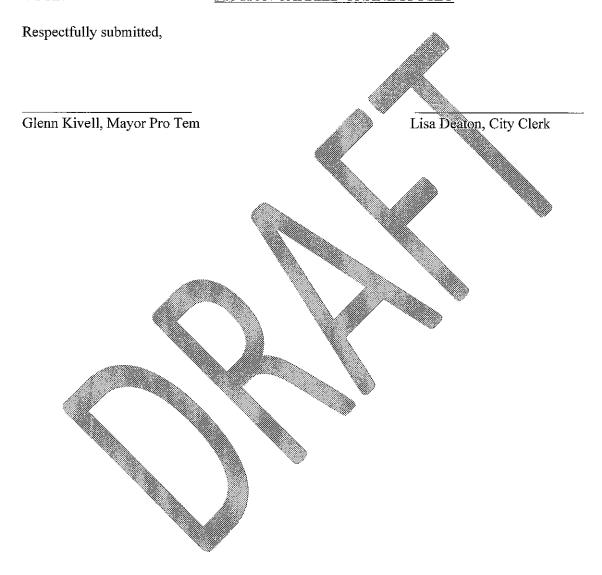
ADJOURNMENT

CM 2-7-21 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Kennedy Motion to adjourn the meeting at 8:08 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY



CDBG Public Hearing

MEETING DATE: February 22, 2021

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Setting CDBG Public Hearing

EXPLANATION OF TOPIC: Each year the U S Department of Housing and Urban Development (HUD) provides funds to jurisdictions throughout the country for projects that meet their national objectives. Here in South Lyon we receive funds from HUD via Oakland County. This coming year our tentative allocation will be \$29,552. Last year the City designated the funds to be used for the Senior Center and Haven. The 2021 CDBG application deadline for receiving CDBG Funds is Friday, March 5,2021. On February 8, 2021 the City published notice of the CDBG Public Hearing, which tonight gives the opportunity for hearing public comments relating to allocating those funds in South Lyon.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: 2021 CDBG Public Hearing Notice, and tentative South Lyon allocation.

REQUIREMENTS OF TONIGHTS PUBLIC HEARING:

Open the Public Hearing Hear any Public Comments Close Public Hearing.

LATER ON TONIGHTS MEETING AGENDA: We will present and vote on the 2021 CDBG Allocation.

PY 2021 COBG PLANNING ALLOCATIONS

Oakland County does not have information on exact CDBG funding levels for Program Year (PY) 2021. **Use the final award figure from PY 2019 to compile your application.** Once exact amounts are available necessary adjustments will be made.

City	Planning Allocation	Monitor	City	Planning Allocation	Monitor
Auburn Hills	\$82,430	TBD	Northville*	\$7,000	TBD
Berkley	\$36,290	TBD	Novi	\$130,530	TBD
Birmingham	\$36,090	TBD	Oak Park	\$128,952	TBD
Bloomfield Hills*	\$7,000	TBD	Orchard Lake VIg*	\$7,000	TBD
Clarkston*	\$7,000	TBD	Pleasant Ridge*	\$7,000	TBD
Clawson	\$35,634	TBD	Pontiac	\$799,257	TBD
Farmington	\$27,469	TBD	Rochester	\$28,533	TBD
Ferndale	\$90,050	TBD	Rochester Hills	\$160,965	TBD
Hazel Park	\$85,661	TBD	South Lyon	\$29,552	TBD
Huntington Woods	\$8,797	TBD	Sylvan Lake*	\$7,000	TBD
Keego Harbor	\$14,250	TBD	Troy	\$178,147	TBD
Lathrup Village	\$7,000	TBD	Walled Lake	\$29,186	TBD
Madison Heights	\$142,364	TBD	Wixom	\$51,165	TBD
Township	Planning Allocation	Monitor	Township	Planning Allocation	Monitor
Addison	\$9,667	TBD	Milford	\$16,775	TBD
Bloomfield	\$51,857	TBD	Oakland	\$22,828	TBD
Brandon	\$27,726	TBD	Orion	\$56,147	TBD
Commerce	\$62,495	TBD	Oxford	\$30,585	TBD
<u>Grove</u> land	\$7,452	TBD	Rose	\$9,519	TBD
Highland	\$29,956	TBD	Royal Oak	\$11,689	TBD
Holly	\$20,011	TBD	Springfield	\$20,658	TBD
Independence	\$52,303	TBD	West Bloomfield	\$91,182	TBD
Lyon	\$22,983	TBD	White Lake	\$44,665	TBD
Village	Planning Allocation	Monitor	Village	Planning Allocation	Monitor
Beverly Hills	\$13,049	TBD	Milford	\$15,560	TBD
Franklin*	\$7,000	TBD	Ortonville*	\$8,294	TBD
Holly	\$21,655	TBD	Oxford	\$11,121	TBD
Lake Orion	\$9,333	TBD	Wolverine Lk	\$7,000	TBD
Leonard*	\$7,000	TBD		1 7 7 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
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Staff	Phone		Specialty		
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Mike Pucher	858-0196	Environme Reimburs	Consolidated Plan/Annual Action Plan/ CAPER Environmental Review, Contract Compliance, Reimbursement, Minor Home Repair, Contracts, Procurement, Davis Bacon, Demolition		

City of South Lyon Notice of Public Hearing Community Development Block Grant Funds

NOTICE IS HEREBY GIVEN that the City of South Lyon will hold a public hearing regarding the use of Community Development Block Grant Funds. The Hearing will be held on Monday February 22, 2021 at 7:30 pm at the regularly scheduled South Lyon City Council Meeting, which will be held electronically for the purpose of hearing public comments on the Community Development Block Grant (CDBG) Program Year 2021 application to fund eligible projects. All interested citizens may join the electronic meeting. Comments may also be received in writing Monday February 22, 2021 at 5:00 pm. arrangements to reasonably accommodate special needs, including handicap accessibility or interpreter, will be made upon receiving 72-hour advance notice. Contact Lisa Deaton City Clerk/Treasurer at (248) 437-1735 at City Hall for special services.

Lisa Deaton, City Clerk/Treasurer

electronic meeting information will be added before publishing

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Noelle Klamp, Director: 585-783-0393 nklomp@newspapersalaseifieds.com

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Computer skills are required We are privately owned A GREAT PLACE TO WORK!

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GENERAL

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TRANSP. Apply at
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REMEMBER - when placing a classified to get fast results

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LEGAL NOTICES

CITY OF LATHRUP VILLAGE
NOTICE OF PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

NOTICE IS HEREBY GIVEN that the City of Lethurp Village will hold a public hearing on the use of Community Development Black Grant Funds. The Hearing will be held on Monday, Pehmany 22, 2021 at 150 ppm, via Zoom Onlines https://www.msy./ysak45966372?pwd=cnispv2im52F1UTR QVIdaa5266FdZ9

Dassender S15634

Weblnar ID: 984 8596 6372

Telephone: 646,558,8656 or 312,626,6799 Webinar ID: 984 B596 6372

Webmar IN-see sources:

for the pumpose of hearing public comments on the Community Development Block Grant (CDBG) Program Year

201 application in the approximate amount of \$7,000 to
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Yvette Talley, City Clerk

Published – February 10, 2021

Community Development Block Grant Funds
NOTICE Is Hespit Wiester hat he City of South June will
hald a public hearing regarding the use of Community Development Block Grant Funds. The Hearing will be held
on Monday February 22, 2021 at 7:20 pm at the regularly
scheduled South Iyan City Council Meeting, which will
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Members of the public may contact members of the public body prior to the electronic meeting by email. Email ad dresses for City government may be found on the City's website at www.southlyonmi.org

Please click the link below to join the electronic webinast

meeting: https://us02web.zoom.us/i/81422249052 Or iPhone one-tap: US: +13017158592,,81422249052# Or +13126266799,,81422249052#

elephone: (for higher quality, dial a number based on your curren

location): US: +1 30 1 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or 877 853 5247 (Toll Pace) or 888 788 0099 (Toll Prae) Webinar ID: 814 2224 9052

Lisa Deaton, City Clerk/Treasurer

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antitude, and experience

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HELP WANTED

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ACCOUNTANT /
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LEGAL NOTICES LEGAL NOTICES

CHARTER TOWNSHIP OF WEST BLOOMFIELD
NOTICE OF PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
ANDRE S INJERRY GUENN IN the Charter Township of
West filocomined will hold a public bearing on the use of
Ownership bevelopment Block Grant Funds. The Hearing
will be held on Monday, February 22, 2021 at 500 p.m. for
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The Township of West Bloomfield will provide necessary reasonable auditary aids and services upon proper notification to the Township Clerk or the Planning and Development Services Department at 4550 Walnut, take Road, Wast Bloomfield, Mil 4832, Clerk - (248) 53-4848 or Planning and Development Services Department (249) 54-4848.

Amy T. Neary, AICP Planning and Development Services Director

School District of the City of Pontiac Advertisement to Bid

Notice is hereby given that sealed bids will be received, opened and read aloud, by School District of the City of Portiac located at 650 N. Sagnaw St. Pontiac, MJ 48342. Bids shall be submitted online at: https://app.buildingconnected.com/ public/SSAI29711 a85718004419dc

Bids shall be submitted on 2/24/2021 at 2:00 pm, local time Bids will be opened via livestream on February 24, 2021 at 2:00 pm, to view the bid opening click the link stool be be low. The Owner will not accept any bid submitted after the indicated due time and date for the following work:

Bid Package 009: Pontiac High School Athletic Upgrades Contract documents will be available digitally on Building Connect (see link above).

if you have any questions please contact Bryce Shanama of Barton Malow by emall bryce, shanaman@bartonmalow com or by phone 248.417.9870

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AFFIDAVIT OF PUBLICATION

2125 Butterfield Dr. Suite 102N • Troy MI 48084

CITY OF SOUTH LYON 355 S WARREN STREET

SOUTH LYON, MI 48178 Attention: Lisa Deaton

> STATE OF MICHIGAN. COUNTY OF OAKLAND

The undersigned WAQUSTALE? Wordly? , being duly sworn the he/she is the principal clerk of Royal Oak Tribune, Oakland Press, thecaklandpress. com, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

CITY OF SOUTH LYON

Published in the following edition(s):

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> VICKI ARSENAULT MOTARY PUBLIC - STATE OF MICH GAN COUNTY OF OAKLAND

ిగ్గి Commission Expires May 11, 2026

Acting in the County of .

City of South Lyon Notice of Public Hearing Community Development Block Grant Funds

Community Development Diock Graft Funds

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Notary Public. State of Michigan

Acting in Oakland County

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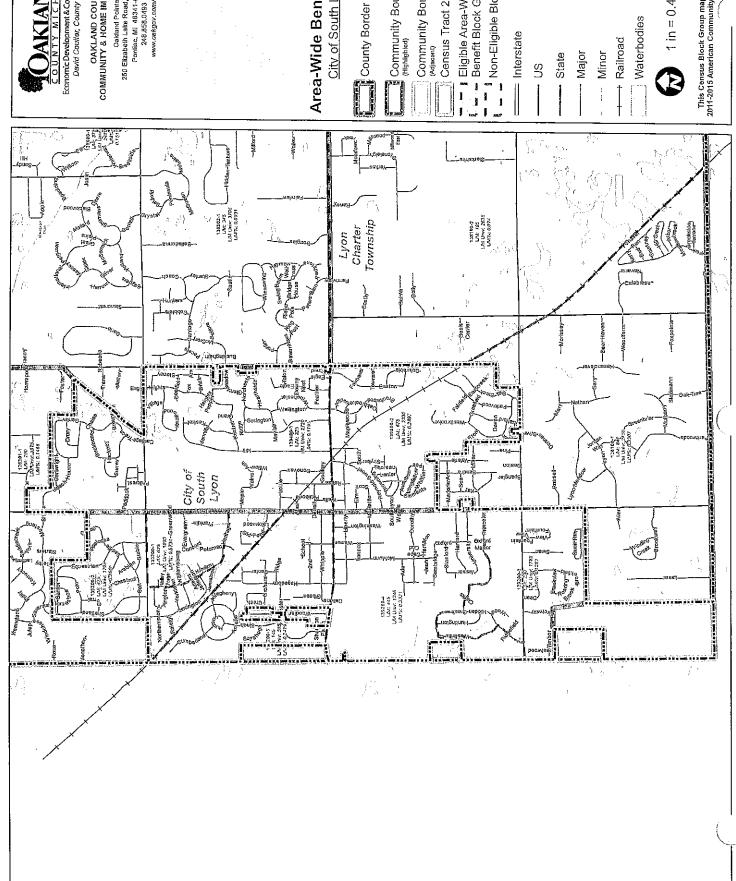
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AGENDA NOTE

Old Business Item # 1

MEETING DATE: February 22, 2021
PERSON PLACING ITEM ON AGENDA: City Manager
AGENDA TOPIC: Consider CDBG Application projects for the City of South Lyon.
EXPLANATION OF TOPIC: The 2021 CDBG application deadline is Friday, March 5, 2012. On February 22, 2021 at the regularly scheduled City Council Meeting the City held a Public Hearing relating to the CDBG Funds allocated to the City of South Lyon. The City's tentative funding allocation for 2021 is \$ 29,552. The suggestion is that the City will continue to use the allocation for 2021 to support the projects that we have funded in recent years. (Senior Center and Haven)
MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: 2021 CDBG Application and supporting documents.
POSSIBLE COURSES OF ACTION: Approve the selected projects as identified or choose different projects or choose not to submit the application for funds.
SUGGESTED MOTION: Motion by, supported by, to approve the selected projects as identified.





David Coulier, County Executive

OAKLAND COUNTY COMMUNITY & HOME IMPROVEMENT

Oakland Pointe 250 Elizabeih Laite Road, Ste. 1900 Ponliac, MI 48341-0414 248.858.0493

Area-Wide Benefit Map City of South Lyon

Community Boundary

Community Boundary (Adjacent)

Census Tract 2010

- Bligible Area-Wide

1 Non-Eligible Block Groups Benefit Block Groups

= Interstate

1 in = 0.48 miles

realed On: 971/2020 This Census Block Group map reflects the 2011-2015 American Community Survey (ACS).

PY 2021 CDBC APPLICATION PART 2 - APPLICANT INFORMATION

A - /	APPLICANT CONTACT
Community:	City of South Lyon
PY 2021 CDBG Planning Allocation:	\$29,552
Contact Person:	Paul C. Zelenak
Telephone:	248-437-1735
Best time to contact:	M-F 8:30 – 5:00
DUNS #:	02-184-2117
Copy of current SAMS attached:	Yes If No, Explain:X – On File at OC
Is community subject to Single Audit?	Yes No <u>X</u>

		B-PI	ROPOSED PRO	UECTS	
Example	Project # <u>1</u>	Nam	e: Code Enforcem	ent Allocation: \$80,834	
	Project # <u>1</u> Project # <u>2</u> Project # Project #	Name: PS	Battered & Abuse	location: \$ <u>24,552</u> ed Allocation: \$5,000 Allocation: \$ Allocation: \$	
Total # of Pr	ojects:		2		
# of Public Service Projects:			1	-	
Public Service	ce %:		17%		

C - AFFIDAVIT (OF COMPLIANCE
CDBG funds, the applicant has read, understan	this application is true and correct. In applying for ds and agrees to comply with all the provisions of . Department of Housing and Urban Development
Name of Highest Elected Official or Designee:	Dan Pelchat
Title of Highest Elected or Designee:	Mayor
Signature:	

PY 2021 CDBG APPLICATION PART 2 - CONTINUED.

D - CONFLICT OF INTEREST CERTIFICATION

Code of Federal Regulations Title 24, Volume 3 Revised as of April 1, 2004 CITE: 24CFR570.611

TITLE 24--HOUSING AND URBAN DEVELOPMENT CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HUD

Part 570 Community Development Block Grants Subpart K Other Program Requirements Sec. 570.611 Conflict of interest

- (a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).
- (b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.
- **(c) Persons covered.** The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.
- (d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.
- (1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation: (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- (2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;(ii) Whether an opportunity was provided for open competitive bidding or negotiation;(iii) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and (vii) Any other relevant considerations. By applying for CDBG funds, the Participating Community certifies that they have read the above:

Community Name:	City of South Lyon	
Name of Highest Elected Official or Designee:	Dan Pelchat	
Title of Highest Elected or Designee:	Mayor	
Signature:		

PY 2021-CDBG-APPLICATION - PARTS PROJECTIVE

(Please ✓ one box per project)

		意識としては経済を対していくのでは、			
Account	Account #	Objective	Goal	Indicator	Outcome
	ACC	ACQUISITION AND DISPOSITION	ITION		
Acquisition of Real Property	172170-730003	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Disposition of Real Property	172170-730536	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Clearance and Demolition	172170-30345	Suitable Living Environment	Strengthen Communities	Slum Blight	Sustainability
Cleanup of Contaminated Sites		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Relocation		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
	PUBLIC	PUBLIC FACILITIES AND IMPROVEMENTS	VEMENTS		
Senior Center	172170-731696	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for Persons with Disabilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Homeless Facilities (not operating costs)		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Youth Centers		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Neighborhood Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Parks, Recreational Facilities	172170-731332	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Parking Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Solid Waste Disposal Improvements	172170-730744	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Flood Drainage Improvements	172170-730744	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Water/Sewer Improvements	172170-732114	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Street Improvements	172170-731864	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Sidewalks	172170-731745	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Child Care Centers		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Tree Planting	172170-732021	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Fire Stations/Equipment	172170-730733	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Health Facilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for Abused and Neglected Children		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Asbestos Removal		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Facilities for AIDS Patients (not operating costs)		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Other Public Improvements Not Listed in 03A-03T	172170-731498	Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
Remove Architectural Barriers	172170-731619				
Charles and Charle	172170 72101E				

PY 2021 CDBG APPLICATION - PART 4

Allocation: \$24,552 Project #1 A - CDBG NATIONAL OBJECTIVE Which one of the National Objectives will this project target? Code/Description **24 CFR** Benefits low- and moderate-income persons For the National Objective that principally benefits low- and moderate-income persons is selected, describe how the activity will address ONE of the subcategories listed below: 1) Area Benefit Activity - Those projects carried out in a neighborhood consisting predominantly of LMI persons and providing services for such persons yet could be available to other non-income eligible persons in the area. This information can be documented by documenting that the area is primarily residential (e.g., zoning map); and that the income characteristics of households in the service area (i.e., Census data) 2) Limited Clientele Activity - Those that benefit a specific group of people (rather than all the residents in a particular area) who are, or presumed to be, income eligible. In order to meet the LMI Limited Clientele criteria, the activity must: serve at least 51% LMI, as evidenced by documentation and data concerning beneficiary family size and income; have income eligibility requirements which limit the service to persons meeting the LMI income requirements, as Х 570.208(a)) evidenced by procedures, intake/application forms, income limits and other sources of documentation; serve a specific group presumed by HUD to be income-eligible include: abused children, battered persons, elderly persons, handicapped adults, homeless persons, illiterate persons, migrant farm workers and persons living with AIDS; and be of such a nature and in a location that it may be concluded that the activity's clientele are LMI. 3) Income Eligible Housing Activity - These projects add or improve a permanent residential structure wherein, upon completion, income eligible persons will occupy 51% or more of the housing units. 4) Job Creation or Retention Activity - A project which creates or retains permanent jobs, of which at least 51% are either taken by or available to income eligible persons. JUSTIFICATION: Aids in the prevention or elimination of slums or blight For the National Objective that principally aids in the prevention of elimination of slums or blight is selected, describe how the activity will address ONE of the subcategories listed below: 1) At least 25% of the properties throughout the area exhibit the following: a. Physical deterioration of buildings/improvements; b. Abandonment of properties: c. Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or Χ industrial buildings: d. Significant declines in property values or abnormally low property values relative to other 570.208(b)) areas in the community; or e. Known or suspected environmental contamination 2) Public improvements throughout the area are in a general state of deterioration. Documentation must be maintained by the grantee on the boundaries of the area and the conditions that qualified the area at the time of its designation. The designation of an area as slum or blighted must be re-determined every 10 years for continued qualifications. JUSTIFICATION:

PY 2021 CDBG APPLICATION - PART 4 CONTINUED

Project # <u>1</u>	Allocation: \$24,552
	B - PROJECT DESCRIPTION
	detailed description of the proposed activity including how the activity will address the e community: Access Fee for Building Space
your progra identify the	o will benefit from the proposed activity (ex: homeless, abused children, seniors, etc). If am was designed to benefit persons on L/M income, describe the process you will use to ese persons (process for income verification if persons are not members of HUD's L/M clientele): City contracts with Center for Active Aging to provide resident access fees

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Project #2 Allocation: \$5,000

*PY-2024 CDBC-APPLICATION = PART 3 PROJECTAVPE CONTINUED ***

		PRO	ROJIECT TRYPEKCONTINUEDE			
<u> </u>	Account	Account #	Objective	Goal	Indicator	Outcome
>		PUBLIC FACII	ACILITIES AND IMPROVEMENTS CONTINUED	MENTS CONTINUED		
	Interim Assistance		Suitable Living Environment		Strengthen Communities # of LMI HH with new/improved access	Sustainability
	Privately Owned Utilities		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
	Non-Residential Historic Preservation	172170-31280	Suitable Living Environment	Strengthen Communities	Slum Blight	Sustainability
<u> </u>	Tomado Shelters Serving Private Mobile Home Parks		Suitable Living Environment	Strengthen Communities	# of LMI HH with new/improved access	Sustainability
>	これは、 はないのでは、 なから、 これのでは、 ないのでは、		PUBLIC SERVICES	S		
<u> </u>	Homeless/AIDS Patients Programs		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Senior Services	172160-731712				
	Services for Persons with Disabilities	172160-730535	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
	Legal Services	172160-731073	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Youth Services	172160-732185	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
	Transportation Services	172160-732011	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u>L</u>	Substance Abuse Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
×	Services for victims of domestic violence/dating violence/sexual assault/stalking	172160-730137	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Employment Training	172160-731941	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Crime Awareness/Prevention		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Fair Housing Activities (subject to PS cap)	132210-702010	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
L	Tenant/Landlord Counseling		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Child Care Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
	Health Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Services for Abused and Neglected Children		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Mental Health Services		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
<u> </u>	Screening for Lead Poisoning		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
	Subsistence Payments	172160-730571	Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
	Homebuyer Downpayment Assistance - Excluding Housing Counseling under 24 CFR 5.100		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
	Rental Housing Subsidies		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility
	Security Deposits		Suitable Living Environment	Improve Quality of Life	# of LMI persons with new access	Availability/Accessibility

PY 2021 CDBG/APPLICATION = PART 4

Project #2 Allocation: \$5,000

Code/Description Benefits low- and moderate-income persons tional Objective that principally benefits low- and moderate-income escribe how the activity will address ONE of the subcategories listed below a Benefit Activity - Those projects carried out in a neighborhood consisting sinantly of LMI persons and providing services for such persons yet could be available in non-income eligible persons in the area. This information can be documented by enting that the area is primarily residential (e.g., zoning map); and that the income eristics of households in the service area (i.e., Census data) ted Clientele Activity - Those that benefit a specific group of people (rather than all dents in a particular area) who are, or presumed to be, income eligible. In order to meet Limited Clientele criteria, the activity must: serve at least 51% LMI, as evidenced by entation and data concerning beneficiary family size and income; have income eligibility ments which limit the service to persons meeting the LMI income requirements, as seed by procedures, intake/application forms, income limits and other sources of	
tional Objective that principally benefits low- and moderate-income escribe how the activity will address ONE of the subcategories listed below a Benefit Activity - Those projects carried out in a neighborhood consisting inantly of LMI persons and providing services for such persons yet could be available in non-income eligible persons in the area. This information can be documented by enting that the area is primarily residential (e.g., zoning map); and that the income eristics of households in the service area (i.e., Census data) ted Clientele Activity - Those that benefit a specific group of people (rather than all dents in a particular area) who are, or presumed to be, income eligible. In order to meet Limited Clientele criteria, the activity must: serve at least 51% LMI, as evidenced by entation and data concerning beneficiary family size and income; have income eligibility ments which limit the service to persons meeting the LMI income requirements, as	v:
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a Benefit Activity - Those projects carried out in a neighborhood consisting sinantly of LMI persons and providing services for such persons yet could be available r non-income eligible persons in the area. This information can be documented by enting that the area is primarily residential (e.g., zoning map); and that the income eristics of households in the service area (i.e., Census data) ted Clientele Activity - Those that benefit a specific group of people (rather than all dents in a particular area) who are, or presumed to be, income eligible. In order to meet Limited Clientele criteria, the activity must: serve at least 51% LMI, as evidenced by entation and data concerning beneficiary family size and income; have income eligibility ments which limit the service to persons meeting the LMI income requirements, as	
dents in a particular area) who are, or presumed to be, income eligible. In order to meet Limited Clientele criteria, the activity must: serve at least 51% LMI, as evidenced by entation and data concerning beneficiary family size and income; have income eligibility ments which limit the service to persons meeting the LMI income requirements, as	570.208(a))
entation; serve a specific group presumed by HUD to be income-eligible include: children, battered persons, elderly persons, handicapped adults, homeless persons, e persons, migrant farm workers and persons living with AIDS; and be of such a nature a location that it may be concluded that the activity's clientele are LMI.	
me Eligible Housing Activity - These projects add or improve a permanent residential re wherein, upon completion, income eligible persons will occupy 51% or more of the gunits. Creation or Retention Activity - A project which creates or retains permanent jobs, of it least 51% are either taken by or available to income eligible persons.	
Aids in the prevention or elimination of slums or blight onal Objective that principally aids in the prevention of elimination of sludescribe how the activity will address ONE of the subcategories listed belast 25% of the properties throughout the area exhibit the following:	
ysical deterioration of buildings/improvements; andonment of properties; ronic high occupancy turnover rates or chronic high vacancy rates in commercial or trial buildings; inificant declines in property values or abnormally low property values relative to other in the community; or	570.208(b))
roi tria Init	nic high occupancy turnover rates or chronic high vacancy rates in commercial or all buildings; ficant declines in property values or abnormally low property values relative to other

PY 2021 CDBG APPLICATION: PART 4 CONTINUED

Project #2	Allocation: \$5,000
	B - PROJECT DESCRIPTION
Provide a oneeds of the	detailed description of the proposed activity including how the activity will address the e community: Services for abused spouses / children – part of county contract w/Haven
your progra	o will benefit from the proposed activity (ex: homeless, abused children, seniors, etc). If am was designed to benefit persons on L/M income, describe the process you will use to ese persons (process for income verification if persons are not members of HUD's L/M clientele): City CDBG Funds will pay for South Lyons Contribution to support Haven

AGENDA NOTE

New Business # 1

MEETING DATE:

February 22, 2021

PERSON PLACING ITEM ON AGENDA:

City Attorney

AGENDA TOPIC: Consider approval of Revised Resolution Establishing Policies and Guidelines for Granting Poverty Exemption from Payment of Property Taxes

EXPLANATION OF TOPIC:

Due to recent changes to the General Property Tax Act, specifically MCL 211.7u, the provision commonly referred to as the Poverty Exemption, the Resolution Establishing Policies and Guidelines for Granting Poverty Exemption from Payment of Property Taxes needs revision. The attached *revised* Resolution Establishing Policies and Guidelines for Granting Poverty Exemption from Payment of Property Taxes removes the City application requirement and specifies the exemption amounts of 25%, 50% or 100%. The Resolution will remain in effect without having to approve a revised resolution each year after the annual income levels is updated.

This revised Resolution is acceptable to Oakland County Equalization. If approved now, the Resolution would be effective for the March Board of Review.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Resolution Establishing Policies and Guidelines for Granting Poverty Exemption from Payment of Property Taxes.

POSSIBLE COURSES OF ACTION:

Approve/No Action/Postpone

SUGGESTED MOTION: Motion to approve the revised resolution establishing policies and guidelines for granting poverty exemption from payment of property taxes.

RESOLUTION No. ____

CITY OF SOUTH LYON OAKLAND COUNTY, MICHIGAN

RESOLUTION ESTABLISHING POLICIES AND GUIDELINES FOR GRANTING POVERTY EXEMPTION FROM PAYMENT OF PROPERTY TAXES

WHEREAS, the adoption of guidelines for poverty exemptions is required of the City Council; and

WHEREAS, the principal residence of persons, who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

WHEREAS, pursuant to Public Act 390 of 1994, the City of South Lyon, Oakland County, adopts the following policies and guidelines for the Board of Review to implement. The policies and guidelines shall be applied to the information provided in a sworn to Michigan Department of Treasury Form 5737, Application for MCL 211.7u Poverty Exemption, which application includes, but is not limited to, the disclosure of the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns filed in the current or immediately preceding year;

AND WHEREAS, P.A. 253 of 2020 also amended Section 7u of Act No. 206 of the Public Act of 1893, as amended by Act No. 313 of the Public Acts of 1993, being sections 211.7u of the Michigan Compiled Laws, and required the use of state prescribed forms and limited to certain percentages the exemption amount which could be granted.

WHEREAS, to be eligible, a person shall do all the following on an annual basis:

- 1) Be the "sole" owner(s) of and occupy, as a principal residence, the property for which an exemption is requested, and have no ownership interest in any other real estate, including being the beneficiary of a trust which owns real estate.
- 2) The subject property must be classified as an "improved single family residential" or "residential condominium" property with a valid Homeowner's Principal Residence Exemption currently in effect.
- 3) File the Michigan Department of Treasury Form 5737, Application for MCL 211.7u

Poverty Exemption with the Board of Review by returning it to the City Assessor's office, accompanied by all documents required by the form. If the applicant or the other household members have not filed tax returns, a Form 4988 – Poverty Exemption Affidavit and a statement from the Social Security Administration and/or Michigan Social Services as to monies paid to applicant(s) during the previous year must be completed and submitted. Disabled applicants may call the Assessor's office to make arrangements for assistance with filing the application.

- 4) File an application reporting that the assets of all persons in the household do not exceed two times the federal poverty income guidelines amount for the effective household size. Assets generally include: other real estate, motor vehicles, recreational vehicles and equipment, insurance, retirement funds, trust assets, checking accounts, savings accounts, certificates of deposit, cash, stocks, bonds, time share units, artworks, antiques, coins, precious metals or stones, jewelry, guns, equipment, tax refunds, gifts, loans, other investments or personal property value. Applicants must meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services established by the State Tax Commission to be updated annually. All applicants must own and occupy the property as a homestead on the property for which the exemption is being requested. All applicants may be asked to verify ownership of the property and provide personal identification upon request of the Board of Review.
- 5) Produce a valid driver's license or other form of identification, if requested.
- 6) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 7) All property taxes must be paid and current.
- 8) The application for an exemption shall be filed after January 1, and at least one day prior to the last day of the Board of Review. The filing of the application constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.
- 9) Applicants need not appear before the Board of Review, but are encouraged to do so to be available to provide further information or clarification to the Board of Review. Applicants who do not initially appear may be required to appear at the Board of Review to respond to questions. Applicants should understand that the failure to appear at the Board of Review, if requested by the Board of Review, may result in the denial of the Application. If the applicant is disabled, alternate procedures may be allowed pursuant to the City's obligation in the application of the Americans with Disabilities Act.
- 10) The Board of Review shall in no instance require an applicant to have less household

income than the applicable poverty income level for the household size.

11) The Board of Review may award full and/or partial exemptions in the amounts of 25%, 50% or 100%.

WHEREAS, the federal poverty income guidelines are updated annually by the United States Department of Health and Human Services, and the annual allowable income guidelines include income for all persons residing in the principal residence.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Review shall follow the above stated policies guidelines in granting or denying an exemption. The same standards shall apply to each taxpayer within the city claiming the poverty exemption for the assessment year.

BE IT FURTHER RESOLVED that in order to ease the burden on taxpayers, the assessor and the Board of Review and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review, the City of South Lyon hereby resolves, according to provisions of MCL 211.30(8) of the General Property Tax Act, that the Board of Review shall receive letters of protest regarding assessments from resident taxpayers from the first Tuesday in March until it adjourns from the public hearings for which it meets to hear such protests. All notices of assessment change and all advertisements of Board of Review meetings are to include a statement that the resident taxpayers may protest by letter to the Board be it further resolved that this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided.

The fo	oregoing	resolution	was	offered	by,	 and	supported	by
								
Upon ro	oll call vote	e, the follow	ng vot	ed:				
Roll cal	l vote: Yes	3-	_					
	No	-						
The City	y Clerk de	clared the res	solutio	n				
Lisa De	aton			<u></u>		 		

OFFICE USE ONLY (Date Stamp)

City of South Lyon

2021 Poverty/Hardship Exemption Application

NAME: PARCEL NUMBER:

CITY OF SOUTH LYON BOARD OF REVIEW City of South Lyon Board Policy for Applicants Requesting Consideration Under SECTION 211.7u of the GENERAL PROPERTY TAX ACT OF 1893: THE MICHIGAN HOMESTEAD POVERTY EXEMPTION.

To be eligible, a person shall do all of the following on an annual basis:

- 1. Be the "sole" owner(s) of and occupy, as a principal residence, the property for which an exemption is requested, and have no ownership interest in any other real estate, including being the beneficiary of a trust which owns real estate.
- 2. The subject property must be classified as an "improved single family residential" or "residential condominium" property with a valid Homeowner's Principal Residence Exemption currently in effect.
- 3. File the Michigan Department of Treasury Form 5737, Application for MCL 211.7u Poverty Exemption with the Board of Review by returning it to the City Assessor's office, accompanied by all documents required by the form. If the applicant or the other household members have not filed tax returns, a Form 4988 Poverty Exemption Affidavit and a statement from the Social Security Administration and/or Michigan Social Services as to monies paid to applicant(s) during the previous year must be completed and submitted. Disabled applicants may call the Assessor's office to make arrangements for assistance with filing the application.
- 4. File an application with the Board of Review by returning it to the City Assessor's office or Oakland County Equalization, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year and the current year. If the applicant or the other household members have not filed tax returns, a Form 4988 Poverty Exemption Affidavit and a statement from the Social Security Administration and/or Michigan Social Services as to monies paid to applicant(s) during the previous year must be completed and submitted. Disabled applicants may call the Assessor's office to make arrangements for assistance with filing the application.
- 5. File an application reporting that the combined assets of all persons in the household do not exceed two times the federal poverty income guidelines amount for the effective household size. Assets generally include: other real estate, motor vehicles, recreational vehicles and equipment, life insurance, retirement funds, trust assets, checking accounts, savings accounts, certificates of deposit, cash, stocks, bonds, timeshare units, artworks, antiques, coins, precious metals or stones, jewelry, guns, equipment, tax refunds, gifts, loans, other investments or personal property of value.
- 6. Meet the federal poverty income guidelines for the prior tax year as defined and determined annually by the United States Department of Health and Human Services as established by the State Tax Commission-to be updated annually.
- 7. Produce a valid driver's license or other form of identification, if requested.
- 8. Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 9. All property taxes must be paid and current.
- 10. The application for an exemption shall be filed after January 1, and at least one day prior to the last day of the Board of Review. The filing of the application constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.
- 11. Applicants need not appear before the Board of Review but are encouraged to do so to be available to provide further information or clarification to the Board of Review. Applicants who do not initially appear may be required to appear at the Board of Review to respond to questions. Applicants should understand that the failure to appear at the Board of Review, if requested by the Board of Review, may result in the

- denial of the Application. If the applicant is disabled, alternate procedures may be allowed pursuant to the City's obligation in the application of the Americans with Disabilities Act.
- 12. The Board of Review shall in no instance require an applicant to have less household income than the applicable poverty income level for the household size.
- 13. The Board of Review may award full and/or partial exemptions in the amounts of 25%, 50% or 100%.

2021 FEDERAL POVERTY GUIDELINES

US Department of Health & Human Services

STC Bulletin 17 of 2020

Size of Family Unit	Poverty Guidelines	Asset Limit
1	 	
	\$12,760	\$25,520
2	\$17,240	\$34,480
3	\$21,720	\$43,440
4	\$26,200	\$52,400
5	\$30,680	\$61,360
6	\$35,160	\$70,320
7	\$39,640	\$79,280
8	\$44,120	\$88,240
For each additional person	\$4,480	\$8,960

POVERTY APPLICATION CHECK LIST

Applications may be filed w/ this office beginning January 1, but in no event later than the day prior to the last day of the Board of review

Applicants must submit most recent year's copies of the following for all persons residing in the homestead:

- Completed Signed Poverty Exemption Application
- Federal Income Tax Return 1040 or 1040A for all persons residing in the home. (Please include supporting documents i.e. W-2 Forms, 1099 Forms)
- o State of Michigan Income Tax Returns for all persons residing in the home.
- o MI-1040-CR.
- o If applicant did not file Michigan State Income Tax Return, they MUST provide an annual statement of benefits paid from the Social Security Administration or Michigan Department of Social Services and must sign State of Michigan Form 4988 Poverty Exemption Affidavit (attached).
- W-2 Forms (Do not need if on Social Security)
- The applicant must supply a copy of current driver's license or other form of valid identification.

^{*} All requested information must be included with Poverty Exemption Application. Without the above information the Board will not consider your application.

Application for MCL 211.7u Poverty Exemption

This form is issued under the authority of the General Property Tax Act, Public Act 206 of 1893, MCL 211.7u.

MCL 211.7u of the General Property Tax Act, Public Act 206 of 1893, provides a property tax exemption for the principal residence of persons who, by reason of poverty, are unable to contribute toward the public charges. This application is to be used to apply for the exemption and must be filed with the Board of Review where the property is located. This application may be submitted to the city or township the property is located in each year on or after January 1.

To be considered complete, this application must: 1) be completed in its entirety, 2) include information regarding all members residing within the household, and 3) include all required documentation as listed within the application. Please write legibly and attach additional pages as necessary.

Petitioner's Name:			st all required personal information. Daytime Phone Number:				
Age of Petitioner:	Marital Status:	Marital Status:		N	Number of Legal Dependents:		
Property Address of Principal Residence: Check if applied for Homestead Property Tax Credit			City:		State: ZIP Code:		
			Amount of Hon	nestead Propert	y Tax Credit:		
PART 2: REAL ESTA provide a deed, land con	TE INFORMATION:	List the real es	tate information	related to you	ır principal res	idence. Be prepared to	
Property Parcel Code Num	nber:		Name of Mortga	ge Company:	TO THE OWNER	·b'	
Unpaid Balance Owed on	Principal Residence:	Monthly P	Payment: Leng		ength of Time at	gth of Time at this Residence:	
PART 3: ADDITIONA	L PROPERTY INFO	RMATION: L	ist information r	elated to any	other property	owned by you or any	
nember residing in the l	nousehold. n, or are buying, othe	· <u>.</u>				owned by you or any	
Check if you ow complete the inf	nousehold. n, or are buying, othe	r property. If o					
Check if you ow complete the infe	nousehold. n, or are buying, othe ormation below	r property. If o	checked,	Amount of In	come Earned fro	om Other Property;	
Property Address:	nousehold. n, or are buying, othe ormation below	r property. If o	Checked,	Amount of In	State:	om Other Property:	

PART 4: EMPLOYMENT INFORMATION: List your current employment information.

Name of Employer:										
Address of Employer:			C	ity:				State:	ZIP Co	de:
Contact Person:					Employer Te	elephone	Number:			
PART 5: INCOME SOURCES: I (individual retirement accounts), us claims and judgments from lawsuit income, for all persons residing at the content of the cont	nemploymen s, alimony, c	t comp	ensation,	disab	ility, gover	nment i	pensions, v	worker's	compen	sation, dividends.
	ce of Income						Me		Annual late which	
PART 6: CHECKING, SAVING members, including but not limited cash, stocks, bonds, or similar inve	to: checking stments, for	g accour all pers	nts, saving ons residi	gs acong at	counts, pos the proper	tal savi	ngs, credit	union s	nares, ce	tificates of deposit,
Name of Financial Institution or Inv	restments An	nount o	f Deposit		Current erest Rate		Name o	n Accour	nt 	Value of Investment
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PART 7: LIFE INSURANCE: Li	st all policies	s held b	v all hous	sehole	d members					
Name of Insured	Amount of I			ly	Policy Pa Full	id in	Name	of Benefi	ciary	Relationship to Insured
PART 8: MOTOR VEHICLE IN	FORMATION	ON: Al	ll motor v	ehicl	es (includir	ng moto	orcycles, m	otor hor	nes, cam	per trailers, etc.)
held or owned by any person residing within the Make		e house	household must be l Year		listed. Monthly P		Payment Bala		Balar	ice Owed
	_	+								

PART 10: PERSONAL DEBT: List all personal debt for all household members. Creditor Purpose of Debt Date of Debt Original Balance Monthly Payment Balance PART 11: MONTHLY EXPENSE INFORMATION: The amount of monthly expenses related to the principal residence of ategory must be listed. Indicate N/A as necessary. Electric Water Phone Cable Food Clothing Health Insurance Gurbage Daycare Car Expenses (gas, repair, ctc.) Other (type and amount) Other (type and amount)	to Fam
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ther (type and amount) Other (type and amount) Other (type and amount)	
ther (type and amount) Other (type and amount) Other (type and amount)	

NOTICE: Per MCL 211.7u(2)(b), federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year must be submitted with this application. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year.

PART 12: POLICY AND GUIDELINES ACKNOWLEDGMENT:

The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines used for the granting of exemptions under MCL 211.7u. In order to be eligible for the exemption, the applicant must meet the federal poverty guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902, or alternative guidelines adopted by the governing body of the local assessing unit so long as the alternative guidelines do not provide income eligibility requirements less than the federal guidelines. The policy and guidelines must include, but are not limited to, the specific income and asset levels of the claimant and total household income and assets. The combined assets of all persons must not exceed the limits set forth in the guidelines adopted by the local assessing unit.

levels of the claimant and total l	applicable policy and guidelines adopted by the city or tow tow to the city or tow	The special moone and about
PART 13: CERTIFICATION:		-
I hereby certify to the best of my the exemption from the property t	knowledge that the information provided in this form axes pursuant to Michigan Compiled Law, Section 2	n is complete, accurate and I am eligible for 211.7u.
Printed Name	Signature	Date

Decision of the March Board of Review may be appealed by petition to the Michigan Tax Tribunal by July 31 of the current year. A July or December Board of Review decision may be appealed to the Michigan Tax Tribunal by petition within 35 days of decision. A copy of the Board of Review decision must be included with the petition.

Michigan Tax Tribunal PO Box 30232 Lansing MI 48909

Phone: 517-335-9760

E-mail: taxtrib@michigan.gov

Michigan Depai	rtment of	Treasury
4988 (05-12)		

Poverty Exemption Affidavit

This form is issued under authority of Public Act 206 of 1893; MCL 211.7u.

INSTRUCTIONS: When completed, this document must accompany a taxpayer's Application for Poverty Exemption filed with the supervisor or the board of review of the local unit where the property is located. MCL 211.7u provides for a whole or partial property tax exemption on the principal residence of an owner of the property by reason of poverty and the inability to contribute toward the public charges. MCL 211.7u(2)(b) requires proof of eligibility for the exemption be provided to the board of review by supplying copies of federal and state income tax returns for all persons residing in the principal residence, including property tax credit returns, or by filing an affidavit for all persons residing in the residence who were not required to file federal or state income tax returns for the current or preceding tax year.

· · · · · · · · · · · · · · · · · · ·	-6		
1.	swear and	nd affirm by my signature below that	. 1
reside in the principal residence that is the sub			
for the current tax year and the preceding tax			
tax return.	,		
Address of Principal Residence:			
Signature of Person Making A	.ffidavit	Date	-

AGENDA NOTE

New Business # 2

MEETING DATE: February 22, 2021

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Investment Policy

EXPLANATION OF TOPIC: The City of South Lyon has engaged with ANDCO Consulting Group to create an updated investment policy for the City of South Lyon. The previous policy was last updated in 1998. Attached is the agreement with ANDCO Consulting Group, and the copy of the Investment Policy.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS: Agreement with ANDCO Consulting Group, Investment Policy.

POSSIBLE COURSES OF ACTION: Approve or not approve the Agreement with

ANDCO Consulting Group to provide an Investment Police	cy for the City of South Lyon.
SUGGESTED MOTION: Motion by	, supported by
to approve the Agree	ement with ANDCO
Consulting Group to provide an Investment Policy for the	City of South Lyon.
POSSIBLE COURSES OF ACTION: Approve or not approve for the City of South Lyon.	pprove the Investment Policy
SUGGESTED MOTION: Motion by to approve the Inves	stment Policy for the City of
South Lyon.	,

AGREEMENT FOR INVESTMENT PERFORMANCE MONITORING AND ADVISORY SERVICES

THIS AGREEMENT effective as of the	_day of	, 2021 between ANDCO
CONSULTING, LLC (hereinafter referred	to as "Consultant"	or "AndCo") and CITY OF
SOUTH LYON (hereinafter referred to as "C	lient").	

WITNESSETH:

WHEREAS, Consultant is in the business of providing investment performance monitoring and advisory services; and

WHEREAS, Client is vested with the authority and responsibility for the investment and administration of the assets of the City of South Lyon (hereinafter referred to as the "Plan"), and; WHEREAS, Client desires Consultant to provide investment performance monitoring and advisory services with respect to the Plan;

NOW, THEREFORE, in consideration of the premises and mutual promises herein contained, the parties agree as follows:

A. SERVICES OF CONSULTANT

Consultant shall provide the following services to Client:

- 1. Review and update current Investment Policy Statement to reflect current best practices.
- 2. Update Investment Policy Statement specific to the Municipal Employees Retirement System of Michigan Retiree Health Funding Vehicle.
- 3. Update Investment Policy to reflect utilization of Oakland County Local Government Investment Pool.
- 4. Coordinate with City Manager, Treasurer and Finance and Benefit Administrator on review of draft language as needed.
- 5. Review final edits following City Attorney review of proposed Investment Policy Statement.
- 6. Attend City Council meeting to answer any questions related to final draft of document.

B. FEES TO CONSULTANT

In consideration of the services rendered by Consultant, the Client shall pay a one-time fee of \$3,000, to be billed upon the conclusion of the project.

C. MISCELLANEOUS

- 1. Consultant covenants and agrees that it is an independent contractor and not an officer, agent or employee of Client.
- 2. Consultant shall, at its sole expense, maintain Professional Liability Insurance coverage in the amount of \$15,000,000.
- 3. All information and advice furnished by either party to the other, including their authorized representatives, agents and employees, shall be treated as confidential and not disclosed to third parties except as agreed upon in writing or required by law.

- 4. Neither party hereto may assign, convey, or otherwise transfer any of its rights, obligations, or interest herein without the prior consent of the other party.
- 5. This Agreement may be amended or revised only by an instrument in writing signed by Client and Consultant.
- 6. The validity of this Agreement and of any of its terms or provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of Michigan.
- 7. This Agreement may be executed in several counterparts, each of which shall be deemed an original.
- 8. This Agreement shall become effective upon the date recorded in the preamble of this Agreement.
- 9. Client acknowledges receipt of Consultant's ADV Part 2 and Privacy Notice and authorizes Consultant to deliver all future required disclosures electronically.
- 10. No provision of this Agreement which shall be deemed unenforceable shall in any way invalidate any other provision of this Agreement, all of which shall remain in full force and effect.

IN WITNESS WHEREOF, the Client has signed duplicates hereof, and Consultant had caused its corporate name to be signed to said duplicates by its proper officers thereunder duly authorized on the day and in the year first above written.

CITY OF COUTH LYON

ANDCO CONSULTING, LLC	CITY OF SOUTH LYON
Signed:	Signed:
Name:	Name:
Title:	Title:
Date:	Date:

ANDCO CONCIL TING LLC

CITY OF SOUTH LYON

Draft Investment Policy Statement

I. Scope

This policy applies to the investment of funds for the City of South Lyon. Longer term funds, including investments of employees' investment retirement fund and proceeds from certain bond issues, are covered by a separate policy. Investment guidelines specific to each asset pool are included as appendices to this policy.

II. Purpose

This statement of Investment Policies is set forth to:

- a. Define and assign the responsibilities of all involved parties.
- b. Establish a clear understanding for all involved parties of the investment goals and objectives of the asset pools.
- c. Offer guidance and limitations to all Investment Managers regarding the investment of assets.
- d. Establish a basis for evaluating investment results.
- e. Manage assets according to prudent standards as described herein under the "Standards of Care."
- f. Establish the relevant investment horizon for which the assets will be managed.

This document will identify and present a set of Investment Policies which will serve to provide guidance to the Investment Manager(s). It is intended to be sufficiently specific to be meaningful, yet flexible enough to be practical.

1. Pooling of Funds – Except for cash in certain restricted and special funds, the City of South Lyon may consolidate cash balances when practicable from all funds to try to maximize investment earnings while still maintaining short term cash flow. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. Standards of Care

1. Prudence – The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

Investments shall be made with the judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the

management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

- 2. Ethics and Conflicts of Interest Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interest in financial institutions with which they conduct business. They shall further disclose any personal financial / investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City. Officers, employees, and service providers are expected to follow the City's Ordinances and Ethics Policy.
- 3. Delegation of Authority Authority to manage the investment program is granted to the Investment Team, which shall be comprised of the City Manager, Finance & Benefits Administrator, and Treasurer. Responsibility for the operation of the investment program is hereby delegated to the investment team, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral / depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment team. The investment team shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. The Investment Manager for each investment fund shall be the firm or individual hired by the City to work with the Investment Team in managing that investment fund.

A concurrence of a majority of the members of the Investment Team is required to authorize a transaction.

IV. Safekeeping and Custody

1. Authorized Financial Dealer and Institutions — A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security brokers / dealers selected by credit worthiness (e.g. a minimum capital requirement of \$10,000,000 and at least five years of operation). These may include "primary" dealers of regional dealers that quality under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- a. Audited financial statements
- b. Proof of National Association of Securities Dealers (NASD) Certification
- c. Proof of state registration
- d. Completed broker/dealer questionnaire

e. Certification of having read and understood and agreeing to comply with the City of South Lyon's investment policy. It is understood that commingled funds such as Oakland County LGIP or MERS RHFV are governed by prospectus and would not require certification of compliance with these investment policies.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment team.

2. Internal Controls – The investment team is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuses. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the investment team shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- a. Control of collusion
- b. Separation of transaction authority from accounting and recordkeeping
- c. Custodial safekeeping
- d. Avoidance of physical delivery securities
- e. Clear delegation of authority to subordinate staff members
- f. Written confirmation of transactions for investment and wire transfers.
- g. Development of a wire transfer agreement with the lead bank and third-party custodian.
- **3. Delivery vs. Payment** All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.

VII. Reporting

- 1. Methods The investment team shall prepare an investment report at least annually, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the trailing 12 month period. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the investment team, the City Council, and any pool participants. The report will include the following, as applicable:
 - a. Listing of individual securities held at the end of the reporting period.
 - b. Listing of investment by maturity date.
 - c. Percentage of the total portfolio which each type of investment represents.

- d. Each investment manager's adherence to policy guidelines.
- **2. Performance Standards -** The investment portfolio will be managed in accordance with the parameters specified within this policy.
- 3. Marking to Market The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed consistent with the GFOA Recommended Practice on "Mark to Market Practices for State and Local Government Investment Portfolios and Investment Pools." In defining market value, considerations should be given to the GASB Statement 31 pronouncement.

VIII. Policy Considerations

- 1. Exemption Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.
- 2. Amendments This policy shall be reviewed on an annual basis. Any changes must be approved by the investment team and any other appropriate authority, as will the individuals charged with maintaining internal controls.

The foregoing is a complete copy of the Investment Policy of the City of South Lyon as adopted by the South Lyon City Council on February 8, 2021.

Appendix A - Short Term Cash

I. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity and yield.

- Safety Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
 - a. **Credit Risk** The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
 - i. Limiting investments to the safest types of securities.
 - ii. Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which they City will do business.
 - iii. Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
 - b. **Interest Rate Risk** The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:
 - Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
 - ii. Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.
- 2. Liquidity The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in money market mutual funds or local government investment pools which offer same day liquidity for shorter term funds.
- 3. Yield The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, considering the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:
 - a. A security with declining credit may be sold early to minimize loss of principal.

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- b. A security swap would improve the quality, yield, or target duration in the portfolio.
- c. Liquidity needs of the portfolio require that the security be sold.

II. Suitable and Authorized Investments

- 1. Investment Types Consistent with the GFOA Policy Statement on State and Local Laws Concerning Investment Practices, the following investment will be permitted by this policy and are those defined by state and local law where applicable:
 - a. US government obligations, US government agency obligations, and US government instrumentality obligations, which have a liquid market with a readily determinable market value.
 - b. Certificates of deposit and other evidences of deposit at financial institutions, bankers' acceptances, and commercial paper, rate in the highest tier (e.g. A-1, P-1, F-1 or D-1 or higher) by a nationally recognize rating agency.
 - c. Investment grade obligations state, provincial and local governments, and public authorities.
 - d. Repurchase agreements whose underlying purchased securities consisting of the foregoing.
 - e. Money market mutual funds regulated by the SEC and whose portfolio consist only of dollar denominated securities.
 - f. Local government investment pools, either state administered or through joint powers statutes and other intergovernmental agreement legislation. This includes Local Government Investment Pools organized under Section 4 of Public Act 121 of 1985, the Local Government Investment Pool Act.

Investment in derivatives of the above instruments shall require authorization by the City Council.

- **2. Collateralization** Where allowed by state law and in accordance with the GFOA Recommended Practices on the Collateralization of Public Deposits, full collateralization will be required on non-negotiable certificates of deposit.
- **3. Repurchase Agreements** Repurchase agreements shall be consistent with GFOA Recommended Practices on Repurchase Agreements.

Investment Parameters

- 1. **Diversification** The investments shall be diversified by:
 - a. Limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding US Treasury securities)
 - b. Limiting investment in securities that have higher credit risks
 - c. Investing in securities with varying maturities

- d. Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPS), money market funds or overnight purchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.
- 2. Maximum Maturities to the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five (5) years from the date of purchase or in accordance with state and local statutes and ordinances. The City shall adopt weighted average maturity limitations (which often range from 90 days to 3 years), consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities shall be disclosed in writing to the City Council.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as LGIPS, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

Appendix B - MERS Retiree Health Fund Vehicle

General Objectives

The MERS Retiree Health Fund Vehicle was established to provide for the retirement health care benefits for covered employees, retirees, and their beneficiaries. It is funded by the City of South Lyon.

The priority listing of investment objectives is as follows:

- 1. <u>Preservation of Capital</u> Consistent with their respective investment styles and philosophies, make reasonable efforts to preserve capital, understanding that losses may occur in individual securities.
- 2. <u>Risk Aversion</u> Understanding that risk is present in all types of securities and investment styles, recognize that some risk is necessary to produce long-term investment results that are sufficient to meet the pool's objectives. However, reasonable efforts are to be made to control risk, and will be evaluated regularly to ensure that the risk assumed is commensurate with the given investment style and objectives.
- 3. <u>Diversification of Assets</u> Investments of the pool shall be so diversified as to endeavor to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.
- 4. <u>Liquidity of Assets</u> Cash is to be employed productively at all times, by investment of short-term cash equivalents to provide safety, liquidity, return, and restructuring of the portfolio to meet the pool's changing needs over time.

To meet its obligations, the investment objective of the pool is to emphasize total return; that is, the aggregate return from capital appreciation and dividend and interest income.

The primary investment return objective shall be:

Long-Term Growth of Capital — To emphasize long-term growth of principal while avoiding excessive risk. Short-term volatility will be tolerated inasmuch as it is consistent with the volatility of a comparable market index.

The secondary investment return objective shall be:

Income and Growth - To achieve a balanced return of current income and modest growth of Principal

Suitable and Authorized Investments

- 1. Investment Types Consistent with the MERS Retiree Health Funding Vehicle offering, funds shall be allocated into one or more of the following vehicles.
 - a. MERS Total Market Portfolio
 - b. MERS Global Stock Portfolio

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- c. MERS Capital Appreciation Portfolio
- d. MERS Established Market Portfolio
- e. MERS Balanced Income Portfolio
- f. MERS Capital Preservation Portfolio
- g. MERS Diversified Bond Portfolio
- h. Large Cap Stock Index
- i. Mid Cap Stock Index
- j. Small Cap Stock Index
- k. International Stock Index
- I. Emerging Market Stock
- m. Short-Term Income
- 2. Investments made may include pooled funds. For purposes of this policy pooled funds may include, but are not limited to, mutual funds, commingled funds, exchange-traded funds, limited partnerships, and limited liability corporations. Pooled funds may be governed by separate documents which may include investments not expressly permitted in this IPS.

SPECIFIC INVESTMENT GOALS

Over a given market cycle, (typically defined as 3 to 5 years), the time weighted total rate of investment return should exceed, for the pool and its underlying investment strategies, an appropriately designed custom benchmark.

Performance comparison for the overall pool shall be compared against a readily available public fund universe.

The goal of each Investment Manager, over the investment horizon, shall be to:

- 1. Meet or exceed the market index, or blended market index, that most closely corresponds to the style of investment management.
- 2. Display an overall level of risk in the portfolio, which is consistent with the risk associated with the benchmark specified above. Risk will be measured by the standard deviation of quarterly returns.

AGENDA NOTE

New Business Item #3

MEETING DATE:

February 22, 2021

PERSON PLACING ITEM ON AGENDA:

Recommendation from Planning Commission

AGENDA TOPIC: First Reading of Ordinance to Amend the Official Zoning Map of the City of South Lyon Conditionally Rezoning 34.42 acres Parcel No. 21-30-126-003, from I-1 (Light Industrial) to R-3 (Single-Family Residential), using the Open Space Preservation Option.

EXPLANATION OF TOPIC: In October 2020, applicant Thomas Schroder, of Cornerstone Residential Group, with permission from the property owner, Charles L. Smith, requested that the City rezone Parcel No. 21-30-126-03 from I-1 (Light Industrial) to R-3 (Single Family Residential), using the Open Space Preservation Option, with conditions that the development and use of the property be limited to single-family development project consisting of no more than 59 single family residential units. The owner's request is submitted pursuant to MCL 125.3405 which authorizes rezoning with conditions voluntarily offered by the owner of the property.

BACKGROUND: The Planning Commission held a Public Hearing on November 12, 2020, and tabled the application for to obtain additional information from the applicant. At the January 11, 2021, Planning Commission meeting, the Commission recommended approval of the owner's request for conditional rezoning based on the conditions voluntarily offered in writing by the owner:

- 1. Installation of a sidewalk along West Lake Street/Ten Mile Road, from subject's east property line to S. Hagadorn Street; This is 650+ lineal feet offsite walk along West further extend walkability to the downtown area for a benefit to downtown businesses.
- 2. Developer to provide more sound deadening windows (triple pane) in all residential homes in the proposed development to help mitigate noise concerns from the tube factory.
- 3. Developer to provide 2x6 walls and additional insulation on all proposed homes in the development to mitigate noise concerns from the tube factory.

This property has been before the City's Planning Commission and City Council several times over the past thirty (30) years.

- 1. On March 13, 1989, at the request of the property owner, the City approved a rezoning of the property from R-2 (Single Family Residential) to I-1 (Light Industrial).
- 2. In 1999 the property owner received site plan approval for a light industrial park, consisting of 11 units, commonly known as "West End."
- 3. In 2003 utilities (water and sewer) and the road for the West End Industrial Park were started. The property was not further developed.
- 4. In 2016 the property owner requested rezoning of the property from I-1 (Light Industrial) to RM-1 (Multiple Family Residential). The request was denied by the Planning Commission and City Council.
- 5. On September 24, 2020, the property owner requested the property be rezoned to RT (Two-Family Residential), however withdrew the application at the meeting.
- 6. An application was submitted on November 11, 2020 to rezone the property from I-1 (Light Industrial) to R-3 (Single-Family Residential) using the Open Space Preservation Option.

Following the Planning Commission's recommendation, a draft Conditional Rezoning Agreement was prepared. If the first reading is approved, Council will be asked to consider the second reading, Conditional Rezoning Agreement, and Preliminary Open Space Preservation Site Plan approval at a future meeting.

CIB Planning's review letter dated January 6, 2021 sets forth the details regarding the property and the surrounding area, its zoning, and provides an analysis of the zoning amendment criteria.

The conditions voluntarily offered by the owner are contained on page 3, Part 2, of the draft Conditional Rezoning Agreement.

The draft Conditional Rezoning Agreement contains time limits, as authorized under MCL 125.3405(2), which the owner must meet or the zoning of the parcel will revert back to R-IA:

- (i) Final site plan approval within six (6) months of the approval of the Agreement;
- (ii) A building permit for the project, or first phase, if applicable, obtained within eighteen (18) months from the date of the approval of this Agreement; and
- (iii) A final certificate of occupancy for the project or the first phase thereof, if applicable, obtained within thirty (30) months from the date of the approval of this Agreement.

The time limits can be extended by the City on written request of the owner, but the City is not required to grant such requests for extension.

Once the use is established, it must be maintained in compliance with the conditions approved in the rezoning and agreement.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel No. 21-30-126-003, from I-1 (Light Industrial) to R-3 (Single Family Residential) using the Open Space Preservation Option.
- Planning Commission minutes dated January 14, 2021 and November 12, 2021
- · CIB Review letter dated January 6, 2021
- HRC Review letter dated January 13, 2021 and applicant response to HRC letter dated January 26, 2021
- Application for Conditional Rezoning, dated October 2020
- Property Owner letter authorizing Cornerstone to apply for the Conditional Rezoning dated July 11, 2020
- Applicant's Rezoning request letter, dated October 27, 2020
- Public Benefit letter dated February 10, 2021
- Conditional Rezoning Fact Sheet
- CIB Information on Vacant/Available Industrial Properties
- Applicant's letter to Council Members, dated February 11, 2021
- Letter and information from Mark Szerlag, dated December 1, 2020
- Applicant's "Other Property Information"
- Public Hearing Notification
- Rezoning Preliminary Site Plan, dated January 26, 2021
- R-3 Parallel Plan
- Conditional Zoning Agreement Draft

POSSIBLE COURSES OF ACTION:

Approve/Deny/Table/Postpone

SUGGESTED MOTIONS:

a. Motion to approve the first reading of the Ordinance to amend the official zoning map of the City of South Lyon conditionally rezoning Parcel No. 21-30-126-003, from I-1 (Light Industrial) to R-3 (Single-Family Residential) using the Open Space Preservation option as presented.

OR

- a. Motion to deny conditionally rezoning of Parcel No. 21-30-126-003, from I-1 (Light Industrial) to R-3 (Single-Family Residential) using the Open Space Preservation option for the following reasons:
 - 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 is almost 60% of the land. Less than five percent (5%) of the City's land is zoned and Master Planned for Industrial; therefore, 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, Light Industrial zoning district; and
 - 4. The proposed use is not compatible with surrounding uses to the east and south.

OR

a. Motion to table/postpone the conditional rezoning request of Parcel No. 21-30-126-003, from I-1 (Light Industrial) to R-3 (Single-Family Residential) using the Open Space Preservation.



February 15, 2021

City of South Lyon 335 South Warren Street South Lyon, MI 48178

Subject: Holly Hills Conditional Rezoning Review, Light Industrial I-1, to Single Family Residential, R-3, with Open Space Preservation development. Approximately 34.42 acres located on the east side Dixboro Road, south of West Lake Street. Parcel # 21-31-126-003.

Dear Honorable Mayor Pelchat and City Council Members,

At your February 22, 2021 City Council meeting, you will review a Conditional Rezoning application for a 34.42-acre parcel on Dixboro Road. Due to the history of this property and the number of planning and zoning development tools proposed for use, this agenda note is being sent to you with time for you to review and ask any questions in advance of the meeting. My hope is that the information I provide will more clearly identify the items of importance and standards for this review and specify what you are being asked to approve.

Development Tools

- 1. Conditional Rezoning: In late 2020, Tom Schroder of Cornerstone Development, applied to Conditionally Rezone Parcel #21-30-126-003, from I-1, Light Industrial, to R-3, Single Family Residential. Property owner Charles Smith gave Mr. Schroeder, prospective developer, authorization to apply for this Conditional Rezoning request. Conditional Rezonings are allowed under the state Zoning Enabling Act (P.A.110 of 2006). (I am including a brief Conditional Rezoning Fact Sheet for you to review and re-familiarize yourself with the development tool.) The City has reviewed and approved two (2) Conditional Rezoning requests in the past several years. Only one (1) of these two (2) came to fruition; West Lake Apartments at the corner of Dixboro and Ten Mile Road—from RA-1, Single Family Residential to RM-3, Multiple Family Residential.
 - A Conditional Rezoning differs from a Traditional/Conventional Rezoning. A Traditional/Conventional Rezoning changes the zoning district designation and allows development/use of any of the permitted uses in the district. A Conditional Rezoning is essentially an "agreement" between the property owner and the community that permits the rezoning of a specific parcel for a defined use and development plan. The property owner may voluntarily offer "material community benefits" related to the proposed rezoning in exchange for the rezoning of the parcel. A conceptual/preliminary site plan is required for a Conditional Rezoning to illustrate the proposed development ordinance requirements can be met. This conceptual/preliminary plan is tied to the rezoning of the property. No other use or development can occur on the conditionally rezoned property; only what is presented and approved as part of the Agreement.

A Conditional Rezoning is evaluated using the City's established Rezoning Criteria.

2. Open Space Preservation Development Option. In addition to the rezoning request, the applicant is proposing to use the Open Space Preservation Option, Section 102-459 of the City's Zoning Ordinance, to develop the property. The Open Space Preservation Option is authorized by the state Zoning Enabling Act (PA 110 of 2006). In exchange for the perpetual preservation of a for a minimum of twenty percent (20%) open space area, the same number of dwelling units are permitted on a smaller portion of land than specified in the Zoning Ordinance. This provision encourages the preservation of tracts of land with unique and sensitive natural features by permitting the "transfer" of undeveloped land to developed areas. This is accomplished through the smaller lot sizes in exchange for areas of preservation.

As the Conceptual/Preliminary Site Plan is tied to the Rezoning request, a Preliminary Site Plan review using the Open Space Preservation option was performed.

Background

In September 2020, the applicant requested to rezone the subject property from I-1, Industrial to RT, Two Family Residential. After discussion with the Planning Commission at the meeting, the request was withdrawn by the applicant. The applicant subsequently applied for a Conditional Rezoning, from I-1, Light Industrial to R-3, Single Family Residential, and to use the Open Space Preservation option. The request and concept/preliminary site plan were presented to the Planning Commission on November 12, 2020. The application was tabled by the Commission so that the applicant could provide:

- 1. A market study or information (in writing) providing evidence that the property is not marketable as Industrial and can't be developed as Industrial;
- 2. Revised open space calculations; and
- 3. New elevations.

The applicant revised the open space calculations, submitted three (3) new elevations and floorplans, and provided industrial property information (completed by Thomas Duke). The industrial property listings/information provided does not constitute a study as no analysis is given. The information contains many industrial parcels of land with property on the market for several years. This in an indication that the subject property is *not unique* and the market for industrial property is soft. As presented, I do not believe the Planning Commission's request for a market study was satisfied.

On January 11, 2021, the Planning Commission reviewed the additional information provided and made a recommendation to City Council to approve the Conditional Rezoning request and accompanying Preliminary Open Space Preservation Site Plan with a 4-2 vote.

CIB Recommendation

My review letter dated January 6, 2021, contains the criteria in which the Conditional Rezoning is evaluated as well as the standards for the Preliminary Open Space Preservation Development. Based upon my review of the Rezoning criteria, consistency with the City's Master Plan, and the proposed use as it relates to the surrounding zoning districts, *I recommended denial of the Conditional Rezoning*, as the rezoning is not consistent with the Master Plan, the proposed use is not compatible with adjacent land uses, and the rezoning does not support the Master Plan goal of fully developing Industrial

properties in the City. The Preliminary Open Space Preservation Site Plan meets the criteria of the ordinance, therefore, I recommended approval of the plan, should the Commission be inclined to approve the Rezoning request. The January 6, 2021 letter comprehensively lays out the request, review criteria, and my comments.

Processes

The process for a Conditional Review is as follows:

- Public Hearing at Planning Commission- <u>November 12, 2020</u>
- Review of Conditional Rezoning "Offerings" and preliminary Site Plan by Planning Commission.
 Recommendation to Council- January 11, 2021
- City Council Review of Rezoning, Preliminary Site Plan, and First Ordinance Reading-February 22, 2021
- Second Reading by City Council and approval of Rezoning Development Agreement
- Final Site Plan Review and approval by Planning Commission

The Process for the Open Space Preservation is as follows:

- Public Hearing at Planning Commission <u>November 12, 2020</u>
- Preliminary Site Plan by Planning Commission <u>January 11, 2021</u>
- Final Site Plan Review and approval by Planning Commission.

At the February 22, 2021 City Council Meeting, you are asked to approve or deny the Conditional Rezoning Request

I know this is a lot of information and am happy to answer any questions you may have. Please do not hesitate to reach out to me. I will provide a response and answer to all Council members.

Kelly Mointyre

Partner, Director of Planning

ORDINANCE NO. _-21

CITY OF SOUTH LYON OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SOUTH LYON CONDITIONALLY REZONING PARCEL NO. 21-30-126-003, FROM THE 1-1 DISTRICT (LIGHT INDUSTRIAL) TO THE R-3 DISTRICT (SINGLE- FAMILY RESIDENTIAL)

THE CITY OF SOUTH LYON ORDAINS:

PART L. Amendment of Official Zoning Map. The Official Zoning Map of the City of South Lyon incorporated into the South Lyon Zoning Ordinance by Section 102-182 is hereby amended to conditionally rezone the vacant real property located on Dixboro Road, South Lyon, MI 48178, Tax ID: 21-30-126-003, which is more fully described as:

That part of the southwest 14 of Section 19 lying south of Ten Mile road and north 32 acres of the northwest fractional 14 of Section 30. Except: Beginning at a point in the west line of Section 30, distant north 679.5 feet from the southwest corner of the north 32 acres of the northwest fractional 14 of said Section 30, also distant south 448.5 feet from the center line of Ten Mile road; thence north 70 feet; thence south 89 degrees 46 minutes east 223 feet; thence south 70 feet; thence n89°46'w 223.00 feet to the point of beginning; except also a part of the southwest fractional 14. Section 19 and a part of the northwest fractional 14 of Section 30. Beginning at intersection of the centerline of said road and the north and south line on curve to right, radius 1535.89 feet distant 418.03 feet; thence s00°24'e, 532.45 feet; thence n89°13'47'w, 198.47 feet; thence n00°55'e along county line to beginning.

from the 1-1 District (Light Industrial District) to the R-3 District (Single-Family Residential) subject to the conditions which were voluntarily offered by the Owner.

PART II. Severability. Should any division, section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

<u>PART III.</u> <u>Sayings Clause.</u> The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance.

<u>PART IV.</u> <u>Repealer.</u> All other Ordinances or part hereby repealed only to the extent necessary to g	
<u>PART V.</u> <u>Effective Date; Publication.</u> This ordinaten (10) days after adoption or upon publication the City of South Lyon.	
Made, passed and adopted by the South, 2021.	Lyon City Council this day
	Daniel L. Pelchat, Mayor
	Lisa Deaton, City Clerk
Certificate of Ad	option
I hereby certify that the foregoing is a true and adopted at the regular meeting of the South Lyon, 2021.	

City of South Lyon Planning Commission Regular Meeting Minutes January 14, 2021

Αn	proved:	

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

Roll Call:

Commissioner Steve Mosier, Present, South Lyon, Michigan Commissioner Tyler Finnegan, Present, South Lyon, Michigan Commissioner Wayne Chubb, Present, South Lyon, Michigan Commissioner Michael Joseph, Present, South Lyon, Michigan Commissioner Erin Kopkowski, Present, South Lyon, Michigan

Chair Scott Lanam, Present, South Lyon, Michigan

Absent:

Commissioner Jason Rose

Also in attendance: Kelly McIntyre - CIB Planning

Lisa Hamemeh = Gity Attorney
Judy Pieper – Deputy Clerk

Motion to excuse Commissioner Rose Motion by Mosier, Second by Joseph

Voice Vote: Ayes:

Unanimous

Nayes:

None

Motion Approved

Motion to approve Agenda - as amended Motion by Mosier, Second by Chubb

Voice Vote: Ayes: Unanimous

Nayes: None

Motion Approved

Motion to approve Minutes from 12/10/2021 as amended Motion by Mosier, Second by Chubb

Voice Vote: Ayes: Unanimous

Nayes: None

Motion Approved

Public Comments (Non-Agenda Items):

Old Business: Rezoning #20-001

Kelly Mcintyre, CIB Planning – McIntyre states that this item was tabled at the November 12th meeting. She advises the Commission that this is a request for a Conditional Rezoning Request for 34.42 – acre parcel of land on Dixboro Road. The application is to conditionally rezone the property from Light Industrial I-1 to Single Family Residential R-3 and to use an Open Space Preservation Development Option. The applicant is proposing with the conditional rezoning to allow 59 detached single-family units. The parcel in question is surrounded to the south and to the east by industrial property, residential to the west in the Township and to the north residential as well.

She states, with the conditional rezoning, a site plan is proposed as part of the rezoning and is tied to it. The applicant can offer material benefits to the city as part of the rezoning request. As you will note from last time, one of the material

benefits that the applicant is proposing has to do with the continuation of a sidewalk along 10 Mile, tied in from their property to Hagadorn.

This property was previously zoned residential, R2. In 1989, the current property owner requested to have the property rezoned to Light Industrial, which it is today. Thirty some years later, the property owner is seeking to re-zone this to back to Residential.

McIntyre goes on to explain that when they look into a Conditional Rezoning, there is certain criteria that they must adhere to. This criteria has been established and laid out by standards from the Michigan Zoning Enabling Act. McIntyre states that she is not recommending the approval of the re-zoning based upon the following reasons:

- 1. The single-family residential designation is not consistent with the City's Master Plan: the parcel is planned for industrial.
- 2. That residential land use in the city exceeds 65% of the land and that less than 5% of the city land is zoned and not just planned for industrial.
- 3. Rezoning the property single-family residential does not meet the land use need or goal of the Master Plan.
- 4. Also, evidence has not been provided that demonstrates that the property can be used for any of the permitted and special land uses in the current I-1 zoning district; and
- 5. That the proposed use is not compatible with the surrounding uses to the east and to the south.

A site plan is submitted with the Conditional. McIntyre reviewed the site plan, in the event the Commission recommends approval of the rezoning. The applicant is proposing to use the Open Space Preservation Option to development the site with single family homes. She goes on to say, in order to find the density for this property under the Open Space, the applicant is required to do a conventional plan which establishes the number of units that could be placed on the site. The applicant has done sot; the conventional plan shows that they can have 72 lots and the applicant is proposing 59.

McIntyre states that she reviewed the criteria based on the standards of Zoning Ordinance and she found that the Preliminary Site Plan does demonstrate that the site can be developed meeting the R3 and Open Space Preservation

standards. She states that there are a number of engineering issues that need to be addressed and these will need to be resolved before taking them to City Council for review.

At the last meeting, the Planning Commission had a lengthy discussion and tabled the request in order for the applicant to come back to the city with additional information. The applicant provided information in writing stating that the property is not marketable as Industrial, revised open space calculations, and new evaluations: the applicant has provided market information from Thomas Duke, they provided 3 new elevations for the Planning Commission

McIntyre states that the applicant did go a little further and did some adjusting to the property and removed 6 lots to lower the density. They also changed their desires to use a new road and they are now proposing to use the existing road.

McIntyre states that there was a question last time that was asked by a member of the Planning Commission about the available vacant industrial property in the city. McIntyre then shares her screen and points out the existing industrial pieces of properties in the city that are currently vacant. She shows the 2 properties on Mill Street, a property on S. Mill Street and a property on South Street. The total of all 4 of the parcels are not quite 4 acres.

Finally, McIntyre states that if the Planning Commission is inclined to re-zone the property, she would recommend approval of the site plan, with the open space preservation, as it does meet the requirements.

Again, she adds, she is not recommending the rezoning for the reasons that she pointed out.

Michelle Spencer, Powell Engineering, 4700 Cornerstone, White Lake Township, Michigan.

Spencer states that she is here on behalf of Thomas Schroder with Cornerstone Development who is the central developer of this property. She states that while she appreciates the very thorough report done by Kelly, the reason that she is not recommending approval for this is because this came before you 4 years ago with a request to re-zone to multiple and the 4 points that Kelly is using to not

recommend the approval of this re-zoning is the exact reasons that were given 4 years ago to not rezone this.

Spencer states that client has gone back and made revisions, and has kept the proposed single-family further from that southern property line. He has "bent" on everything he was asked to "bend" on. He has more than doubled the amount of open space and that did not even include any of the wetland area.

Spencer states that she does disagree that industrial surrounding this property to the west there is single-family, to the north there is single-family and multiple, to the east there is actually only single family even though the report shows that it is industrial. It is all wetland between this property and the neighboring, there is absolutely zero developable property that is industrial between this property and to the east because it is 100% wetlands.

Spencer states that this property was not re-zoned by the city. This was brought to the city by a petitioner to re-zone it industrial from residential a couple of decades ago. It was then sat on and tried to sell industrial with absolutely no bites. After a number of years, the people that requested the re-zoning decided to try to develop it. They developed it as a site condominium for industrial more than 2 decades ago. After that, they put it back up on the market, as industrial, ready developed pieces, road, sanitary, storm water, water mains ready to go industrial pieces and it sat for 20 years. The property is currently up for sale as industrial at one quarter of the cost of what other industrial properties that are along the I-96 corridor are requesting. And they still haven't gotten one request for industrial. This property is coming before you after years of sitting, and after being turned down for a multiple residential by the City. The applicant is requesting the Planning Commission to look at the history of this property, and look at the current condition of this property. It has become an eye sore, people have dumped old tires, stolen manhole covers, it is in disarray.

Spencer advises the Commission that this is coming before them now as a conditional rezoning is that the only thing that can be built on this property is what is before you today. Spencer states that since the last time they met, they went back to the drawing board and they have removed the lots that were encroaching on the south property and they have added additional open space. She states that they do meet letter of the ordinance for a single-family cluster

home. Spencer goes on to say that her request and the petitioners request is that the Commission would approve this site so that they can go on to City Council. She states that the items that are on the engineering letter are absolutely engineering items, construction items that include video camera existing storm sewer to verify that it is clean and will meet the requirements, it is meeting the required ordinance for the width of the roadway and the sidewalks that are being proposed have to meet the ordinance. She goes on to say that the items on Mr. Darga's letter are exactly what they would expect to require construction plans for this piece of property.

Spencer states that they do believe this is the best option and a benefit for the city. The developer is looking to put in pathways to the existing pathways, all the way to the downtown.

Tom Schroder, 13757 12 Mile Road, South Lyon, Michigan Mr. Schroder introduces Mark Szerlag and asks him to speak.

Mark Szerlag, Thomas Duke Company

Mr. Szerlag goes on to talk about the history of the property and the commitment of the owners trying to make this work on an Industrial basis. They have done extensive research on the competitive market on properties within a 7-mile radius. He states, this is not a case of greed, we are offering this property at a price that is 25% of what other properties are being marketed for. Szerlag states that he respects Kelly's report at the beginning of the meeting, but one of her statements was that we have not proven this property can't be developed on its existing zoning. He goes on to say that 4 different brokerage company's over the last 15 years has put their time, effort, and money in to marketing this property.

Again, McIntyre clarifies the zoning of this property (sharing her screen with the Commission) and states that the property to the east is zoned industrial. Spencer states that along 10 Mile, on the east side of the property, this is all wetlands. McIntyre states that she agrees, however, it is zoned industrial. Spencer states that she understands that, but as wetlands, this could not be developed as industrial.

Chair Lanam states that under mitigation, it could be, so you can't really say that it could never be done. But it depends how bad you need it.

Chair Lanam asks if anyone else has any questions. Commissioner Joseph – No Commissioner Kopkowski – No

Commissioner Chubb verifies with McIntyre that the recognizable material benefit that is being proposed is the open space concept as well as pathway along 10 Mile. McIntyre states that any frontage on a street must have a sidewalk. That is required by the ordinance. The benefit offered is to continue the sidewalk to Hagadorn, which is not their frontage.

Schroder states that the sidewalk is a benefit to all that will be using it.

Chubb states that the way he is reading this is that we are not permitted to negotiate or ask, what is offered is what we are voting on. He adds that it is a shame that this will not connect to the pedestrian path down Dixboro. Spencer states that they had actually offered that as their first offering, but the Multiple at the corner has given that as part of their conditional rezoning.

Commissioner Mosier No Commissioner Finnegan – No

Chair Lanam questions if there is anything else that they may have that goes beyond the scope of the project.

Schroder states other than the obvious blighted looking industrial area that was never able to sell by anybody, he put up "beautiful little houses," which the Commission has pictures of, a vibrant community. Lanam states that will be the case whatever the zoning is and anything that is developed will be an improvement over what is there. Schroder states that we know that we have been trying industrial for 18 years, so if we can go with the conditional re-zoning with pretty little houses and new residents in the area. He goes on to say that the first thing he did when he went to the property was get a dumpster and begin cleaning up the area. This has looked bad for a long time. A nice pretty community of new homes and the extension of the sidewalk and all the people in the apartments will be walking and riding bikes and making the downtown much more vibrant.

There is a clarification on the 650 Linear feet of off-site path, which is in addition to the on-site sidewalk, which is required.

Chubb questions if there has been any communication with the Tube Mill. McIntyre states that she is not aware of any phone calls that were received by the city. The public hearing notices were mailed out advising that the property is being proposed for a re-zoning.

Suzann Martin, 602 W. Lake Street, remotely from South Lyon, Michigan. Ms. Martin states that she is still in opposition to building the homes on West Lake Street that are still on the plans. She is also opposed to building over any wetlands. It is the entry point to the city and the buffer between our home and Michigan Seamless Tube. She states that there is a green area there now and wants to know if they have heard anything from the State or Federal regarding the Wetland Protection Law. As a property owner, somebody should have received a notice from the state since that is over 5 acres. She concludes by saying the market ability of this property is not the City's problem.

Chair Lanam states that the wetlands are being preserved. Spencer states that a lot of the vegetation that was approved to be removed as the industrial park is remaining because we are clustering the site.

Robert Matthews, one of the property owners, 9612 Silverside Drive, remotely from South Lyon, Michigan

Mr. Matthews states that as Mark Szerlag pointed out, we had great dreams of building an industrial park and seeing it succeed. But, as it was mentioned, we marketed this thing forever. He states that it wasn't the City that wanted industrial there. Matthews states that it just didn't work. He has not had one phone call for industrial. It has been siting vacant and the tax base that the city is missing out on is huge. To pass on that would be a shame for the city.

Motion to deny approval of the rezoning of parcel #21-31-126-003 based on the Planners reasons that were stated at the beginning of the meeting

Motion by Kopkowski, Second by Mosier

Commissioner Mosier – Yes

Commissioner Kopkowski – Yes

Commissioner Chubb - No

Commissioner Joseph - No

Commissioner Ferguson – questions if he can obstain due to being new to the Commission and not having the history as the others do. Chair Lanam states that he cannot.

Commissioner Ferguson - No Chair Lanam - Yes

Roll Call Vote: Ayes:

3

Nayes:

Motion Tied - Discussion continues

Commissioner Chubb asks Commissioner Kopkowski if she can give any more to her explanation besides the Master Plan.

Commissioner Kopkowski states that what is left in the city that is industrial isn't enough of a collective group of properties where we could actually do something with it. A developed industrial site is a benefit to the city. More of a benefit than more residential and we just really don't have the area to put something that large in. This is by far the biggest industrial piece that we have left in the city. She states that she doesn't think that the residential is going to be the best thing for it. She adds that when sitting previously on Council, she knows how many of the residents in the area complain about the Tube Mill and you just can't block that noise and she just doesn't think that this is the best fit. She adds that we put a lot of effort into our Master Plan.

Commissioner Mosier adds that they talk about how they tried to develop this. He states that the original owner has a successful industrial park just a mile west of this location and the only thing that was done differently was that he had put up buildings and rented and sold the buildings. Not sure why this was not done for this property. He adds that all the work that was done on the Master Plan over the years and he does not want to go against the Master Plan.

This is very close to 10 Mile, and there is an Apartment Complex that we just approved and to him, it just makes more sense. It seems like we are trying to be a stick in the mud because we zoned this at one point and forever more that shall

be. But this makes more sense. He adds that he doesn't see this as a draw when you have large pieces of land in the Township that is starting to be developed. This is better for the community.

Commissioner Chubb states that he agrees. He is withing spitting distance of this development and he is struggling with this becoming Industrial for the reasons that Commissioner Joseph mentioned. He states that he is not putting forward a motion right now because he is not excited by the plan.

Chair Lanam questions if there is something that can be revised or done that could increase the value and possibly help with the noise that is going to come from the Mill. He adds that he is over a mile from there and at times he can hear the noise.

Commissioner Chubb states that he is going to argue the point about the noise just for a second and adds that at one time he lived close to the railroad tracks and went a train went by, he could not here his television. He adds that he chose to live there. Chubb states that if the developer feels that he can sell \$300,000.00 houses with noise in their back yard, then power to them. Otherwise, those are going to sit as nice green lots opening to open space.

Spencer states that they are trying to make this more of a cost-effective neighborhood for people that work in South Lyon. If we were going to put in \$300, \$400, \$500,000.00 houses next to a Tube Mill, no one would buy that.

Spencer states that Schroder was intending on putting triple pane glass windows in the rear of these house and more insulation in the walls to help with the noise from the Tube Mill. There is a reason that it was developed the way it is, to keep cost down for the people with lower income can afford to own a home in South Lyon. So, they can work and live in the same area.

Commissioner Finnegan questions if the goal is low-income housing? It sounds like that is what you are trying to sell us on.

Spencer states that the houses are very nice but less expensive to build. They had lesser expensive houses from the last presentation, but the Commissioners said that they looked too cheap. The developer then went a little nicer on the houses, made the lots a little bit bigger and went with less density. She states that this is their third time in front of the Commissioners, each time they have come back

adding additional cost to the developer based on what the Commissioners wanted. They need a decision tonight so that they can move forward.

Commissioner Finnegan questions if the triple pane and thicker walls are all standard in every home. Spencer states that she would assume that this would be standard on every home as this is a benefit to the sale. Schroder agrees and states that they would put that down. He states that they would make the triple pane standard to the homes that back up to the South and add the additional thickness to the walls.

Deputy Pieper asks Schroder for a clarification for the minutes and asks if it is all the homes or just the homes that back to the Tube Mill that will have the triple pane windows and the thicker walls. Schroder advises that it is for all the homes that back to the Tube Mill, which in this case would be all the homes to the South.

Commissioner Chubb confirms with McIntyre that the Tube Mill extends all the way to Dixboro, so in reality who knows that they are going to be in 50 years or if they decide to sell this parcel on Dixboro and all these people by right could have another tube mill in their back yard. Schroder adds, we are going to have happy residents, happy downtown residents. Chubb states, not if there is an industrial building being built in their backyard.

Commissioner Finnegan states that it would be to his expectations if they were all built consistently with thicker windows and thicker walls not just select properties. Schröder states, if that is important to you, he would agree to that. He goes on to say, he wants happy homeowners. He goes on to confirm that this would be all the walls (not the basement) 2 x 6 and packed the walls with insulation, more insulation to the ceilings which helps for sound deadening. He adds that he has also provided triple pane windows in some of his homes in the past and that will also add for sound deadening. Schröder states that he knows that a lot of the complaints in the City is the noise from the Tube Mill and that Tube Mill has been in the City probably before the city became a City, and a lot of the folks in the city came from the Tube Mill. So to help further insulate these homes, he again states that he would be happy to do so to make the homeowners happy, and to make the Commission happy.

Commissioner Joseph states that Mr. Schroder is still not stating to using 2 x 6 walls for all your exterior walls. Mr. Schroder states that he is saying that, and again states that he would be using 2 x 6 walls in all the homes, packed full of

insulation and sound deadening triple pane windows to make things quieter for the homeowners. He does add that in the summer some of these will have their air conditioning on and in the winter their heat and it will be quiet and cozy.

Chair Lanam asks if anyone has anything further to ask.

Commissioner Kopkowski – No

Commissioner Chubb – No

Commissioner Joseph states that the applicant has submitted some house designs that are better than what was originally presented. He states to Spencer that it scares him when you say low income homes.

Spencer states with a Conditional Re-Zoning, the approval is tied to a specific plan and it would have to be those houses or like (similar) houses.

McIntyre states that it must be these houses (elevations). They may not be changed. Spencer confirms and states that if they had to change them they would have to come back and start from square one again.

Chair Lanam clarifies that it wouldn't have to be square one, but they would have to come back with their revisions and get an approval.

Chair Lanam goes on to the remaining Commissioners.

Commissioner Mosier - No

Commissioner Finnegan - No

Chair asks if anyone is ready to make a motion.

Mr. Schroder states that he has done everything that they have asked for. He states that he has reduced the lots, he has very pretty/nice homes which have to be saleable. He goes on to say, he has been building homes in the area for about 40 years and has built over 350 homes and developed over 500 residential lots in the South Lyon area. He believes these are very nice homes with attractive floor plans and believes this will be a very nice addition to the South Lyon Community. He states he would like a win/win situation and asks the Commission if there is anything else that they can think of that would help to make a positive recommendation.

City Attorney Hamemeh states that the Commission can't really ask for anything.

Chair Lanam adds that because a Conditional was brought to them, they can only vote on what was brought.

The discussion continues about the value of the homes and Schroder states that we are possibly looking at mid to upper \$200,000's and with options, people may end up bumping it up a bit higher. Schroder goes on to discuss the tax base and compares it to the Township. It's a fact that if people are comparing homes in the city to the Township, they could get a much higher home and still have the same payment. They are all about the payment. He wants the homes to be more obtainable, and again, if they work in South Lyon, it would nice for them to also live in the city. These are not large custom homes, but they are nice attractive homes.

Schroder states that this has been sitting for over 20 years, not one bite and it is nothing but blight at this time.

Commissioner Finnegan questions if there is any ruling on diversity regarding the elevations and avoiding the same exact houses being built side by side. Spencer states that she believes that is in the ordinance stating that every two house has to be different colors or different elevations. McIntyre states that it is not in our ordinance, but it is something that has been put in almost all of our PUD's, we call it the anti-monotony rule. Schroder states that this is definitely something that he would agree to.

Hamameh goes on to explain the options at this point as it doesn't sound like we are going to get very far. She states that a motion was made to deny and that motion failed. A person that voted on the winning side of the failure (opposite the motion) can make a motion to re-consider. If they want to re-consider that denial. Another option is an alternate motion, which would be to approve. But unless minds have changed, that motion would also fail. However, there was quite a bit of discussion, so minds may have changed. If the motion fails, they can bring it back because there was no action taken by the Planning Commission. The only question is that if the motion fails can the applicant go to the City Council with no recommendation? McIntyre states that she does not know the answer to that, as she has never been in that situation.

Spencer states that it has been 4 years since this came before the Planning Commission last time. Last time it was a unanimous denial, it sat for 4 years and they made it very clear that they did not want Multiple-family here. Multiple

family has since been approved at the corner. This is less dense than a multiple is and we are requesting something different than what was turned down last time. She goes on to say that just because the Commission may recommend this for approval, it still has to go before City Council. Spencer goes on to say that she just wants to remind the Commission that this was zoned industrial because a petitioner came in and requested it to be re-zoned. This was not zoned because the city saw the need for additional industrial. Spencer asks, how many more decades do we want to let this property to sit vacant waiting for someone to come in and state that they want to develop this industrial, 15 minutes from the expressway, driving through the middle of this downtown.

Commissioner Kopkowski asks the City Attorney if it is possible to just vote on the re-zoning and not accept the plans that we were given. So, can we re-zone it conditionally and go back to square one and really let the Commission think about what type of house we want to see on that property.

Hamameh states that the Conditional Re-zoning actually goes along with the site plan. If you just re-zone it, they can build whatever they want there. So another words, it has to be tied to a site plan. Kopkowsi confirms that if we re-zone it, we are tied to that plan. Hamameh states that the Commission can explain to the applicant why they don't like it and then the applicant can decide if they want to table it and re-consider what options they want to offer. This can't be turned in to a negotiation, but she states that she is sure that the applicant would like to hear what the Commission likes and what the Commission does not like so that they can make an informed decision moving forward.

Schroder states that we have done that twice in a row and this is now the third meeting and we tried to get and did get the Commissions feedback so that we could come back with something very favorable.

McIntyre states that she wanted to again remind the Commission the uses that are permitted in this district. We are talking about industrial. This does not have to be a large manufacturing facility. Some of the uses: greenhouses, commercial kennels, trade or industrial schools. Some of the uses for a special land use: auto engine and body repair, under coating shop. It does not have to be a very large industrial complex or building and when you evaluate this, you have to ascertain whether the site is not appropriate for any of the uses and can't be used for any of these.

Spencer states that she is fairly certain that in the last 18 years of trying to sell this, they did not say we are only excepting it for these five uses. They have been trying to sell this for the last 2 decades now and they have not received one single call. How many decades do you want to sit on a piece of property hoping that someone will come in to develop it?

Commissioner Finnegan states that he is not a home builder, but in his observation, Charleston Park that is across the street has taken ages to move through and add more homes and sell out. How do we know that we are not going to be looking at a bunch of empty parcels? Schröder states that this is a very good point. But those are higher price homes and the home buyer can go down the street to the township and get the lower tax base. These homes that we are building are very obtainable homes, lower price but still very attractive homes and that's why I am investing a lot of time and money into this development to make it successful.

Hamameh states that if Planning Commission does nothing at this point with a failed motion, the applicant can go on to City Council. So if no one wants to make an alternate motion, or make a motion to reconsider the motion that failed, then there really isn't anything further to do and the applicant can then make the decision to bring this back to the Planning Commission for a recommendation in a future date or the applicant can just go straight to City Council.

Chair Lanam verifies that if it goes that way, will it still come back to the Planning Commission for a final. Hamameh states that it does.

Motion to approve the proposed development brought before the Commission under the conditionally re-zoning of the 34.32 – acres, file #20-01

Motion by Joseph, Second by Chubb

Commissioner Mosier – No
Commissioner Kopkowski – No
Commissioner Chubb – Yes
Commissioner Finnegan – Yes
Commissioner Joseph – Yes
Chair Lanam – Yes

Roll Call Vote: Ayes: 4

Nayes: 2

Motion Passes

Motion amended to approve the Open Space Preservation Development Conditional Re-zoning of the 34.32 - acres and the accompanying Site Plan parts 1 and 2 – File #20-01

Motion by Joseph, Second by Chubb

Commissioner Mosier – No
Commissioner Kopkowski – No
Commissioner Chubb – Yes
Commissioner Finnegan – Yes
Commissioner Joseph – Yes
Chair Lanam – Yes

Roll Call Vote: Ayes: 4

Naves: 2

Motion Passes

New Business: None

Consultant Report -

McIntyre (sharing her screen) states that at the last meeting the Commission discussed training opportunities. She provided some information on potential workshops.

Hamameh states that she has offered a number of presentations and has a power point presentation that she can forward on to the Commission. It is the most commonly used motions and how to use them.

Chair Lanam asks about the windows at the RCA building. McIntyre states that she had a conversation with the Building Official and they have not been presented

with anything else, we don't have any reason to believe that they are going with anything else other than what was originally presented.

McIntyre states that the BP has completed their stonework. It appears that they are finished.

Commissioner Mosier questions the work being done on Draft Street. McIntyre confirms that they have pulled permits for interior work. Lanam questions if they need to come to Planning. McIntyre states that they are not changing the use of something that is not allowed in the downtown. That would be the only reason that they would have to come before Planning, or if they exceed the threshold for parking or if they are doing façade work. Lanam confirms with McIntyre that it is medical office, but she is unsure of what the second portion will be.

Staff Report - None

Adjournment:

Motion to Adjourn – 8:52 p.m.

Motion by Kopkowski, Second by Mosier

Voice Vote: Ayes: Unanimous

Nayes: None

Motion Approved

Meeting Adjourned

Respectfully submitted,

Judy L. Pieper - Deputy Clerk

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

Nayes:

None

Motion Approved

Motion to approve Agenda Motion by Mosier, Second by Kopkowski

Voice Vote: Ayes:

Unanimous

Nayes:

None

Motion Approved

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

Voice Vote: Ayes:

Unanimous

Naves:

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 1^{st} Ordinance. The 2^{nd} 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:

Thre 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

Nayes: 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 Rezoning. 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 Rezoning 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

Nayes: 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

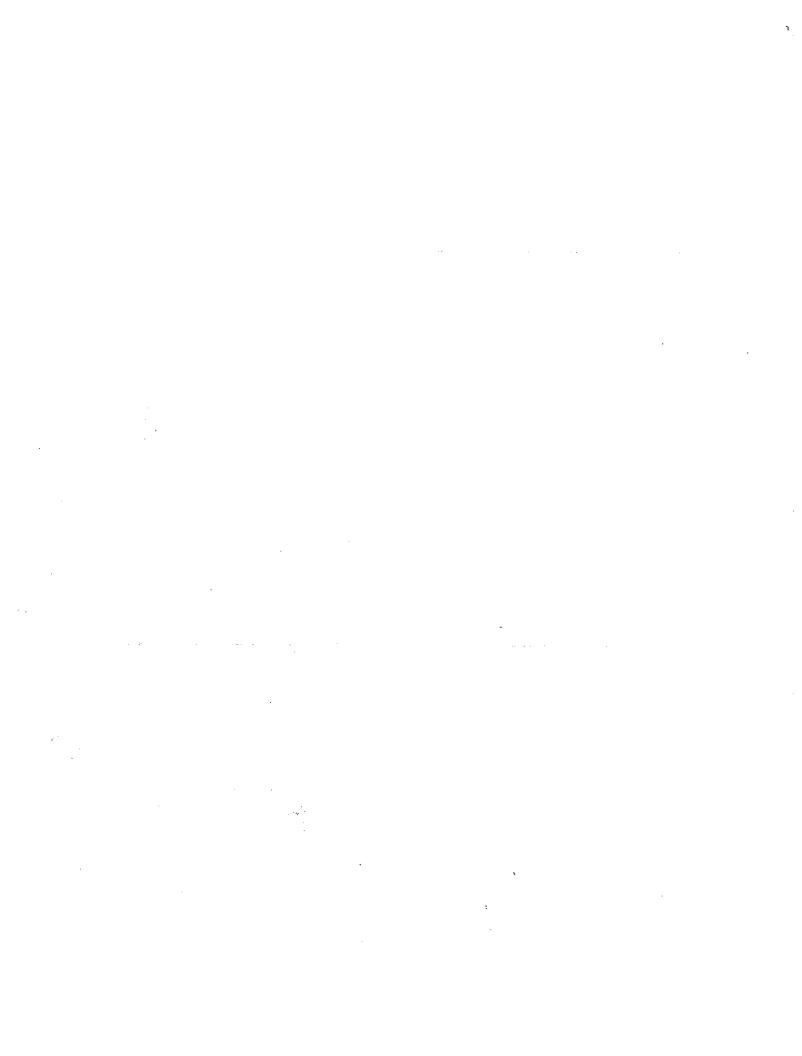
Nayes: None

Motion Approved

Meeting Adjourned

Respectfully submitted,

Judy L. Pieper – Deputy Clerk





January 6, 2021

Planning Commission City of South Lyon 335 South Warren Street South Lyon, Michigan 48178

Attention: Scott Lanam, Planning Commission Chair

Subject: <u>REVISED</u> Holly Hills Conditional Rezoning Review, Light Industrial I-1, to Single Family Residential, R-3, with Open Space Preservation development. Approximately 34.42 acres located on the east side Dixboro Road, south of West Lake Street. Parcel # 21-30-126-003.

Dear Commissioners:

Cornerstone Residential Group has petitioned the City and requested a Conditional Rezoning of a 34.42-acre parcel of land on Dixboro Road, parcel # 21-31-126-003, to allow fifty-nine (59) detached single family residential units. The request is pursuant to M.C.L. 125.3405.

In 2005 the Michigan Zoning Enabling statute was amended to allow for conditional rezoning of land. The amendment to allow conditional rezoning provided another tool for property owners seeking the ability to use their property in a way other than what is allowed by current zoning. If approved, a conditional rezoning ties the use and any development of a property to specific conditions offered by the property owner/applicant.

M.C.L 125.3405 Use and development of land as condition to rezoning.

Sec. 405. (1) An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

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The process for this Conditional Rezoning has four (4) stages:

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Step 4: PC review and Final Site Plan approval*

Step 1: Public Hearing, Rezoning Review, and Preliminary Site Plan Approva

recommendation from the Planning Commission to the City Council

Step 2: Council's first reading of the Conditional Rezoning and Preliminary Site Plan approval

Step 3: Council's second reading of the Conditional Rezoning and approval of Conditional

Rezoning Agreement.

Step 4: Final Site plan review and approval by the Planning Commission. *Open Space

Preservation Option requires that Planning Commission review a final site plan.

This review letter will first address the rezoning portion of the request and then the site plan that accompanies the rezoning.

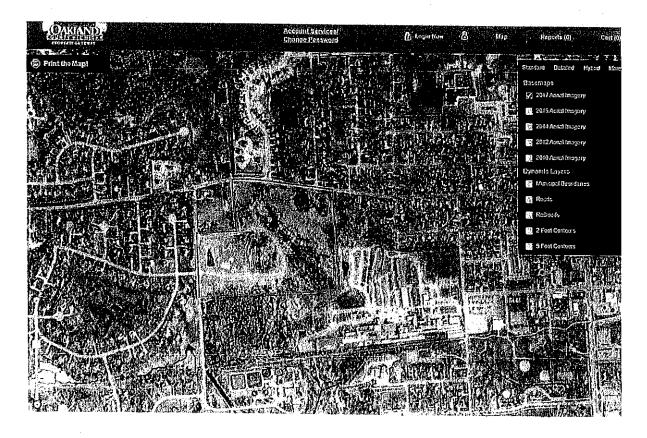
REMODELING RETOWNSHI

Background

The applicant is requesting to rezone a 34.42-acre parcel, parcel # 21-30-126-003, from Light Industrial, I-1, to Single Family Residential, R-3. The application submittal for the Conditional Rezoning has an accompanying Preliminary/Conceptual Site Plan that utilizes the Open Space Preservation Option

from our Zoning Ordinance.

This property was rezoned from Residential to Industrial in 1989 at the request of the (current) property owner. A site plan for a light industrial park with 11 units, commonly known as West End, was approved in 1999 and construction on the park started in 2003. The utilities were installed and the road constructed, however, no further development occurred, and the site sits dormant. In 2016 the property owner requested that the property be rezoned back to a residential use, from I-1, Light industrial, to RM-1, Multiple Family Residential. The Planning Commission recommended denial of the request, based on the following: the proposed rezoning is not consistent with the Master Plan; there is a need to retain the City's limited industrial land; rezoning to residential does not address a community need; the site is capable of accommodating the range of uses permitted in the I-1 District; and residential use at this location is not an appropriate use due to existing industrial operations. The City Council unanimously denied the application in 2017. The property owner has now requested a Conditional Rezoning to permit single family detached residential units on the property.



Part 1:

Based upon our review of the zoning ordinance and master plan, discussions with City Staff, and a visit to the site, we offer the following comments for your consideration.

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The applicant is proposing to change the zoning of this parcel from Light Industrial, I-1, to Single Family Residential, R-3, as a conditional rezoning under Section 405 of the Michigan Zoning Enabling Act (Act 110 of 2006). A preliminary site plan (conceptual plan) is required to illustrate the proposed development and show that ordinance requirements can be met. Under Section 405 of the Zoning Enabling Act, a petitioner may voluntarily offer in writing, and the City may approve, certain uses and development of property as a condition to rezoning land. The conditions proposed by a petitioner, as part of a conditional rezoning, are supposed to result in recognizable and material benefits to the City that would unlikely be achieved otherwise under the site's existing zoning.

As part of this conditional rezoning request, the petitioner is offering the following condition:

1. Sidewalk construction: the construction boardwalk/sidewalk along 10 Mile frontage plus an additional 650 lineal feet of sidewalk (off-site) from this property to tie into the existing sidewalk at Ten Mile and Hagadorn Street.

Note: Section 82-72 requires any improved property that abuts or runs along a city street or right-of-way must construct a sidewalk along that frontage. The portion of boardwalk along Ten Mile that the applicant is offering is required by ordinance and not an "offering"/material benefit that is linked to the conditional rezoning.

The proposed single-family use cannot be obtained under the current industrial zoning designation. The City must determine if the condition offered is a recognizable and material benefit to the City.

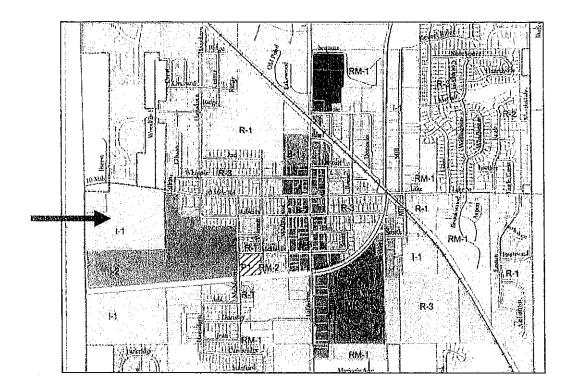
In approving a Conditional Rezoning, the City may establish a time period during which the conditions apply. If the conditions are not satisfied within the time specified, then the land reverts to its former zoning classification. During the approved time period, the City can neither add to nor alter the conditions. The time period can be extended by mutual agreement between the City and petitioner.

As part of a conditional rezoning, the City may also waive required standards of the Zoning Ordinance if they feel the conditions proposed by the petitioner and the benefits that would result from them outweigh the need to meet such standards. Conversely, compliance with some or all Zoning Ordinance standards may be required by the City.

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The site is surrounded by varied uses: to the north is single-family residence and a multiple-family residential apartment complex; to the west are single-family residential homes (in Green Oak Township); industrial to the south (Michigan Seamless Tune and the City's Wastewater Treatment Facility) and east (Michigan Seamless Tube). The property has frontage on both Dixboro Road and Lake Street (Ten Mile Road). Dixboro Road divides the City and Green Oak Township. Dixboro Road is not paved, and while many discussions have indicated that it will be paved, the timing of that construction is unknown. A portion of this parcel was cleared and prepared for an industrial development, including installation of utilities and a road. A significant portion of the parcel contains wetlands with topography falling to the north and east.

Surrounding Land Use and Zoning			
	Existing Use	Zoning	Future Land Use / Master Plan
Subject Property	Industrial	Industrial	Industrial
North	Multiple Family Residential	Multiple Family Residential	Industrial
South	Vacant	Industrial	Industrial
East	Industrial	Industrial	Industrial
West	Single Family Residential	Township	Township



The following summarizes the permitted and special land uses in both the existing and proposed zoning districts:

I-1, Light Industrial

Uses Permitted by Right

- · Warehousing and wholesale establishments, and trucking facilities;
- The manufacture, compounding, processing, packaging or treatment of products such as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops;
- The manufacture, compounding, assembling, or treatment of articles or merchandise from
 previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers,
 felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious
 metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns;
- The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
- Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products;
- Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
- Laboratories—experimental, film or testing;
- Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like;

- Central dry-cleaning plants or laundries provided that such plants shall not deal directly with consumers at retail;
- All public utilities, including buildings, necessary structures, storage yards and other related uses;
- Warehouse, storage and transfer and electric or gas service buildings and yards. Public
 utility buildings, telephone exchange buildings, electrical transformer stations and
 substations, and gas regulator stations. Water supply and sewage disposal plants. Water
 and gas tank holders. Railroad transfer and storage tracks, railroad rights-of-way. Freight
 terminals;
- Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage;
- · Commercial kennels;
- Greenhouses;
- Trade or industrial schools;
- Lumber yards with associated retail space;
- Freestanding nonaccessory signs;
- Other uses of a similar and no more objectionable character to the above uses; and Accessory structures and uses customarily incident to the above uses provided such structures and uses are located on the same zoning lot as a permitted use.

Uses permitted by Special Land Use approval

- Auto engine and body repair, and undercoating shops;
- Lumber and planing mills;
- Metal plating, buffing and polishing;
- Uses which serve the convenience needs of the industrial district (such as, but not limited to: bank, savings and loan association, credit union, automobile service station, trade or industrial school or industrial clinic;
- Indoor tennis courts, roller skating rinks, ice skating rinks and bowling alleys;
- Other uses of a similar character to the above uses; and
- Accessory structures and uses customarily incident to the above uses.

RM-3 One Family Residential

Uses Permitted by Right

- One-family detached dwellings:
- Publicly owned and operated libraries, parks, parkways and recreational facilities;
- Cemeteries which lawfully occupied land at the time of adoption of this chapter;
- Public, parochial and other private elementary schools offering courses in general education, and not operated for profit;
- Home occupation; and
- Accessory Structures and Uses.

Uses Permitted with Special Land Use approval

- Farms;
- Apiaries;
- Private stable as an accessory use;
- · Public stables and riding academies;

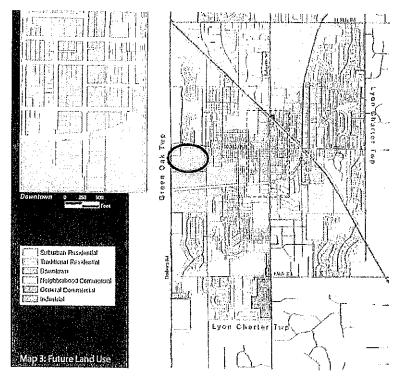
- Places of assembly;
- Public, parochial and private intermediate or secondary schools;
- Utility and public service buildings and uses (without storage yards);
- State licensed day care home (group) all in accord with Act 116 of 1973;
- Private noncommercial recreational areas, institutional or community recreation centers;
 nonprofit swimming pool clubs;
- Golf courses;
- · Colleges, universities and other such institutions of higher learning, public and private;
- Cemeteries;
- Bed and breakfast operations;
- Accessory buildings customarily incident to any of the above permitted uses; and
- Landscaping and snow removal vehicle storage.

COMPANIONAL PASSONING BANKAN SIKANIONAMES

As this is a rezoning request, consideration should be given to the proposed use as it relates to the surrounding zoning and land uses, existing infrastructure, and most importantly consistency with the Master Plan.

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:

A. The requested zone should be consistent with the goals, policies and future land use map of the Master Plan, including any location-specific or corridor studies. If conditions have changed since the Master Plan was adopted, as determined by the Planning Commission or City Council, the consistency with recent development trends in the site's area shall be considered:



The subject is zoned **I-1, Light Industrial** and master planned as **Industrial** on the Future Land Use Map.

- <u>1.</u> Future Land Use. The Master Plan designates this site as Industrial on the Future Land Use Map, along with abutting parcels to the south and east. The corresponding Land Use and Policy Goals text desires "to strengthen the environment for light industrial uses and large employers, the City should strive for full occupancy within the City's Industrial Parks."
 - The utilities and roads that exist on this parcel are part of a site development for an Industrial park. The parcel received site plan approval in 1999 with construction of the roads and utilities occurring in 2003. Due to economic downturn in Michigan at the time, the site was not built beyond the basic infrastructure.
- 2. Changing conditions. In 2018 the parcel at the southeast corner of West Lake Street and Dixboro Road. was conditionally rezoned for the development of an apartment complex, Westlake Apartments. This property was formerly located in Green Oak Township and annexed into the City, with a single-family residential zoning designation, and later conditionally rezoned to multiple-family residential. As the parcel was only recently brought into the City, it was not included in the Master Plan and the Future Land Use Map designation. The Planning Commission should discuss if this proposed rezoning and development of single-family units is considered consistent with, and an extension of, the new multiple family residential development to the north.

- 3. Compatible Use. This conditional rezoning limits the property to be developed as detached single-family residential condominium units and excludes all other permitted uses. The City has the ability to permit a use that does not match the Future Land Use designation when it determines that the conditions proposed as part of the rezoning make the requested use compatible with surrounding land uses. The conditions offered by the applicant does not affect the land use compatibility.
- B. The site's physical, geological, hydrological and other environmental features should be compatible with the host of principal permitted and special land uses in the proposed zone.

The parcel is located adjacent to existing industrial sites as well as in close proximity to residential. The site contains over 9 acres of wetlands, however, is large enough to accommodate the uses permitted in the R-3 District. The wooded and wet area in the north east area of the property should not limit the ability to develop the site.

As a condition of rezoning, this property cannot develop into any other permitted or special land uses-permitted in the Single-Family Residential zoning district.

C. Evidence should document the applicant cannot receive a reasonable return on investment through developing the property with one or more of the principles permitted and special land uses under the current zoning.

The applicant has provided market information on 19 industrial properties in Livingston and Oakland Counties. An analysis of the current real estate trends (based on the market information provided) should be submitted to the City. The analysis should show projections to support or refute a reasonable return on investment as an Industrial property.

From the time period the property obtained site plan review until recently, the community, State, and Country endured an economic downturn. Michigan was especially affected by rising unemployment, property value decline and foreclosures, and population loss. While information on currently listed industrial properties in the area is provided, an analysis to show that the property cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning is not included with the listings. Utilizing the existing road configuration and utilities already in place, the parcel may be appropriate for business centers combining small scale office and industrial space.

D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values. The residential uses allowed in the R-3, Single Family Residential Zoning District are consistent with parcels in the vicinity (west of Dixboro Road in Green Oak Township and north of Ten Mile Road at Westlake Apartments and Charleston Park). Of greatest concern is the proximity of the proposed residential to existing and operating industrial uses. The adjacent properties—Wastewater Treatment Plant and Michigan Seamless Tube are zoned I-2, General Industrial District, and intended for manufacturing, assembling, and fabrication activities that include specialized industrial operations, whose external physical effects will be felt to some degree by surrounding properties. Noise from the existing operations (and future) as well as light, dust, and dirt are not compatible with residential uses.

The intent of the Industrial Zoning Districts (Section 102-351) is:

- To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for all types of manufacturing and related uses;
- 2. To protect abutting residential districts by separating them from manufacturing activities and by prohibiting of such industrial area for new residential development;
- 3. To protect the most desirable use of land in accord with a well-considered plan; and
- 4. To protect the character and established pattern of adjacent development and in each area to conserve the value of land and buildings and other structures and to protect the municipalities tax revenue.

By rezoning this property from I-1 to R-3, neither the manufacturing nor residential uses are protected. The General Industrial property owned by Michigan Seamless wraps around the applicant's eastern property line and abuts the southern property line. Should Michigan Seamless want to expand their operations to the west and south of their existing facilities, these industrial operations will be directly adjacent to the residential neighborhood. Concerns over noise, light, and dust may be considerable from the existing operations. Expansion will only magnify the discord between the two uses and because the industrial operations are permitted by right, the residences will have no recourse for protection.

E. The capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City.

The proposed rezoning should not increase demand for public services beyond what can reasonably be provided to the site.

F. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

The City of South Lyon land use inventory is rich in residential development. Sixty- three percent (63%) of the land within the City is zoned and/or used for residential purposes;

however, industrially zoned and utilized land in the City accounts for 4.3%. Industrial land is a critical component of the City's land use system and is an important source of jobs, income, and services. Industrial uses, despite perceived challenges of noise, air quality, and truck traffic, are critical to the health and growth of the City. They boost the tax base and provide jobs that enable residents to stay in South Lyon area. Given the lack of developable land in the City, the City must actively protect its remaining industrial districts.

Existing Land Use Mix

		Mark		
Single-family residential	1191	1186	59.4	59.1%
Multiple-family residential	82	87	4.0	4.3%
Commercial (includes downtown)		87	****	4.3%
Industrial		87		4.3%
Government/Institutional	·	256		12.8%
Parks, Recreation, and Open Space	W . * * * * * * * * * * * * * * * * * *	154		7.7%
Transportation/Communications/Utilities		56	*	2.8%
Undeveloped		93		4.7%

City of South Lyon Master Plan 2016

G. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

The Master Plan does not designate this site for Residential use so other zoning districts would therefore not be appropriate.

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Given the above analysis, we do not recommend approval of the rezoning for parcel # 21-31-126-003, from I-1, Light Industrial to R-3, Single Family Residential, to allow the construction of fifty-nine (59) single family homes, based upon the following reasons:

^{**}The City's undeveloped land use data is updated with the rezoning and site plan approval for 11 acres of single family residential on Eleven Mile (from multiple family residential) and 7 acres of land rezoned from single family to multiple residential on Stryker. The updated figures are shown in red.

- 1. The single-family residential designation is not consistent with the City's Master Plan. The parcel is planned for Industrial;
- 2. Residential land use in the City exceeds 63% 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 l-1 zoning district; and
- 4. The proposed use is not compatible with surrounding uses to the east and south.

Part 2:

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A Conditional Rezoning ties a specific site plan to the rezoning of the property. No other <u>use</u> or <u>site</u> <u>plan development</u> may occur on a conditionally rezoned parcel other than the site plan approved as part of the conditional rezoning agreement.

Section 102-459(6) of the City of South Lyon Zoning Ordinance lists the submittal requirements for Preliminary Open Space Preservation site plan review. Based on our review of the proposal, discussions with the applicant, we offer the following for your consideration:

1. Eligibility. Section 102-459, Open Space Preservation Option, is offered as an alternative means of single-family residential development in all of the City's residential districts. The intent of this option is to provide for the creation and preservation of recreation open space areas within residential development as mandated in Michigan Public Act 179 of 2001.

This may be achieved by allowing a reduction in the minimum lot area and lot width requirements by residential district, without any attendant increase in number of dwelling units were the property to be developed in a conventional manner.

This parcel is eligible to use the Open Space Preservation Option.

2. **Conventional Plan**. To determine the number of home sites allowed using the Open Space Preservation option, the applicant is required to provide a "Conventional" plan for the applicable lot area, using the lot width and dwelling density limitations of the residential zoning district in which the property is located (R-3 standards). This conceptual "conventional" layout will serve as the basis for establishing dwelling density for the property under the open space preservation option.

The applicant is proposing the develop the property under the R-3 Single Family Residential Zoning requirements.

Minimum lot size	8,750 square feet		
Minimum lot width	70 feet		
Front yard setbacks	25 feet		
Side Yard Setbacks	6 feet/16 feet total of both sides		
Rear Yard Setbacks	35 feet		
Building Coverage	25%		

Using these R-3 requirements, Sheet P-1 of the site plan application package shows 73 units may be developed on this property. Lots 30 and 31 should be excluded from this count as the lots appear to be very limited in building area.

Seventy-three (73) units may be built under conventional R-3 zoning.

3. Dwelling Density. Dwelling density under this Open Space Preservation Option may be no greater than set forth by the zoning district or dwelling density that could be achieved on the property, were it developed as a conventional residential development, whichever results in the lesser number of units.

The number of single-family dwellings by zoning district is set forth as follows:

	Total acres	Number of Dwellings	Density or Dwellings
			per acre
Conventional (R-3)	15.5 acres	72	4.7 d.u. per acre
Open Space	15.5	62	4.0 d.u. per acre

Per the ordinance, the proposed open space preservation option may be built with **no more** than 4.0 dwelling units per acre (the lesser the dwelling density).

The proposed residential site plan meets the required density limitations.

4. Open Space Preservation Plan. A Preliminary Site Plan/Concept Plan must be submitted showing how the property could be developed under the Open Space Preservation Option with no more dwellings than were generated on the conceptual "Conventional" site plan (73 dwellings).

A Preliminary Site Plan/Conceptual plan was submitted showing the required site plan information including:

- a. the natural features on the site, including any streams, ponds, wetlands (9.3 acres of wetlands);
- trees: the site development area was clear cut for the development of West End Park in 2003;
- c. topography at two (2) foot intervals;
- d. utility easements and other easements;
- e. all streets and driveways.
- f. proposed lot line dimensions;
- g. building footprint for each lot;
- h. a typical detail drawing showing minimum required setback dimensions;
- i. the area to be set aside as open space along with the area of the open space in square feet or acres; and
- j. the percent the open space makes up of the net usable property acreage.

Open Space: Approximately two (2) acres of "park open space" is centered and to rear of Lots 31 through 56. The total open space shown is 18 acres, with approximately nine (9) acres wetlands and nine (9) acres dry open space. The applicant has provided a woodchip path from Dixboro into the park open space. The park can also be accessed between lots 44 and 45/46.

The applicant has provided a comprehensive Preliminary Site Plan/Concept Plan that demonstrates that the site can be developed meeting the R-3 and Open Space Preservation Option standards.

5. Area and Bulk. The proposed Preliminary Site Plan/Concept Plan was reviewed in accordance with the standards for the R-3, One-Family Residential District in Section 18.03.050, Height and Placement Requirements, as described in the following table. The Open Space Preservation Option, Section 102-459(9) allows the minimum area and width of each unit be reduced as shown:

	R-3 Required	Open Space	Provided
Lot/Unit Area	8,750 SF minimum	7,000SF	In compliance
Lot/Unit Width	70-ft. minimum	60-ft. minimum	In compliance
Front Yard Setback	25-ft. min.	25-ft.	In compliance
Side Yard Setback	6-ft. min. with a total of 16 ft. on both sides	6-ft. min. with a total of 16 ft. on both sides	In compliance
Rear Yard Setback	35-ft. min.	Rear yards may be reduced to 25 feet when a unit borders on land dedicated to open space	In compliance

The proposed site plan is in compliance with the area and bulk requirements.

6. Overall Site Layout/Design. The proposed site layout includes use of the existing 35-foot wide private road in a 60-foot right-of-way easement that has two (2) access points along Dixboro Drive. Section 86-69(a) requires streets to have pavement 33 feet in width from back of curb to back of curb, within a 60 foot right-of-way. The proposed use of the existing road would require a waiver by the Planning Commission.

Fifty-six (56) homes are proposed to be constructed as part of a cohesive development, accessed from Dixboro. The applicant is proposing three (3) single family detached units along Lake Street/Ten Mile, west of the wet/wooded area. Since the applicant is using this



area to calculate the number of allowed lots, it must be included as part of the development. If the applicant wishes to develop these lots individually, lots splits will need to occur. An existing detention pond along Dixboro Road will be reformatted for use. Two (2) acres of park open space will be centered between Units 31 to 56.

We defer to the City's engineer to comment on the existing utilities and suitability for use in a residential capacity.

The preliminary overall site layout and design demonstrates that the site may be developed as residential without the need for waivers or variances.

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Based upon the comments, the applicant has demonstrated through the Preliminary Site Plan/Concept Plan, that a detached single-family residential development may be developed on this parcel. Final Site Plan review will address engineering details, including utilities, rights-of-way, easements, drive width, and wetland permits, and planning and zoning issues including landscaping, unit floor plans/architecture/ and open space requirements.

This site plan is part of the Conditional Rezoning and the rezoning and site plan are reviewed together. Should the Planning Commission feel that this property be conditionally rezoned from I-1, Industrial, to R-3, Single-Family Residential, we recommend approval of the Preliminary Site Plan/Concept Plan conditioned upon:

- 1. Final Site Plan review and approval; and
- 2. Acceptance and approval of the Conditional Rezoning Agreement.

If you have any further questions, please contact us at 810-335-3800. Sincerely,

CIB PLANNING

Kelly McIntyre Director of Planning



STREET: 105 W. Grand River Howell, MI 48843

PHONE: 517-552-9199 WEBSITE: hrcengr.com

January 13, 2021

City of South Lyon 335 South Warren South Lyon, MI 48178

Attn:

Ms. Kelly McIntyre

Re:

Holly Hills

Second Preliminary Site Plan Review

HRC Job No. 20200868.02

Dear Ms. McIntyre:

We have reviewed the revised preliminary site plan for the proposed Holly Hills project as prepared by Powell Engineering (dated November 30, 2020). This site was previously developed as an industrial park and the roadway and utilities were installed. Since that time, the site has been siting dormant and the utilities have not been used or maintained. Based on our review of the revised preliminary site plan, we offer the following comments:

Water Supply

- 1. The proposed water supply improvements will be required to be designed in accordance with the City of South Lyon's Engineering Design Standards.
- 2. Fire hydrant coverage will need to be provided in accordance with City of South Lyon Engineering Design Standards.
- 3. The existing water mains, valves and hydrants will need to be tested and the developer must provide evidence that the existing system is adequate to service the proposed development.

Sanitary Sewer

- The proposed sanitary sewer improvements will be required to be designed in accordance with the City of South Lyon's Engineering Design Standards.
- 2. The three (3) units along Lake Street will need to be serviced by gravity.
- 3. The plans show the homes being served by individual grinder pumps connecting to the existing 4-inch force main that leaves the site. Design calculations for this system will need to be submitted for review. The proposed grinder pumps and force main will be considered private and not public. This may require a private sewer agreement.

Storm Water Management

- The proposed storm sewer improvements will be required to be designed in accordance with the City of South Lyon's Engineering Design Standards.
- 2. The existing storm sewer system will need to be cleaned and televised by the Developer to confirm its existing condition.



Ms. Keliy McIntyre January 13, 2021 HRC Job Number 20200868 Page 2 of 2

Pavement and Grading

- Proposed grading and paving improvements will need to be shown and detailed on the plans as required in the City of South Lyon's Engineering Design Standards.
- 2. The new roadway width shall be 33' from back of curb to back of curb.
- 3. Sidewalks shall be 6" thick in the driveway crossings.
- 4. The subgrade aggregate material for the roads shall be 21AA limestone in 10" thickness.
- 5. Curb details to match City of South Lyon standards.
- 6. Verify the pavement section detail reference in the typical road cross-section on sheet C-1.0.
- 7. Underdrain is required behind the curbs. Please show and label this on the typical road cross-section.

Summary

A revised site plan which addresses the above items, especially the water main, sanitary sewer, and storm sewer, should be resubmitted to this office for review prior to our recommendation for preliminary site plan approval. It is our recommendation that the applicant, their engineer, the City, and HRC schedule a meeting to discuss the water and sewer design and required testing. The applicant should address the comments noted above and resubmit one (1) set of the Preliminary Site Plan to the City of South Lyon Building Department for our review

If you have any questions or require any additional information, please contact the undersigned at 517-292-1485.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Michael P. Darga, P.E.

MPD/mpd

pc: City of South Lyon; P. Zelenak, D. Varney

CIB Planning; C. Avantini

HRC; R. Alix, file

4700 Cornerstone Drive White Lake, MI 48383 Phone: (248)714-9895 Fax: (248)694-9222 Email: info@powelleng.net

January 26, 2021

Mr. Mike Darga, P.E. Consulting Engineer for City of South Lyon 105 W. Grand River Howell, MI 48843

RE: Holly Hills Rezoning revisions per engineer's letter dated January 13, 2021

Dear Mr. Darga:

Thank you for your review letter as specified above. We have revised the drawing based on our discussion with you and the letter from you as following:

Water Supply

- 1. We understand that the improvements to the existing water supply system will be required to meet the City of South Lyon, Oakland County Water Resources Commissioner as well as the Michigan EGLE.
- 2. We are proposing the addition of some fire hydrants to meet the requirements of the City of South Lyon Engineering Design Standards. Detailed engineering will be provided on the more detailed preliminary site plans and the final site plans.
- 3. We understand that all utilities will need to be tested and operated to provide that the existing system is adequate to meet the required service to the development. We would request that the detailed testing and maintenance not be required for conceptual conditional rezoning approval.

Sanitary Sewer

- 1. We understand that a public 8" gravity sanitary sewer is required for the 3 homes fronting West Lake Street and we have made this change to the site plans to show the extension of said public sewer lines to the revised site plans as required.
- 2. We understand that the existing 4"forcemain sewer which exists in the abandoned development will be required to remain private and will be required to have an operation and maintenance contract with a certified operation and maintenance contractor for the perpetuity of the use of the system. We have provided a letter in this submittal from the developer stating this.
- 3. We have revised the plans to specify that the existing forcemain is proposed to be maintained as private and is required to have operation and maintenance in perpetuity of system. In addition, as part of the standard lot configuration of each of the proposed lot types we have shown a plot plan for how each home is proposed to be connected to the existing 4" sanitary forcemain.
- 4. We understand that all utilities will need to be tested and operated to provide that the existing system is adequate to meet the required service to the development. We would request that the detailed testing and maintenance not be required for conceptual conditional rezoning approval.

Storm Water Management

- 1. We understand that the storm sewer system will be required to be designed and constructed in accordance with the City of South Lyon's Engineering Design Standards. We have provided the conceptual design and storm water calculations for the proposed development. Detailed storm sewer calculations and details will be provided to meet the requirements of the City for final engineered site plan. We believe the provided information is enough to show that the storm system will work for the site overall and enough for conceptual conditional rezoning approval.
- 2. We understand that the existing storm sewer will need to be cleaned and televised to determine the existing condition and repair any concerns which may arise, we request that this be provided concurrently with the final engineered site plans. We would request that this not be required prior to the knowledge that the project will be allowed by the City to move forward.

Pavement and Grading

- 1. We have provided all proposed grading for the site to match the existing road. We believe that all proposed site grading as shown meets the requirements of the city of South Lyon's Engineering Design Standards.
- 2. We have removed all proposed new roadways and are only using existing roadways.
- 3. We have revised the sidewalk detail on sheet S3 to show for a 4" concrete sidewalk or a 6" in areas of proposed driveways as required.
- 4. No new roads are proposed, any and all repairs to the existing pavement and curbs will meet the requirements of the City of South Lyon Engineering Design Standards as required.
- 5. We have verified that the pavement cross section meets the requirements of the City of South Lyon and will be used in all required repaving. We have removed the cross section as no new road is being proposed on the site.

We believe the changes made to the plan will meet your approval for the conceptual conditional rezoning plans. We will be providing much more detail for preliminary site plan approval. Please let us know if you have any further questions or would like further information.

Sincerely,

POWELL ENGINEERING & ASSOCIATES, INC.

Consulting Engineers

Michelle C. Spencer

Vice President

January 26, 2021

Mr. Mike Darga, P.E. Consulting Engineer for City of South Lyon 105 W. Grand River Howell, MI 48843

RE: Private Sanitary Sewer on property at the Southeast corner of Dixoboro and 10 Mile Road with Tax I.D. #21-30-126-003

Dear Mr. Darga:

I understand that the above referenced property has an existing 4" sanitary sewer forcemain as approved and developed a number of years ago for an industrial site. I understand that this sanitary is proposed to remain private and must be maintained by a licensed and bonded certified operator and maintenance provider, first by the developer, and ultimately by the Homeowner's Association for the perpetuity of the system.

Said requirements stated will be specified in the Master Deed and By Laws, as agreed to above and as required by the City of South Lyon if the project is approved to move forward by the City Council.

Sincerely,

Mr. Thomas Schröder

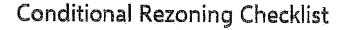
Developer and Applicant

CONDITIONAL REZONING APPLICATION



Project Represent	ative: Michelle Spencer	r/ Michael Powell of Pow	ell Engineering
Address: 4700	Cornerstone Drive		· · · · · · · · · · · · · · · · · · ·
City/State/Zip:	White Lake, MI 48383		
Phone/Fax:	Phone: (248)714-9895	Fax: (248)694-9	2222
Email: mi	chelle@powelleng.net	mike@powelleng.net	
Property Owner:	Mr. Charles L Smith		
Address:			
City/State/Zip:			
Phone/Fax:			
Email:			
proposal will be to all information co and accurate to th	NATURE: cated above must sign this app ansmitted to the applicant. By s ntained in this application, all ac be best of his/her knowledge. The	signing this application, the a ecompanying plans and all at	pplicant is indicating that
Applicant //	11011		
/V	N8W 10	7-12-20	
(Signature / Date			
Mr. Tom So	chroder		
(Print Name)			
Property Owner.			
See Attach	ed Authorization Letter		
(Signature / Date)			

Future Land Use desig	nation: _	R-3 Open Space
Current Zoning:	I-1	
Proposed Zoning:	R-3	
Project Name: _	South Lyon	n Holly Hills
Location of Property:	10	MILE ROAD AND DIXBORO ROAD
Property Identification	Number:	21-30-126-003
Brief Description of Co		
We are proposing	an open s	pace subdivision with a total of 62 single family home
lots within the s	ubdivision	and an additional 3 stand alone R-3 lots along West Lake
The lots within t	he subdivi	sion propose to meet the ordinance for an R-3 open space
	-	
development stand	lards using	g the existing road and utilities, with a small cul-de-sac
being added for 1	Phase 2. P	Phase 1 will have 52 lots, Phase 2 will have 10 lots and
the 3 lots along	West Lake	will be standard stand alone R-3 meeting the ordinance.





CONDITIONAL ZONING CHECKLIST TO BE COMPLETED BY APPLICANT

This checklist is provided as a general guide for a conditional rezoning submittal. Incomplete packets or inconsistent information may be returned to the applicant prior to the review. Only complete applications and material may be reviewed.

CONDITIONAL REZONING REQUIREMENTS	PROVIDED	NOT
		APPLICABLE
GENERAL INFORMATION		
Proof of ownership or authorization from the land owner to submit	3737	
the development proposal	XX	·
The legal description of the property	XX	
Written responses to conditional rezoning criteria (listed below)	XX	
A conditional zoning agreement which may include limitations on the		
uses permitted on the property, specification of lower density or less		
intensity of development and use, or may impose more restrictive	xx	
measures on the location, size, height, or other measure for buildings,		
structures, improvements, setbacks, landscaping, buffers, design,		
architecture and other features		-
The conditional zoning agreement shall include conditions that bear a		
reasonable and rational relationship and/or benefit to the property		
and may include conditions related to the use and development of		
the property that are necessary to serve the intended use of the	XX	
property, minimize the impact of the development on surrounding	-	
properties; preserve natural features and open space		
Preliminary Site Plan	XX	
Rezoning Submittal requirements (in table below)	XX	

CONDITIONAL REZONING CRITERIA

- The request shall bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
- 2. The request shall be necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties.
- 3. The request shall be necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed conditional zoning agreement.
- 4. The request shall lead to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without a conditional zoning agreement, or if the property were left to develop under the existing zoning classification.

REZONING SUBMITTAL REQUIREMENTS	PROVIDED	1	
GENERAL INFORMATION			
Proof of ownership or authorization from the landowner to submit the development proposal	XX		
The legal description of the property	XX	ļ	
SITE ANALYSIS MAP		·	
Plans drawn to an engineer's scale, not smaller than 1" = 500'	XX		
Title indicating the nature of the request (i.e., Site Analysis Map – Request for rezoning from District to District), the applicant's name and the site address (or location if vacant)	XX		
Legend indicating the owner of record, the engineer, surveyor or drafter, as applicable, the date of submission, scale and north point	XX		
A boundary survey of the subject property			
Location of existing site boundary lines, buildings, structures or other improvements, parking areas, driveways, points of ingress and egress for the site and adjacent parcels	XX		
Location, width and names of existing streets and public or private easements adjacent to the site	XX		
Location of existing natural features, including but not limited to, existing drainage courses, regulated floodplains or wetlands, Tree and Woodlands Protection information, and other relevant information the Planning Commission has deemed necessary and essential to making an informed recommendation to the City Council	1		
Existing and proposed zoning classification(s) of the site and adjacent parcels	XX		

July 11, 2020

RE:

Property Owner of Property Tax ID #21-30-126-003 at the SE corner of Dixboro and 10 Mile Road in the City of South Lyon.

To Whom It May Concern:

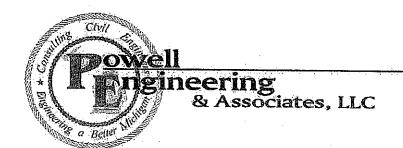
As the property owner of the above referenced property I give authorization to Mr. Thomas Schroder, President of Cornerstone Residential Group to sign as the Applicant on the site plan submittal and rezoning application for the above referenced property, as necessary.

Sincerely,

PATHWAY BUILDERS AND DEVELOPERS, INC.

Printed Name:

Owner of Property with tax i.d. 21-30-126-003



4700 Cornerstone Drive White Lake, MI 48383 Phone: (248)714-9895 Fax: (248)694-9222 Email: info@powelleng.net

October 27, 2020

City Planning Commission Members c/o Mrs. Kelly McIntyre City of South Lyon 335 South Warren Street South Lyon, MI 48178

RE: Holly Hills Rezoning request for Conditional Rezoning
Property ID 21-30-126-003 at West Lake/10 Mile and Dixboro Road

Dear Ms McIntyre and Planning Commissioners:

We have revised our submittal for the property specified above to an R3 conditional rezoning request, rather than the previous requested standard RT rezoning. In addition to improving the overall site, we are proposing, as a benefit to the City and its residents, the extension of a pathway to the existing pathway which begins at Hagadon Street along 10 Mile Road or West Street for access into Downtown City of South Lyon. We believe this will not only be used by the residents in the subdivision, but also the residents of the entire City and bordering municipalities. We also want to further describe the benefits we believe this single family home condominium will bring to the City which are as follows:

- Environmentally, a single family home site with large setbacks from the existing
 wetlands and the pickup of the entire development area into site storm sewers
 which are contained onsite, rather than the runoff of industrial sites with
 chemicals into the large wetlands, is much better for the City from an
 environmental perspective.
- 2. This property is walkable to downtown City of South Lyon which is very desirable for a residential subdivision and would provide support to the downtown businesses especially after the difficulty businesses have faced in this year.
- 3. The property at the NW corner and adjacent to the subject property, which was also master planned industrial, has been rezoned from industrial to a multiple

residential and is currently being developed. The developer and future residents have shared their desire for our site to not to be an industrial eyesore as there is no screening between the new multiple residential or from the main 10 Mile Road. In addition, the neighboring Green Oak Township has a very nice subdivision directly across the street with no screening to the existing industrial.

- 4. The proposed development will provide walkable access in a combination of sidewalks and boardwalk along 10 Mile Road portion of the property as well as south to the multi-jurisdictional pathway to further entice the area residents to walk to the downtown City area and in turn benefit the businesses in the downtown area.
- 5. The current site was developed in early 2001 and has sat without proper upkeep for the last 19 years as it has been tried to be sold as an industrial site. The site is currently an eye sore for not only the residents surrounding it, but also for people driving along West Lake. Currently it is approved as an industrial site with no further requirements for screening from the approved plans.

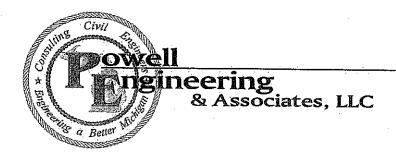
Sincerely,

POWELL ENGINEERING & ASSOCIATES, INC.

Consulting Engineers

Michelle C. Spencer

Vice President



4700 Cornerstone Drive White Lake, MI 48383 Phone: (248)714-9895 Fax: (248)694-9222 Email: info@powelleng.net

February 11, 2021

City of South Lyon Council Members c/o Ms. Kelly McIntyre, City Planner 3335 South Warren South Lyon, MI 48178

RE: Conditional rezoning public benefit

Dear South Lyon Council Members:

The public benefit that the developer is offering for the conditional rezoning is/are:

- 1. Sidewalk along West Lake Street or 10 Mile Rd from subject property to S. Haggadorn Street including 650+ lineal feet offsite walk along West Lake, in addition to the 1000+ feet onsite along subject property to be installed. This will further extend walkability to the downtown area for a benefit to downtown businesses.
- 2. Developer will provide more sound deadening windows in all residential homes in the proposed development to help mitigate noise concerns from the tube factory.
- 3. Developer will provide 2x6 walls and additional insulation on all proposed homes in the development to mitigate noise concerns from the tube factory.

Please let us know if you have any additional questions.

Sincerely,

POWELL ENGINEERING & ASSOCIATES, INC.

Consulting Engineers

Michelle C. Spencer Vice President



What is a Conditional Rezoning? FACT SHEET

A Conditional Rezoning is where an applicant petitions to change the zoning of a parcel(s) and to reduce controversy or concerns, the applicant might volunteer to condition the zoning amendment to restrict the use of the parcel(s) to only a specific certain land use. The authorization to enter into zoning agreements (Conditional Rezoning) was introduced in 2004 and implemented through amendments to the City and Village Zoning Act. The statute makes it clear that conditional rezoning is the applicant's option and local government is not permitted to initiate use of this zoning tool.

The authorization states:

(MICHIGAN ZONING ENABLING ACT 110 of 2006) Section: 125.3405:

Use and development of land as condition to rezoning.

Sec. 405. (1) An owner of land may <u>voluntarily offer in writing</u>, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

- (2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.
- (3) The local government shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.
- (4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.
- (5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

Eff. July 1, 2006.

As part of this agreement, the Acts allow or require:

- Setting a time frame during which the voluntary offers from the owner must be fulfilled.
- A requirement that should the offers not be fulfilled that the zoning reverts to the previous classification.
- A provision that prohibits the municipality from requiring an owner to offer conditions as a condition of the rezoning.



VOLUNTARY OFFERS

The Zoning Acts' amendments require that conditions be voluntarily offered in writing by a property owner. Ideally, this offer should be provided with the initial application for rezoning.

The offered conditions must be related to the rezoning itself.

So, what can be offered, or more importantly, what could be accepted as part of a zoning agreement? While a complete listing is simply not possible, some examples may be useful.

- A community's comprehensive plan notes that rezonings for high density residential uses
 will not be considered until public utilities are available to the property. The owner offers to
 extend public utilities to the site at his expense.
- Concerns about the small size of dwelling units allowed in the new district are expressed by neighboring property owners during a rezoning public hearing. The applicant offers to restrict the size of the homes to be consistent with those in the area.

Some inappropriate conditions:

- The new district restricts buildings to a height of 35 feet. The applicant offers to increase the setback of the building in exchange for an increase in building height to 50 feet. (The agreement cannot permit something that would otherwise be prohibited in the new district.)
- The agreement includes a clause that prohibits the community from changing the zoning of the property at any time in the future. (The community cannot bargain away its zoning authority or commit a future legislative body to a certain zoning.)

ZONING REVERSION

The new legislation requires that unless the conditions of rezoning approval are met within a period specified by the local jurisdiction the land reverts to the original zoning.

CONTENTS OF THE AGREEMENT

Prior to entering into any agreement, it should be thoroughly reviewed by the community's planner, attorney, and other appropriate professionals, both for content as well as legality. The agreement should cover a broad range of situations and leave as little as possible to interpretation.

- The agreement should clearly state that it is to run with the land and bind all future owners to its provisions. An executed copy should be recorded at the county register of deeds.
- When considering voluntary offers, they must be clearly stated, avoiding vague terms or conditions. Check to see whether terms used in the agreement are already defined in the zoning ordinance and if they are, make sure there is agreement between those definitions; for example does a part of the agreement preserving open space include wetlands, or storm water management areas?



- To avoid attempts by property owners to exempt future development plan changes from complying with future code requirements, steer clear of language that ties a rezoning to zoning regulations or codes that exist at the time of approval. Although "locking in" development regulations may be permissible in some states where development agreements are permitted through state enabling legislation, Michigan currently lacks this authority.
- For public improvements, such as streets and utilities, make sure the construction schedule is clear and that it has a breakdown of costs and obligations; for example who is required to pay for engineering drawings, inspection fees, obtain permits and prepare as-built drawings? If other agencies are involved, such as a road, or drain commission, make sure the decision-making process for final design approvals is clearly specified and get the agency involved in reviewing the offer early in the process. As an additional layer of protection, include submission of performance bonds or similar tools in the agreement to guarantee that infrastructure and road improvements committed to by a developer will in fact be made.
- Try not to re-invent the zoning ordinance in the agreement; rely on current ordinances for the details and just list the items that are part of the agreement.
- Finally, attach reduced plans and supporting documents to the agreement and make sure they are clearly referenced by title and date. In many instances, a site plan may be needed to clearly show the conditions included as part of the agreement.

REZONING EVALUATIONS

While zoning agreements may prove a useful tool in tailoring land development to individual sites and situations, they should not be used to avoid the fundamental planning principles upon which we rely to build strong communities. Accordingly, the ability to enter into zoning agreements should not be viewed as a panacea that cures all problems related to zoning. Instead, zoning agreements should be entered into only after careful consideration and deliberation.

Challenges to zoning changes associated with zoning agreements tend to indicate that courts generally use the same standards to test these "conditional rezonings" that are used for any rezoning. Consistency with the comprehensive plan, ensuring that the uses or activities covered by the agreement (and the subsequent rezoning) are compatible with the neighborhood, and other rezoning considerations are still valid.

Similar standards should apply to test the conditions or restrictions offered by a property owner: are they legal and reasonable; do they further general welfare; do they bear a relationship to the activity that results from the zone change; and are they proportional to potential impacts?

PROTECTION FROM SUBSEQUENT REZONINGS

The Michigan legislation stipulates that a local government cannot alter the provisions of the zoning agreement during a period specified in the agreement. Ostensibly this is meant to provide some level of protection for a landowner or developer by locking in the agreement provisions for at least some specified time. However, if conditions are not met during that period a local government has two



choices; either extend the time frame, or, as noted earlier, initiate the process to return the zoning to its previous classification.

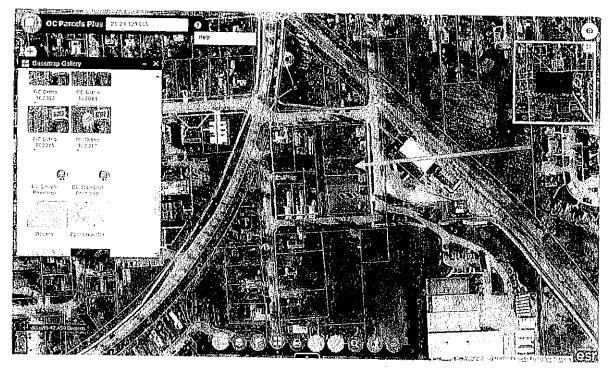
CONCLUSION

Conditional Rezonings add flexibility to land use decisions but should not be used as a substitute for traditional, sound zoning principles and practices. Any offers made by a property owner to condition rezoning must be carefully considered and:

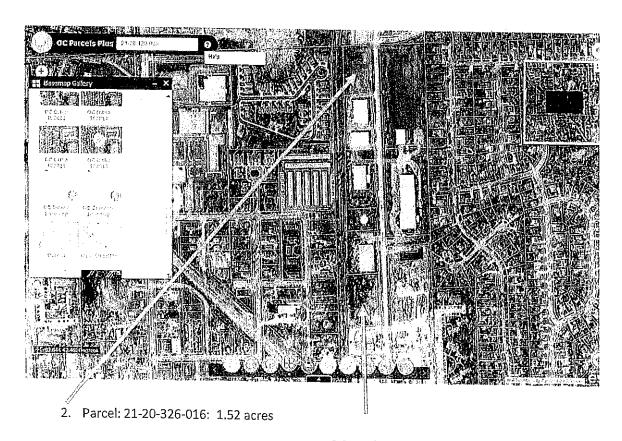
- The offer must be made voluntarily, it cannot bargain away a community's ability to make future zoning decisions;
- The agreement must bear a reasonable relationship to the potential impacts that result from the rezoning, considering the general welfare rather than private interests;
- It must be consistent with a community's comprehensive plan and be in harmony with the normal zoning plan for the area, and
- It must clearly state the restrictions that are proposed for the property.

2/15/21 KAM

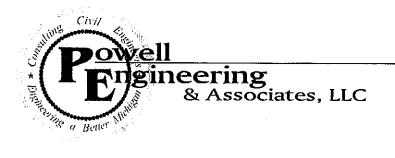
Vacant Industrial Properties



1. Parcel: 21-29-129-003: .20 acres



3. Parcel: 21-20-326-002: 1.99 acres



4700 Cornerstone Drive
White Lake, MI 48383
Phone: (248)714-9895
Fax: (248)694-9222
Email: info@powelleng.net

February 11, 2021

City of South Lyon Council Members c/o Ms. Kelly McIntyre, City Planner 3335 South Warren South Lyon, MI 48178

RE: Reasons Parcel I.D.#21-31-126-003 should be rezoned from I-1 to

Conditional R-3

Dear South Lyon Council Members:

The reasons we feel this is an important move for the City of South Lyon and of the City's best interest are as follows:

Planner's Letter:

1. The single family residential designation is not consistent with the City of South Lyon's MasterPlan which shows the property in question planned for Industrial.

The property was originally zoned <u>residential</u> back in the late 1990's. The owner of the property had success with other industrial sites within the City of South Lyon and believed this site would be more profitable as industrial and, therefore, THE OWNER PETETIONED for the property to have a change in zoning from the way the City had it zoned Residential to Industrial. The owner then put it up for sale as an industrial piece. The City did not put tons of thought into Master Planning this piece industrial it was brought in by the property owner.

2. Residential land use in the City exceeds 63% of the land, where is less than 5% of the City's land is zoned and master planned for industrial; rezoning the property to single family does not meet a land use/need goal of the Master Plan.

Please see the submitted "Property Information page" which shows currently zoned Industrial acreage, compiled by Thomas Duke, which is <u>undeveloped</u> in the City of South Lyon. We do not believe this site is necessary to industrial within the city. Furthermore, because the site did not sell after it was rezoned in the late 1990's, the owner of the property double downed and paid for the subject property to be a fully developed industrial park extending watermain, sanitary, road and storm infrastructure, to entice buyers. Therefore, since 2001 this site has been **FOR SALE** as a developed 10 unit industrial park. STILL not **one single call** of interest in this property for industrial, even when the area had an economic boom for many years. Five (5) years ago an attempt to rezone the property to multiple was made and denied "to keep the property as

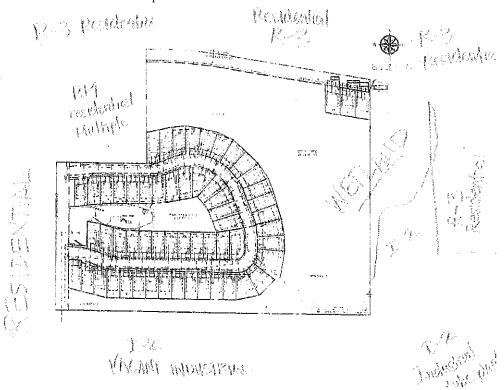
industrial due to the need for industrial" – since then another 5 years has gone by with the property in disarray, being a dumping ground for trash, old cars, couches, etc. The property has been listed for years now at ¼ the price of other area industrial properties (see enclosed market study provided by Thomas Duke dated December 1, 2020.

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.

The enclosed market study and the fact that twenty (20) years has gone by with the fully developed industrial park with not a single call when the property is listed at ¼ of the going rate of like properties in the area. This is "proof" that the property is not in demand for industrial. However, there is a demand for housing (see enclosed Michigan need for residential study dated August 27, 2020). In addition, there is a need for attainable housing for people who work in South Lyon to live within the City limits.

4. The proposed use is not compatible with surrounding uses to the east and south.

Please see the attached map below:



As I believe you can see clearly there is existing residential to the north, east and west. The I-2 to the east is wetland and could not be developed without millions of dollars of wetland mitigation leaving the land directly east as R-3 residential. In addition, please notice that 10 Mile Road or West Lake Street is the main drive into downtown – does the City of South Lyon want to look at ugle industrial on

the main drive downtown, or want large industrial trucks driving through downtown to get to the expressway?

The proposed R-3 development is proposed as open space cluster - meaning that we are leaving vegetation between this site and the industrial to the south - if industrial went on this lot they would not leave vegetation and there would be visibility from West Lake Street straight through to this site. Furthermore, we are requesting this zoning changes as a conditional rezoning meaning that it does not allow anything but this plan to be developed, any changes from it would require the developer to come back before Council again. The reason this is good is because our submitted parallel plan shows that this site could fit 75 lots which meet the ordinance completely and the submitted plans are only requesting 59 lots which meet ordinance and provide far more open space than required by the ordinance.

Additional thoughts to consider:

- The property is located on the main road into Downtown City of South Lyon the property will be and is fully visible from West Lake Street just a few blocks from downtown. The corner piece, directly adjacent, has been rezoned to multiple and has a clear view to this site in addition to the upland directly on 10 Mile Road which could be used for Commercial dog kennels, outdoor storage, or just storage buildings, all of which are not visibly appealing to the existing residential around nor from the main road leading into the downtown.
- A residential development here which is a mile walk into downtown City of South Lyon where the developer as a benefit to the city is proposing to extend the sidewalk from Hagadorn Street down West Lake/ 10 Mile Rd across the frontage of this development, providing walkability for City of South Lyon residents, to walk to downtown. This benefits the businesses in the downtown district with additional patronage.
- A residential site on this site with the regulated natural feature wetland is less environmentally prohibitive than industrial.
- How many additional decades will the city want for this site to sit in disarray waiting for an industrial use when it has been a vacant dumping ground for over 20 without a single call.
- The current owners which had petitioned this to be changed from residential to industrial have had this property listed for over twenty (20) years. They never limited what type of industrial use was allowed.
- The developer has agreed to put additional insulation and sound deadening windows in all proposed houses to help prevent noise deadening from the existing tube mill, additionally, these new houses built with new building codes will be far more equipped to block out sound than the houses closer to the tube mill which were built in early 1960's.

We hope with the above information as well as the facts of the site provided in the market study and other information provided you will have all you need to make an informed decision on the Conditional R-3 zoning for the subject property on February 22nd. We will be on the call to answer any questions you may have regarding the site or the plans as we believe that this development would be a welcome addition by the residents in the City of South Lyon.

Sincerely,

POWELL ENGINEERING & ASSOCIATES, INC.

Consulting Engineers

Michelle C. Spencer

Vice President



Francisco Contractor

December 1, 2020

City of South Lyon Planning Commission 335 S. Warren Street South Lyon, MI 48178

RE: 32+/- Acres of Land located at Ten Mile and Dixboro Roads

Dear Sir/Madam:

The Thomas Duke Company is a 4th Generation Commercial Real Estate Company specializing in the sale of office, industrial, retail and vacant land properties. We are providing this information on behalf of Chuck and Lois Smith, owners of the above referenced property.

The subject property was purchased and annexed in to the City of South Lyon by Chuck and Lois Smith in 1989. In 1999, a Site Plan and Rezoning at the Smith's request was approved for a Lt. Industrial Park. The owners began marketing the property for sale, for lease or build to suit. In 2003, a decision was made by the owners to develop the property with hopes that it would spur interest in the property. Utilities were installed and the road constructed. It was a mistake. In the 17+/- years since the property was developed, there has been no sale, no offers, no interest from anyone interested in the underlying zoning. 17 years. During this time Chuck and Lois Smith have hired 4 different commercial/industrial firms who have all tried and failed to sell or lease this property to anyone who fits within the current zoning.

The Thomas Duke Company was hired in 2015. During the last 5 years, we have sent out over 3,900 marketing pieces specifically targeting Industrial Users, Developers and Brokers. During the last 5 years we have procured 5 Offers to Purchase, all from Residential developers zero from Industrial users or developers. During the last 5 years, we have spoken with dozens of Industrial users, developers and brokers and their responses have had a common theme;

- 1) They don't like the location.
- 2) Too far from the expressway.
- 3) No clear path to get there. Have to drive through Downtown South Lyon.
- 4) No demand from tenants.
- 5) Other options in better locations.

Keep in mind that over the last 5 years, we have experienced one of the strongest markets with the greatest activity for Industrial related properties in Southwest Oakland County. In fact, the Smiths have been through two economic cycles, and still, **zero** interest for Industrial uses.

The lack of interest is clearly not price related. According to a Costar Report dated 12/1/2020 (see attached), there are currently 691 acres of Industrial land available for sale within a 7 mile radius of the Smith's property. The average asking price is \$201,000 per acre. We are asking \$52,250 per acre.



South Lyon Planning Commission December 1, 2020 Page two.

We understand that the "Master Plan" is not based upon land use and zoning decisions of current market situations, but rather long term in a "reasonable" amount of time. It has been 25 years, actively and aggressively marketing the property for sale or lease. With all of the available properties many/most of which in superior location, there is no confidence that this site would be sold or leased as it is presently zoned in the next 25 years.

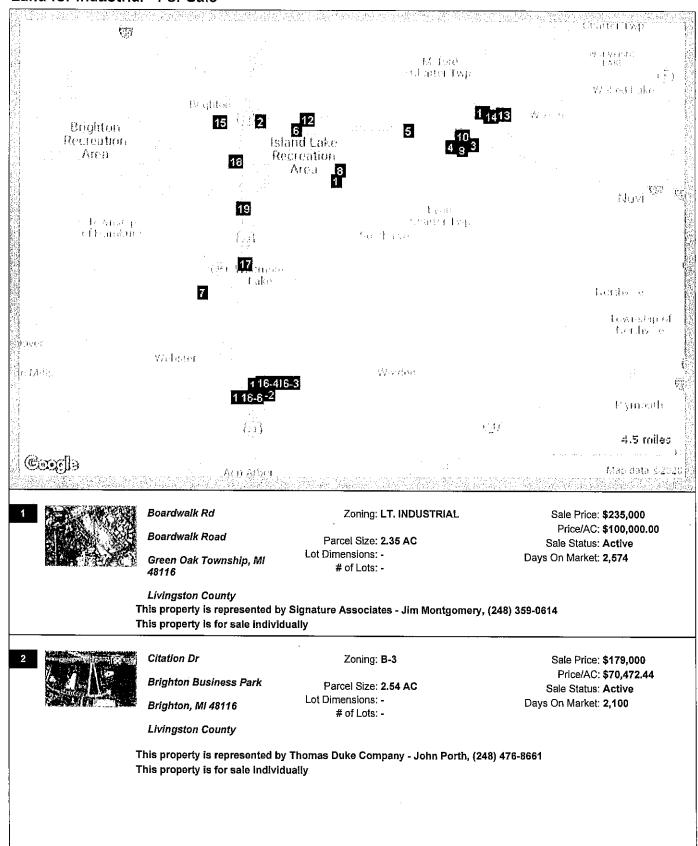
Chuck and Lois Smith are 88 years old, they have invested greatly in South Lyon. They have been trying to recoup their investment for over 25 years. They do not have internet, otherwise they would be joining us on the "zoom meeting".

They respectfully request that you approve the rezoning request. If denied for the purpose of keeping this zoning for "Some Time" in the future as has been previously stated, they would ask the City to buy the property instead of holding it hostage.

Sincerely,

THOMAS DUKE COMPANY

Mark W. Szerlag, CCIM Partner







54500 Grand River

54500 Grand River

Wixom, MI 48165

•

Zoning: -

of Lots: ~

Parcel Size: 30.74 AC

Sale Price: \$6,762,800 Price/AC: \$220,000.00

Sale Status: Active
Days On Market: 432

Oakland County

This property is represented by Signature Associates - Jim Montgomery, (248) 359-0614 This property is for sale individually

Lot Dimensions: -





56085 Grand River

Zoning: BV

Sale Price: \$4,375,000 Price/AC: \$175,000,00

56085 Grand River Avenue

LO LO

Parcel Size: 25 AC Lot Dimensions: -

Sale Status: Active

New Hudson, MI 48165

of Lots: -

Days On Market: 1,336

O-14-----

Proposed Use: Industrial

Oakland County Proposed Use: Industria

This property is represented by Thomas Duke Company - Mark W. Szerlag, (248) 476-1277 This property is for sale individually

5



Grand River Ave

Zoning: General Ind.

Sale Price: \$109,823,472

Lyon Twp, MI 48165

Parcel Size: 382 AC

Price/AC: **\$287,496.00**

Oakland County

Lot Dimensions: -# of Lots: - Sale Status: Active Days On Market: 2,240

ouniana oouniy

Central I-96 Corridor Submarket

This property is represented by Signature Associates - Steve Gordon, (248) 948-0101

This property is for sale individually

6



Grand River Ave

Zoning: Industrial

Sale Price: **\$695,000** Price/AC: **\$154,444.44**

Grand River & Pleasant Valley

Parcel Size: 4.50 AC

Sale Status: Active

Lot Dimensions: -

of Lots: -

Days On Market: 1,193

Brighton, MI 48116
Livingston County

This property is represented by Locations Commercial Real Estate Services LLC - Harry A. Dikho, (248) 939-9976 This property is for sale individually

7



Green Oak Industrial Dr

Zoning: G-1

Sale Price: \$1,320,000 Price/AC: \$36,184.21

Green Oak Industrial Park

Parcel Size: 36.48 AC

Sale Status: Active

Whitmore Lake, MI 48189

Lot Dimensions: -# of Lots: -

Days On Market: 930

Livingston County

This property is represented by RH Commercial Realty - Rob Hughes, (248) 505-0399 This property is for sale individually





Lochlin Dr

Kensington Pines Industrial

Park - Lot 23

Brighton, Mi 48116

Zoning: L-1

Zoning: I-1

Parcel Size: 2.19 AC

Zoning: Lt. Industrial.

Parcel Size: 3.98 AC

of Lots: ~

Lot Dimensions: Irregular

of Lots: -

Parcel Size: 2.53 AC Lot Dimensions: 369x369 - Irregular

of Lots: -

Sale Price: \$253,000 Price/AC: \$100,000.00

Sale Price: \$150,000-\$328,500

Sale Status: Active Days On Market: 3,912

> Sale Price: \$150,000 Price/AC: \$37,688.44

Sale Status: Active

Days On Market: 1,187

Price/AC: \$68,493,15-

\$150,000.00

Sale Status: Active Days On Market: 917

Livingston County

This property is represented by RH Commercial Realty - Rob Hughes, (248) 505-0399

This property is for sale individually



55285 Lyon Industrial Dr

New Hudson, MI 48165

Oakland County

Central I-96 Corridor

Submarket

This property is represented by Signature Associates - Jim Montgomery, (248) 359-0614

This property is for sale individually



55290 Lyon Industrial Dr

New Hudson, MI 48165

Oakland County

Central I-96 Corridor Submarket

This property is represented by Signature Associates - Jim Montgomery, (248) 359-0614

Lot Dimensions: -

This property is for sale individually

11



McCarthy Dr

M2, Zoned Acreage

Milford, MI 48381

Oakland County

Lot Dimensions: -

Zoning: M2, Milford

Parcel Size: 17.20 AC

of Lots: -

\$2,064,000

Price/AC: \$55,744.19-

Sale Price: \$958.800-

\$120,000.00

Sale Status: Active Days On Market: 279

This property is represented by Signature Associates - Jim Montgomery, (248) 359-0614 Joseph T. Hamway, (248) 948-0113

This property is for sale individually

12



Pleasant Valley Rd

Brighton, MI 48116

Livingston County

Zoning: I-1

Parcel Size: 61.95 AC

Lot Dimensions: -

of Lots: -

Sale Price: \$1,350,000

Price/AC: \$21,791.77

Sale Status: Active

Days On Market: 2,287

Pleasant Valley Road & I-96 Livingston County Submarket

This property is represented by Colliers International - Paul Gobellle, (248) 540-1000

This property is for sale individually

13



Pontiac Trl

Pontiac Trail

Milford, MI 48381

Oakland County

Lot Dimensions: -

of Lots: -

Zoning: M-2

Parcel Size: 31.27 AC

Sale Price: \$4,124,000

Price/AC: \$131,883.59

Sale Status: Active Days On Market: 292

This property is represented by RH Commercial Realty - Rob Hughes, (248) 505-0399 This property is for sale individually



Pontiac Trail & Old Plank Rd

Zoning: IV Parcel Size: 4 AC Sale Price: For Sale

Price/AC: -

Sale Status: Active Days On Market: 2,070

Milford, MI 48381 **Oakland County**

Lot Dimensions: 408x408

of Lots: -

Central I-96 Corridor

Submarket

This property is represented by Burger and Company - John O'Brien, (248) 536-2888

This property is for sale individually



1129 Rickett Rd

Lot 1

Zoning: -

Sale Price: \$99,000

Price/AC: \$116,470.59

Sale Price: \$4,002,000 Price/AC: \$86,585.89

Sale Status: Active

Days On Market: 3,781

Parcel Size: 0.85 AC Lot Dimensions: -

of Lots: -

Sale Status: Active Days On Market: 298

Brighton, MI 48116 Livingston County

Proposed Use: Industrial

This property is represented by Chestnut Development - Steve Gronow, (810) 599-5147 Christian Bugeja, (810) 599-8359

This property is for sale individually

16-1



N Territorial Rd E

Parcel C

Washtenaw County

Whitmore Lake, MI 48189

Whitmore Lake, MI 48189

Washtenaw County

Zoning: RMT

Parcel Size: 10.10 AC

Lot Dimensions: -

of Lots: -

Proposed Use: Commercial, Industrial

This property is represented by JLL - Neal R. Warling, (734) 769-3201 Kelly Fisher, (734) 769-3203 This property is for sale individually and is for sale as part of a portfolio



N Territorial Rd E

Lot 1

Zoning: RMT

Sale Price: \$4,002,000 Price/AC: \$86,585.89

Parcel Size: 5.10 AC Lot Dimensions: -

Sale Status: Active Days On Market: 3,781

of Lots: -

Proposed Use: Commercial, Industrial

This property is represented by JLL - Neal R. Warling, (734) 769-3201 Kelly Fisher, (734) 769-3203 This property is for sale individually and is for sale as part of a portfolio

THOMAS DUKE

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12/1/2020

16-3



N Territorial Rd E

Zoning: RMT

Sale Price: \$4,002,000 Price/AC: \$86,585.89

Lot 2

Parcel Size: 5.10 AC

Sale Status: Active

Whitmore Lake, MI 48189

Lot Dimensions: -# of Lots: -

Days On Market: 3,781

Washtenaw County

Proposed Use: Commercial, Industrial

This property is represented by JLL - Neal R. Warling, (734) 769-3201 Kelly Fisher, (734) 769-3203 This property is for sale individually and is for sale as part of a portfolio



N Territorial Rd E

Zoning: RMT

Sale Price: \$4,002,000

Lot 3

Parcel Size: 8 AC

Price/AC: \$86,585.89

Whitmore Lake, MI 48189

Lot Dimensions: -

Sale Status: Active

of Lots: -

Days On Market: 3,781

Washtenaw County

Proposed Use: Commercial, Industrial

This property Is represented by JLL - Neal R. Warling, (734) 769-3201 Kelly Fisher, (734) 769-3203 This property is for sale individually and is for sale as part of a portfolio



N Territorial Rd E

Zoning: RMT

Sale Price: \$4,002,000

Jomar Park

Parcel Size: 11.60 AC

Price/AC: \$86,585.89

Whitmore Lake, MI 48189

Lot Dimensions: -

Sale Status: Active

of Lots: -

Days On Market: 3,781

Washtenaw County

Proposed Use: Commercial, Industrial

This property is represented by JLL - Neal R. Warling, (734) 769-3201 Kelly Fisher, (734) 769-3203 This property is for sale individually and is for sale as part of a portfolio

16-6



N Territorial Rd E

Zoning: RMT

Sale Price: \$4,002,000

Lot 5

Parcel Size: 6.32 AC

Price/AC: \$86.585.89 Sale Status: Active

Whitmore Lake, MI 48189

Lot Dimensions: -# of Lots: - Days On Market: 3,781

Washtenaw County

Proposed Use: Commercial, Industrial

This property is represented by JLL - Neal R. Warling, (734) 769-3201 Kelly Fisher, (734) 769-3203 This property is for sale individually and is for sale as part of a portfolio

17



Whitmore Lake Rd

Zoning: Light Industrial

Sale Price: \$725,000

Whitmore Lake, MI 48189

Parcel Size: 7.64 AC

Price/AC: \$94,895.29 Sale Status: Active

Livingston County

Lot Dimensions: -# of Lots: -

Days On Market: 1,329

Livingston County Submarket

Proposed Use: Industrial

This property is represented by Lee & Associates Commercial Real Estate Service - Jon G. Savoy, (248) 567-8000 This property is for sale individually

18

19



7100 Whitmore Lake Rd

Zoning: -

of Lots: -

Sale Price: \$3,500,000 Price/AC: \$245,614.04

Parcel 2

Parcel Size: 14.25 AC

Sale Status: Active

Brighton, MI 48116

Lot Dimensions: -

Days On Market: 714

Livingston County

This property is represented by Thomas Duke Company - Mark W. Szerlag, (248) 476-1277 John Porth, (248) 476-

This property is for sale individually

8860 Whitmore Lake Rd

Zoning: Light Industrial

Sale Price: \$190,000 Price/AC: \$163,793.10

Brighton, MI 48116

Parcel Size: 1.16 AC Lot Dimensions: -

Sale Status: Active

Livingston County

of Lots: -

Days On Market: 725

Livingston County Submarket

Proposed Use: Commercial, Industrial, Office
This property is represented by Thomas Duke Company - Blake Macek, (248) 476-3700 John Porth, (248) 476-8661

This property is for sale individually

PROPERTY INFORMATION

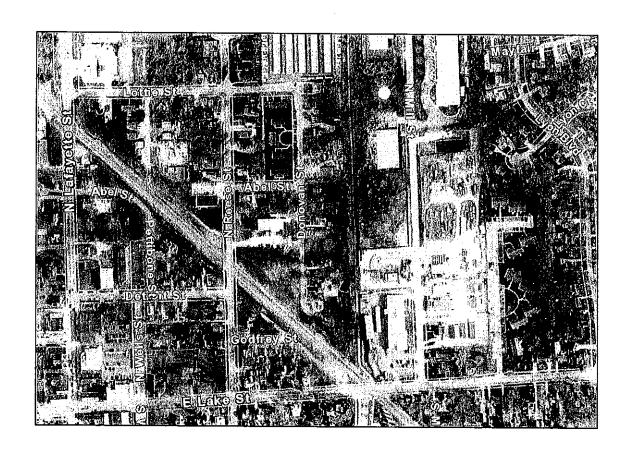
	1405 L(6)	Qomini inita
400 McMunn Street 21-30-126-004	21.37	Total undeveloped land area: approximately 15 acres
Vacant Land Mill Street 21-20-326-002	2	Total undeveloped land area: 2 acres
Vacant Land Mill Street 21-20-326-016	1.51	Total undeveloped land area: 1.51 acres
600 N Mill Street 21-20-327-020	5.2	Total undeveloped land area: approximately 4 acres
299 N Mill Street 21-20-327-015	4.2	Total undeveloped land area: approximately 3 acres

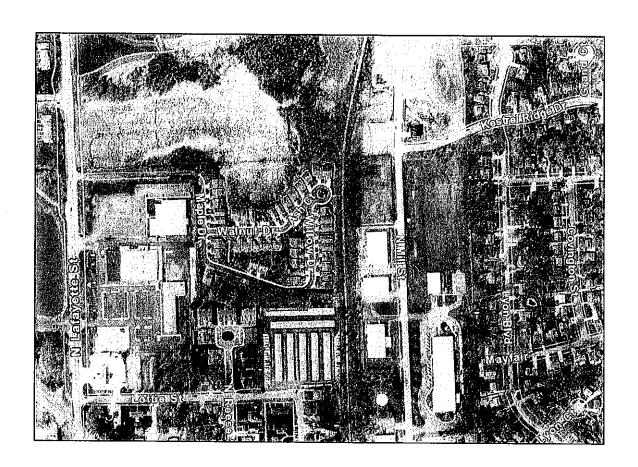




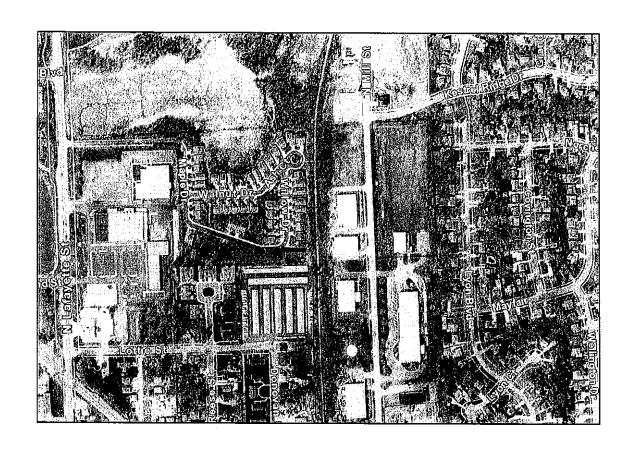


MACOMPANY #3

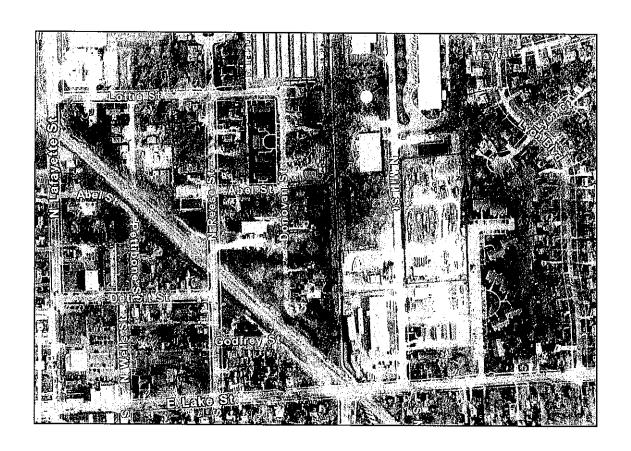














Dear Governor and Legislative Leaders—

Michigan has a growing housing crisis and we, the undersigned organizations representing both non-profit and for-profit housing organizations, as well as economic developers, community leaders and others ask that you come together to develop a comprehensive and bi-partisan strategy that will help us more effectively deal with the housing availability and affordability challenges emerging across our state.

Our state's housing development problems are complex and, given the ramifications from the housing downturn more than a decade ago and the pandemic challenges posed right now, there are fewer builders, contractors, workers, parcels, operators and capital in today's marketplace. There is also a disproportionate rate of homeownership by race and income levels across our state, making home appreciation/equity and greater wealth generation out of reach for an increasing number of Michiganders.

To briefly summarize:

- Annual production of single-household homes has been dramatically below historic averages for more than a decade in our state. Further, those homes that are being built now have generally been at the high-end of the market. A recent study by our state housing agency showed that the median price of a newly constructed home in our state last year climbed to \$331,000. And, in some communities, those median price points are now approaching a half-million dollars or more. With little to no entry-level homes being built, lack of supply has sent existing home values soaring, making it difficult for first time home buyers and others to find homes.
- In multi-family housing, market analyses over the last decade (including those sponsored by MSHDA) finds steadily growing demand for rental and ownership in smaller-scale "missing middle" buildings ranging in size from 4 to 20 units. These buildings fit and compliment the economic and social needs of households in community neighborhoods because their walkability access can reduce housing and transportation costs and hence increase affordability. Some key regulatory changes already underway in other states e.g., missing middle housing returning to its historic by-right allowance in neighborhoods and having equal-footing in housing funding programs have seen significant, positive impact but to-date have not been implemented here.

The net effect from these trends has limited households, homes, and units from a natural range and balance of choice and instead created more price pressure throughout the entire housing spectrum, meaning lower-income individuals and families have correspondingly seen increased rental costs. All of this has pushed workers further and further away from their places of employment in search of more affordable housing—exacerbating road congestion, increasing road maintenance costs and carbon emissions among other things. In more and more communities we are also seeing a lack of housing options impact economic growth and job opportunities for our state's citizens.

There is no, one, simple policy solution to help address this crisis. However, our diverse group has identified critical needs/opportunities and implores you to consider <u>a focused housing initiative</u>, with enacting reforms to include but not limited to the following areas:

- 1. State Assistance (particularly discretionary programs for economic development, housing, etc.) should only go to communities that have encouraged housing development at price-points average Michiganders can afford. The State should look at density restrictions and other local community policies in determining whether a community is discouraging entry-level housing investment in making such determinations;
- 2. Create a "housing-investment-ready" community benchmarking program, similar to other states, to identify and spotlight best practices (things like expedited reviews, fee reductions or waivers, by-right zoning, and innovative partnership solutions should be encouraged);
- Identify traditional economic development tools that could be modified (either legislatively or through MEDC action) to utilize in attracting needed housing investment, including but not limited to amendments to our Tax Increment Financing (TIF) statute;
- 4. Direct MSHDA to make "missing-middle" and "entry-level" housing an agency priority, including direction to make it a low-cost financing arm for these type of housing developments, including but not limited to projects that utilize tax increment financing;
- 5. Establish protocol by and between MEDC and MSHDA so that housing incentive options are included with business attraction/retention offers to address the "where are my employees going to live" dilemma;
- 6. Recognize and direct the multiple State development-focused agencies MSHDA, MEDC, Land Bank, MDOT, MDARD to organize in support for this initiative, to be undertaken in partnership with the signatories to this letter;
- 7. Create a tax credit and/or enhance loan and grant programs to encourage home repairs to help keep people in their homes and maintain current housing stock;

- 8. Expand the entry-level housing point to increase the number of potential home owners who are eligible for down payment assistance and financial education;
- 9. End the practice of using the cost of construction to determine permit fees across the state. This practice artificially inflates the cost of construction and renovation (and thus housing). It also pushes unscrupulous contractors to try and bypass permitting processes;
- 10. Require or incentivize road commissions and fire marshals to expedite any necessary review of housing development plans;
- 11. Discourage local communities from adopting any ordinance that prohibits building techniques or products that are allowed under the state's residential building code;
- 12. Recognize the design-range and affordability inherent in modular housing, and direct the DTMB to establish a fast-track plan review process and State-approved plan website so that access is enabled for developers, builders, and citizens to realize the time and cost-savings;
- 13. Restore the full authority of the State Construction Code Commission—so builders and local inspectors can get clearer direction on code interpretations and other disputes. In the past local inspectors and builders could get opinions/guidance with a quick phone call to the State. Now the State essentially requires a builder to file suit if he/she disagrees with a local interpretation, adding delays and costs to the housing development and construction process;
- 14. Re-establish a code promulgation system that uses building experts to help determine what ought to go into Michigan's Residential Code—this system was eliminated by the Snyder Administration as part of a larger regulatory reform effort. Without this system we may not be able to customize model codes to what is appropriate for our state, resulting in increased housing costs; and
- 15. Given the fact that it can take years to gain approvals for new developments which, in turn raises the cost of the homes in those developments, remove the non-homestead tax rate (for a defined period of time to prevent tax avoidance schemes) on development properties. This would mirror the current tax treatment of inventory/spec homes.

We appreciate your consideration of our request and stand ready to work with you on these and/or any other ideas you believe will positively impact and advance one of the most critical needs of people and families in our state – safe and decent housing for all.

Sincerely,

Robert L. Filka

CEO

Home Builders Association of Michigan

Sandra Pearson

President & CEO

Habitat for Humanity of Michigan

Luke Forrest

Executive Director

Community Economic Development Assoc of Michigan

Robert Campau

President & CEO

Michigan Association of Realtors

John Avery

Executive Director

Michigan Economic Developers Association

Michael Stoskopf

CEO

Home Builders Assoc of S.E. Michigan

Ryan Kilpatrick

Executive Director

Housing Next

Yarrow Brown

Executive Director

Housing North

Justin Horvath

President and CEO

Shiawassee Economic Development Partnership

Bob O'Hara

Executive Officer

Home Builders Assoc of the Grand Traverse Area

Cindy Kosloski

CEO

Home Builders Association of Greater Lansing

Ernest Werth

Executive Director

Blue Water Habitat for Humanity

Carmelina Crisci

Executive Officer

Home Builders Association of Central Michigan

Ted Fines

Executive Director

Habitat for Humanity Northeast Michigan

Priscilla Lyon

Executive Director

Home Builders Association of Greater Grand Rapids

Ann MacGregor

Executive Director

Habitat for Humanity of Hiawathaland

Susie Mulvaney

Executive Officer

Home Builders Association of Jackson

Wendy Knox

Executive Director

Habitat for Humanity of Lenawee County

Sue Schurman

Executive Officer

Lakeshore Home Builders Association

Wendy Irvin

Executive Director

Habitat for Humanity Grand Traverse Region

Sarah Foster

Executive Officer

Home Builders Association of the Upper Peninsula

Bev Thiel

Executive Director

Habitat for Humanity of Kent County

Jeff Tafel

CEO

Home Builders Association of Western Michigan

Don Wilkinson

Executive Director

Lakeshore Habitat for Humanity

Michelle Revette

Executive Officer

Home Builders Association of Saginaw

Stephanie Osterland

CEO

Habitat for Humanity Detroit

Andrea Salemi

Executive Officer

Ann Arbor Area Home Builders Association

Vanessa Buhs

Executive Director

Manistee County Habitat for Humanity

Samantha Adcock

Executive Officer

Bay County Home Builders Association

Ann Kilkuskie

Interim Executive Direcctor

Kalamazoo Valley Habitat for Humanity

Lisa Sears

Executive Officer

Home Builders Association of Flint

Beth Hanis

Executive Director

Tri-Cities Area Habitat for Humanity, Inc.

Judy Carlisle

Executive Officer

Home Builders Association of Lenawee County

Wendy Clow

Executive Director

Greater Jackson Habitat for Humanity

Boyd Buchanan

Executive Officer

Home Builders Association of Livingston County

Alice Dent

Executive Director

Habitat for Humanity of Western Wayne County

Kimberly Sylvester

Executive Officer

Home Builders Association of Midland

Sarah Ulrich

Executive Director

Northwest Michigan Habitat for Humanity

Bill Kipf

Executive Officer

Home Builders Association of Monroe County

Carol Weller

Executive Officer

Southwestern Michigan Home Builders Assoc

Wilma Barber

Executive Officer

Home Builders Association of North Central Lakes

Janet Chambers

Executive Officer

Home Builders Association of Northern Michigan

David Stull

Executive Officer

Home Builders Association of the Thumb

Bob Collins

Executive Officer

Home Builders Association of West Michigan

The PORTLAND

STARTING AT 1623 sqft

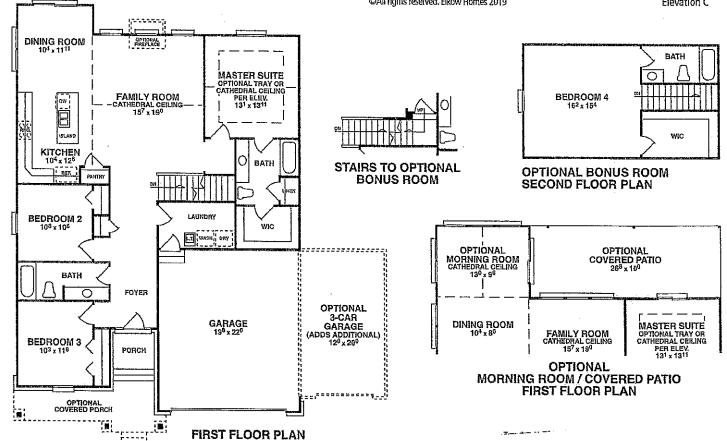
THREE OR FOUR BEDROOM RANCH

> 2 OR 3 BATH



©All rights reserved. Elkow Homes 2019

Elevation C







Elevation A



Elevation B

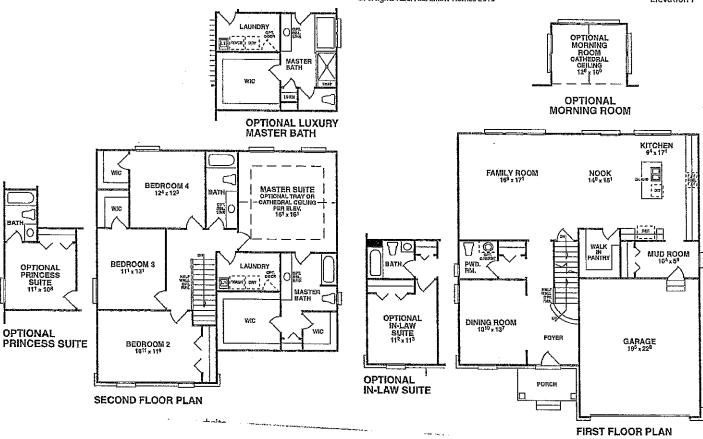
TheWASHINGTON

STARTING AT 2665 sqft

FOUR BEDROOM COLONIAL

2-1/2 OR 4 BATH





The WASHINGTON





Elevation B





Elevation D



Elevation E

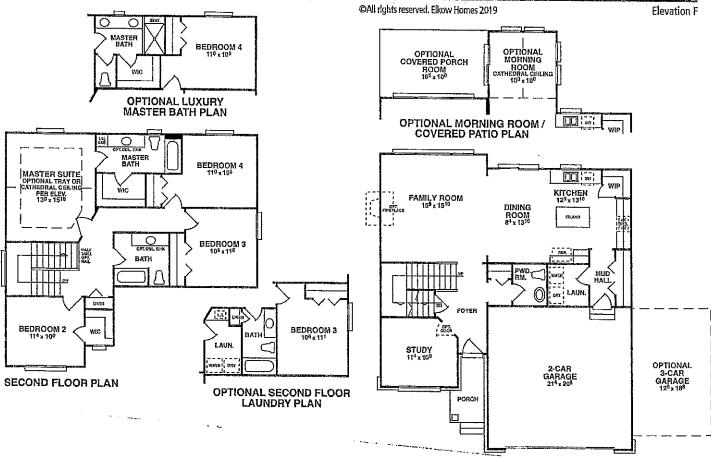
了he SEDONA

STARTING AT 2022 sqft

FOUR BEDROOM COLONIAL

2-1/2 BATH





The SEDONA







Elevation B



Elevation C



Elevation D



Elevation E

CITY OF SOUTH LYON

OAKLAND COUNTY, MICHIGAN

NOTICE OF ELECTRONIC PUBLIC HEARING

November 12, 2020

Conditional Rezoning Request RZ#20-03 and Preliminary Site Plan SPR#20-04

Notice is hereby given that the City of South Lyon will hold a Planning Commission meeting and public hearing electronically on **Thursday, November 12, 2020 at 7:00 p.m.** to hear all persons interested in a Conditional Rezoning and Preliminary Open Space Site Plan approval request.

Members of the public wishing to participate in the electronic meeting may do so by clicking the below meeting link or by dialing one of the telephone numbers listed below and entering the meeting ID.

Meeting link: https://us02web.zoom.us/j/85446771733

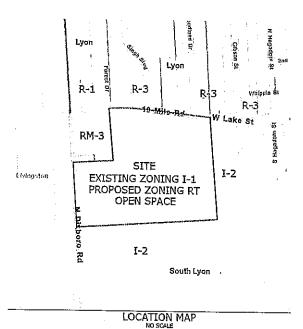
Toll-Free numbers: (888) 788-0099 or (877) 853-5247

Local numbers can be found at: https://us02web.zoom.us/u/kcLbS8zFJV

Meeting ID: 854 4677 1733

The meeting agenda and additional participation instructions are available on the City's website at www.southlyonmi.org.

The applicant is proposing an open space residential development, consisting of 65 single family residential units, located on the east side of Dixboro Road, south of Ten Mile/Lake Street. The 34.32-acre parcel is currently zoned I-1, Light Industrial, and the applicant is requesting to conditionally rezone the property to R3, One Family Residential. The applicant is proposing to develop the property under *Section 102-459, Open Space Preservation* of the City of South Lyon Zoning Ordinance. The parcel number is 21-30-126-003.



ORAFT

CONDITIONAL REZONING AGREEMENT

City of South Lyon and Pathway Builders & Developers, Inc.

(Parcel ID 21-30-126-003)

THIS CONDITIONAL REZONING AGREEMENT (the "Agreement") is made this ____ day of February, 2021, by and between the CITY OF SOUTH LYON, a Michigan municipal corporation, with its offices located at 335 S. Warren Street, South Lyon, MI 48178 ("City") and Pathway Builders & Developers, Inc., a Michigan corporation, whose address is 10166 Colonial Industrial Drive ("Owner").

RECITALS

WHEREAS, the City is a municipal corporation organized and existing under and pursuant to the Michigan Home Rules Cities Act, 1909 PA 279, MCL 117.1 et seq., as amended, and exercising all of the powers provided for therein and pursuant to the City of South Lyon City Charter;

WHEREAS, the Owner is a Michigan limited liability company, and it is the fee title holder of approximately 34.42 acres of vacant property located on the east side of Dixboro Road, south of West Lake Street in the City of South Lyon, Tax ID 21-30-126-003 (the "Property") and more fully described as follows:

That part of the southwest 14 of Section 19 lying south of Ten Mile road and north 32 acres of the northwest fractional 14 of Section 30. Except: Beginning at a point in the west line of Section 30, distant north 679.5 feet from the southwest corner of the north 32 acres of the northwest fractional 14 of said Section 30, also distant south 448.5 feet from the center line of Ten Mile road; thence north 70 feet; thence south 89 degrees 46 minutes east 223 feet; thence south 70 feet; thence n89°46'w 223.00 feet to the point of beginning; except also a part of the southwest fractional 14. Section 19 and a part of the northwest fractional 14 of Section 30. Beginning at intersection of the centerline of said road and the north and south line on curve to right, radius 1535.89 feet distant 418.03 feet; thence s00°24'e, 532.45 feet; thence n89°13'47"w 198.47 feet; thence n00°55'e, 70.00 feet; Thence n89°13'47"w, 223.00 feet; thence n00°55'e along county line to beginning.

WHEREAS, the Property is currently zoned I-1 (Light Industrial) and Owner desires to develop a single family residential development project on the Property which is not permitted under the Property's I-1 zoning;

WHEREAS, pursuant to Section 405 of the Michigan Zoning Enabling Act, 2008 PA 110, MCL 125.3405 et seq., as amended, certain conditions voluntarily offered by the Owner of the Property, may become a condition of rezoning the Property;

WHEREAS, on or about October 12, 2020, the Owner submitted a Conditional Rezoning Application for the Property along with a preliminary site plan, a written supplement, preliminary architectural drawings, and a preliminary landscape plan (attached as Exhibit A, collectively the "Application documents"), voluntarily offering, in writing, certain conditions to rezone the Property from I-1 (Limited Industrial) to R-3 (Single-Family Residential) with Open Space Preservation development, and with conditions as set forth in this Agreement;

WHEREAS, on November 12, 2020, the City Planning Commission held a public hearing, after publication of notice thereof, on the Owner's Conditional Rezoning Application;

WHEREAS, on November 12, 2020, the City Planning Commission tabled the Owner's Conditional Rezoning Application, at the request of the Owner's representative;

WHEREAS, on December 2, 2020, the Owner submitted supplemental information to its Conditional Rezoning Application, including a revised preliminary site plan, revised preliminary architectural drawings, and a revised preliminary landscape plan (attached as <u>Exhibit B</u>) for City Planning Commission consideration;

WHEREAS, on January 14, 2021, the City Planning Commission recommended approval of the Owner's request for conditional rezoning based upon the conditions voluntarily offered by Owner in writing which are set forth in this Agreement and the attached exhibits;

WHEREAS, on February 22, 2021, the City Council approved the request for Conditional Rezoning and adopted Ordinance No. ______ based upon the conditions voluntarily offered by the Owner in writing which are set forth in this Agreement and the attached exhibits; and

NOW, THEREFORE, in consideration of the foregoing and the mutual promises hereinafter set forth, the City and Owner agree as follows:

- 1. <u>Conditional Rezoning</u>. Pursuant to Section 405 of the Michigan Zoning Enabling Act, MCL 125.3405, Owner agrees to limit the development and use of the Property as set forth in the rezoning conditions below as a condition of rezoning. Upon execution of this Agreement by the parties, the City shall effectuate the conditional rezoning of the Property from the I-1 district (Limited Industrial) to the R-3 district (Single-Family Residential) on the City's official Zoning Map. This Agreement is valid and entered into on a voluntary basis and represents a permissible exercise of authority by the City pursuant to MCL 125.3405.
- 2. <u>Rezoning Conditions</u>. Owner agrees to develop and use the Property in accordance with the following conditions which have been offered voluntarily in writing by the Owner as conditions to the rezoning:
 - a. Development and use of the Property shall be for a single family residential development consisting of no more than fifty-nine (59) detached single family residential units in substantial conformance with preliminary site plan attached as <u>Exhibit B</u>;

- b. Development and use of the Property for a single-family residential development shall be subject to and in conformance with the final approval of the site plan for the Property by the City Planning Commission. The parties agree that minor revisions to the approved final site plan which, in the sole discretion of the City Manager, do not significantly modify the proposed development or use of the Property or the site plan, may be considered and approved by the City administratively without the necessity of review and approval by the Planning Commission and/or without amendment of this Agreement and exhibits hereto;
- c. All other permitted and special land uses in the R-3 district are prohibited on the Property;
- d. Sidewalks shall be constructed along the 10 Mile frontage of the Property and the additional 650 lineal feet of sidewalk from the Property to tie into the existing sidewalk at 10 Mile and Hagadorn Street;
- e. Screening and landscaping shall be provided on the Property in accordance the Application documents, and otherwise consistent with City Ordinances;
- f. The single-family residential units shall be constructed with sound deadening (triple-pane) windows;
- g. Two by six (2x6) walls and additional insulation on all proposed homes in the development to mitigate noise concerns from the tube factory; and
- h. Except as modified herein, development and use of the Property shall comply with all other applicable state, county and local requirements for land development and use, ordinances, codes, standards, regulations, requirements, and engineering design standards and requirements.
- 3. <u>Compliance with Conditions</u>. Once commenced and established, development and use of the Property must remain in compliance with the conditions of rezoning and this Agreement. Any failure to comply with a condition contained herein shall constitute a violation of the City of South Lyon Zoning Ordinance and shall be punishable as provided for therein. Additionally, any such violation shall be deemed a nuisance per se and subject to abatement as provided for by law.
- 4. <u>Time Limits</u>. The City and Owner agree that the following approvals and activities are conditions to this Agreement and if not completed in the following time limits, the Property will revert back to the I-1, Limited Industrial Zoning District:

Droft

- a. Final site plan approval within six (6) months from the date of this Agreement;
- b. A building permit for the Project, or first phase thereof if applicable, is obtained within one (1) year from the date of final site plan approval;
- c. A final certificate of occupancy for the Project, or first phase thereof if applicable, is obtained within thirty (30) months from the date the building permit was issued.
- 5. <u>Extension of Time Limits</u>. The City may agree to extend the time limits in paragraph 4 on written request from the Owner, but shall not be required to grant such request for extension. Any extension granted shall be in writing signed by both parties.
- 6. <u>City Right to Rezone</u>. In the event that the time limit conditions in paragraph 4 are not met, nor extended upon mutual agreement of the parties pursuant to Paragraph 5; nothing in this Agreement shall be deemed to prohibit the City from rezoning all or any portion of the Property which is subject to this Agreement to another zoning district. Any rezoning shall be conducted in compliance with the City's Zoning Ordinance and the Michigan Zoning Enabling Act.
- Owner Acknowledgments. Owner acknowledges that it voluntarily offered the conditions contained in this Agreement in connection with the request for conditional rezoning of the Property and that such conditions were offered in writing. Owner acknowledges that upon the requested conditional rezoning and this Agreement becoming effective, the development and use of the Property shall conform thereafter with the terms and conditions of the conditional rezoning, this Agreement, and all the requirements regulating development and use within the R-3 zoning district as modified by the voluntarily offered conditions and with this Agreement and that any failure to fully comply with such conditions and/or this Agreement shall constitute a violation of the City of South Lyon Zoning Ordinance, and shall be punishable accordingly. Owner acknowledges and agrees that the terms and conditions of this Agreement are necessary and roughly proportional to the burden imposed by the conditional rezoning of the Property, and are

Droft

therefore necessary to ensure that public services and facilities will be capable of accommodating the development and use and the increased service of facility loads caused by the development and use, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent uses of land, and to promote the use of the Property in a socially and economically feasible manner, and to achieve other legitimate objectives authorized by law. Owner agrees that the terms and conditions herein do not constitute a taking of property for any purpose or a violation of any Constitutional right, and Owner agrees to be bound by each and every provision and conditions of this Agreement.

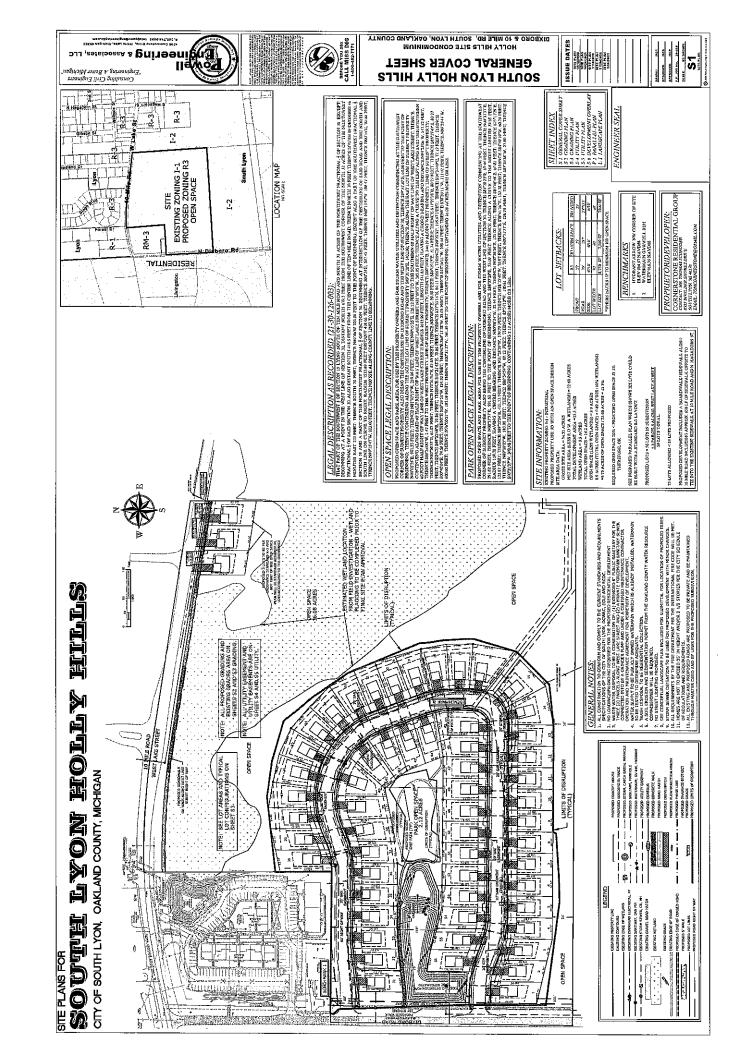
- 8. <u>Entire Agreement</u>. This Agreement together with any agreements referenced herein, constitutes the entire agreement between the parties with respect to the subject of this Agreement.
- 9. <u>Binding Effect, Running with the Land</u>. This Agreement shall be binding on and inure to the benefit of the parties and their respective successors, heirs, assigns and transferees, and shall run with the land.
- 10. <u>Amendments</u>. The terms of this Agreement may be amended, changed, or modified, but only by written agreement executed by the required parties. Any amendment of this Agreement shall be recorded in the Oakland County Register of Deeds.
- 11. <u>Governing Law</u>. This Agreement shall be governed by, construed, and enforced in accordance with Michigan law.
- 12. <u>Authority to Execute</u>. The parties each represent and state that the individuals signing this Agreement are fully authorized to execute this document and bind their respective parties to the terms and conditions contained herein.

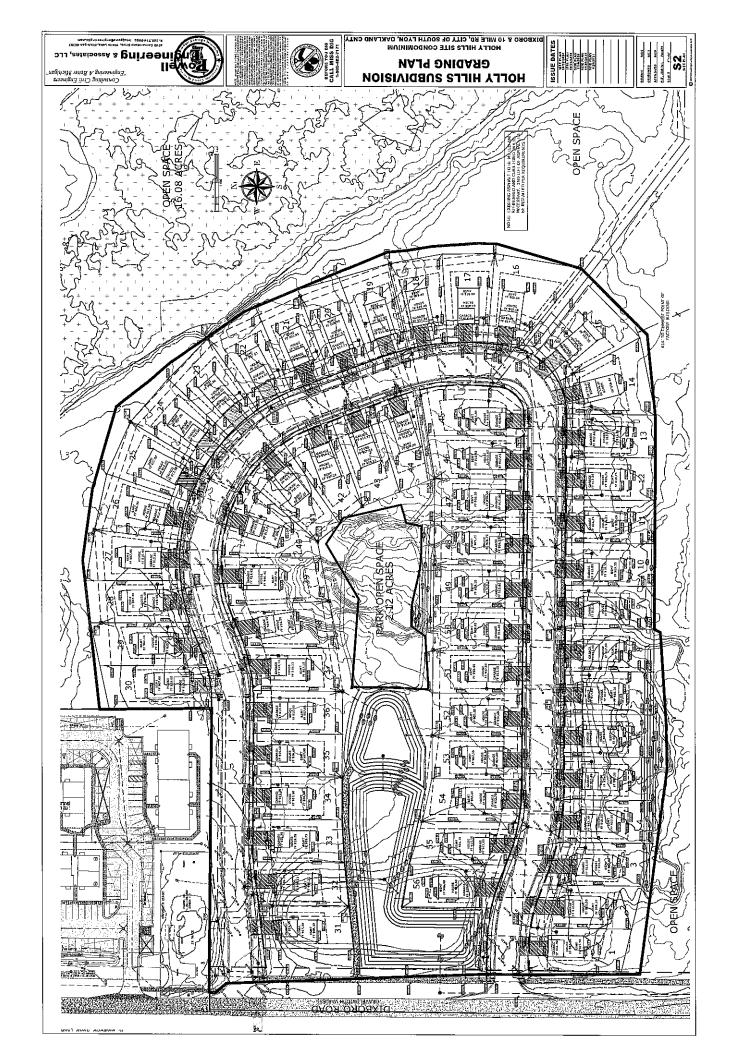
- 13. <u>Enforcement</u>. In the event of a proceeding to enforce this Agreement, a prevailing party may seek to recover its costs and attorney fees in addition to any other applicable and available relief.
- 14. <u>Joint Drafting</u>. No provision of this Agreement shall be construed against or interpreted to the disadvantage of one party against any other party by any court or other governmental authority by reason of any determination or assertion that one party was chiefly or primarily responsible for having drafted this Agreement.
- 15. <u>Conflicts</u>. In the event of conflict between the provisions of this Agreement and the provisions of another applicable ordinance, code, regulations, requirement, standard, or policy, the provisions of this Agreement shall prevail.
- 16. <u>Severability</u>. This invalidity of any provision of this Agreement shall not affect the validity of the remaining provisions, which shall remain valid and enforceable to the fullest extent permitted by law.
- 17. Recording. This Agreement shall be binding on the parties and the Property and shall be recorded with the Oakland County Register of Deeds.
- 18. <u>Counterparts</u>. This Agreement and any amendments to it may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

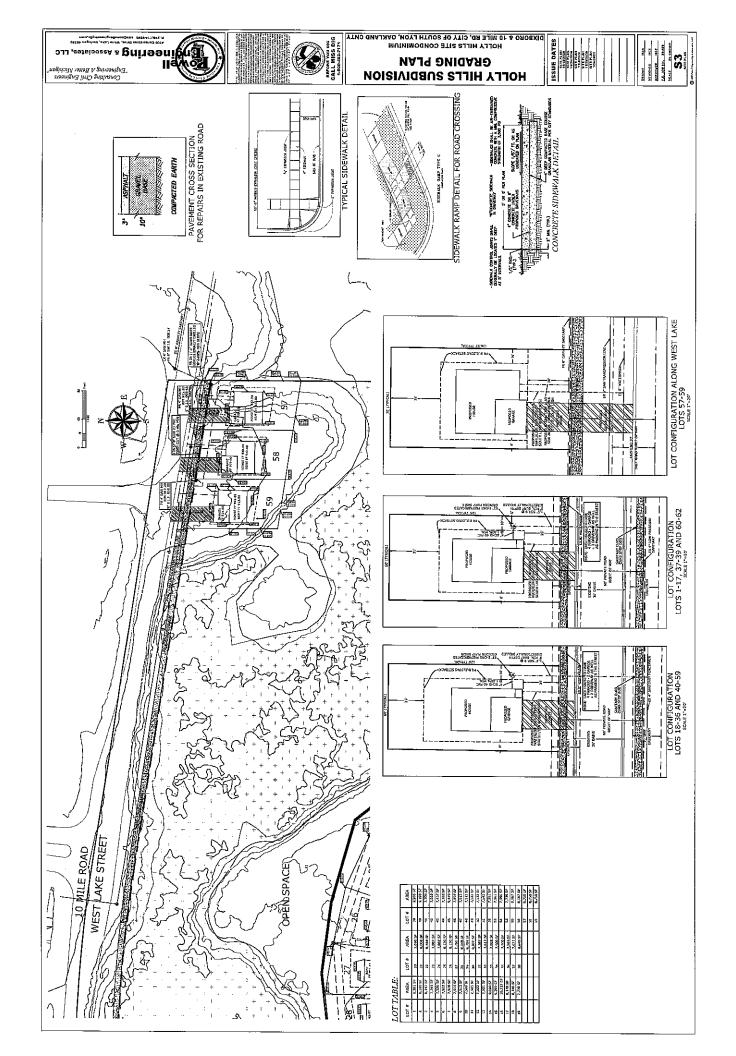
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

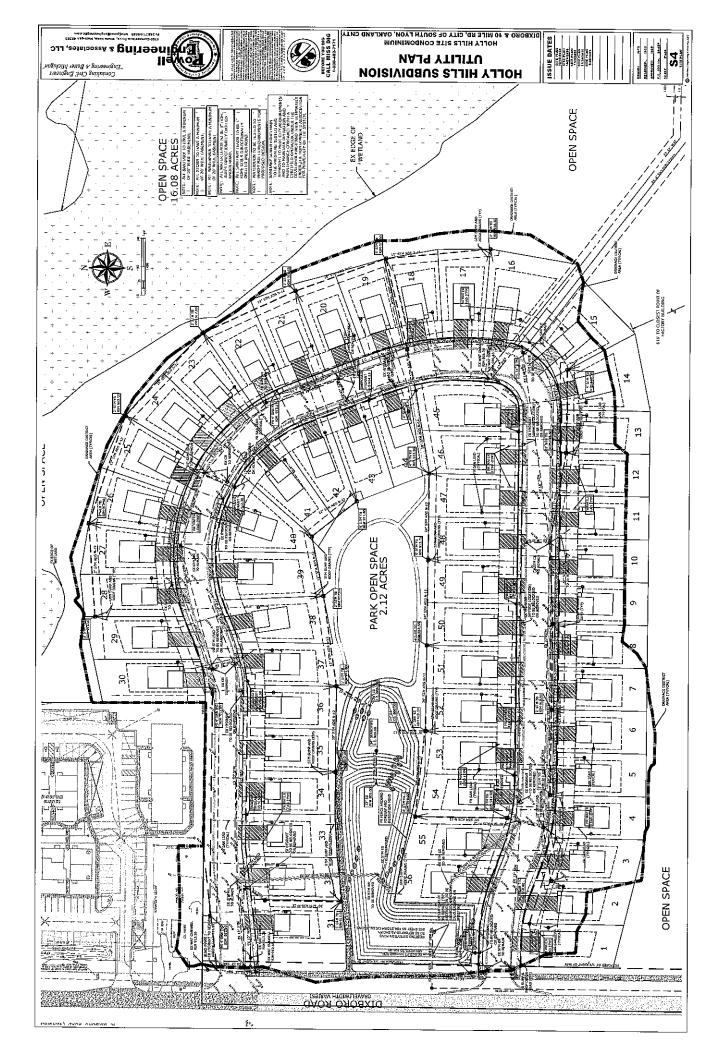
CITY: CITY OF SOUTH LYON, a Michigan Municipal Corporation	OWNER: PATHWAY BUILDERS & DEVELOPERS, INC. A Michigan Corporatoin

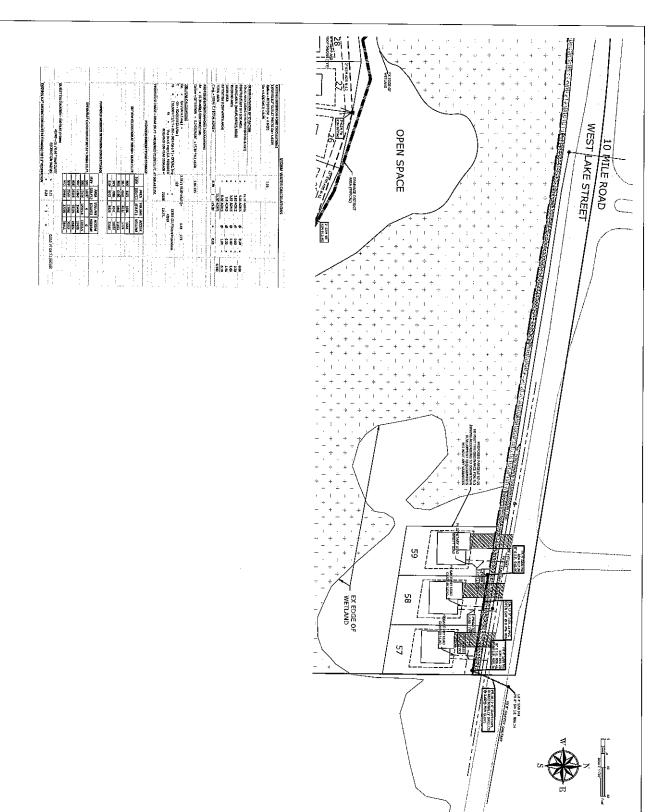
	T	
By:	By:	
DANIEL L. PELCHAT, its Mayor	Name:	
	Title:	
Ву:	By:	
LISA DEATON, its Clerk	Name:	
	Title:	
ACKNOW		
CTATE OF MICHICANI		
STATE OF MICHIGAN)) ss		
COUNTY OF OAKLAND)		
The foregoing Agreement was signed and acknowledged before me by Daniel L. Pelchat, the		
Mayor of the City of South Lyon, and Lisa Deaton, the Clerk of the City of South Lyon, on behalf		
or the City of South Lyon, a Michigan municipal 2021.	corporation, on the day of,	
2021.	•	
Notary Public		
Oakland County, Michigan		
My Commission Expires:		
STATE OF MICHIGAN)	<u>LEDGEMENT</u>	
) SS		
COUNTY OF OAKLAND)		
,		
The foregoing Agreement was signed and ack		
by, both on behalf	of Pathway Builders & Developers, Inc. on the	
uay u, 2021.		
Notary Public		
Oakland County, Michigan		
My Commission Expires:		













HOLLY HILLS SUBDIVISION UTILITY PLAN - WEST LAKE



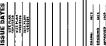




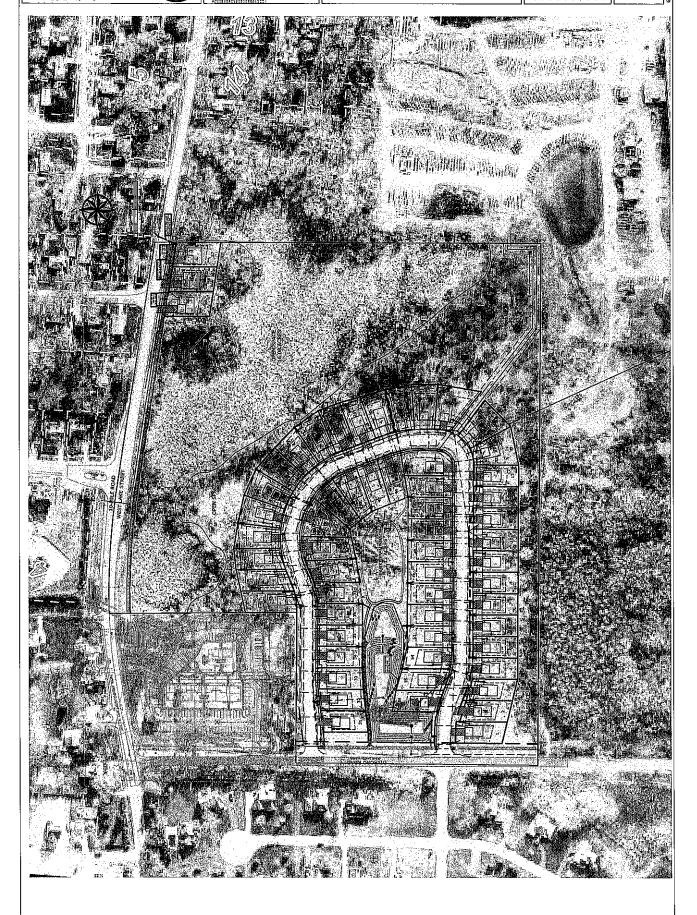


DIXBORO & 10 MILE RD, CITY OF SOUTH LYON, OAKLAND CUT

DEVELOPMENT OVERLAY



S G



SOUTH LYON POLICE DEPARTMENT

Christopher J. Sovik

Chief



Memorandum

To: Paul Zelenak, City Manager

From: Chief Christopher J. Sovik

Subject: Depot Day – Witch's Hat

Date: February 11, 2021

I have received a permit request for the above-mentioned event. I discussed Depot Day with Mr. Larry Ledbetter, one of the organizers. The event is scheduled for Saturday, September 11, 2021, 10:00 a.m. to 4:00 p.m. The planned activities will be similar to those of prior Depot Days.

The planned event should cause little or no disruption to normal traffic in the area, and no street closures are necessary. The Police Department will monitor the event and provide support, as necessary. Therefore, I have approved the request and have so notified the organizer. I have attached a copy of the approved application and packet for your information.

ec: Lt. Douglas Baaki
Lisa Deaton, City Clerk
Chief Robert Vogel, SLFD
Doug Varney, DPW
Nate Mack, DDA



South Lyon Police Department

219 Whipple St. South Lyon, MI 48178 Ph: (248) 437-1773 Fx: (248) 437-0459

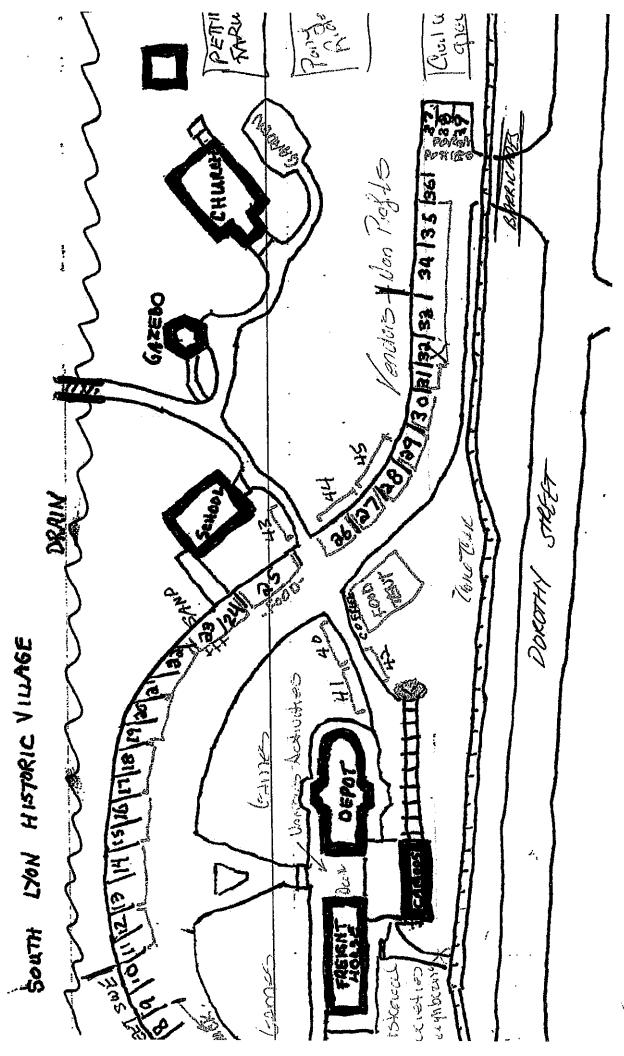
40th ANNUAL DEPOT DAY Parade/Event Application

Date of Event: SEPT. 11, 2021 248-613-7579 Ph#:_ Applicant's Name: LARRY E, LEDBETTER Applicant's Address: 11343 CLOVIS PT. DR. SOUTH LYON DEPOT DAY Name of Event: ___ Business/Organization Name: SOUTH LYON HISTORICAL SOCIETY Business Address: 300 DOROTHY ST. SOUTH LYON Business Phone Number: _248 - 437 - 9929 President/CEO Responsible for Event: LARRY LEDBETTER Ph#248-613-7579 Event Start Time: 10100 (AM)/ PM End Time: 4:00 AM (PM) Approximate number of persons attending: 800Approximate number and types of vehicles: (8) TOY TRAIN, FIRE ENGINE AMBULANCE, ANTIQUE CARS L TRACTORS Approximate number and types of animals: (10) YETTING ZOO (PONY RIDES) Amount of space maintained between all units in parade: NA (No PARADE) Route to be Traveled (Include Street Names and turning directions) or area to be utilized: TE SOUTH LYON HISTORICAL SOCIETY WILL PROVIDE AND FUN EVENTS, Approved Denied

HOLD HARMLESS

To the fullest extent permitted by law the South LYON HISTORICAL SociETY
(Name of Applicant/Organization)
agrees to defend, pay on behalf of, indemnify, and hold harmless the City of South
Lyon, its elected and appointed officials, employees and volunteers, and others working
on behalf of the City of South Lyon against any and all claims, demands, suits, or loss,
including all costs connected therewith, and for any damages which may be asserted,
claimed, or recovered against or from the City of South Lyon by reason of personal
injury, including bodily injury or death and/or property damage, including loss of use
thereof, which arises out of, or is in any way connected or associated with this event

DEPOTURY SPORTER 11,200/





UNITED STATES DEPARTMENT OF COMMERCE Economics and Statistics Administration

U.S. Census Bureau Chicago Regional Census Center

Chicago, IL 60604-2948

January 13, 2021

Dear Trusted 2020 Census Partner:

Thank you for your valuable partnership during this Decennial Census. With your support, the Region exceeded the National Self-Response Rate of 67% and had the highest self-response rate among all Regions, of 69.8%.

In collaboration with more than 50,550 partners, that collectively held nearly 64,750 events and made more than 70,450 commitments, you exhibited enormous dedication, creativity, and support in developing outreach and marketing activities that engaged, educated, and encouraged households to complete the 2020 Census, particularly in historically underserved communities.

Working alongside more than 2,015 Complete Count Committees, you and our many valuable partners hosted thousands of recruiting events to hire census workers that spoke the languages, understood the cultures, and lived within the communities they were tasked to count. Your efforts also ensured a successful Mobile Questionnaire Assistance (MQA) program across our Region, with more than 12,819 MQA events that assisted low-responding communities in completing their census questionnaires online and by phone.

Together, we ensured the Census had the most up-to-date address file, delivered paper questionnaires to rural areas, recruited workers during one of the lowest periods of unemployment, took on a global pandemic through unique virtual engagement, and engaged communities through Get Out the Count (GOTC) efforts that brought Census staff to historically undercounted neighborhoods.

Your valuable contributions will ensure critical planning over the next decade.

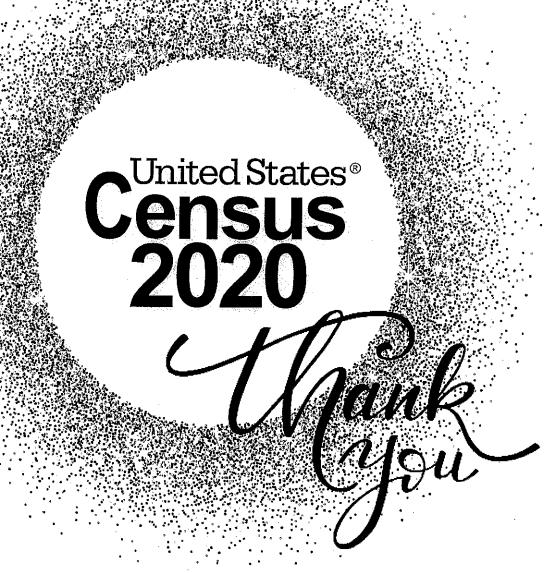
Thank you for Making It Count!

Sincerely,

Marilyn A. Sanders, Chicago Regional Director

U.S. Census Bureau





THE U.S. CENSUS BUREAU HEREBY RECOGNIZES

City Of South Lyon - MI

as an invaluable member of the 2020 Census Community Partnership and Engagement Program. We appreciate the efforts you made in making the Partnership Program a success and helping achieve a successful 2020 Census.

Dr. Steven D. Dillingham, Director

U.S. Census Bureau

