


**City of South Lyon  
Planning Commission  
Regular Meeting Minutes  
March 14, 2019**

Approved: 

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

Roll Call: Scott Lanam, Chair  
Keith Bradley, Vice Chair  
Steve Mosier, Commissioner  
Erin Kopkowski, Commissioner  
Jason Rose, Commissioner

Absent: Michael Joseph, Commissioner  
Wayne Chubb, Commissioner

Also in attendance: Kelly McIntyre – CIB Planning  
Tim Wilhelm – City Attorney

**Motion to excuse Commissioner Joseph and Chubb  
Motion by Bradley, Second by Kopkowski**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

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

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Motion to approve the Minutes for November 8, 2018, as amended  
Motion by Bradley, Second by Mosier**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Public Comments: None**

**Public Hearings: None**

**Tabled Items: None**

**New Business:**

**1. Thomasville Site Condominium, Final Planned Development Site Plan Review**

Kelly McIntyre, CIB Planning, begins by explaining that the Final Planned Development Site Plan for the 50 units. It is on 11.63 acres. She states that as part of the Planned Development, this property was rezoned from RM1 Multiple to Plan Development. This has already gone through Council and it had its second reading November 12, 2018. Council then, on November 26, 2018, approved the preliminary PD Site Plan. The PD has a 4 step process, the first step in a public hearing, reviewing the preliminary Site Plan and makes a recommended motion to Council for the rezoning of the property and the Site Plan, than it goes to Council. Step three, the Planning Commission reviews and makes a final recommendation on the Site Plan approval. She adds, this is where we are, and she is now going to go through the recommended area and bulk regulations just to clarify some things and highlight something from pretty much every one of my bullet points, just so it is clear.

McIntyre states, with the lot area, they have provided an average of 5,000 square feet, ranging from 4,200 square feet to 8,500 square feet. She states that the Planning Commissions previous review made a recommendation to allow a

minimum of 4,200 square feet and they have now increased that to 5,000 square feet.

The lot width was waived during our preliminary Site Plan approval. The preliminary Site Plan showed a density of 5.2 units per acre and the Planning Commission made a recommendation of 4.3 units per acre which was a miscalculation on the drawing and it was approved by Council and less dense than what Planning Commission made a waiver for. Minimum floor area and front yard setback are all in compliance. The Planning Commission recommended that the side yard setback be approved based on the preliminary Site Plan and the rear yard setback, we have noted on particular lots throughout the development that do not meet 30 feet. They are specified here for the Planning Commission, this being part of the recommendation. It is in compliance with building height and for lot coverage, the maximum is 25% buildings and they currently have 18% overall. McIntyre goes on to explain that when they look at lot coverage, they do not look at individual lots, they look at lot coverage over all. She adds that this was approved by the Planning Commission at the preliminary Site Plan review. She states, so tonight, we are cleaning up and looking at all the details. The final plan matches the preliminary site plan that was submitted to the Planning Commission. It shows the open space in the northwest corner, the 5 foot sidewalks that are throughout the development, there is a 2 foot grass strip between the back of the curb and the sidewalk (which we requested and we also requested that these be maintained as lawn and irrigated, and this is noted on the plans that it will be. She stated for decks and patios, there was a concern at City Council level about setbacks and lot coverage, so the developer has put the deck/patio footprint on the plans and this will be the maximum size (12" x 25"). With the exception of 3 lots, #20, #22 and #32 (they are a little bit less) McIntyre goes on to say that the Fire Department and Police Department requested an installation of a paved gate emergency access entrance to 11 Mile, this is on the plan and has been done. The final landscape plan looks good, they are providing canopy trees, and there are spruce trees serving as a buffer for the railroad track. They also have the one street tree per unit and the majority of their trees exceed the ordinance requirement for the minimum size. She goes on to address the fencing and buffer, stating that this property is adjacent to Colonial Acres, a condition during the PD Site Plan was that the applicant provide a six foot white vinyl privacy fence along the property line and that it will be installed prior to construction. During the Council level, it was suggested that the developer go and meet with Colonial Acres, which they did

and Colonial Acres was pleased with the proposed fence and it was made as part of the proposal. She states that they also asked for trees along the one side of the fence. Typically, we ask for a 10 foot landscape buffer made up of evergreens. However, they are providing 5 foot Junipers and 5 foot Arborvitaes, so during this review, McIntyre asks the Commission to determine if the intent of the 10 foot buffer is met through the combination of the fence and the trees.

Commissioner Bradley questions if they know what the growth time is for the chosen type of trees. McIntyre states, she would have to find out.

McIntyre goes on to discuss the housing elevations, stating that the Commission wanted more variety, wanted to see something more current, etc. Since that time, the applicant has provided 4 different façades and floor plans so that different materials can be used and they have brought with them, all the materials that they are proposing to use.

Commissioner Bradley questions if there were wording to prevent the same house from being built next to the same house. McIntyre states that the anti-monotony rule is written in the plan development agreement.

McIntyre goes on to explain that the Master Deed documents were submitted with the previous property owner. They will need to be updated with the current owner and the current information to the City and approved administratively by the City Attorney, Wilhelm.

The Plan Development that we have here is the draft agreement, and this should be finalized before construction begins, and again this can be submitted to the City and be approved administratively.

McIntyre states that CIB did have a bit of an issue, they felt that they could have more of a decorative style when it comes to street lighting, and recommended that they would like to see a different light fixture with the specs, and a new photometric plan. Also, there is an entry sign, the landscape around it is nice, but we need the materials of construction for the sign. And this can be submitted and approved administratively.

She advises that the Commission has been provided with soil erosion permit and the road commission of Oakland County, right of way road permits.

Based on all this, McIntyre states, that they have made a recommendation that the Planning Commission recommend approval to City Council for the Final Plan Development Site Plan based on the following recommendations:

1. That the Planning Commissions determination that the proposed trees along Colonial Acres property, meets the intent of a 10 foot landscape buffer.

2. The submission of materials and construction details for the development entry sign be submitted for review and approval.
3. Submission of decorative street lighting fixtures details and accompanying photometric plan be submitted for administrative review and approval.
4. Signed and approved and recorded plan development agreement.
5. The submission updated and approval of the Condominium Documents or Master Deeds.
6. And then any other applicable departments as mentioned, getting the soil erosion permit and the road commission.

Attorney Wilhelm states that the owner of the property has changed since last time the Commission saw this. We were given a letter indicating Mr. Cavalier is authorized to represent the property owner. Also, this was processed to almost final conclusion in 2016. One of the issues was a cross access easement to Heritage Blvd, so in the Plan Development Agreement, it requires the owner of this property to do their half of that through a Declaration of Easement. This will allow Colonial Acres to do something similar; enter in to an agreement where they could address the cost and maintenance issue if they wanted to.

Chair Lanam asks if the change of ownership effects anything that they have so far. Wilhelm states that this and the change that was made in 2016 (changing the number of units from 60 to 50) should be looked for. He will be watching for that, McIntyre will be watching for that and the Commission should do the same.

The question was asked if with the change of ownership, that means the applicant has changed. Wilhelm states, that technically, yes. However, maybe the applicant can help explain. He states that the owner has authorized Mr. Cavalier to appear and request land use approval in the form of Plan Development from the city.

Cavalier states that on page LS-1, there is a detailed sheet for the entrance sign, with materials and elevation.

Wilhelm questions McIntyre if she has details of what all the material boards are. McIntyre states that they will catalog everything, take photos, and advised that they do keep them through the construction to compare to the actual structures.

Wilhelm addresses the Commission regarding some definite concerns from Council. Which include, lot coverage, patio/deck size, style of elevation on the unit that can be placed on it based on the square footage.

Commissioner Kopkowski questions why the Commission spent an entire meeting on deciding we want 25% lot coverage and now it's being said that because it's a planned development that you just take an average of the estimate, there is a

reason why we pick 25%. What's to prevent everyone from wanting a PD and doing whatever they want? McIntyre goes on to explain that it has to be developed as a Planned Development, the other is a straight zoning, RM1, single family. This is a PD there is room to allow for things to be different than if this were simply R3 zoning. There is flexibility and we look at it as an entire package. Wilhelm states that there is another development that was a PD where the details of decks included in setbacks and lot coverage was not included and there was an attempt to try and get in to these details to avoid having to come back and ask for variances.

Kopkowski asks McIntyre to review the Deck/Patio requirement that was discussed earlier in the night. Reviewing the details of lot size, deck size and building foot print. Kopkowski questions how the 35% rule applies here and the 25% do not. McIntyre states that this is what Council asked to see, so we provided this so that they can see this in comparison to straight zoning. McIntyre confirms that Council has seen this in much iteration. Wilhelm confirms that they have spent three or four meetings on this.

Commissioner Rose states that he was formerly an employee of Pulte Homes, and he does indirectly work for through other contractors and he wouldn't want that to become a conflict of interest either currently or retrospect fully in the future. Attorney Wilhelm states that he will look it up in the bylaws. The Commissioners discuss and agree that if Rose is not comfortable voting, he shouldn't have to. Kopkowski states that she will be voting no on this, as she does not have enough information at the time that she came on board, meaning the history (mid-project) she feels she doesn't have a grasp on this to make an educated decision. Wilhelm compares this to the Knolls development, he states that in the Knolls, the City agreed to do smaller lot sizes in exchange for much more open space for the development to enjoy.

As for the conflict of interest, Wilhelm states, according to bylaws November 13, 2014, Article 5, Section 2, if there is a question of a conflict of interest, the question should be put before the commission, and this shall be determined by a majority vote of the remaining members of the commission. Wilhelm did state that he does not see a conflict of interest. Kopkowski and Rose both agree that in lieu of other things that have happened in the city, it is sad, but this is the way it is.

**Motion made that this is not a conflict of interest for Commissioner Rose with the past and current relationships with Pulte and the potential for future relationships, however, Rose opted to abstain from the vote.**

**Motion by Bradley, Second by Kopkowski**

Voice Vote: Ayes: Scott Lanam  
Keith Bradley  
Steve Mosier  
Erin Kopkowski

Nays: None  
Abstained: Jason Rose

**Motion Approved**

**Lorenzo Cavalier, 30078 Schoenherr, Warren, Michigan 48088**

Cavalier states that the applicant is still the same; property owner is not from when we were in front of you for the first time. He states that he represented the project from stage one and will through the completion of the entitlement process.

Chair Lanam questions Wilhelm if this will make a difference. Wilhelm states that the property owner is the most important and they have given Mr. Cavalier authorization to be here. Lanam asks if when the final plan comes through, will their name be added to it? Wilhelm states that we have a record through the Planning Commission packet and through the Planning Department. We are aware that it has changed ownership.

**Motion to recommend to City Council the approval of the final PD Site Plan for Thomasville Site Condominium, conditioned upon the following:**

- 1. That the Planning Commissions determination that the proposed trees along Colonial Acres property, meets the intent of a 10 foot landscape buffer.**
- 2. Submission of decorative street lighting fixtures details and accompanying photometric plan be submitted for administrative review and approval.**
- 3. Signed and approved and recorded plan development agreement.**

4. The submission updated and approval of the Condominium Documents or Master Deeds.
5. And then any other applicable departments as mentioned, getting the soil erosion permit and the road commission.

**Motion by Bradley, Second by Mosier**

Voice Vote: Ayes: Three  
Nays: One

**Roll Call –  
Kopkowski – No  
Lanam - Yes  
Mosier – Yes  
Bradley – Yes  
Rose - Abstained**

**Motion Approved**

**2. Planning Commission Meeting Calendar for 2019**

**January 10<sup>th</sup>, 24<sup>th</sup>  
February 14<sup>th</sup>, 28<sup>th</sup>  
March 14<sup>th</sup>, 28<sup>th</sup>  
April 11<sup>th</sup>, 25<sup>th</sup>  
May 9<sup>th</sup>, 23<sup>rd</sup>  
June 13<sup>th</sup>, 27<sup>th</sup>  
July 11<sup>th</sup>, 25<sup>th</sup>  
August 8<sup>th</sup>, 22<sup>nd</sup>  
September 12<sup>th</sup>, 26<sup>th</sup>  
October 10<sup>th</sup>, 24<sup>th</sup>  
November 14<sup>th</sup>  
December 12<sup>th</sup>, 26<sup>th</sup>**



**Motion to approve the proposed Planning Commission Calendar for 2019, as amended.**

**Motion by Bradley, Second by Kopkowski**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Planning Consultant Report**

McIntyre advises that in the office this week we received plans for the Stryker property. They are proposing apartment units. This has been sent to the engineers, also having a traffic study done. It is being reviewed and is due back in a couple of weeks.

Commissioner Mosier questions if there has been anything new with Alexanders. McIntyre states that there has not. Rose brings up the development at Dixboro and 10 Mile, Bob Langon, he states that he does work directly for them. McIntyre adds that they will have to come to Planning with a Final Site Plan.

Commissioner Mosier asks about Lyon's Square. McIntyre states that is more with Code Enforcement. Chair Lanam asks about their occupancy. McIntyre states that they have informed Lyon's Square that they have reached the capacity that was established so that they will move ahead for the façade improvements. Lanam questions what the City's next move is. McIntyre states that the Code Enforcement Officer will be working with the City on this.

## Adjournment

### Motion to Adjourn

#### **Motion by Bradley, Second by Rose**

Voice Vote: Ayes: Unanimous

Nays: None

**Motion Approved – Meeting Adjourned**



Judy Pieper, Deputy Clerk