

**City of South Lyon
Planning Commission
Zoom Meeting Minutes
April 22, 2021**

Approved: 

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

Roll Call: Commissioner Wayne Chubb, Present, South Lyon, Michigan
Commissioner Erin Kopkowski, Present, South Lyon, Michigan
Commissioner Tyler Finnegan, Present, South Lyon, Michigan
Commissioner Steve Mosier, Present, South Lyon, Michigan
Commissioner Michael Joseph, Present, South Lyon, Michigan
Chair Scott Lanam, Present, South Lyon, Michigan

Also in attendance: Kelly McIntyre – CIB Planning
Judy Pieper – Deputy Clerk

Record shows that we now have one vacancy to fill for our Planning Commission

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

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

**Motion to approve Minutes – 1-28-2021
Motion by Mosier, Second by Kopkowski**

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

Public Comments (Non-Agenda Items): None

New Business:

- a. Public Hearing:** Discussion and recommendation for adoption of an updated and reformatted City of South Lyon Zoning Ordinance and Zoning Map.

Kelly McIntyre, from CIB Planning, states that we have been working on the Zoning Ordinance for a number of years and we are finally at the point that we are ready to make a recommendation to City Council and for them to adopt an ordinance.

McIntyre states that she will begin by doing a quick overview of the highlights, similar to what she gave during the joint Planning and Council meeting on March 1, 2021. After that, we will open for the Public Hearing, take comments and discussion.

She goes on to explain that if the Commission makes a positive recommendation to City Council, they will review this during their May meeting. They will have 2 readings and then we would publish this in the South Lyon Herald showing that it has been adopted and then effective 7 days after that, it will go in to effect. So potentially, we should have our new ordinance in effect by mid-June.

McIntyre shares her screen and begins her presentation.

The reason the City needs to update their Ordinance is because it is old and out of date. It was initially adopted in 1988 and the last time it was given an overhaul was in 1992, with a few revision in 1995. She adds that periodically we have also had some updates.

McIntyre states that the current Ordinance is dis-jointed and there is a lot of internal conflicts. She states that they were able to review it, break it down and re-organize the Ordinance. She adds that the old Ordinance had 7 Articles and this new one now has 25. The update refines the sections, is more user friendly and is broken down in to logical sections. There is a General Section, a District Section, the Approval Procedures, the Development Review Standards, and the Administration Standards.

McIntyre goes on to discuss the General Provisions and states that they have updated the information and they have provided graphics. Things like Donation Boxes and Playscapes have been included, along with visual aids for things like

residential fencing and RV parking. She adds that new provisions have been added and would like to highlight the residential development regulations for infill housing for existing neighborhoods and that is to maintain the character of the neighborhood.

She goes on to explain that there is a Residential District, a Commercial District, and an Industrial District. Within each of those, things have been broken down in to tables where you can actually see the permitted uses. Previously, you had to flip through to a separate section of the Zoning Ordinance in order to get all the information, such as the lot area, the minimum area, the frontage, etc. Now that is continued within each chapter.

McIntyre states that in the Business District they consolidated from 3 Districts down to 2. We now have General District which now includes the existing Business District and what we were previously calling Community Business District. Then we have Commercial District. As part of the Commercial District they have suggested the expansion of the Central Business District.

She adds that they have update sections like the Planned Unit Developments, the Site Developments Standards, again with a very specific check list as to what is required for a site-plan review.

She states that they have added a new Section. We were previously calling this a Conditional Land Use but it is her understanding that term may be confusing with future land use law that is coming through. We now call it Site Development Standards for Specific Uses. She explains that this is similar to a Special Land Use, except these uses are not quite as intense and don't have as much of an impact on neighboring properties. So they don't require a public hearing. We list, very specifically, the standards that they must meet, and if they are met, then it is permitted.

She goes on to say that in Rezoning, we clarify conditional land use. It specifically follows the State Statues but gives a little more direction as to the process and the timeline.

The Non-Conformities, there used to be a Class A and a Class B. This has all been removed. If it's non-conforming, it's non-conforming. She adds that if a non-conforming use is abandoned for 6 months, then when it comes back in to use, it must meet the standards. She adds that with the help of the Attorneys, they have given a very clear definition of what abandonment means. Parking and Loading, we provided more graphics.

We now have a separate Access Management Chapter. The Landscaping and Tree Preservation is very similar to the one we have. The One we have is quite a good one. McIntyre goes on to state that they have added a separate Lighting Chapter.

Commissioner Joseph asks McIntyre to explain Article 20 – Access Management McIntyre explains that Access Management basically refers to the number of curb cuts along the street to minimize turning conflicts. We suggest and encourage shared drives, or rear service drives wear you would access the property from behind. There are very specific standards on how close a driveway can be to another driveway that is adjacent to it or across the street. She adds that this is very much engineering standards, but we put them in there so developer can see that those things are encouraged, and they can look at this ordinance when they are designing their projects.

Chair Lanam questions if this gives us the authority to force someone to have a shared access. McIntyre states that it does not.

Commissioner Finnegan questions where would an instance like this apply in our City? Lanam refers to the McDonald's in town and how we had them put in the access for shared parking. He goes on to explain that if you were at McDonald's and wanted to go on to Busch's, you would not have to go back out on Pontiac Trail. McIntyre states that this Ordinance will take us down the road 10 or 15 years, where there may be redevelopment of sites and we want to have these standards in place.

McIntyre goes back to Article 22 – Lighting. She adds that they have a limited number of foot candles that you can have at a property line. We also talk about what kind of lighting you can have in a parking lot and/or on a building and that it has to be shoebox style cast downward. She also references very specific standards for gas stations and mini marts. These tend to have very bright lighting, so if they were to come in new, they would have to meet these standards. She adds that the ordinance is not going to have us go out and ticket existing businesses, but they will certainly encourage them to come into compliance. If they were to make a change, at that time we could ask them to come into compliance.

Administration is pretty similar and established for all Zoning Ordinances within all the Municipalities. It talks about Public Hearings and what the requirements are. It also provides information on requirements for Performance Guarantee (escrow or a bond) this is to make sure that projects get finished. She adds that we also have Certificates of Zoning Compliance for fencing or driveways.

McIntyre states that the last Section is Definitions. Here we have updated to make them more current and added additional graphics where needed.

McIntyre again shares her screen to show the city map and how where the CBD began and where it ended. She states that they have expanded the Central Business District all the way down to Reynolds Sweet, on both sides of Lafayette and they have also expanded it to the North up to the Pulhum Property. She goes on to explain that the benefit of having Central Business District Designation is that there are zero front yard setbacks. So, in a traditional Downtown, you have your building up to the street. As we want to encourage this area to re-develop and build out, we have some single-family homes that are used as businesses and as they develop, they can come up to the road. She states that we can also have a 3-story building that comes up to the road, allowing retail on the first floor, offices and or residential on the upper floors. McIntyre adds that having that additional area added to the Central Business District Designation provides a lot of options and a lot of opportunities for re-development.

Commissioner Mosier points out to McIntyre that on the Zoning Map down by 10 Mile and Dixboro, where the new apartments are going up, it doesn't show that going all the way up to 10 Mile. McIntyre states that they will have to have to fix that.

Public Hearing – Open at 7:30 p.m.

Chair Lanam reads an email that he received from Randy Clark He states that he would like the Planning Commission to know his concerns over the proposed re-zoning of the property along Lafayette Street corridor. He states he was unable to ascertain the reason for the re-zoning proposal. It appears to change property mostly of which have separate private on-site parking into the downtown zoning classification. Most of which has no on-site parking. He goes on to say that he feels that these two distinct types of property, should not have the

same classification. He is also concerned about the potential loss of certain types of allowed property uses after the re-zoning. For this reason, Mr. Clark states that he is against the proposed re-zoning in its present form, and he would ask that this be tabled until further information can be provided.

McIntyre states that in the Downtown Business District, you are not required to provide onsite parking. She adds that this is not going to affect any existing properties. This is about re-development and what is going to come in the future. It is not going to take someone's parking lot away. She adds that you could add on site parking, but you don't have to. She states that as far as the usage, she would say that it actually provides more uses. As an example, you can provide mix uses on a property now, where before you could just do retail. McIntyre states that she would be happy to reach out to Mr. Clark, and she can walk him through the uses and the Zoning Ordinance and the benefits of that.

Chair Lanam adds that perhaps Mr. Clark's concern would be that he has a bank with the drive-thru and that would be a special use under the Central Business. McIntyre states that a drive-thru is a special land use no matter what, in any Business District.

Jeff Heinanen, 350 S. Lafayette, South Lyon, Michigan

Mr. Heinanen states that he would like to voice his support for the expansion of the CBD. He thinks it is great for re-development, and it is amazing. He adds that he would like to ask the Planning Commission to re-consider allowing Flag Lots for more flexible re-development opportunities. For access, as well as considering access easement for parcels. He would also like to request that the Planning Commission consider allowing more flexibility for loading. He adds, for big box stores, it is understandable why loading is required to be done in the rear only. However, in smaller downtown lots, more flexibility for loading would be helpful especially when we consider the CBD with zero lot line setbacks. Loading in the rear would be difficult if the building was right at the rear lot line.

McIntyre states that in regard to Flag Lots, the Planning Commission can not change state laws. The state law does not allow Flag Lots, so that is really not on the table. As far as loading, the Planning Commission is allowed to wave certain requirements and loading is one of them. So that can be looked at on an individual basis. She adds that as far as access via easements, we have required and are proposing that you must have frontage on a public road.

Chair Lanam asks that if you have a parcel in question, and I know that we are always concerned about giving certain zoning or access or variances because it stays with the property, would that be the case if it were a contract zoning, and it was tied to the use. Whether it was an easement or if it was delivery. McIntyre states that an easement is recorded with the county, so it becomes part of the physical description. So, it is permanent, so even if the two parties don't want that to happen anymore, it has to. It goes with the property.

Lanam states that they obviously don't want to do their zoning based on certain individual needs, and not everyone knows what Jeff (Heinanen) proposed, but is there any way to accommodate without going too far. McIntyre states, access aside, we can not do a Flag Lot, the State Land Division Act does not allow Flag parcel. McIntyre states that if it is developed as a use with several buildings that are related it really has a lot more to do with assessing and taxing of properties because of the different uses. It is more of a state standard that you have Lots. Lanam asks McIntyre what the issue with secondary uses is and if separate uses are allowed on the same parcel. McIntyre explains that you can't have separate businesses/uses on one parcel unless it developed as a condominium and its share drives and common parking spaces, etc. Having two different uses on a property is not permitted. Lanam states that if you had a baker that had a hall for use on the property in a separate building, that is not necessarily a different use. McIntyre states that she sees where he is going with this, and this could be explored if that were going to happen. Lanam adds that he hates to not explore the possibilities when it is something that would be an improvement to the city.

Public Hearing Closed – 7:43 p.m.

Chair Lanam states that at the bottom of each page on the old Ordinance, you could see each page and what article you were in. McIntyre clarifies that this is only a draft. The approved ordinance will be sent to Municode, and with that they will be get a new version of what it will look like. The new version is formatted in a different way.

**Motion to recommend adoption of the Zoning Ordinance and Map as presented
Motion by Chubb, Second by Mosier**

Roll Call: Commissioner Kopkowski Aye
Commissioner Joseph Aye
Chair Lanam Aye
Commissioner Mosier Aye
Commissioner Finnegan Aye
Commissioner Chubb Aye

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

Old Business: Discussion West Lake Apartments, formerly known as West Lake Apartments

McIntyre states that there has been a number of questions about the lack of sidewalk in front of West Lake Apartments, which is at the Southeast Corner of Dixboro and Lake Street. She states that she went back through the minutes for this approval. This was a conditional re-zoning and the minutes are somewhat vague as to the sidewalk issue and she would like to have the Commission re-affirm what the intent of the Planning Commission approving this was. Currently our ordinance requires you to have a sidewalk along a public right away for your project. The applicant at the time thought that having a sidewalk just in front of their property that dead ends and has a several hundred feet gap until it hits Hagadorn was not in the best interest for the community. Instead they offered as part of their conditional re-zoning to provide a path from the corner of Dixboro and Lake, all the way to the rail trail paved path, which is just north of the Waste Water Treatment Facility. She states that her recollection is that was the intent was, but she would like the commissions feedback so that this can be put into our minutes. Along Dixboro as part of the Conditional Re-zoning. She states that the Conditional Re-Zoning is a contract agreement, so in this case we will not be changing the re-zoning.

We have already approved this contract, we are just having the Commissioners re-affirm or if it is not correct, talk about your recollection of your intent. We need to make sure that this goes on record to show what the intent was. She adds that the plan was shown to both the Planning Commission and City Council without a sidewalk extension, the plan was shown with that path Commissioner Kopkowski confirms with McIntyre that they are discussing the new project at Dixboro.

Chair Lanam states that if he remembers correctly, the distance from the property line to the rail trails is a greater distance than what the north frontage was.

Commissioner Joseph states that he does recall, but his question is the way that the landscaping is right now, would there be room for a future sidewalk if someone puts in an elevated walk way through the swamp area.

McIntyre states that there would be as the sidewalk would go through the right away and they should not have any landscaping or plantings within the right of way.

Chair Lanam confirms with McIntyre that this would be 60 feet from center to the back of the sidewalk. He also states that his recollection to this topic is that it was a gain to accept this offer, they were actually giving us more footage of sidewalk than they had to on their property.

Chair Lanam confirms with McIntyre that there is no need for a motion, this is just a discussion for the record.

Consultant Report:

McIntyre advises the Board that there are 2 cases coming up in the month of May. We will have Suzi's Bar and Grill with the patio extension and townhomes infill on Donovan Street.

McIntyre advises the Board that Suzi's needed to get a variance, non-conforming use, it is a commercial property in a residential area. The met with ZBA and received a variance, but they also have to get a Site-Plan Approval. They are permitted to expand and they are at the Site-Plan stage.

Commissioner Mosier questions because the property was once commercial and changed to residential, could the City change this back or is this up to the owner?

McIntyre advises that the city could initiate that, but it is up to the property owner.

Commissioner Joseph questions the location of the townhomes. McIntyre advises that it is on Donovan Street, near Walker's Garage. There are several parcels that an individual purchased. It is the same person that did the Park Place Apartments at the end of Warren near McHattie.

Commissioner Finnegan questions if the will be rentals or owner-occupied. McIntyre states she does not know yet.

Commissioner Mosier questions if we have heard anything else on the apartments that are going in near the cemetery. McIntyre advises that the construction documents are currently being reviewed. They are intending to move forward. She also confirms to Chair Lanam that the Site-Plan is still current.

Commissioner Joseph brings up the property at 11 Mile (near Trotter's Point) Lanam adds that he believes their both expired. McIntyre confirms that they are expired, however the property owner is developing a few duplexes and those are infill, so you do not need to come to the Planning Commission.

Commissioner Kopkowski confirms with McIntyre that the Council turned down the development by the Tube Mill. She states that she has heard nothing after that.

Staff Report: None

Adjournment:

Motion to Adjourn – 8:04 p.m.

Motion by Finnegan, Second by Kopkowski

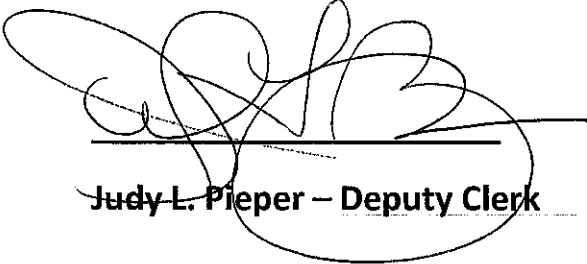
Voice Vote: Ayes: Unanimous

Nays: None

Motion Approved

Meeting Adjourned

Respectfully submitted,



Judy L. Pieper – Deputy Clerk