

**City of South Lyon  
Planning Commission  
Special Meeting Minutes  
April 23, 2014**

The meeting was called to order by Lanam at 7:14 p.m.

**PRESENT:** Jerry Chaundy, Secretary  
Wayne Chubb  
Maggie Kurtzweil  
Scott Lanam, Chairman  
Frank Leimbach  
Steve Mosier  
Jason Rose

**ABSENT:** Keith Bradley, Vice-Chairman  
Carol Segal (unexcused)

**OTHERS PRESENT:** Carmine Avantini, Planning Consultant  
Timothy Wilhelm, City Attorney  
Kristen Delaney, Director of Community & Economic Development  
Jesse VanDeCreek, Hubbell, Roth & Clark (HRC)

**APPROVAL OF AGENDA:**

Motion by Kurtzweil, second by Leimbach to add "Alexander Center" as the third item of business under "Old Business" and to switch the order of "Aubree's Pizzeria and Grill Request for LED on Façade" and "Knolls of South Lyon Workshop".  
To approve the agenda for April 23, 2014 as amended.

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

*Commissioner Kurtzweil noted that on page 3, the minutes should reflect that Don Beagle stated, "that the head of the water department had told him that the storm drain was abandoned". She also questioned whether Commissioner Rose stated, as written on page 3 of the minutes, that "in his opinion, a 10' easement would be sufficient." Rose confirmed that he said "approximately" 10'. The minutes were corrected.*

Motion by Kurtzweil, second by Chaundy  
To approve the minutes for March 13, 2014 as presented.

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

## **COMMENTS FROM THE PUBLIC**

Carl Richards  
390 Lennox Street, South Lyon

Richards made comments about construction at the BP gas station, as well as some observations about Huntington Square and Alexander Center.

## **OLD BUSINESS**

### **1) Knolls of South Lyon Workshop**

Planning Consultant Avantini reviewed his letter dated March 14, 2014. Avantini noted that the developer had made significant revisions to the plan, thereby addressing many of the comments from his review letter.

Avantini stated that he wanted to hold this workshop with the Planning Commission so the developer can get some feedback from the Commission regarding the storm water detention and open space areas, as well as the elevations for the proposed home models. Avantini noted that a lot of the required open space will be taken up by wetland mitigation and storm water detention. Avantini stated that using the open space for mitigation and/or storm water detention was allowed per the City's PUD ordinance, as long as it incorporates some sort of natural or water feature. An open, empty basin would not be acceptable.

Avantini has some questions for the developer. Will they be installing traditional flat curbing or mountable curbing? He noted that he still needs to see a detailed plan for the landscaping around the entrance to the development. Finally, he noted that in the plan as presented, sidewalks throughout the development are at the curb. He would like to see them set back further.

Chaundy questioned the requirement that each homeowner had to plant two trees on their lot. How would the developer or homeowner's association make sure that this was completed? Lanam stated that he would like the tree requirement to be part of the site plan and would like for it to be done before a certificate of occupancy is issued. Kurtzweil stated that most homeowners associations don't take over until a development is 75% full or after five years. She stated that if it was left up to the homeowner's association, in her opinion, it most likely will not get done. Rose stated that a sod package should also be included in the purchase of a home to be sure that sod was installed.

Robert Wanty, P.E., Washtenaw Engineering  
3526 W. Liberty, Ann Arbor

Wanty addressed questions from the Commission, and displayed a revised sketch of the site that detailed the open spaces. He reviewed some of the changes that have been made in the plan so far. He stated that in order to meet standards, the development will need two separate detention ponds. They have modified the plan so that there is one large basin and one smaller

basin. They have also proposed adding stone to the sides of the basins to soften the look. They have also lowered the grade of the sides.

He stated that they have to mitigate the wetlands that will be lost in the development and that as a result, much of the parcel is not able to be developed. He stated that the larger basin/pond is a feature, but may also be a liability. He stated that they were thinking about installing a dock in the larger pond.

He noted the pathways and connections to the rail trail on the plan. He stated that there would be three connections to the rail trail and extensive landscaping, with over 800 trees that will be planted. Wanty discussed the road connection to Lyon Boulevard. He would prefer to leave the cul-de-sac. He stated that it was a traffic calming device and it is landscaped. Lanam asked if there was any lighting on the cul-de-sac. Wanty stated that there was not. Wanty noted that he will do whatever the fire department and the Planning Commission prefer in regard to the cul-de-sac but that he would prefer to leave it as is.

Wanty stated that he would prefer to install mountable curbs.

Wanty addressed some of the comments from a review letter from HRC dated January 15, 2014. Wanty noted that he is proposing a 1 on 3 slope, while the City requires 1 on 4.

There was a lengthy discussion about the proposed basin and berm that will be located near the rail trail. Wanty also gave an overview of the upgrades that will be made to the existing lift station. Wanty stated that they will have the City's contractor do the work to the lift station at the developer's expense.

Avantini asked about the location of the sidewalks. Wanty stated that they would move them back to the right-of-way, away from the curb. He also noted that they are still working on signage for the entrance but they would provide that to Avantini once the design is completed.

Leimbach asked to hear from HRC. VanDeCreek noted that he has not reviewed the most current plan, the one that is before the Commissioners. The last in-depth review that HRC did was in January 2014. He noted that HRC will need to see calculations and a drainage map so that they can do a full, technical review. VanDeCreek noted that any plan will be required to ensure that pre-development levels of discharge are not exceeded post-development. VanDeCreek noted that any plan might need minor tweaks, but that generally, Wanty has been very good about adhering to the City's standards.

Avantini stated that the biggest issue tonight is to determine if the Commission wanted the open space/detention areas to be created as wet basins or dry basins. Rose stated that in his opinion, wet basins were preferable because they would be more aesthetically pleasing.

Avantini asked Wanty what the open space areas will look like when they are developed. Wanty discussed the appearance of the detention areas. There was a discussion about the proposed, terraced stone walls.

Kurtzweil asked Wanty how deep the water in the detention area would be. Wanty responded that he thought it would be 3' or less. There was a discussion that a depth of 2' or more would require fencing around the basin. There was consensus amongst the Commissioners that they did not want to have fencing around the open space and/or basins. Kurtzweil stated that she was concerned that the stone wall would not hold up. She noted that if children play on it, the wall may crumble and that will introduce additional liability to the homeowner's association.

Wanty noted that all of these design elements could change. He is looking for recommendations from the Planning Commission.

Kurtzweil asked for clarification about the proposed guard rail. Where would it be located? What material would it be made of? Wanty stated that it would be located in the southeast corner of the development, at the entrance where cars will cross over the wetland area. Rose suggested doing a stone or masonry guard rail. Mosier agreed, stating that he would in support of materials other than steel or metal cables.

Kurtzweil asked for clarification about the location of the lift station. Wanty confirmed that they would be using the existing lift station for the Village at Eagle Heights. This is the lift station that the developer will be paying to upgrade.

Kurtzweil asked Wanty if there was any way for the development to be built without detention ponds. Wanty responded that there was not. The only way to do that would be to not develop the area. Any development will require wetland mitigation and storm water detention. All developments no matter the size have to have a plan to treat run off and storm water. Kurtzweil stated that she does not remember anything about detention ponds in previous versions of the plan. Wanty stated that they would not have been included in previous plans. The only elements included in previous plans would be lot layout and road layout, as required by the City.

Kurtzweil stated that she wants the developer to keep the current look of the property. She prefers a hilly, wetland look and would like to see some landscaping and plants like cattails incorporated into the landscape plan.

Avantini wanted to clarify with the Planning Commission. The open space that the Commission is discussing will not be an open field type space. The Commission seems to be showing a preference for open spaces that are wetland in this development. Lanam confirmed that was his vision for the property. He wanted it to look more natural, similar to the way that it looks now. Avantini stated that if that was the consensus, he could send out some pictures to the developer and their landscape architect of some detention ponds that are more natural looking.

Paul Elkow  
26134 Cornell Dr, South Lyon, MI

Elkow stated that he is the developer. He has been working with Avantini and has worked to address all of Avantini's comments. He noted that the revised models will be a little more expensive than what he had initially proposed, but that he is happy with the finished product

and thinks that they will be well-received. He noted the number of trees that would be planted per lot. He also stated that they will include a sod package in the sale of each home.

Rose stated that he had some concerns about the steep slope in the backyard for the lots numbered in the high 80s on the plans before the Commission. Particularly lots 88 and 89 show an approximate 20' drop in the backyard, leading into the wetland area.

Wanty noted that the plan had been developed so that all the lots in the development had at least a 20' deep backyard. Rose said that these lots may be in need of a retaining wall in the back because of the steep slope. There was a general discussion about retaining walls, and how thick a wall needs to be. Rose stated that he would request that the retaining wall at the lots in question be installed by the developer. He said that this cost should not be passed on to the homebuyer. Rose stated that otherwise, he was happy with the plan as presented. He likes the fact that all homes back up to open spaces.

Lanam had questions about temporary cul-de-sacs. Wanty stated that they would not need them. Wanty stated that there will be temporary driveways installed for the lots of Jennifer Lane on the north side of the development and they will take the temporary driveways out as the roads are put in.

There was a discussion about the trails that would be constructed as part of the development, and how they would be maintained. Elkow said that in his experience, woodchips were not the best material because of their tendency to scatter and blow away. Lanam stated that a hard surface path would be preferable, Elkow agreed.

Elkow asked the Commission about the large pond and detention area. How does the Commission want this area to look? Avantini stated that he works with some landscape architects who could give the developer specific recommendations. Avantini stated that as he understood it, the Commission wanted there to be a natural-looking transition from the development to the open spaces. It should be appropriately landscaped, not just an abrupt drop off to the pond/detention area. There was agreement amongst the Commission that was what they wanted to see in a landscape plan for the site.

Elkow stated that a fountain would require at least 2' of water to operate. Since that depth would require a fence, he stated that he would not be installing a fountain.

Elkow asked more questions about the landscape. Kurtzweil stated that she would like to see trees including River Birch, planted on the site. Leimbach stated that he wanted to see something more creative for the guardrail/barriers, something other than steel.

Elkow asked what could be done to make the process go as quickly as possible. VanDeCreek stated that his firm would need at least two weeks to review the plan details and calculations. If Elkow could submit the plans, there is a possibility of getting the plan before the Planning Commission at their first regularly scheduled May meeting. Once approved by the Commission, the plan would need to go back to the City Council. VanDeCreek noted that the revised plan to be submitted needed to reflect the comments and changes proposed this

evening. VanDeCreek stated again that he needed to see revised calculations and a drainage map as part of the revised site plan.

Kurtzweil brought up the issue of variety in housing designs. She stated that she did not want to see the same model over and over again. She wants the development to have character. Elkow described the “triangle approach” that he currently uses: he will not put the same model home on either side of a similar model or directly across the street. Kurtzweil stated that she wants some guarantee of this in writing. Rose suggested a four lot separation arrangement. He stated that he has seen this used in other developments and it works well. In this arrangement, the same model of home needs a separation of at least four lots on the same side of the road, and a separation of at least two lots on the other side of the road.

Avantini stated that he could provide some wording for a similar guarantee that was drafted for a development in another community that he works in. The language in this guarantee addresses diversity of models and also addresses diversity in color schemes.

Elkow asked the Planning Commission about their thoughts on minimum home size. Lanam stated that the ordinance addresses this. Avantini stated that ordinance calls for a minimum home size of 1,110 square feet. Elkow stated that the homes would be somewhere in that range, but less than 1,600 feet due to the size of the lots.

Chubb asked about the latitude that home buyers had in selecting architectural details. Chubb stated that he liked the home models as presented, but noted that the elevations shown included high-end finishes such as upgraded garage doors, cedar-shake type siding, cornices, columns, etc. What guarantee does the Planning Commission have that home buyers will select these upgrades? Chubb stated that the quality and character of the homes would be greatly diminished without these details. Chubb requested that Elkow present a standard minimum for each model that he was proposing. It should include enough architectural detail to preserve the unique look of the homes, but home buyers could choose to add more details. Elkow asked which details were most important? Which should be included in the standard minimum? Chubb stated that a mix of materials is crucial. In his opinion, the most important architectural details would be: quality of the siding, a mix of masonry and shake and upgraded garage doors. Wanty stated that this request could be incorporated into the building restrictions.

Fences were discussed. Elkow stated that he did not like having fences in his developments and would write this restriction into the development documents.

Rose asked who the target audience for this development is. Elkow stated that he did not have a specific demographic that he focuses on, he gets a variety of buyers in each of his developments. He noted that he usually gets a lot of families buying homes so that colonial-type models are his most popular. He stated that he has noticed an increase in the demand for ranch homes as well. Elkow stated that he would develop a standard minimum for each model and develop a couple more models to ensure diversity throughout the development.

## **2) Aubree’s Pizzeria and Grill Request for LED on Façade**

No one was present to represent Aubree's Pizzeria and Grill.

**MOTION TO DENY APPROVAL OF AUBREE'S REQUEST TO INSTALL RED LED LIGHTING ON BUILDING FAÇADE:**

Motion by Kurtzweil, second by Mosier

To deny approval of Aubree's request to install red LED lighting and the building façade.

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**3) Alexander Center**

Mosier asked why Alexander Center was allowed to open. In his opinion, it does not look good at all. He stated that the site needed to be cleaned up and that there were too many items that remained to be done. He does not think that they should have been issued a certificate of occupancy by the City.

Avantini stated that he and City Attorney Wilhelm had been working with the developer of the site to ensure that remaining items would be completed. Avantini stated that he had performed a site visit, and so had the building department. The majority of the outstanding issues have been corrected. The remaining items that need to be finished can only be completed once the weather is warmer. Wilhelm stated that several measures had been put in place to make sure that the work was done. He stated that the developer has made an additional cash deposit to the City and has secured an additional letter of credit. Wilhelm stated that deadlines for the work to be done have been established. The developer has until June to complete the work.

Kurtzweil asked how much the letter of credit was for. Wilhelm stated that he believed it was in the \$25,000 range but that he did not have the paperwork in front of him to confirm that figure. Kurtzweil stated that she did not think that was enough money to complete the work.

Avantini stated that the work needs to be completed on the site. He continued that it was standard to issue a temporary certificate of occupancy with guarantees that the work would be done in a timely manner. Avantini stated that he understood that the Commission has a long history with this property, but that it was in everyone's best interest for the development to be completed.

Kurtzweil stated that she thought that there were many safety concerns on the site. Mosier cited the cement pipes that had been previously been moved to the back of the property, noting that they were again in the front yard.

Avantini stated that these issues were code enforcement concerns. If it continues to be an issue, the building official can go out there and address the Commission's concerns.

Kurtzweil further stated that she thinks someone should pull title work to see if the developer's

name is on the chain of title. She noted that the City would not be able to put a lien on the property unless the developer's name is on the chain of title.

**NEW BUSINESS**

None.

**PLANNING CONSULTANT REPORT**

None.

**STAFF REPORT**

None.

**ADJOURNMENT**

Motion by Leimbach, second by Chaundy  
To adjourn the meeting at 10:15 p.m.

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Scott Lanam, Chairman

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Kristen Delaney, Recording Secretary

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Jerry Chaundy, Secretary