

City of South Lyon  
Planning Commission  
Regular Meeting Minutes  
June 11, 2015

Approved: \_\_\_\_\_

The meeting was called to order by Mr. Lanam at 7:03 p.m.

Roll Call: Scott Lanam, Chair  
Jerry Chaundy, Secretary  
Frank Leimbach, Commissioner  
Maggie Kurtzweil, Commissioner  
Steve Mosier, Commissioner  
Carol Segal, Commissioner

Absent: Wayne Chubb, Commissioner  
Keith Bradley, Commissioner  
Jason Rose, Commissioner

Guests: 52+

Also Present: Carmine Avantini, Planning Consultant, CIB Planning  
Tim Wilhelm, City Attorney

Mr. Lanam noted that the absent Commissioners are excused.

**APPROVAL OF AGENDA**

Mr. Mosier added an update to the Planning Commission meeting dates to the agenda.

**Motion by Mosier, second by Chaundy  
To approve the agenda as amended.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**APPROVAL OF MEETING MINUTES**

**A. Approval of the May 14, 2015 Minutes**

Minor changes were made to the minutes.

**Motion by Mosier, second by Leimbach  
To approve the May 14, 2015 minutes as amended.**

**Voice Vote: Ayes: Unanimous**  
**Nays: None**

### **MOTION APPROVED**

Ms. Kurtzweil commented on the concerns the City Council had regarding the increased fee for the Recording Secretary. She explained that she was the sole person who complained about the minutes not being detailed, having inaccuracies and had resident's comments either deleted or distorted. She was disappointed that the City Manager did not have a complete understanding of the importance of preserving the records for the municipal corporation for the City of South Lyon.

### **PUBLIC COMMENTS (non-agenda items)**

**Carl Richards, 390 Lennox** – Mr. Richards commented that he is on the Cable Commission and they met last night but had to sit outside because they have no key to get in.

He reported that he knew nothing about photographing the Memorial Day Parade. The City Manager chose 4 candidates to photograph the parade and the City Manager paid them out of her own pocket. The instructions were no audio and no discussion.

He reported that he spoke to the new building inspector and Third Monk Brewery has all of the required approvals and permits. They are brewing their first batch of beer and are planning on having a soft opening at the end of the month. There is a woman working on the graphic sign on the exterior of the south side of the building.

He reported that Mo's Towing is planning on moving and wants to get out of his lease. Mr. Richards commented if Browns goes out next year and Mo's is gone that whole area will be empty.

He commented on a project and the drastic change in elevation and the tremendous expense to gain an additional 50'.

He reported the BP gas station has made some improvements and it is one of the few places in town that sell the Herald Newspaper. He noted the price of the newspaper will increase to \$1.50 the first of July.

He stated that the City wide garage sale was a partial failure because 90% of the sales were baby and toddler items. He felt that the Garage Sale Ordinance should be modified. The Historical Society will be hosting a Trunk Sale in the near future and he hoped it would be permit free.

### **PUBLIC HEARING**

- 1. Consider a request to rezone an approximate 11.635 acre parcel (tax #80-21-19-126-02) "Thomasville" fronting 11 Mile Road and abutting the westernmost end of Colonial Acres, from RM-1, Multiple Family Residential**

## **District to PD, Planned Development District.**

Mr. Lanam opened the public hearing at 7:21 p.m.

Mr. Avantini reviewed the CIB Planning memo dated April 10, 2015. The plans are the same with the one exception that two more units closest to 11 Mile Road were added for a total of 62 units. Originally this was zoned for condominiums similar to Colonial Acre condominiums with more units proposed. These units will be detached units. The density has decreased from what was originally proposed for this development. The original project had 90 units proposed and now 62 units are being proposed. At the previous meetings, residents mentioned having good buffering between their units and the proposed development. The potential use of a decorative vinyl fence to separate from the abutting Colonial Acres was also proposed. Building elevations were submitted as well and he stated that it is a good time to provide preliminary feedback to the applicant.

Mr. Avantini stated that he is recommending approval with the condition that a waiver is approved to allow the average lot area of 4200 sq. feet, a minimum lot width of 40' and overall density of 5.3 units per acre, a setback of 10' between buildings and a rear yard setback of 35' and below in some cases. The approval is also conditional upon the erection of a decorative vinyl fence along the south and east property lines.

The engineer on the project stated that they are working to get the project right and they have no problem with the conditions in the memo from Mr. Avantini. Mr. Avantini referenced the memo from HRC dated June 9, 2015 which states in terms of the overall plan, there are no objections to the conceptual plan as submitted

Mr. Schroder confirmed the units will be approximately 1800-2200 sq. feet. He explained one plan has an option for a loft and one plan has a master bedroom on the first floor. Ms. Kurtzweil commented that when this came to them before she was concerned because she thought it would be apartments. Her concern was if it was apartments it would introduce transient people to the stable community at Colonial Acres. She felt going with condos they are adding to the community and will have people that stay for a long time because they will be homeowners who are required to make an investment. This project is far more stable than putting in apartments. She liked that there were garages, and will provide options for the residents in Colonial Acres.

Mr. Mosier stated overall the plan looks good; he would like to make sure that every house is not in the same style next to one another. The applicant was agreeable to that.

Ms. Segal asked if the developer has the easement for the connection. Mr. Schroder explained that he does have the easement in place and is open to whatever the Fire Department wants. They can put a gate there or keep it open, they will defer to either option. Mr. Wilhelm stated he has not seen the actual easement, he asked that the applicant forward that. Mr. Schroder confirmed that the project is not a retirement community.

Mr. Lanam questioned what benefit the City will receive for going over on the density along with the variances on lot area, lot width, side yard setbacks and rear yard setbacks.

Mr. Avantini stated one of the reasons this project would go to a PD is the unusual shape of the lot and the railroad tracks it makes it difficult to develop. It is up to the Planning Commission to determine if the additional two units are acceptable or not.

Mr. Leimbach questioned if the applicant maintained the density, with the maximum of 5, does that eliminate some of the variances? They are creating their own hardship. Mr. Avantini stated it may change the side yards and rear yards. Mr. Avantini stated it's important to keep in mind that the people looking for this type of development are looking for smaller lots and are targeted towards empty nesters or people that are just starting out. The owner confirmed that they were planning on having the owners take care of their own yards.

Ms. Kurtzweil stated that she didn't see many families coming in there because the back yard area is not conducive for families; it is not designed for swing sets.

Mr. Lanam stated with this being tight in the rear setback there would be no room for a raised deck or screened in porch, there would only be room for a ground level patio. Mr. Avantini stated that it is a good point but once again, having some sort of buffer will be important along those property lines. Mr. Schroder stated that a cement patio will be within the envelope, with no raised decks or enclosures allowed.

Ms. Kurtzweil stated that adds to the argument that this will be a compatible neighborhood with Colonial Acres since there will only be small patios so there won't be a lot of entertaining.

Mr. Lanam asked about the storm water and if it has been calculated to verify if it is sufficient. The engineer stated that it is sufficient and they are using the existing pond. Mr. Schroder verified that he thought the wetland is at least a square mile.

**Resident** – She provided pictures of the nature that will soon be gone, she stated that she thinks it's a shame.

**Bonnie Campbell 62310 Arlington Circle** – She explained her unit will directly join the development. It was likely it will be people with no children. They live in an isolated community in Colonial Acres, they live amongst their peers, quietly. She moved here to live quietly. She is very concerned, if it was over 55 she wouldn't worry so much. These homes will be entry level homes; they could have a dog, and 2.3 kids. Most of the people at Colonial Acres have little dogs, that don't even touch the ground. It doesn't make any sense to put homes there in this area. When she goes to sell her house which will directly look at those family homes it will affect her value, she moved here for a reason. She never thought about family homes being there.

**Mary Pell, 62512 Raleigh Court** – She commented Eleven Mile is still dirt, and questioned who is responsible for paying for that. Mr. Lanam explained that they can't require developers to pave the road, it is a County road and it may not get paved.

**Dave Thompson, Lexington** – He questioned what kind of fencing will they have between them and the new property? Mr. Lanam stated that they haven't gotten that far yet. Mr. Thompson stated that Lexington cannot go through it is a private street. Mr. Schroder stated that the easement is from the landowner from Colonial Acres. Mr. Thompson stated that the road is kept up and plowed by the residents. Mr. Thompson asked if there will be fencing in between, or if the residents of the new development have a big dog will it be on his property. They bought there because it was over 55. Mr. Lanam explained that the zoning does not account for a residential abutting a senior residential, there are no rules on the books. Mr. Schroder stated that they will do whatever the City wants them to do, either keep the road open or put up an emergency gate.

**Amy Lakey, Colonial Acres** – She commented that she walks her dog early and cars don't want to take Pontiac Trail, they come through. She has to be careful at 5:30 in the morning.

**Cheryl McGrail, 1141 Colt**, She commented that she just moved to this unit and it backs up to Eleven Mile. She questioned what changed from last spring when it was said that Lexington was private and it couldn't be made a thoroughfare. She also asked for an explanation about the dedication of a sewer to the City, and if improvements were needed. She is worried about the impact of the water and sewer system with the amount of people 62 units would bring. She asked what guarantee do they have that their basements won't be flooded.

The engineer explained that the sewer is on the property and it was designed to hold 90 units. It does not account for the age group of the users; it's based on square footage and the amount of fixtures. A 90 unit development will require more than 60 units will.

**Diana, Arlington Circle**, most of the concern is about children and all that goes along with that. Simple remedy, make it an over 55 community so that it's compatible.

**Rick, 62512 Raleigh Court**. He explained that they moved from Oakmont, Mill River. They liked the age group that was there when they bought and there were no age restrictions. After 3 years, they decided they wanted a quieter community and they found it at Colonial Acres. His backyard backs up to this development with only 30 feet between them. He stated barking dogs and kids screaming will impact his quality of life. He understood a plastic fence or a natural barrier but those don't block out barking dogs and kids playing baseball. When two communities are put together with this wide of an age group together there will be conflict. Their expectation is a quiet existence. He is very concerned with the 7 species of frogs that are around the pond. He felt that the condo certificates should have some sort of guidelines regarding the type of fertilizer that can be used in the pond area. Traffic is also a major concern. By opening Lexington to Eleven Mile it also encourages traffic from other sources other than safety and fire departments.

**Mary** – She commented that privacy is another concern for her. If she has a two story home behind her she will lose privacy.

Mr. Lanam asked the developer what type of buffering they were considering. Mr. Schroder stated that they are open to putting a fence in. Mr. Lanam asked if they would be willing to meet and work with the Colonial Acres residents. Mr. Schroder agreed to meet with the Homeowner's Association to discuss the buffering.

Ms. Kurzweil asked if the developer is providing a ranch option. Mr. Schroder stated no.

Mr. Leimbach stated that the residents have a valid point that this development is not conducive to Colonial Acres. He felt that some of these things can happen such as some kind of buffer, he felt there should be no connection at Lexington and give 5 units per acre in order to get a little more space between the lots. He suggested making a second row of egress so there are two ways to get in and out for the Fire Department and Police Department.

The engineer stated if a 2<sup>nd</sup> entrance is required it may kill the deal. Ms. Kurzweil suggested having a boulevard type entrance that can serve as a 2<sup>nd</sup> entrance/exit. Mr. Avantini stated that there are standards for the length of a cul de sac and this development does not exceed the length of the cul de sac to have a second access. This development doesn't need a connection to Colonial Acres to make it work. Police and Fire came out very strongly wanting the 2<sup>nd</sup> access.

Ray Cusumano stated that they would prefer not to make the connection to Colonial Acres. They are flexible in terms of what the City would want. Having an emergency gate for emergency vehicles is the simple solution. Two access points on Eleven Mile kill the project. There are a lot of positives associated to a single family property which could enhance the Colonial Acres property value. They will try to address as many of the resident's concerns as they can.

Mr. Lanam stated that the Planning Commission is not ready to give a preliminary approval; he is not comfortable with sending this to council with the road connection on the plans and the dimensions. It doesn't mean they are voting against, the plans are just not ready to go to City Council.

Mr. Cusumano stated if they eliminated two units it wouldn't change the side yard setback. He is concerned that they are losing time if it's not approved. The design will not change significantly. They would prefer to have the road connection blocked off. There was brief discussion regarding the process that the project needs to complete.

Ms. Kurtzweil proposed that there are no basketball courts installed, no hoop on the garage, or a standup unit, no basketball stand in the ground. She would like to see a limit on the number of dogs and state a limit on the weight of a dog. There will be no dog houses outside at all. She stated it is very important to maintain the nature balance, and recommended D&G Nature's Way Lawn Care as the company to use because they use organic fertilizer. She is also concerned with the turtle population in that area. She also proposed removing the two units on the end and redesigning the area with the pond. She thought a nature center with a park bench, blue bird houses would be great and asked that they even consider an art sculpture conducive to nature and have it installed. She stated that they are trying to be consistent with what Colonial Acres has. Mr. Schroder stated he was agreeable to that.

**Rick** – He stated it will be helpful to have rules and regulations.

**Resident** – He asked if the homeowners are purchasing and owning the land. Mr. Schroder stated yes, they will be landowners. He explained that the price point will be in the low \$200,000.

**Esther, 62320 Arlington Circle** – She thanked the Planning Commissioners for their concern for them. She stated Colonial Acres is a beautiful place to live, she feels so fortunate to live there. People look out for each other and they care about their property. She stated that it would be wonderful to see a green space. She did not want to see fences, those deteriorate and need maintenance. She asked that they consider green space; she would rather look at trees, not fences.

Mr. Lanam closed the public hearing at 8:54 p.m. due to no further comments.

**Motion by Kurtzweil, second by Leimbach  
To table until the next Planning Commission meeting.**

Mr. Leimbach briefly suggested a boulevard entrance as well and he asked that a strong recommendation from at least one Commissioner is given to the police/fire to look at not having the connection to Colonial Acres via Lexington since it's not a required connection.

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**OLD BUSINESS - None**

**NEW BUSINESS**

- 1. Request from Pullum Window Corporation located at 415 N. Lafayette for conceptual feedback on site plan.**

Mr. Avantini explained that Pullum Window is planning on rebuilding after the fire that occurred. The applicant was here to obtain conceptual feedback from the Planning Commission.

Mr. Pullum stated he would like to have a nice building to reflect the quality of the product. He stated that his ideal situation would be to build the "A" elevation now along with either the "B" elevation or one of the "C" elevations, it depended on his budget. He lost a total of 18,000 sq. feet in the fire and the "A" elevation plus on one of the "C" elevations would provide 15,000 sq. ft. Has a severe water problem, because of the railroad tracks being elevated all of the water drains to his property. Mr. Avantini agreed there are practical difficulties with this site.

Ms. Kurtzweil stated if anything advertises what they do it's this plan. She commented

that she didn't know Pullum Windows is a high end quality window manufacturer due to the current building. She felt this new building will really showcase their product.

Mr. Pullum asked who he should go to regarding the sidewalk because he is willing to pay for the improvement. Mr. Pullum confirmed that the building will also be a showroom.

The consensus of the Commissioners is that everyone is in favor of the new building plan.

## **2. Discussion of residential fence requirements**

Mr. Avantini explained that there was a recent ZBA Case requesting to replace their fence with a 6' solid fence. They don't meet the criteria of the ordinance but feel that some relief should be granted. The current ordinance is stricter. Mr. Avantini briefly reviewed the requirements.

After deliberation the Commission agreed that that they were not opposed to the privacy fence if the fence is no higher than 4'. They agreed that the dogged ear fence is more than 49% solid.

There was discussion regarding the Methodist Church sign. Ms. Kurtzweil stated someone from the City should call the applicant before the meeting next week and ask what they are proposing and if they are bringing their final project in.

Mr. Leimbach questioned what the City is doing on the trees situation with regard to the Knolls of South Lyon.

Mr. Avantini explained that there was a pre-construction meeting and the developer is proposing 5 trees on each lot plus 2 street trees. Mr. Avantini felt it would be a mistake to plant that many trees per lot so he suggested a revised proposal that includes full landscaping for each house as a requirement. The developer will be back for a proposal to review. Mr. Leimbach stated he wanted to make sure they didn't put in landscaping that was woefully undersized.

Mr. Avantini stated he will specify the minimum planting sizes up front and bring it back for the Commission's approval. The developer will still be over the tree amount requirement.

## **3. Meeting Dates**

Mr. Lanam recommended keeping the meetings at two per month and cancel the ones that are not needed.

### **Motion by Kurtzweil, second by Leimbach**

**To continue with the Planning Commission meetings as scheduled throughout the first decade for the 2<sup>nd</sup> and 4<sup>th</sup> Thursday's of the month as the regular meetings.**



**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**TABLED ITEMS**

1. Planning Commission By-Laws
2. Jamestown Site Condominium
3. Jamie Vista Site Condominium

**Motion by Kurtzweil, second by Leimbach  
To table the Planning Commission By-Laws to the next meeting.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**PLANNING CONSULTANT REPORT - None**

**ADJOURNMENT**

**Motion by Lanam, second by Leimbach  
To adjourn the meeting at 10:08 p.m.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 10:08 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary

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Scott Lanam, Chairman

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Jerry Chaundy, Secretary