

**City of South Lyon  
Planning Commission Meeting**

June 9, 2011

Chairperson Weipert called the meeting to order at 7:00 p.m.

All present recited the Pledge of Allegiance to the Flag

PRESENT: Commissioners Kurtzweil, Mosier, Weipert, Bradley, Chubb, Culbertson, Lanam, Chaundy and Leimbach were present.

Also present were Ben Tallerico (Planning Consultant), David Murphy, City Manager, Parvin Lee, City Attorney, and Kristen Delaney, Director of Community and Economic Development.

**APPROVAL OF AGENDA:**

**Motion by Mosier, supported by Leimbach**

**To approve the Agenda June 9, 2011 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

**Motion by Culbertson, supported by Bradley**

**To approve the Minutes for May 12, 2011.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC COMMENT**

None.

**PUBLIC HEARING**

Oakland40 – Rezoning from IRO Industrial Research Office District to R-2 Single Family.

Weipert explained the procedure for the public hearing.

Public hearing opened at 7:02pm.

Mark Hipp, 691 Grand Court

Mr. Hipp stated he lived in his house since his sub-division was built. He knew it there was a risk of the property being developed as an IRO but took the chance anyway. If it were to be re-zoned to R-2 it would feel like the rug has been pulled out from under his feet. He would like the property to be kept the way it is. He noted the housing marking is not getting any better. He cannot imagine that housing will sell. He believes the property has been all the way to the Supreme Court and the court ruled in favor of the city. He prefers it be kept as is. He thanked the Commissioners for their time.

Carl Richards, 390 Lennox

Mr. Richards stated he supports the city regarding this matter. He believes it could be mediated in conjunction with more investigation. They should make the best of it and not change the rules in the middle. Keeping it IRO could add jobs and the city already has vacant homes.

Maureen Sandefur, 796 Stoney Drive

Ms. Sandefur stated she is the secretary of the neighborhood board. She has been in touch with Oakland County regarding the amount of taxes paid on this site. She also talked to people about what types of businesses could move into the IRO. She thinks residential will be a better choice for the schools. She has lived in her home for thirteen years and it has always been an empty site.

Dorothy Kosky, 757 Knollwood Circle

Ms. Kosky asked if there was someone interested in developing the property and if so, what is his or her plan otherwise it seems counter-intuitive to bring this up every year.

Weipert answered that City Council asked to have it reviewed and at this point it must be considered without a specific plan.

Angela Lane 809 Eagle Way

Ms. Lane stated she moved into her home within the past two years. She is in favor of keeping this property IRO. There is a lot of land that has been cleared and there are many homes empty and not cared for. She does not think rezoning will better the situation and until the bigger economic problems are resolved this will not change anything.

Weipert read a written statement from Ryan Lare of 716 Grand Court, for the record.

Public hearing closed at 7:16pm.

Tallerico reviewed the history of this site and explained the city's process. Noting, as already mentioned, City Council asked the Planning Commission to review this site. He explained the Master Plan, the upcoming review of the Master Plan, and his review of the site. He provided descriptions of property and zoning around the area and demographic reports. He is not saying that IRO does not work but R-1, R-2, or R-3 might also work. IROs are not typically in neighborhoods. Any development will face challenges with this

site. The neighborhood does not seem to be moving toward industrial uses. Topography may make it more suited to residential. He noted that the Supreme Court ruling of this property in a previous case was actually because of a technicality. Lee noted that this statement was correct.

There was a general discussion regarding making changes against the Master Plan. Lee stated the Master Plan is dated and should not be considered a deterrent to any decision made by the Planning Commission. The decision should be made in the best interest of the city. It was noted that the current Master Plan is ten years old. Tallerico noted, in his opinion, this would be a situation where it could be appropriate to deviate from the Master Plan.

There was a clarification that the request to review rezoning of this site was solely a request from City Council. Culbertson asked if the city knows what the owner of the property wants it zoned. Lee answered the owner is currently suing the city because he feels the current zoning is improper. Culbertson asked if that means, by default, the owner wants it changed to residential. Lee stated that is correct and to his knowledge no developer previously has ever asked for anything other than residential.

There was a general discussion regarding what the R-2 zoning allows stressing that there is no site plan.

Kurtzweil restated her concerns and noted arguments tonight were very well articulated. The housing market is not bouncing back and the unemployment rate is not encouraging. With foreclosure rates and unemployment so high it means everyone is delayed on getting back on their feet. The developer is going to be building in an area with higher property tax rates. Additionally gas prices will continue to increase and people will be motivated to live closer to their jobs. She wished good luck to the builders. She does not think they have been hurt by any delays in the rezoning process.

Chubb stated he was not against the R-2 zoning but was having a hard time with the fact that the property was not going through the Master Plan review process. By not looking at the much larger picture it is possible they are not considering another, possibly, better option.

Culbertson asked for clarification of motions at last meeting. The motion was intended to pick a zoning classification to discuss as part of the public hearing and recommendation to City Council.

**Motion by Culbertson supported by Lanam**

**To recommend approval to rezone to R-2 single family, the property known as Oakland 40.**

**VOTE**

**MOTION CARRIED (seven in favor; two opposed)**

**Motion by Lanam supported by Bradley**

**To rescind approval of the minutes from May 12, 2011**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**Motion by Leimbach supported by Kurtzweil**

**To amend minutes to correct motion that R-2 classification approval was for the purpose of setting the public hearing.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**Motion by Lanam supported by Leimbach**

**To approve the Minutes for May 12, 2011 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**TABLED ITEMS**

Medical Marijuana Dispensary Ordinance  
Complete Streets & Safe Routes to School  
Annual Retreat

**PLANNING CONSULTANT REPORT**

Tallerico presented a report, which included updates from some recent court cases, new census data, Medical Marijuana Law updates, state planning bills, Emergency Manager Act updates, and news from Beckett & Raeder.

**STAFF REPORTS**

After some discussion, it was decided the next meeting would be in July. Murphy provided a code enforcement update.

**ADJOURNMENT**

**Motion by Culbertson supported by Kurtzweil**

**To adjourn the meeting at 8:05 p.m.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

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Pam Weipert, Chairperson

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Jennifer Knapp, Recording Secretary

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Keith Bradley, Secretary

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