

**City of South Lyon  
Planning Commission Meeting**

September 22, 2011

Chairperson Weipert called the meeting to order at 7:04 p.m.

All present recited the Pledge of Allegiance to the Flag

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

Also present were Chuck Leman (Planning Consultant), Dave Murphy, City Manager, and Kristen Delaney, Director of Community and Economic Development.

**APPROVAL OF AGENDA:**

**Motion by Mosier, supported by Chaundy**

**To approve the Agenda September 22, 2011 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

**Motion by Chubb, supported by Chaundy**

**To approve the Minutes for August 25, 2011 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC COMMENT**

None

**NEW BUSINESS**

Lexington Place Condominiums Site Plan

Paul Robertson, Jr., Robertson Brothers, 6905 Telegraph Bloomfield Hills, MI

Mr. Robertson stated he was happy to be here. His company has taken back a number of properties, primarily townhomes and one and one-half story buildings. He noted banks are not lending for new construction. At this site he is proposing to put thirty-seven detached condominiums, one story, geared for empty nesters and fifty-five and older. In

Independence Township they built a similar development and have already sold eight units. The units are priced under two hundred thousand dollars before any add-ons. He knows the product will sell; they are very cute with front porches in a style of the bungalows on a small street.

Weipert asked Mr. Robertson to highlight the setback changes he proposed in the letter to the city manager. Robertson stated that the issue is with the rear setbacks, the ordinance requires twenty-five feet, the worse he is at is twenty-two feet. They pushed in the back to make room in the front. Weipert asked if the previously approved plan met the setback requirements. Robertson replied he did not know. He stated there are asking for one at twenty-two feet and the rest are between one and two feet off the requirement. He is asking for a variance. He also wants to eliminate sidewalks. In his experience, developments like this do not need sidewalks. People do not use them and if he includes them then he loses space for two cars for on-street parking.

Robertson stated the other concerns, such as the manhole covers, are being corrected. He noted it is unusual that decks cannot be in the setback area. He needs to have ten by ten decks/patios in the set back area. There are nine units that do not meet the setback ordinance. He stated the fire department request for no parking, fire lanes is not noted on the original plan and because of the street width he does not believe it applies. The on-street parking is important to the development and if not allowed the variance it will kill the project for him. On the Beckett & Raeder report, item 1.6 can be solved. The landscaping plan has already been fixed. The previous developer put in the existing trees so those are the replacement trees, which means his tree count, is correct. Robertson stated he does not understand the comments regarding the trail because it is not near the development.

Leman asked how Mr. Robertson knows the development will only be the elderly and even if it is, walking in the streets can be dangerous. He noted South Lyon's street width is thirty-three feet. Robertson stated Oakland County's standard is twenty-seven feet. Leman stated he is not disputing him, just stating a matter of fact.

Leman replied this is a general discussion and not a submission review. He noted this is a Planned Development so he will also need the approval of city council. Robertson commented he preferred the PUD.

Leman asked if the homeowners would understand their roads are private and snow removal will be the responsibility of the owners. He asked what the association fee would be for the owners. Robertson replied the fees vary from one hundred and fifty to two hundred and eighty. There was a general discussion regarding snow removal and condo association responsibility.

Robertson stated he would love to have sidewalks but cannot afford the room. Leman stated his experience was that there would be very few cars parked in the driveways. Robertson noted that street parking helps to avoid a lot of parking issues. He noted he only has sidewalks in one development.

Weipert stated she appreciates that they are trying to finish the development. With the buildings there now the setbacks are a problem She believes the setbacks will always be an issue on this site. Robertson stated there are only nine out of the thirty-seven that have a problem.

Weipert stated there is new fire chief since the last plan submission. She also did not know if fire ordinances have changed. She stated the city is proud of being a walk-able community. Sidewalks are a big deal to everyone. This development is close to the Rails to Trails and she thinks it would be a benefit to the residents. When the Planning Commission approved the original plans they wanted the units to look like single-family homes and a bit more upscale. From her perspective, she is interested in seeing sidewalks and an upscale appearance. She does want to address the deck issue at the planning level.

There was a general discussion regarding the level of changes between the plans.

John Morgan, 1118 Surrey Lane

Mr. Morgan stated with the setbacks, they did receive a lot of feedback in the past and he feels the surrounding homeowners were ignored. He was not opposed to losing the sidewalks. He does not know if the sewers and utilities will be reworked but if they are he asked they not trench too close to the trees so they do not lose them like the last time.

Tom Duncan, 60440 11 Mile Road

Mr. Duncan stated this was déjà vu all over again. Little did he expect how problematic this development was going to be? He can accept that this development is going to happen but he does not think they should sacrifice standards based on economic decisions. This is a down period for building but having something less than our standards is not acceptable. What he is hearing, is the Commissioners are considering change those standards. The partially built condominium is twenty-five feet from his property line. That is close enough. He knows everyone wants this built but his or her needs to be a smaller development to fit in the space. The sidewalks are vitally necessary. They have not seen colors or building materials. The previous builder did not plant the trees they promised. There is no standardization of the decks and patios, and there should be. He has other comments but does not want to take up more time. He will write a letter. He added there has been no demonstration of hardship that he has heard to justify the variations.

Lisa Morgan, 1108 Surrey Lane

Ms. Morgan pointed out her home on the planning map. She stated if they are looking at twenty-five feet setbacks then she is going to be surrounded by condominiums. When she built her home she had no idea at the time that the neighboring property owners were negotiating a sale into this development. The plants to shield her property will be crucial. With the existing trees, it is going to be very tough to build and dig and protect her property. The idea of a twenty-two feet setback is unpalatable.

Lanam noted they talked for a long time about the sidewalks and it is obviously very

important. The fact that Mr. Robertson has never put them in a development before is not the Commissions problem. The twenty-two foot setback is tight and then adding a ten to twelve foot deck into that envelope is untenable.

Chaundy asked if the parking would be on street. Robertson replied yes, one side, the other side will be fire lane. Chaundy stated he lives in a community where there are sidewalks and people use them all the time. Robertson stated he would love to do sidewalks but he does not have a clean piece of paper to use to draw this development. He has a dirty piece of paper and he is doing the best he can to provide a product that will work. Everything in his business has changed.

Chaundy stated it seems to be a deep house. Robertson stated he could not afford another twenty-five thousand dollars to have an architect redraw the homes. Chaundy asked when he would be able to begin building. Robertson replied he could be in the ground thirty to forty-five days after approval.

Leimbach stated he agrees with the others. They do not have to live with something that does not meet their standards. Not having sidewalks is not good. The neighbors were not happy with the previous plan but there was no need to go backwards. He stated Mr. Robertson could do fewer units and save the space. Robertson stated this plan is less intense. It is ten feet lower in height and detached. He was disappointed in the Commission's reaction.

Lanam stated he did not know how much more difficult it is to make the units smaller to make them fit. He stated that Mr. Robertson was making it sound like there was not a choice but building permits are already up from the past two years. There is not a reason to have to accept this.

Mosier stated he agreed with everyone else and noted again, the importance of the sidewalks.

Kurtzweil stated she does not like it one bit. She questioned targeting senior citizens in a development where they will be responsible for snow cleaning; deteriorating roofs and in twenty years time how thirty-seven units will be able to maintain the development. She does not think this site is fit for condominiums because she does not think it is viable for twenty years. She supports the sidewalks. Does not like the setbacks. The elevation is a problem. She asked if there were similar developments in Birmingham or Bloomfield Hills? Robertson answered no. Kurtzweil stated then do not bring them here. We are asking for upscale. She referenced a development that sold out just two years ago in town as a better example. Robertson asked if that development was single family or condominium. Kurtzweil replied single family. Robertson answered this development is not single family because he cannot afford it.

Chubb stated he appreciates Mr. Robertson's work on this development but he does not think this is the only answer to the situation. He asked if this could be done without sidewalks, yes, but did the applicant pay attention to the pedestrian, no. If people are

adding on at purchase to bring the home price up to two hundred thousand dollars then maybe he could add the elevation to make the units at that price. Because it is a PUD, the Commissioners can ask for more. He noted he was disappointed the developer did not go above and beyond.

Leman asked Mr. Robertson if he could look at the front setbacks to make room for the sidewalks. There was a general discussion regarding some other options to consider.

Weipert stated the Commission was open to the idea of a development but they are adamant about sidewalks and upscale units. As Commissioner Leimbach stated, they will be looking at this development long after Mr. Robertson is gone.

Robertson stated he does understand that and he is working giving them something that sells and what works best for his company is a single story detached condominium. There was not money available to him for two story units. It just does not work economically. This is not a single-family site it is a condominium development.

Delaney noted she had a letter emailed from a resident to city officials. Weipert read the letter into the record.

Duncan stated it would be beneficial if somehow the immediate neighbors can be contacted when something like this project is going to be presented. Delaney explained how notifications are made and offered to take phone numbers to make additional announcements.

Ms. Morgan stated she does not understand why the city can allow a variance. Weipert stated she did not think anyone said it was ok.

Leman stated the street system and utilities are already there. The developer has to work with what is there so it is not a simple problem. He can change the building but he is working with a set footprint. He does not have much depth. Kurtzweil stated she does not think the city has to accept that.

Weipert commented, to the audience, that it was mentioned that the Planning Commission did not listen eight years ago, but that was not the case. They did listen carefully to all the feedback provided.

#### Election of Officers

It was decided since two Commissioners were not present to postpone the election until the next meeting.

**OLD BUSINESS**

Residential in B-3

Delaney stated she did research the reason for the wording in the ordinance but can find nothing to indicate why residential was excluded.

Leman stated he sees no reason for the Planning Commission not to pursue changing it. The Commissioners agreed.

There was a general discussion regarding how it would move forward. Delaney will have the language revised and brought back for a review before making any motions.

**TABLED ITEMS**

BP Building Façade  
Alexander Center  
Medical Marijuana Dispensary Ordinance  
Complete Streets & Safe Routes to School  
Annual Retreat

**PLANNING CONSULTANT REPORT**

Leman reviewed the planning report written by Mr. Tallerico.

**STAFF REPORTS**

Delaney reminded everyone that the holiday season was coming so in November and December there will only be one meeting each month.

Delaney provided updates on Alexander Center, the Bodnar building, and Bella Luna's façade.

Weipert asked everyone to join her at the next City Council meeting where they will be discussing the blight ordinance.

**ADJOURNMENT**

**Motion by Lanam supported by Chubb**

**To adjourn the meeting at 8:43 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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