

**City of South Lyon  
Planning Commission  
Zoom Meeting Minutes  
September 24, 2020**

Approved: 

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

Chairman Lanam leads the Commission in the Pledge of Allegiance

Roll Call: Scott Lanam, Chair  
Steve Mosier, Commissioner  
Wayne Chubb, Commissioner  
Michael Joseph, Commissioner

Also in attendance: Kelly McIntyre – CIB Planning  
Lisa Hamameh – City Attorney  
Lisa Deaton – City Clerk  
Judy Pieper - Deputy Clerk

Chair Lanam states that there is a vacancy on the Board

Absent: Jason Rose, Commissioner

\*Commissioner Kopkowski advised she will be late

**Motion to excuse Commissioner Rose**  
**Motion by Mosier, Second by Joseph**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Motion to approve Agenda (Revised)  
Motion by Mosier, Second by Joseph**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Motion to approve Minutes – 8/27/2020  
Motion by Chubb, Second by Mosier**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

**Public Comments: None**

**Tabled Items:**

- a. **SPR#20-01: Fieldstone Planned Development: Final Planned Development Site Plan Approval: The applicant is requesting Final (PD) Site Plan approval for a 50-Unit single family residential development on 11.635 – acres.**

City Planner, Kelly McIntyre states that we are looking at the final PD Site Plan approval for a 50-unit single family residential development that is 11.635 acre parcel on the South side of 11 Mile Road. The proposed development is called Fieldstone. McIntyre explains that on a final site plan review, the board should be looking at the final details. She states that this project received preliminary site plan approval from the Planning Commission and from the City Council.

McIntyre states that at the last meeting, the Commission had some questions, so it was tabled on August 27<sup>th</sup> to allow her to get some requested information together and also to study the elevations.

McIntyre states that one of the concerns was the anti-monotony rule, and the Commissioners requested that she provide what was in the Knolls of South Lyon agreement. She states that this agreement was provided in the packet and the agreement is pretty much identical. Stating that the plan and elevation cannot be across from or on either side of each other.

McIntyre states that she also provided the Plan Development agreement, the Master Deed and the By-laws. She adds that these are still drafts, and she and the attorney are still going through them.

McIntyre reviews the questions that were brought up which include the snow removal for the emergency access and that this is addressed in the Plan Development agreement. Also, item #13, residential unit, will address the anti-monotony rule. Item #21, states that any variances need to come to the Planning Commission. Item #22, talks about changes and alterations and which are considered a major change (which have to go before the Planning Commission) and minor changes.

The minor changes include the correcting of non-material errors, changes in exterior residential colors, light changes to the berms and to the landscaping, changes in the elevations described

Also provided was a spread sheet of all 50 units. The applicant broke it down to show each house that could go on the lot including all the different options that the homeowners could choose, giving the homeowners thousands of options per lot.

McIntyre states that this is the final site plan and it's a recommendation to council and a recommendation for approval subject to the items addressed in her 8/18/2020 letter. The itemized list is as follows: a table specifying the square footage of each unit be provided, landscape replacement calculations be provided, a statement on the survey indicating if there are any regulated or non-regulated wetlands on the property, a note showing that Fieldstone circle and Lexington Drive will remain private and are built to private standards, that the plan development agreement, master deed and by-laws be approved and recorded by the city. She states that the approval of the sign, the entrance sign location and the use of decorative streetlights have been added and any review and approval of permits from other city consultant departments.

Chair Lanam questions how the elevation that was discussed that showed all siding was going to be handled. McIntyre states that it is not shown on the spec sheet and it is very specifically stated that an all siding house is not allowed. She states that this can be added as a condition.

**Motion to take the Fieldstone Planned Development - SPR#20-01 off the table  
Motion by Mosier, Second by Joseph**

Voice Vote: Ayes: Unanimous  
Nays: None

**Motion Approved**

Michael Noles, The UMLOR Group, 49287 West Road, Wixom, Michigan  
Noles states that they appreciate the recommendation from staff and consultants for approval and appreciate the Commission for taking their time and diligently reviewing the information.

Noles states that during the preliminary the coverage limits were established, the sidewalk network was modified to meet everybody's approval, the site lighting style was changed, symmetric wall details were submitted, and they updated the matrix.

Commissioner Chubb states that he has had a chance to thoroughly review everything and he does appreciate the comprehensiveness of all the information that was submitted throughout these many months. He adds that he does believe that there is an opportunity for this property to be variable and creative in the layout of all the homes. Chubb states that there is some opportunity for some repetition, but that is the nature of the business.

Chubb refers to the letter from The UMLOR Group, dated 9/4/2020, referencing the anti-monotony language. McIntyre states that this letter was from the original packet and the wording was pulled from the by-laws and the master deed. Noles states that this letter is slightly different from the preliminary, but it is consistent. He states that they just wanted to clarify what constituted a different house. They wanted to say that a different color or adding an extended garage does not constitute a different house. Hoping that this gives the Commissioners a level of comfort from the last meeting.

Commissioner Chubb states that this meets the concerns that he has had since day one and he appreciates the efforts that they did.

Commissioner Mosier states that he is satisfied with the information that they received.

Commissioner Joseph states that he is satisfied with the information and with the changes that were made.

Chair Lanam states that he feels the same as Commissioner Chubb, he states that it is not a perfect world, but it's not a perfect site either.

**Motion to recommend to City Council to approve the final preliminary development site plan recommendation for the Fieldstone Planned Development - SPR#20-01 – per the conditions of the 8/18/2020 memo with the addition of not having all siding on the Cristfield product, the incorporation of**

**the language submitted from the UMLOR Group memo, dated 9/4/2020, regarding the anti-monotony policy.**

**Motion by Chubb, Second by Mosier**

**Roll Call – Commissioner Chubb - Yes**

**Commissioner Joseph – Yes**

**Commissioner Mosier – Yes**

**Chair Lanam – Yes**

Voice Vote: Ayes: Unanimous

Nayes: None

**Motion Approved**

**New Business:**

- a. **REZ#20-01: Vacant Property, parcel #21-30-126-003. The applicant is proposing to rezone a 34.32-acre parcel on the east side of Dixboro Road, south of Ten Mile, from I-1, Light Industrial, to RT, Two Family Residential.**

City Planner, Kelly McIntyre, states that the re-zoning of this 34.32-acre parcel is proposed to go from I-1, Light Industrial, to RT, Two Family Residential. She states that allowed in the RT, Two Family Residential, in addition to two family dwellings, you may also construct anything that is permitted in a single-family dwelling zoning district. So, you may also construct a detached single-family home. McIntyre states that the parcel itself is currently master planned for Light industrial. The property to the North has been re-zoned conditionally to RM-1 and the property to the South is I-2 Industrial (City Property) The property to the East is also industrial and the property to the West, in Green Oak Township, is single family residential homes.

McIntyre states that she has provided a list of both permitted and special land uses allowed in this district for comparison. She states that it is important to remember that when you are looking at a re-zoning, you are reviewing it independently of any other proposed development.

McIntyre states that she reviewed the rezoning request based on the following criteria:

- a. Consistency with the goals, policies, and Future Land use Map of the City of South Lyon Master Plan.

- b. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
- c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.
- d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
- e. The capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the city.
- f. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.
- g. Where a rezoning is reasonable given the above, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

McIntyre states that given the analysis, she will not be able to make a positive recommendation in order for this re-zoning request from I-1, Light Industrial District to RT, Two-Family Residential Zoning District for the following reasons:

1. The proposed rezoning is not consistent with the City of South Lyon Master Plan, and more specifically, the Future Land Use Plan;
2. There is a need to retain the City's limited industrial land;
3. Rezoning the land to residential does not address a community need (residential land use in the City is 65%)
4. The site is capable of accommodating the range of uses permitted in the I-1 District;

**Chair Lanam opens the Public Hearing at 7:40 p.m.**

**Suzan Martin, 602 W. Lake Street, South Lyon, Michigan**

Martin states that they do not want the homes on W. Lake Street, it's our entry point into the City and there is a green space there now with wetlands. She states that they need a buffer between our homes and Michigan Seamless Tube. She also states that there are a lot of vacant homes in this area.

Chair Lanan questions McIntyre if the development will have access from Lake Street. McIntyre states that it does, this application was originally submitted with a plan to use the property for open place preservation options. However, as the plans were being reviewed there were some problems, so it was decided to bring the re-zoning to the Planning Commission before the applicant and the engineers spent any more time updating or changing the engineering of the property. McIntyre reminds the Commission that they must look at this independently of a site plan.

McIntyre confirms that this property does actually touch on Lake Street and there is some land there that could potentially have a residential home on it if the zoning is approved.

**Mark Szerlag, Thomas Duke Company**

Szerlag states that they have been marketing this property for the last 5 years as an industrial property and they have had zero interest. He adds that prior to this, the property has been marketed for the last 20 years with several different brokers for that use.

Szerlag states that the average sale price for Industrial property in western Oakland County ranges between \$100,000.00 to \$200,000.00 per acre. He states that the sellers are asking half that price and still zero interest.

**Michelle Spencer, Howell Engineering**

Spencer states that she disagrees with McIntyre on this site. She states that this property has been sitting for 20 years and the owners have gone above and beyond and actually put in a road and did a site condominium for industrial. Spencer states that she contacted a few industrial clients to see if they would be interested in this property and they gave her two reasons why they would not be. The first being that this property is 15 minutes from the nearest expressway, and the second is that the market value of this property exceeds the properties that are directly on the expressway.

Spencer states that this is a walkable site to the downtown, meaning that this is a prime location for residential. The developer is looking to add a boardwalk and a

sidewalk along West Lake Street to get to downtown and this is a huge selling point.

Spencer goes on to discuss the difference between developing an industrial site and a residential site. She states that an industrial site is not clean and can potentially contaminate the wetlands.

She states that the reason that this is an industrial zone is because back in 1997 an applicant requested it to be rezoned, not because the City saw the need for an industrial site. Since this time, the property has sat vacant. Spencer also states that she has been on site quite a few times doing some surveying and she has heard zero noise. The plan that they would be bringing is an open-space, natural preservation plan allowing a great amount of the trees that are currently in place to stay there. They will be clustering the homes around the road that is there. Spencer states that they would be looking to do an open-space, single family development of smaller size homes and lots for empty nesters.

### **Tom Schroder, Cornerstone Development**

Schroder discusses obtainable housing, and how some people can't afford to live where they work, and they need some affordable options that they can commute from. Clearly an industrial site does not work here.

Chair Lanam verifies with McIntyre that the last time they saw this site, it had been rezoned for an RM and the biggest issue was for the Fire Department and how the roads were going to be laid out. McIntyre states she would have to go back and look at the minutes again to be sure.

Chair Lanam closes the public hearing at 7:59 p.m.

Commissioner Joseph has questions about the last time it was requested to be rezoned.

Commissioner Mosier states that they worked hard on the Master Plan and at this time, he can't see why we would re-zone this site.

Commissioner Chubb states that he is struggling with the RT and asks if there was any other consideration of the R districts.

Spencer stated that they would be more than happy to go with an R3 district. The RT was so that they could go with a thinner size lot. Spencer states that she has already put together a concept plan with a 60-foot-wide lot.



City Attorney, Hamameh states that if this were a zoning variance request and what was published for the public hearing was a 20 foot side yard setback and then you are lessening that to 10, so if anyone that may have had an objection would have come if it were 20. With a re-zoning, there are certain things that are allowed by right or by special consideration for land use in two different districts. Hamameh states that this is to different of a request to treat it that way. So, she disagrees with the attorneys that Spencer spoke with.

Chair Lanam states that what the applicant’s biggest hurdle would be going up against changing the Master Plan. Spencer states that the Master Plan is already being change because of the corner piece that was granted an RM-1. McIntyre clarifies that the piece that Spencer is talking about was a conditional rezoning which is its own creature.

Hamameh states that she would be concerned about giving any opinion seeing that there is only four members of the seven-member Planning Commission here tonight. As well as, you can’t give any indication until you see a plan and make a decision.

Spencer states that they did submit a full site plan with landscape plans and architectural plans. McIntyre stated that they wanted to bring this to you together on the same night, but technically these are two separate items and the site plan that they would have shown you cannot be conditioned. The property would have to be re-zoned.

Spencer states that they are withdrawing their submission.

**Old Business:**

**a. 135 East Lake Street: RCA façade approval amendment request**

McIntyre states that this is a time sensitive matter and wanted to get this in front of the Commission tonight. Dan Schwegler, the owner and developer of 135 East Lake Street (the RCA Building) approached the City with a problem doing the third story of their proposed development. McIntyre states that we saw this plan first on 7/11/2019 and 8/8/2019 for façade approval. Mr. Schwegler is having a difficult time finding contractors to install the original style windows and would like to replace the windows with garage style windows. She states that she has provided a rendering of what the original approval looked like.

McIntyre states that if the Commission approves of this change, it would be appropriate to amend the previous approval.

Schwegler explains that the installers do not like the fact that the windows are going to open over the street. They are very concerned about future liabilities in the event something goes wrong. He states that his first thought was to go back to the original idea using the garage door style.

Chair Lanam confirms that the problem is with the installers.

Commissioner Joseph states that he has seen this type of garage door on the ground floor but never seen that type elevated. He is concerned about what this would look like.

Commissioner Chubb references a location in downtown Birmingham that has these types of windows and that theirs open to the inside.

Schwegler states that he does not want to go to an open crank window. He also confirms that all the bids did go out to commercial contractors.

Chair Lanam states that it is hard to envision this without seeing this drawn out.

Commissioner Joseph states that the design that he has right now is a cleaner look than what you would get with a garage style.

McIntyre questions if Schwegler would be interested in having his architect get something else done to present to the Commission and if so, she gives him a timeline for the next few meetings and when it would have to be submitted.

**Discussion:**

**a. BP Station materials**

Chair Lanam discusses the history of the BP Station and now that there is a new owner, they are more willing to make some changes moving forward. McIntyre states that because the façade changes are under \$10,000.00 this really didn't need to come to the Planning Commission, but because this has been an ongoing discussion for many years, she thought she would share the information and the changes that are being done.

**Consultant Report:**

McIntyre states that we do have to have a joined meeting with City Council for the Zoning Ordinance. She states that she has sat down with one member of Council to get some feedback.

McIntyre also states that every five years we are required to look at the Master Plan so within the next year we need to see about requesting some funds to see about any land use changes that we want to see happen.

**Staff Report:**

Deputy Clerk Pieper states that she has seen a few applications come in for both the Planning Commission and Zoning Board, so we are hoping to fill some of the vacancies.

Chair Lanam adds that he sat through an Economically Vitality meeting this morning and it was discussed that the property next to Heinanen is unbuildable and may go to City for possible sale. Also, Mo’s Garage is structurally deficient and it is going to be torn down.

\*Commissioner Kopkowski did not end up joining this meeting.

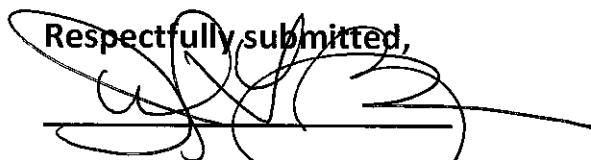
**Adjournment:**

**Motion to Adjourn – 8:39 p.m.  
Motion by Mosier, Second by Joseph**

Voice Vote: Ayes: Unanimous  
Nayes: None

**Motion Approved**

**Meeting Adjourned**

Respectfully submitted,  
  
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Judy L. Pieper – Deputy Clerk