

**City of South Lyon  
Planning Commission  
Special Meeting Minutes  
July 30, 2014**

The meeting was called to order by Lanam at 7:05 p.m.

**PRESENT:** Keith Bradley, Vice-Chairman  
Jerry Chaundy, Secretary  
Maggie Kurtzweil  
Scott Lanam, Chairman  
Steve Mosier  
Carol Segal

**ABSENT:** Wayne Chubb (excused)  
Frank Leimbach  
Jason Rose (excused)

**OTHERS PRESENT:** Carmine Avantini, Planning Consultant  
Timothy Wilhelm, City Attorney  
Kristen Delaney, Director of Community & Economic Development

**APPROVAL OF AGENDA:**

Motion by Kurtzweil, second by Bradley to approve the agenda for July 30, 2014 as presented.

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

*Lanam noted requested that since Commissioner Rose had a last minute emergency and had sent an e-mail to the Commission, that his absence be noted as "excused".*

*Lanam noted that seventh paragraph, page 2, the last sentence should contain the word "were" between "there" and "problems".*

*Lanam noted that the first paragraph, page 4, last sentence should reflect that the applicant's primary business is a towing company, not a repair shop, as stated.*

*Kurtzweil stated that the fifth paragraph, page 4, should reference a repair shop in Lyon Township, not a collision shop as stated.*

*Lanam noted that the first paragraph, page 5, should reflect a comment by the applicant that*

*auto body painting was done at Maaco and only undercoating was done on site.*

*Lanam noted that the fourth paragraph, page 5, should be corrected from “personal vehicle” to “business vehicle”. In the following paragraph, “dealers license plate” should be corrected to “in-transit license plate”.*

*The minutes were amended to reflect that change.*

Motion by Lanam, second by Mosier  
To approve the minutes for July 17, 2014 as amended.

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**COMMENTS FROM THE PUBLIC**

Carl Richards  
390 Lennox

Richards noted that the number of building permits were up. He stated that the City will have a new employee doing code enforcement, as Phil Schultz is leaving. Richards stated that he thought that Alexander Center looked a lot better.

Lyle Dickson  
417 S. Lafayette, Suite 112

Dickson stated that he was an attorney representing AA Towing. He would like to ask the Planning Commission to reconsider the special land use request that was denied at the July 17, 2014 Planning Commission meeting. He stated that he believes that there was evidence that was not presented by the applicant at that meeting. Dickson stated that he has been working with the applicant to understand the process for granting a special use, and to make recommendations on how the applicant can improve the appearance of the property. He stated that the applicant's eyes had been opened by the comments on his neighbors at the public hearing.

Dickson stated that the property owner purchased the building in 1983 and hasn't done much to improve the property in the last 30 years. Dickson stated that the applicant is currently repairing the surface of the lot and installing some landscaping.

Dickson stated that he would like to present three documents tonight: authorization from the property owners and documents from the register of deeds. He gave these documents to the recording secretary.

Dickson stated that there was some misunderstanding about what exactly the applicant wants to do at the property. Dickson stated that the applicant does not want to sell vehicles from the property. He will purchase vehicles at auction, store them off-site, transport them to the shop, fix them and then ship them overseas to buyers.

Commissioner Kurtzweil noted that it seemed like Dickson was trying to build a case. She asked exactly what his purpose was here today? Why is he presenting documents that the Planning Commission has not had a chance to review? Dickson responded that according to Robert's Rules of Order, he needed to come before the Planning Commission at the meeting directly following the July 17, 2014 to request that a Planning Commissioner make a motion to reconsider in the case of AA Towing's special land use request, or they could not bring the request back to the Planning Commission for another 365 days.

Planning Consultant Avantini stated that the 365 day rule in the ordinance would not apply to an application that was substantially different from the application that the Planning Commission denied. Avantini noted that he thought it was very important to include the neighbors who showed up for the last public hearing in the process, whatever action the Planning Commission decides to take, if any tonight.

Chairperson Lanam stated that he has been listening to Dickson's comments, but he does not see any substantial change in the request. Dickson replied that the biggest change was that the applicant was not going to be selling vehicles on site. Lanam stated that in his opinion, that was not a satisfactory change because the special use, if granted, will go with the building, not the business. Dickson stated that he just wanted to clarify what the applicant's plans for the site were.

Kurtzweil stated that she had made a call to the Secretary of State about the Class B License. She stated that the Secretary of State was extremely clear about the requirements for granting this license. It absolutely requires that the site has an office of not less than 680 SF, a minimum of 10 cars on site on display for sale, and 650 SF for customer parking. The State of Michigan will require that the applicant have vehicles for sale on site.

Dickson said he wasn't clear if the State of Michigan requires that there be 10 spaces available on site or that there must be 10 vehicles on display. Kurtzweil stated that as she understood it, it was 10 vehicles on display.

City Attorney Wilhelm stated that from his perspective, there are two issues in regards to AA Towing's special land use request. First, the City does not enforce the licensing requirements – that is up to the State of Michigan. Second, Dickson is correct that, per Robert's Rules of Order, the motion to reconsider needs to be made at tonight's meeting, if a Planning Commissioner wishes to make the motion. He noted that while the ordinance speaks of a 365 waiting period once a special land use request has been denied, he agrees with Avantini that a substantially different application or one that presents new evidence, could be treated by the Planning Commission as a new special land use request. He reviewed Sec. 102-66. (special land uses) of the ordinance.

Avantini stated that if the application wanted to submit a new special land use request, it would be reviewed administratively to determine if the changes are substantial enough to constitute a new application.

Dickson stated that he is just trying to help an area business be viable, and to improve the look of the downtown area.

Kurtzweil stated that she had been vocal about the condition of this property at the last meeting. She stated that in her opinion, the property is blighted.

Lanam asked if any Commissioners would like to make a motion. No motions were proposed.

## **OLD BUSINESS**

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

Avantini gave an overview of his letter dated July 24, 2014, a review of the revised final site PD site plan for the Knolls of South Lyon. He stated that the DEQ had requested changes to the site plan, and the plan before the Commission tonight reflects those changes. Avantini reviewed his letter and addressed several issues that are outstanding.

Point #1 in his letter addressed the overall layout of the development. Avantini stated that the layout is similar to the previous plan that came before the Commission. Notable changes include: the elimination of the wetland area behind lots #87 and #88. Lot #3 has been eliminated to accommodate a detention pond. As a result of the changes, the overall number of lots has been reduced from 89 to 88 units.

Point #4 in his letter addressed sidewalks in the development. Avantini noted that 5' sidewalks are provided throughout the development. The sidewalks at the cul-de-sacs are still located 2' from the curb, even though he has requested a minimum 4' setback for property safety separation. The Planning Commission needs to make a determination about the setback and give the developer direction.

Point #5 in his letter addressed the curbing throughout the development. Avantini stated that his recommendation was for the developer to install flat-faced, traditional curbing instead of mountable curbing.

Point #7 in his letter addressed housing elevations. Avantini stated that the submitted set of elevations have been found to be acceptable. The Commission needs to look at the design standards included in the PD Agreement and determine if the proposed wording is in accordance with the direction that the Commission gave to the applicant at the April 23, 2014 workshop. He noted that the Commission must also review the materials board and give the developer feedback on proposed materials.

Point #9 in his letter addressed landscaping in the development. He noted that some trees and wetland shrubs had been added to the landscape plan around the detention areas to soften the look of the areas and continue the desired natural appearance. He stated that the applicant has agreed to plant 2 street trees per unit, rather than leaving it to the property owner to do, as was originally proposed.

Point #10 in his letter addressed the street lights for the development. Avantini stated that he is recommending the use of a traditional street lights, with LED fixtures. He stated that final approval for the model to be installed can be approved administratively.

Lanam stated that he had questions about the cul-de-sac on Jennifer Court. Was the cul-de-sac necessary or was there another traffic calming measure that could be used instead? Avantini stated that he thought that was a requirement put into place by the Fire Department for safety access.

Wilhelm discussed the open space in the development. He stated that he would like to see greater controls put into the documents to protect the designated open space in the development. He noted that he is working with the applicant's attorney who has been out of town, but will return shortly.

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

Wanty discussed his recent meeting with the DEQ, and the changes to the site plan that resulted from this meeting. He stated that there was more open space on this revised version of the site plan for the Knolls. He also referenced a stream crossing near Mill Street that the DEQ had requested be protected by a low retaining wall.

Wanty noted that he had met with HRC and DPW/WWTP Superintendent Bob Martin to discuss the lift station. The Knolls will no longer be share a lift station with the neighboring development to the north as first proposed. The Knolls will have its own lift station, built to the specifications of the City.

Wanty addressed the issue of the cul-de-sac that was brought up by Lanam. He stated that he did not care if it stayed in the plan or if it was changed, although he thought it could be a valuable traffic calming measure.

Wanty addressed the issue of curbing throughout the development stating that he preferred mountable curbing, but either mountable or traditional curbing would be fine with himself and the developer.

Kurtzweil asked about the retaining wall near Mill Street. She asked, what was the purpose of this? Wanty responded that he had walked the site with DEQ representatives, and that their Stream Biologist had requested the wall so that the streams will stay active, and not dry up.

There was a discussion about the drainage pipes that would be installed on the site and whether or not they would have grates on them. Wanty stated that installing grates on pipes smaller than 48" in diameter was unnecessary and would cause problems for the City when they eventually clog up. Lanam and Kurtzweil stated that they had concerns about safety. Wanty noted that since the pipe was approximately 60' long, you can see both ends. He stated that there was very little concern of children playing in or getting caught in these drainage

pipes.

Kurtzweil asked who would be responsible for maintaining the lift station? Wauty responded that the City will be responsible for maintaining the lift station.

Paul Elkow  
26134 Cornell Dr, South Lyon, MI

Elkow stated that mountable curbs are preferable for this development. He stated that they make on street parking easier. He stated that the roads will be easier to drive on with mountable curbs because the roadway won't be as congested.

Elkow showed material boards to the Commission. There was a lengthy discussion about the minimum specs for homes in the development. Elkow noted that he was probably going to need more models of ranch homes than what he had initially presented. He stated that he sells a lot of ranch style homes.

Lanam had questions about how potential new models would be approved. Avantini stated that new models would be considered a minor amendment to the approved site plan and would have to go to the Planning Commission for approval.

There was further discussion on the pros and cons of each type of curbing. Avantini stated the he preferred traditional curbing because it discourages people from driving up on front laws and it is also a method to calm traffic.

Delaney stated that it would be advisable to get the opinion of the DPW/WWTP Superintendent Martin.

Kurtzweil stated that mountable curbs have been extremely during helpful during the snow emergencies of last winter. She stated that most new developments have mountable curbs. Lanam stated that there seem to be a consensus for mountable curbs, but he would like to leave the final decision to DPW/WWTP Superintendent Martin.

There was a discussion about building materials. Elkow stated that he found a requirement to have brick on the front and sides of the homes acceptable. Avantini stated that he thought having a mix of quality materials was more important, than simply requiring brick. Lanam stated that he did not want to see the sides of the home covered only in standard 4" vinyl siding because it does not look very good.

Elkow noted that they will be trying to upsell buyers, and encouraging the use of high-end architectural finishes. Kurtzweil stated that the Planning Commission has very high expectations for this development.

Elkow stated that from his perspective, it made the most sense to spend money on the front of the home, but that attention would also be paid to the sides and the back. Commissioner Mosier stated that he would like to see brick on the front of the homes, but thought that the rest

of the home should be left up to the buyer to decide. Commissioner Segal asked if any of the houses would not have brick on the exterior? Elkow responded that any houses that did not have brick, would have stone. Lanam brought up the issue of the minimum specs for homes in the development. Lanam suggested that at a minimum, homes should have brick to the base of the window on the first floor. Elkow asked about the back of the home, would that have brick too? Elkow stated that he would prefer not to have brick on the back, because he is trying to keep the homes affordable.

Lanam suggested, rather than the requirement for brick, what if the sides and back of the house had to be more than one material? Elkow stated that using more than one material on the back and sides of the homes was a good solution.

Lanam asked a question about some of the restrictions in the by-laws. Specifically, why were there restrictions on certain breeds of dogs? Elkow responded that his lawyer uses this language for the documents of most of his developments, and he would speak to him about that.

Kurtzweil stated that Elkow should speak to his lawyer about making sure that the homeowner's association could recover attorney fees for residents who are in breach of the rules.

Avantini brought up the issue of open space. He is concerned that if it's only addressed in the condominium documents, the open spaces could be vulnerable. He would prefer to see the protection of the open spaces incorporated into the PD agreement.

Wilhelm noted that protecting the open space was an issue of phasing. He stated that the large open space that is currently on the plan for Phase II could be protected by moving it to Phase I. He stated that an alternative would be to create a separate conservation easement to protect this part of the development. Wanty stated that he didn't understand the need for the easement, wasn't the site plan a guarantee that the open space would be preserved? Wilhelm stated that he would prefer it as an easement so the open space would be preserved in perpetuity. Kurtzweil agreed, stating that the site plan was not set in stone. She stated that if the developer declared bankruptcy and construction stopped for an extended period of time, the site plan would expire. Wilhelm stated that if the largest portion of open space was moved from Phase II to Phase I, there would not be a need for the separate conservation easement.

Lanam went over some of the points brought up in Avantini's review. Lanam stated that Avantini was recommending a traditional street lighting, with an LED fixture. Lanam stated that he would also like to see a traditional style street light. Avantini stated that he had some suggested makes and models that he could share with Elkow.

There was discussion about the cul-de-sac on Jennifer Court. Lanam asked if it was necessary. Avantini responded that it may have been a requirement of the DPW or Fire Department for safety access.

Kurtzweil asked Elkow if he planned on building spec homes? Elkow responded that he did not

plan on building spec homes, but would build models. Kurtzweil asked if the lots would be built sequentially or by demand of the buyers? Elkow responded that building would not be done sequentially.

Lanam invited members of the public to ask questions.

Gary Braun  
594 Kestrel Ridge Drive

Braun asked if Lyon Boulevard would connect into the new development? Lanam responded that Kestrel Court, not Lyon, would be connected to the Knolls.

Braun asked if there would be a traffic study conducted to assess the increase in traffic and determine if the yield sign at Kestrel Court and Kestrel Ridge should be changed to a stop sign. Avantini stated that the police department could look at this issue and determine if a stop sign was needed.

**MOTION TO RECOMMEND APPROVAL OF THE FINAL PD SITE PLAN FOR KNOLLS OF SOUTH LYON TO CITY COUNCIL BASED ON THE FOLLOWING CONDITIONS:**

Motion by Bradley, second by Kurtzweil  
To recommend approval of the Final PD Site Plan for Knolls of South Lyon based on the following conditions. The applicant must:

- Comply with all comments in Planning Consultant Avantini’s review letter dated July 24, 2014.
- Amend the site plan to show sidewalks at the cul-de-sacs have a minimum four (4) foot setback for proper safety separation.
- Change all references in the plans and documents from Lyon Boulevard to Kestrel Court.
- Install the type of curbing specified by DPW/WWTP Superintendent Martin.
- Amend the site plan to include the large open space at the center of the development into Phase I.
- Present and get approval from the Planning Commission for any new home models and elevations.
- Obtain administrative review and approval of the Final PD Site Plan and all documents pertaining to the Knolls of South Lyon development.
- Amend the architectural controls to include the requirement that both sides and the back of each new home in the Knolls of South Lyon include more than one type of building material.
- Obtain administrative review and approval of the Planned Development Agreement, Master Deed and By-Laws.

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**NEW BUSINESS**

None.

**PLANNING CONSULTANT REPORT**

Avantini discussed the work remaining at Alexander Center. Grass restoration needs to be completed and it needs to be determined if the installed sprinkler system is functioning. Lanam noted that it appeared that the letter of credit on this development expires August 30, 2014. Avantini stated that he would follow up in person on these issues.

**STAFF REPORT**

Delaney gave an update on the review of the plans for a new parking lot at Immanuel Lutheran Church.

**ADJOURNMENT**

Motion by Bradley, second by Kurtzweil  
To adjourn the meeting at 9:14 p.m.

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Scott Lanam, Chairman

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Kristen Delaney, Recording Secretary

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Jerry Chaundy, Secretary