

1 CITY OF SOUTHFIELD
2 REGULAR MEETING OF THE PLANNING COMMISSION
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5 The PLANNING COMMISSION MEETING,
6 Taken at 26000 Evergreen Road,
7 Southfield, Michigan,
8 Commencing at 6:30 p.m.,
9 Wednesday, May 22, 2019,
10 Before Earlene Poole-Frazier, CSR-2893.
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1 COMMISSIONERS:

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3 STEVEN HUNTINGTON, Chair

4 JACQUETTA MIAH, Vice Chair

5 JEREMY GRIFFIS, Secretary

6 DONALD CULPEPPER

7 DR. LATINA DENSON

8 TONY MARTIN

9 ROBERT WILLIS

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12 Terry Croad, Planning Department

13 Jeff Spence, Planning Department

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1 Southfield, Michigan

2 Wednesday, May 22, 2019

3 6:30 p.m.

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5 MR. HUNTINGTON: Okay. It's 6:30. I'd like
6 to bring this meeting to order. Will you all please
7 stand for the Pledge of Allegiance.

8 (Pledge of allegiance recited at 6:31 p.m.)

9 MR. HUNTINGTON: Jeff, can I have roll call,
10 please?

11 MR. SPENCE: Yes. Mr. Culpepper?

12 MR. CULPEPPER: Present.

13 MR. SPENCE: Dr. Denson?

14 DR. DENSON: Present.

15 MR. SPENCE: Mr. Griffis?

16 MR. GRIFFIS: Here.

17 MR. SPENCE: Mr. Huntington?

18 MR. HUNTINGTON: Present.

19 MR. SPENCE: Mr. Martin?

20 MR. MARTIN: Present.

21 MR. SPENCE: Ms. Miah?

22 MS. MIAH: Present.

23 MR. SPENCE: Mr. Willis?

24 MR. WILLIS: Here.

25 MR. SPENCE: Mr. Chairman, you have a quorum

1 to conduct business. Thank you. Can I have approval
2 of the agenda, please?

3 MR. CULPEPPER: To the Chair?

4 MR. HUNTINGTON: Mr. Culpepper?

5 MR. CULPEPPER: I so move that the agenda be
6 approved as written.

7 MS. MIAH: Second.

8 MR. HUNTINGTON: It's been approved by
9 Commissioner Culpepper, seconded by Commissioner Miah.
10 All in favor?

11 (All stated aye.)

12 MR. HUNTINGTON: Next on the agenda we have
13 Announcements and Communications.

14 MR. SPENCE: Yeah, if I may, through the
15 Chair, we do have a section of our attendance sheet
16 called public comments. I did want to bring that to
17 the attention of the public who is here this evening.
18 I did make an announcement about three or four minutes
19 ago. I'm going to go grab that list, if I may, at the
20 moment, and we can move on from there.

21 MR. HUNTINGTON: Okay. I'd like to read a
22 statement in the meantime. The Southfield Planning
23 Commission is a seven member Board appointed by the
24 Mayor with approval by the City Council that acts in
25 an advisory capacity to the Council to make

1 recommendations on Text Amendments to the Southfield
2 Zoning Ordinance, Rezoning Requests, Special Land
3 Uses, Site Plan Reviews, the Southfield Master Plan,
4 and the Capital Improvement Plan.

5 All Study Meetings and the Regular Meetings
6 are open to the public in accordance with the Open
7 Meetings Act PA 267 of 1976, and are held on Wednesday
8 evenings at 6:30. Meeting agendas are posted on
9 Friday evening before the next Wednesday meeting and
10 are available for viewing at cityofsouthfield.com.

11 Copies of plans, text amendments, the Master
12 Plan and the Capital Improvement Plan are available
13 for viewing at the Planning Department offices, and
14 current projects can be viewed using our online
15 interactive tool on the Planning Department's
16 Homepage, Planning Department's Projects Online.

17 Contact the Planning Department at
18 248-796-4150 for any questions. Again, 248-796-4150
19 for with any questions, Monday through Friday, 8:00
20 until 5:00 p.m.

21 MR. CROAD: Per the Chair, I just want to
22 make a clarification for the public. You do not need
23 to sign up if you're speaking on a public hearing
24 item, you just come up during that time. But if you
25 want to speak on something that is not on the agenda,

1 that is what the public comment is for.

2 MR. HUNTINGTON: Okay.

3 MR. CROAD: So again, if you're here to
4 speak on one of the public hearing items, then you
5 just come up at that time, you don't need to sign up.
6 But if you want to speak on something in general,
7 that's what the sign-up sheet is for.

8 MR. HUNTINGTON: Okay. Do we have anyone
9 that wants to speak?

10 MR. SPENCE: If I may, through the Chair, I
11 do have a list.

12 MR. HUNTINGTON: You do have a list.

13 MR. SPENCE: There are a number of folks
14 here. I will go from top to bottom in the order in
15 which they signed up. Pamela Gerald? Ms. Gerald is
16 not here. Gerard Mullin? I'm sorry, I can't read the
17 name, Neal -- last name Neal.

18 MS. GERALD: I was in the restroom. Did you
19 call my name already?

20 MR. HUNTINGTON: Yes. Okay. She's here.

21 MR. CROAD: Let's just go through the rest
22 of the list first, then we'll come back to her.

23 MR. SPENCE: Constance Bell?

24 MS. BELL: We're here for the public.

25 MR. SPENCE: That's okay. We just want to

1 make sure we go through this list properly. I'm
2 sorry, I can't read the fifth name on the list here.
3 Last name is Jessie Gosson.

4 MS. GOSSON: I'M here for the public.

5 MR. SPENCE: Here for the public. Okay.
6 Then we'll go back up to Ms. Gerald.

7 MR. HUNTINGTON: Okay. Please state your
8 name and address for the record, please?

9 MS. GERALD: Well, for communications you
10 don't necessarily have to, but for public hearings you
11 have to. But I will, since you asked me.

12 MR. HUNTINGTON: Okay.

13 MS. GERALD: Pamela Gerald, P.O. Box 155,
14 Southfield, Michigan, 48035. My telephone number is
15 248-346-0439. I just wanna comment about the City
16 possibly being in error for trying to enforce
17 something and you don't have the original plans. It's
18 purported that what the residents have been trying to
19 get from the City regarding Lochmoor Homes is the
20 original plans. So if you can't access the original
21 plans via microfilm, then what can you enforce. And I
22 would suggest to this body, being only a recommending
23 body, and the final decision lying with the City
24 Council, that you not be so quick to move forward if
25 you cannot access those original plans.

1 I've only been around for 36 years, and I'm
2 sure maybe some of you have been around the City
3 longer than me, and what I do understand about the
4 process is once you submit plans, every time something
5 changes, it's not a verbal change, it is a change that
6 is justified by a change in the actual plan itself.
7 If I'm wrong, I stand to be corrected by any of you up
8 there. But if I'm right, you have to say something to
9 these residents. And I plan on speaking for the
10 public hearing as well. But I just wanted to impress
11 upon you to try not to make any decisions without
12 those original plans. And you can't orchestrate an
13 ordinance taking the rights from the residents just so
14 someone can do their plan and get it started again to
15 finish. It's a process. And it's a proper process.
16 And I want you guys to really be mindful of that. I
17 know sometimes the stamp is real quick and you go
18 approve. But this is a very unique situation. And
19 just think if it was your subdivision which each one
20 of you lived and this was happening to you, would you
21 make the same decision. Just keep that in mind.
22 Thank you.

23 MR. HUNTINGTON: Thank you.

24 MR. MARTIN: To the Chair, is there a
25 three-minute time limit?

1 MR. HUNTINGTON: Yes. Okay. Is there
2 anyone else? Okay. I would like to open the public
3 hearing. First on the agenda we have PSLU18-0007.

4 MR. SPENCE: Yes, thank you, Mr. Chairman.
5 We do have two items this evening. Actually,
6 PSLU18-0007 as well as under the Site Plan portion
7 PSP18-0009. This is the Special Use and Site Plan
8 review request for the gas station on the corner of
9 Eight Mile Road and Berg, or Lahser Road.

10 If you recall, we did postpone this item
11 last month because they were not quite ready to move
12 forward. I did get an e-mail from one of the
13 petitioners today. Again, they are not quite ready
14 obviously, because, again, we did not have any study
15 meetings at all in the month of May. So what staff is
16 asking, what the petitioner has asked is for another
17 postponement to your June agenda. In this case, we
18 would postpone to a date certain, that being the
19 June 26th regular meeting for both of those items.

20 MR. HUNTINGTON: Okay. Do I have a motion?

21 MR. CULPEPPER: To the Chair?

22 MR. HUNTINGTON: Commissioner Culpepper?

23 MR. CULPEPPER: I so move that PSLU18-00007
24 be postponed to a date certain, that date being
25 June 26, 2019.

1 MS. MIAH: Second.

2 MR. HUNTINGTON: Okay. It's been moved by
3 Commissioner Culpepper, seconded by Commissioner Miah.
4 All in favor?

5 (All stated aye.)

6 MR. CULPEPPER: To the Chair?

7 MR. HUNTINGTON: Yes, Commissioner
8 Culpepper?

9 MR. CULPEPPER: I would also move that Site
10 Plan PSP18-0009 also be postponed to a date certain,
11 that date being June 26, 2019.

12 MS. MIAH: Second.

13 MR. HUNTINGTON: Okay. It's been motioned
14 by Commissioner Culpepper, seconded by Commissioner
15 Miah. All in favor?

16 (All stated aye.)

17 MR. SPENCE: If I may, to the Chair, to the
18 audience, if there's anyone who was expecting to hear
19 those particular cases, again those will be postponed
20 to the June 26th regular meeting.

21 MR. HUNTINGTON: Okay. Next on the agenda
22 we have PZR19-0001 and 0002.

23 MR. SPENCE: Thank you, Mr. Chairman. If
24 you recall, we did actually go through this particular
25 project, the rezoning request for Decora Construction

1 to rezone .30 acres of land from R-2, Single Family
2 Residential, to OS, Office Service; as well as
3 PSLU19-0001, the use of the existing house, 2,000
4 square feet or more for daycare center. And then the
5 companion site plan PSP19-0001. Again, that is the
6 opportunity, Site Plan Review request, to convert the
7 existing house to a daycare with associated parking,
8 drop-off, et cetera.

9 We did hold the public hearing and discussed
10 the site plan at the previous meeting, so we do not
11 have to go through that process again. But we do have
12 the petitioner, at least, here this evening, so we
13 want to give him an opportunity to go through that
14 particular case.

15 Just as a reminder to the Commission, shown
16 on the screen now, this piece of property located at
17 19831 West Nine Mile Road, the property in itself,
18 existing conditions, OS, Office Service, directly
19 adjacent to the property zoned R-2, Single Family
20 Residential. Again, the proposal is to go to OS,
21 Office Service, similar to the property directly to
22 the west. I don't know if you recall, the owner of
23 the current OS, Office Service, property is actually
24 the same person that will be owning this particular
25 piece of property. They have a daycare currently on

1 that property, and their business is expanding and
2 they would like to move to the adjacent property,
3 rezone it, and then use that property for a daycare
4 center. Again, the same information as with the
5 rezoning with the existing conditions.

6 Site plan portion. The building itself, the
7 elevations, and then the site plan. If you recall, we
8 will be looking at some waivers. Because it's an
9 existing structure, rezoning to OS, Office Service,
10 does set up some setback issues with regard to side
11 yard setback, front yard setback, as well as some
12 landscaping. So this is the site plan which they
13 would like to move forward with.

14 MR. HUNTINGTON: Okay. Can I have the
15 petitioner come to the mic, please, and give us your
16 name and address for the record.

17 MR. BEYDOUN: Hello, my name is Hassan
18 Beydoun with Decora Construction. I'm here on behalf
19 of the owner. My phone number is 313-779-7799. Okay.

20 MR. HUNTINTON: Can you please give us an
21 overview of your project?

22 MR. BEYDOUN: Sure. Currently we have
23 adjacent daycare that we're running and we're over
24 capacity, and we acquired next door house so we can
25 utilize it as a overflow of our existing daycare. We

1 can use it in that location. And we provided the site
2 plans and all things with the City, too, that they are
3 going to need. And that will help to assist more,
4 serve to more daycare people.

5 MR. HUNTINGTON: Okay.

6 MR. BEYDOUN: Any questions?

7 MR. HUNTINGTON: Well, this is a public
8 hearing.

9 MR. CROAD: If I may, to the Chair, we
10 already had the public hearing.

11 MR. HUNTINGTON: Okay. This is --

12 MR. CROAD: I just want to remind the
13 Commission to act on each one separately. We'll start
14 with the rezoning.

15 MR. HUNTINGTON: Okay. Commissioners? Any
16 questions, concerns?

17 MR. CULPEPPER: To the Chair?

18 MR. HUNTINGTON: Okay. Commissioner
19 Culpepper?

20 MR. CULPEPPER: As we talked in our study
21 session, I don't have a problem with this rezoning.
22 Matter of fact, it meets our Master Plan. It fits
23 perfectly into what we want to do in that area, being
24 that you already have the daycare next door, so it's
25 compatible to what you're doing. It's not going to

1 cause any more issues that I think that you can't
2 resolve, so I think it's perfectly well that we rezone
3 this area to accommodate you, since you do have an
4 overflow next door. And as we know, we do have a
5 problem with daycare in this area, and it's admirable
6 that you are trying to do something right next door in
7 close proximity. So I have no issue with the
8 rezoning, and I approve the rezoning.

9 MR. HUNTINGTON: Thank you. Okay,
10 Commissioner Denson?

11 DR. DENSON: Thank you. What are the hours
12 of the daycare?

13 MR. BEYDOUN: The hours, it's from -- it
14 starts from morning until afternoon, like 5:00.
15 That's when the times we have really stressed in the
16 existing location. But, basically, that would be the
17 hours, from seven to five, 6:00.

18 DR. DENSON: So I thought that one of them
19 were 24 hours.

20 MR. BEYDOUN: The one we have is 24 hours
21 right now.

22 DR. DENSON: Yeah.

23 MR. BEYDOUN: I mean, if we get over to that
24 size, then we will expand the hours. But right now,
25 the issue during the day is we have the pressure of

1 that capacity. We don't have that problem in the
2 evening and the night. So the location we have can
3 accommodate enough people in the after hours, after
4 the business hours. But as a start, we start from
5 seven to six, and then --

6 MR. CROAD: Through the Chair, to the
7 Planning Commission, we're focusing on the rezoning,
8 the merits of the rezoning right now. That would be
9 more appropriate under the special land use or the
10 site plan.

11 DR. DENSON: Thank you.

12 MR. CROAD: So you've got to look at all of
13 the possible uses in the OS, and I would ask that you
14 just focus your questions on the rezoning portion at
15 this point.

16 DR. DENSON: That's fine. Thank you.

17 MR. HUNTINGTON: Okay. Commissioner?

18 MR. GRIFFIS: Do we have the square footage
19 of the existing office zoning, and then what the total
20 acreage or square footage would be adding this parcel,
21 contiguous zoning?

22 MR. SPENCE: You're talking about the
23 existing OS?

24 MR. GRIFFIS: Yeah, next to this site is
25 existing OS zoning.

1 MR. SPENCE: It's pretty comparable, so I'd
2 say it's probably, at least, similar to the existing,
3 on this one right here, which is point three. So it's
4 somewhere between point three and point five.

5 MR. HUNTINGTON: Commissioner Denson?

6 DR. DENSON: Does the Planning Department
7 have comments from the engineer in terms of the use
8 between residential and office? Only because of
9 the -- that corner, if they have, you know, if it's
10 changed, how does that affect the current -- I mean,
11 the proposed use?

12 MR. CROAD: With regards to traffic?

13 DR. DENSON: In terms of the traffic.

14 MR. CROAD: The OS would generate more
15 traffic than a single-family residence, but not to the
16 degree where it would affect the capacity of Nine Mile
17 or Evergreen Road.

18 DR. DENSON: Okay.

19 MR. CROAD: And if I could, Mr. Griffis, if
20 you were looking at the two contiguous parcels, with
21 one across the street, it's more than one acre. I
22 know our standard is an acre or more, but if it's
23 adjacent or contiguous to similar zoning that's
24 greater than a acre, that's when we rezone.

25 MR. HUNTINGTON: Okay. Commissioner Denson?

1 DR. DENSON: Just to be clear, so do we have
2 a statement from the engineer or you're just saying
3 that?

4 MR. CROAD: Well, I was making that
5 statement.

6 DR. DENSON: Okay.

7 MR. CROAD: But I can tell you that the
8 engineer is vetted on each of these cases.

9 DR. DENSON: Okay.

10 MR. CROAD: And she chooses to only give us
11 comment if there's an issue that she wants to comment
12 on.

13 DR. DENSON: Okay. Thank you.

14 MR. CROAD: But she is part of the
15 distribution of these reviews.

16 DR. DENSON: Okay. Thank you.

17 MR. CROAD: As well as the fire marshal, the
18 community policing, the traffic engineer, the
19 landscape designer, and the planner, those are all --
20 everybody, we ask, we seek their comments. And
21 sometimes they choose not to make a comment if there's
22 not anything worth their commenting on. So I was
23 making that comment about the traffic.

24 DR. DENSON: Okay. Thank you.

25 MR. MARTIN: To the Chair?

1 MR. HUNTINGTON: Commissioner?

2 MR. MARTIN: Are there any plans or
3 considerations for obtaining the property next door to
4 the east for future expansion?

5 MR. BEYDOUN: Not right now. I don't think
6 there will be a need for it at this time. Because we
7 have the two locations, that's enough square footage
8 and enough capacity, so.

9 MR. HUNTINGTON: Okay. Overall, I think the
10 rezoning makes sense. You have a daycare there now
11 that's been working well. I don't think it will
12 affect traffic in that area. You know, daycares are
13 important here in the City of Southfield, they're
14 necessary. I think it fits in well with what we have
15 with the Master Plan, so I don't have a problem with
16 rezoning. I think it fits well in that area.

17 Do we have any other comments from the
18 Commissioners? Okay. Jeff --

19 MR. SPENCE: Yes, we do have a
20 recommendation for you.

21 MR. HUNTINGTON: -- do we have
22 recommendation from the Planning Department?

23 MR. SPENCE: Thank you. With regard to
24 PZR19-0002, the Planning Department recommends
25 favorable recommendation to rezone point three acres

1 of land from R-2, Single-Family Residential, to OS,
2 Office Service, for the following reasons:

3 The Southfield Comprehensive Master Plan
4 indicates large single family for this property.
5 Change in zoning would be compatible with and similar
6 to existing adjacent land uses to the west. The
7 proposal is in accordance with the standards for
8 rezoning for the property.

9 MR. HUNTINGTON: Okay. Thank you.
10 Commissioners, do I have a motion?

11 MS. MIAH: Yes, I'd like to make a motion.
12 I'd like to make a motion we except PZR19-0002 from
13 favorable press from the Planning Department.

14 MR. CULPEPPER: Support.

15 MR. HUNTINGTON: Okay. I have a favorable
16 recommendation from Commissioner Miah, supported by
17 Commissioner Culpepper. All in favor?

18 (Six Commissioners stated aye.)

19 (Mr. Willis abstained.)

20 MR. HUNTINGTON: Any opposed?

21 MR. WILLIS: Through the Chair, I would just
22 like to note that I am abstaining from the vote.

23 MR. HUNTINGTON: Okay.

24 MR. WILLIS: And to let the audience know,
25 that I'm going to be abstaining from a number of other

1 votes. I've been absent from a number of meetings for
2 medical reasons, and so rather than trying to guess,
3 I'm going to abstain to make sure that we have an
4 appropriate vote.

5 MR. HUNTINGTON: Okay. Thank you. You're
6 all set. The motion passes.

7 MR. SPENCE: If I may, through the Chair,
8 then the companion Special Land Use. You need to now
9 take a vote on the Special Land Use portion.

10 MR. HUNTINGTON: Okay. Can we have a motion
11 for the Special Land Use?

12 MR. CROAD: So, through the Chair, the hours
13 of operation, those kind of questions would be
14 appropriate now.

15 MR. HUNTINGTON: Okay. I'm kind of out of
16 whack here. Can I have the petitioner back to the
17 front, please. A few more questions for you from the
18 Commission. Commissioner Miah?

19 MS. MIAH: Just for the public, with the
20 discussion on the house next door that you're going to
21 use, will you be putting a sign, because there's a
22 horseshoe there? That's kind of confusing. And it is
23 on Nine Mile, it is heavy traffic there. Will there
24 be a sign there in that horseshoe directing the
25 parents in the right direction so they won't be

1 crossing as they're coming and going, so it won't be a
2 hazard.

3 MR. BEYDOUN: Yes, there will be a sign
4 there. And we're going to completely renovate and
5 remodel that property to accommodate the daycare.

6 MR. CULPEPPER: To the Chair?

7 MR. HUNTINGTON: Commissioner Culpepper?

8 MR. CULPEPPER: Thank you. As you know,
9 this is one of the things I brought up in the study
10 meeting, is that circular driveway, which I'm thinking
11 she's talking about.

12 MS. MIAH: Yes.

13 MR. CULPEPPER: Going east on Nine Mile is a
14 heavy traffic zone, and my concern was safety. I know
15 that people going east are getting ready to pull into
16 that circular driveway. I hope there's signage out
17 there, or when you talk to your people you ask them to
18 pull all the way up. And my concern is, we know that
19 when people pull into circular driveways they pull in
20 and stop. We need to ensure that they, you know, go
21 all the way around and make room.

22 MR. BEYDOUN: Yes.

23 MR. CULPEPPER: Because what we would hate
24 to hear or see on an accident report is an accident at
25 Evergreen and Nine Mile was because somebody couldn't

1 get in the driveway and they stopped. Again, it fits
2 into the use with it's not going to affect traffic, if
3 they pull up. So I don't know if the Planning
4 Department, we plan to put in the conditions of having
5 signage there. We know it's a one-way in and one-way
6 out, which is perfect. But we need to ensure that
7 Nine Mile is not blocked, that they pull up and pull
8 all the way around in that circular driveway.

9 MR. BEYDOUN: Definitely.

10 MR. CULPEPPER: Okay. I am concerned about
11 someone pulling in and not being able to get in that
12 driveway and stop on Nine Mile and backup traffic.
13 That is a concern of mine. And I see that. Okay.
14 Thank you.

15 MR. MARTIN: To the Chair?

16 MR. HUNTINGTON: Commissioner Martin?

17 MR. MARTIN: If I remember correctly, from
18 my visit to the location, the school that's existing
19 to the west of that has a parking -- has access to the
20 parking area, where if there's traffic backup your
21 parents can pull into that parking lot --

22 MR. BEYDOUN: Yes.

23 MR. MARTIN: -- and wait so that they can --
24 so as not to cause -- is that something that you plan
25 on instructing the parents so that they're aware that

1 we don't want any congestion on Nine Mile?

2 MR. BEYDOUN: Sure. Sure. And also, if you
3 see the site plan, it shows that the frontage, all of
4 it, it has a wider entry, and we have pavement
5 everywhere to show more, like, easy access in and
6 access out.

7 MR. MARTIN: Thank you.

8 MR. HUNTINGTON: Commissioner Miah?

9 MS. MIAH: Also, I believe, for the public,
10 the fencing, was something going to be done about the
11 fence that's quite rickety in the back? Is that going
12 to be taken care of, for the public?

13 MR. BEYDOUN: Yes, it shows on the plan we
14 have a cement or concrete fence going all the way
15 around the property. It will be a high privacy cement
16 fence.

17 MS. MIAH: I'm talking about the property on
18 the side that you're going to be using now, that house
19 in the back, the one that's existing now?

20 MR. BEYDOUN: Yeah, it shows in red, if you
21 look on the plan.

22 MR. CULPEPPER: It's all the way around.

23 MR. CROAD: It's right up here. It says
24 six-foot high screen wall.

25 MR. BEYDOUN: Screen wall. It's a six-foot

1 screen wall between the property and the neighbors.

2 So it will be completely, you know, sealed up.

3 MR. HUNTINGTON: Okay. Commissioner?

4 DR. DENSON: Thank you. So, now, what are
5 the hours from -- I mean, for the existing and the
6 proposed?

7 MR. BEYDOUN: The existing is 24 hours.

8 This one here, it should be the same matter, but as a
9 start for the business, the only timing right now that
10 we need help with like space, what we need more space
11 for is between seven and 6:00, when we are congested
12 at that time. But it is, hopefully, we'll get more
13 business there and, hopefully, they will be at 24
14 hours, too.

15 MR. HUNTINGTON: Commissioner Culpepper?

16 MR. CULPEPPER: No, let her finish. Go
17 ahead.

18 DR. DENSON: So would they have to have an
19 adjustment?

20 MR. CROAD: What I would recommend, the
21 Planning Commission can recommend set hours, and let's
22 say 7:00 to 7:00 p.m. And then if they find that
23 there's a need to go beyond --

24 MR. BEYDOUN: We can come back for it.

25 MR. CROAD: -- they come back for the

1 process.

2 MR. BEYDOUN: Yes.

3 MR. CROAD: That way, if there's anything of
4 concern, we can address it then. So my recommendation
5 would be that if you would consider favorable
6 approval, that we make the condition on 7:00 a.m. to
7 7:00 p.m.

8 DR. DENSON: Thank you.

9 MR. CULPEPPER: To the Chair?

10 MR. HUNTINGTON: Yeah, Commissioner
11 Culpepper?

12 MR. CULPEPPER: That was my question, also.
13 Because when we talked last time, you gave us an hour,
14 five days a week, from seven to seven. So now you are
15 saying, well, it could be one way or another. We want
16 this thing to be clean when it goes to the City
17 Council. And I think the director put it very well.
18 If this is approved, we're going to put hours down
19 seven to seven, five days a week. And if you get more
20 people to come in and you want to up the hours to what
21 you have next door, you would come back to the
22 Planning Department with that. Okay?

23 MR. BEYDOUN: We would plan for this, yes.

24 MR. CULPEPPER: We just want it to be clean,
25 so when it goes to the Council we don't want them to

1 think we didn't do our due diligence --

2 MR. BEYDOUN: Sure.

3 MR. CULPEPPER: -- and say, wait a minute,
4 we don't know if you're open seven days a week or what
5 your time is. Seven to seven, seven days a week with
6 your new establishment. We're not talking about the
7 old, that's out of my scope. But the newest, seven to
8 seven. And if things change, you pick up, you'll go
9 to the Planning Department and ask for additional
10 hours.

11 MR. BEYDOUN: Definitely.

12 MR. CULPEPPER: Just to make sure we have
13 that understanding.

14 MR. SPENCE: If I may, through the Chair,
15 can we be more specific on five days a week? Are we
16 talking about Monday through Friday? I think we need
17 to be clear on that.

18 MR. CULPEPPER: I'm not talking anything.
19 I'm going by what he said. Are you open five days a
20 week, seven to seven?

21 MR. BEYDOUN: We're open seven days a week
22 in other one. But this one here, it will, I believe,
23 six days a week.

24 MR. CROAD: That's what we want
25 clarification. You want Saturday or Sunday?

1 MR. BEYDOUN: Saturday.

2 MR. CROAD: Okay. Six days a week, Monday
3 through Saturday.

4 MR. CULPEPPER: The building that you have
5 is not in my scope. The new building that's before us
6 now for the rezoning section, that's in my scope.
7 That building will operate six days a week, from seven
8 to seven starting now, okay. That's the scope.

9 MR. BEYDOUN: Yes.

10 MR. CULPEPPER: Okay. Thanks, Jeff. I'm
11 just going by what you said. Six days a week is what
12 we're looking at?

13 MR. BEYDOUN: Yes.

14 MR. CULPEPPER: Seven to seven?

15 MR. BEYDOUN: Seven to seven.

16 MR. CULPEPPER: Okay. Thank you, Chair.

17 MR. HUNTINGTON: Okay. Thank you. I have a
18 question, too. How large is your staff?

19 MR. BEYDOUN: For this location?

20 MR. HUNTINGTON: Yes.

21 MR. BEYDOUN: This location is going to have
22 like four rooms, so it will be like six people working
23 in there.

24 MR. HUNTINGTON: Okay. Will there be
25 somebody outside kind of assisting the kids as they

1 get out the car and get into the school, or is it up
2 to the parents to bring them in there?

3 MR. BEYDOUN: Usually, actually, the parents
4 bring them into the property.

5 MR. HUNTINGTON: So the parents are going to
6 basically park their car and walk their kids into the
7 school?

8 MR. BEYDOUN: Yes. Unless some parents,
9 they will call ahead, and one of the teachers go
10 outside if it's, let's say, baby, you know.

11 MR. HUNTINGTON: So wouldn't that kind of
12 cause a traffic backup there?

13 MR. BEYDOUN: No, we have a parking spot.
14 They have to park in the parking spot. There's no
15 like on the street or in the driveway parking. They
16 have to really park and bring their kids in and they
17 leave. They have to sign in their kids.

18 MR. HUNTINGTON: Okay.

19 MR. BEYDOUN: It's not just drop off outside
20 and just run to the school. It's not a school thing.

21 MR. HUNTINGTON: Walk in, sign in. Okay.

22 MR. BEYDOUN: Yeah, they got to park and
23 bring the kids inside and sign in, yeah.

24 MR. HUNTINGTON: Okay. Commissioner Denson?

25 DR. DENSON: Thank you. So you said -- I

1 mean, four people will be working -- oh, six people.

2 MR. HUNTINGTON: Six.

3 MR. BEYDOUN: Yeah, it's going to be four
4 teachers for every room. One teacher for four or five
5 students. And then it will be the two assistant and
6 the manager inside.

7 DR. DENSON: So how many -- how many parking
8 spots are there?

9 MR. CROAD: There's seven.

10 MR. SPENCE: Yeah, there's seven parking
11 spots. That meets the requirement for the use that's
12 being proposed.

13 DR. DENSON: Okay.

14 MR. HUNTINGTON: Commissioner Culpepper?

15 MR. CULPEPPER: To the Chair, you spoke
16 about this in the study meeting. But let's be
17 specific. What is the age range that you're going to
18 be able to take kids in this particular site, what's
19 your age range?

20 MR. BEYDOUN: I believe it's noted in the
21 plans, the age range. But it will be all the way up
22 to, I think, 12 to 13. It's noted in the plans in
23 there. I don't have it in front of me.

24 MR. CULPEPPER: You're going to start taking
25 kids in six months, eight months, or whatever up

1 until --

2 MR. BEYDOUN: Yeah, we have the rooms
3 divided by the age.

4 MR. CULPEPPER: You have the rooms divided
5 by age.

6 MR. BEYDOUN: Yeah, the rooms inside are
7 divided by the age so that the group age of two years
8 old, they will be in one room.

9 MR. CULPEPPER: Okay. I understand that.
10 You're going back to her question. I'm saying I, as a
11 parent, need daycare and I have a six-month-old
12 child --

13 MR. BEYDOUN: Yes.

14 MR. CULPEPPER: You will take my
15 six-month-old child?

16 MR. BEYDOUN: Yes, yes. There's no age
17 limit, really for all the kids.

18 MR. CULPEPPER: There's no age limit?

19 MR. BEYDOUN: No.

20 MR. CULPEPPER: No age limit in your taking
21 the kid in. Okay. That was my concern. You take in
22 no age limit. Because when you go before -- you're
23 looking at Terry, you better look up here.

24 MR. BEYDOUN: I'm sorry.

25 MR. CULPEPPER: When you come before the
26 Council, these are questions that may come up. They

1 need to know who is in that residence.

2 MR. BEYDOUN: Okay.

3 MR. CULPEPPER: Because we have a thing --
4 what I like about, you've got one floor, so we don't
5 have to worry about egresses, an egress coming out.
6 But these are questions that's going to come up, and
7 we want to make sure we've got the record clear, that
8 you have enough, ample people qualified on staff. And
9 we realize you are regulated by the state. And we
10 realize you're doing a great job next door.

11 MR. BEYDOUN: Yes.

12 MR. CULPEPPER: So we just hope that
13 transfers over simultaneously. It's visible. We want
14 to make sure you have qualified people in there that
15 can take care of these kids from six months old. We
16 need to know who's in that building at all times.
17 Thank you, Chair.

18 MR. HUNTINGTON: Commissioner Martin?

19 MR. MARTIN: To the Chair, I believe in the
20 planning session we discussed it with the owner, and
21 she was indicating that building was primarily for
22 toddlers. Do you --

23 MR. BEYDOUN: I'm sorry, I didn't hear the
24 last thing you said.

25 MR. MARTIN: I believe she indicated that

1 primarily toddlers will be taken care of in that
2 facility.

3 MR. BEYDOUN: True. The reason why she said
4 that, because that's where we have the access from the
5 other building to that one. That's where we have the
6 most kids, it will be toddlers, is the heavy pressure
7 in the other location.

8 MR. MARTIN: So, in essence, you're not
9 having five and six year olds, you're having one to
10 six months to two years?

11 MR. BEYDOUN: True. We don't want to limit
12 people from not coming. We don't want to say only
13 toddlers and we don't have --

14 MR. MARTIN: I was trying to --

15 MR. BEYDOUN: Sure. Yes, we don't want to
16 limit that for sure.

17 MR. MARTIN: Because you had mentioned a
18 higher age range initially, and I know that in the
19 planning session review that it was a lower age range.

20 MR. BEYDOUN: True.

21 MR. MARTIN: I'm just trying to confirm that
22 it's toddlers, so that you have six months to one or
23 two years old, you know, not older kids that could be
24 causing problems for the younger kids.

25 MR. BEYDOUN: True. That's what I said,

1 that's the heavy, most of the heavy daycare use is
2 between that age, the toddler age.

3 MR. CROAD: If I could, through the Chair,
4 the floor plan states that one room will be dedicated
5 to newborns, one year, four children max. The
6 toddlers are one year to 30 months, four children max.
7 Preschoolers are age 30 months to three years, six
8 children max, and an additional preschooler room, ages
9 four to five. So it's from newborn to five in this
10 building.

11 MR. BEYDOUN: Yes.

12 MR. CROAD: According to the plans.

13 MR. MARTIN: But they're separated?

14 MR. CROAD: They're separated, yeah. But, I
15 think, to the Commissioner's point, the proprietor or
16 operator should be at the Council meeting to answer
17 these questions.

18 MR. BEYDOUN: Yes, we've been through this
19 in the last meeting, and that's why it wasn't for us
20 to bring, you know, like the same kind of detailed
21 questions like that.

22 MR. CROAD: Well, we're saying that you need
23 to have the operator at the Council meeting to answer
24 these questions.

25 MR. BEYDOUN: Sure, sure.

1 MR. HUNTINGTON: Commissioner Griffis?

2 MR. GRIFFIS: Yeah, along those same lines,
3 the State of Michigan governs daycares. They
4 determine how many staff for what age kids, and I
5 don't think it's in our best interest to try and
6 remember those rules up here. None of us are in
7 charge of it. I don't know that we can even enforce
8 it. And I think it's important to note that this may
9 have been a single-family house at one time, you're
10 going through the commercial building code, you're
11 changing the occupancy of the building, you're
12 bringing this building up to standards as a commercial
13 daycare with all the appropriate, again, oversight of
14 the Building Department and the City of Southfield. I
15 only make this distinction because we do review
16 in-home daycares, which this will not be.

17 MR. BEYDOUN: No.

18 MR. GRIFFIS: You're putting in a parking
19 lot. You're putting in a commercial screening fence.
20 You were residential, you no longer are anymore, so
21 you're going above and beyond the safety standards.
22 Although it wasn't restated here, I'm just restating
23 it from memory. So I think it's important to this
24 project, that it's not an in-home daycare, there's
25 going to be some confusion, because it looks like a

1 house. It's not a house anymore. This building has
2 very, very strict standards. But at the same time,
3 it's a small building, 2,000 square foot building.
4 It's not intense. You know, if there was a 24 hour,
5 one or two children saying overnight, if their parents
6 were a nurse or doctor, it's not this every five
7 minutes stream of traffic into it. So I would not be
8 opposed to this location becoming 24 hours, because
9 there's going to be so many very few people in and
10 out, I would think, because of the size, limited size
11 of the building.

12 So it's a nice, simple reuse of an existing
13 building project. It's on a main road. It makes
14 sense that it can become a commercial project, in my
15 opinion.

16 MR. HUNTINGTON: Can you speak on any
17 outdoor activity from the kids that you'll be having?

18 MR. BEYDOUN: Well, we'll be having the
19 outdoor activity. In the back will be the play
20 playgrounds. And all these things will be in the
21 back. Like the same exact -- like next door, we will
22 have the same exact playground, same exact activities,
23 facilities like the next door one. We will have those
24 and the playground. The playground will have a
25 different set of, like a detailed plan for the

1 playground, you know, that is recommended by the
2 state.

3 MR. HUNTINGTON: Okay. Overall, I have good
4 feelings about the project. I think you'll do well.
5 You've been in business for a while now. Daycare is
6 important in the City of Southfield. It's definitely
7 necessary. One of my biggest issues, the problem,
8 really, is traffic flow. I think that would be a
9 problem. Hopefully, you guys can possibly have
10 someone out there kind of directing and making sure
11 people go where they need to go and park like they
12 need to park. But I know around daycares parents
13 always get in a hurry and they're rushing, they're
14 speeding, they park any kind of way, and they're
15 running late for work. So I think that it's going to
16 be more than just putting signs up, I think you're
17 going to have to kind of regulate things and the
18 traffic flow a little bit to make things flow well and
19 make it safe, because it is going to get kind of tight
20 there.

21 Okay. Anything else, any other comments
22 from the Commissioners? Okay. Mr. Planner, can we
23 get your recommendation?

24 MR. SPENCE: Thank you. With regard to
25 PSLU19-0001, the Planning Department recommends

1 favorable recommendation of the Special Use Request of
2 Decora Construction, on behalf of the owner,
3 Tomorrow's Star Academy Daycare, to use an existing
4 house, 2,000 square feet or more, for daycare use,
5 property located at 19831 West Nine Mile Road, for the
6 following reasons and conditions:

7 Receipt of waivers from the Zoning Board of
8 Appeals for 8.25 feet of landscaping in the front
9 yard, 8.25 feet required, zero feet provided, 4.7 foot
10 east building, side yard setback, 15 feet required,
11 10.3 feet provided.

12 Submitted special use with any conditions
13 recommended by the Planning Commission and the
14 Planning Department will be of such size and character
15 that will be in harmony with the appropriate and
16 orderly development of the OS, Office service,
17 district.

18 Location, size, intensity and hours of
19 operation of the proposed use is designed to eliminate
20 any possible nuisance likely to emanate therefrom,
21 which might be adverse to occupants of any nearby
22 permitted uses.

23 The proposed use is in accord with the
24 spirit and purpose of the chapter, and is not
25 inconsistent with or contrary to the objective sought

1 to be accomplished by this chapter or the principles
2 of sound planning.

3 The proposed use is of such character and
4 vehicular traffic generated that it will not have an
5 adverse affect or be detrimental to the surrounding
6 land use or adjacent thoroughfares.

7 The proposed use is of such character and
8 intensity arranged on the site as to eliminate an
9 adverse affects from noise, dirt, odor, glare or
10 fumes.

11 The proposed use will not be adverse to the
12 promotion of the healthy, safety and welfare of the
13 community.

14 The proposed use is designed and operated so
15 as to provide security and safety to employees and the
16 general public. And hours of operation shall be seven
17 a.m. to seven p.m., Monday through Saturday.

18 MR. HUNTINGTON: Okay. Thank you.
19 Commissioners, can I have a motion, please?

20 MS. MIAH: Yes, through the Chair, I'd like
21 to make a motion due to the favorable recommendation
22 from the Planning Department that we accept PSLP --
23 what is it -- PSLU19-0001.

24 DR. DENSON: Support.

25 MR. HUNTINGTON: Okay. I have a favorable

1 recommendation from Commissioner Miah, seconded by
2 Commission Denson. All in favor?

3 (Six Commissioners stated aye.)

4 (Mr. Willis abstained.)

5 MR. HUNTINGTON: Any opposed?

6 MR. WILLIS: Commissioner Huntington, I
7 abstain.

8 MR. HUNTINGTON: Okay. And Commissioner
9 Willis will abstain. Okay. Thank you. It moves
10 forward.

11 MR. SPENCE: And, finally, we have the site
12 plan portion. Yeah, I know.

13 MR. HUNTINGTON: Okay. Site plan
14 PSP19-0001, okay, any questions or concerns about the
15 site plan? Okay.

16 MR. GRIFFIS: We already stated this.

17 MR. HUNTINGTON: I think we've pretty much
18 covered the site plan pretty well. Any other
19 questions or concerns? Personally, I think the site
20 works out well for what you're trying to do. You're
21 there now. You're just expanding your business, which
22 is always a good thing when a business in Southfield
23 can expand and become bigger and better. So, you
24 know, we -- I have no problem with this site plan. I
25 think it will work out well.

1 Can I -- so, Mr. Planner, can we get your
2 recommendation on the site plan?

3 MR. SPENCE: Yes. Thank you. With regard
4 to PSP19-0001, the Site Plan Review request of Decora
5 Construction, on behalf of the owner, Tomorrow's Star
6 Academy Daycare, the Planning Department does
7 recommend favorable consideration of the Site Plan
8 Review request for the following reasons and
9 conditions:

10 Receipt of waivers from the Zoning Board of
11 Appeals for 8.25 feet of landscaping in the front
12 yard, 8.25 feet required, zero feet provided; 4.7 foot
13 east building side yard setback, 15 feet required,
14 10.3 feet provided.

15 Final detailed landscape plan must be
16 approved by the Planning Department prior to the
17 project being reviewed by the City Council.

18 Exterior lighting will be shielded to
19 prevent spillage of glare onto adjacent properties.

20 The petitioner is to provide a sprinkler
21 system for all landscaped areas to encourage
22 preservation of plant material.

23 The petitioner is to execute a perpetual
24 maintenance agreement for the landscape and parking
25 area, both on the site and in the right-of-way, which

1 includes maintenance of any stormwater detention
2 system.

3 The petitioner is to implement the
4 recommendations made by the Southfield Police
5 Department's Crime Prevention Bureau regarding site
6 security.

7 The building will be constructed in
8 accordance with the elevations shown on sheet A-2
9 dated 4/2/2019.

10 Approval of this site plan and/or any
11 building elevations represented herein does not
12 constitute nor guarantee approval for signage.
13 Separate approval and signed permits must be obtained
14 from the Building Department for any proposed signs.

15 Bike racks shall be installed in accordance
16 with Article 4, Section 5.29, paragraph 12. And as
17 with the previous item, hours of operation shall be
18 seven a.m. to seven p.m., Monday through Saturday.

19 MR. HUNTINGTON: Thank you. Commissioners,
20 do I have a motion?

21 MS. MIAH: Yes, through the Chair, I would
22 like to make a motion, due to favorable recommendation
23 from the Planning Department, that we accept
24 PSP19-0001.

25 MR. CULPEPPER: Support.

1 MR. HUNTINGTON: I have a favorable
2 recommendation from Commissioner Miah, supported by
3 Commissioner Culpepper. All in favor?

4 (Six Commissioners stated aye.)

5 (Mr. Willis abstained.)

6 MR. HUNTINGTON: Any opposed?

7 MR. WILLIS: Through the Chair, I abstain.

8 MR. HUNTINGTON: Abstained by Commissioner
9 Willis. Okay. Thank you. It moves forward. Next on
10 the agenda we have PSV19-0001.

11 MR. SPENCE: Yes, thank you, Mr. Chairman.
12 So this is a request for an alley vacation to vacate
13 20 feet of alley located along the rear portion of
14 properties located at 20810 and 20854 West Eight Mile
15 Road, and 20703, 20711 Westhaven.

16 The screen, you'll notice, does show the
17 location of the proposed vacation. We're on the west
18 side of Eight Mile Road, just west of Evergreen Road.
19 I'll zoom in a little bit on it. So these are the
20 properties that would be affected by the proposed
21 vacation. It shows both 20810, 20854, and then the
22 two properties to the north of Westhaven.

23 As we noted in our study meeting, with
24 vacations of property, be it an alley or a street,
25 50 percent of the alley would go, in this case, to the

1 northern portion, 50 percent to the south portion. So
2 with a vacation of this alley, should it go through,
3 ten feet of property would go to the residential to
4 the north, and then the other ten feet to the
5 commercial property to the south. They would also
6 take on the zonings of those particular properties.
7 So in this case, the north half of the alley would
8 become R-1, Single-Family Residential, the south half
9 would become the B-3, General Business.

10 This kind of gives an indication as to,
11 again, the location of that alley. It is, if I
12 recall, approximately 170 feet long and then 20 feet
13 wide. I'll kind of zoom back out here for a moment.
14 You'll see, based on the map that we have here that
15 there is still considerable alley that would remain.
16 So it goes a number of feet to the east and then a
17 number of feet to the west of this proposed vacation.

18 Some of the comments that the Planning
19 Commission had at the last meeting, the study meeting
20 last week, we did have a fire marshal go out and take
21 a look at this particular location. He did respond
22 and stated that as long as the alley was kept
23 unobstructed to allow, at least, their fire apparatus
24 to travel to and fro, back and forth on that alley, he
25 was okay with it. So, basically, it would have to

1 remain open. There would be no structures that could
2 be placed within that particular location, because
3 they would impede access by the fire department.

4 In addition, we did ask the City's engineer.
5 With regard to her comments, there is an easement
6 available, but those utilities go north and south, and
7 they're directly to the east of the building itself,
8 so they're actually not behind the building at all.
9 So she is fine with this particular location as well
10 in the vacation.

11 Finally, there were questions brought up
12 with regard to an order from the court with regard to
13 cleaning up of that particular location. My
14 understanding is one of our City attorneys was out
15 there this afternoon, we met with the owner, and there
16 has been some considerable cleanup of that particular
17 back area as well. So they have been making progress
18 towards cleanup, and so we are satisfied that they are
19 moving forward appropriately.

20 MR. HUNTINGTON: Okay. Thank you.
21 Petitioner, please state your name and address for the
22 record?

23 MR. DAGHER: Good after - good evening, it's
24 evening now. Sorry, guys. My name is Ali, it's
25 A-L-I, D-A-G-H-E-R, I'm an attorney representing the

1 owner. My address 14207 Ford Road, Dearborn,
2 Michigan, 48126.

3 MR. HUNTINGTON: Thank you.

4 MR. DAGHER: Mr. Spence is right, we spent a
5 about an hour or so earlier today, and the owner of
6 the property made some significant headway into doing
7 everything necessary to clean up the property.

8 MR. HUNTINGTON: Okay. So for the record,
9 just, please, give us an overview for your reasoning
10 of wanting a vacation of the alley.

11 MR. DAGHER: Correct. We took it upon
12 ourself, even though it's not really pertinent to
13 this, we took it upon ourselves to comply with the
14 City requirements, as we would otherwise. Any
15 questions? Sorry, I'm really tired, guys.

16 MR. SPENCE: If I may, through the Chair,
17 one of the other items that did come out at the last
18 meeting was whether or not the property owners to the
19 north, the owners of the single-family residential had
20 signed off. I do have letters from both property
21 owners, and they are in agreement and they don't have
22 any problem with the vacation of that alley.

23 MR. DAGHER: In fact, they are here today.

24 MR. HUNTINGTON: Okay. Great. That's good.
25 Okay. It's a public hearing, right. Okay. So I'd

1 like to take this time to open it up to the public.
2 If anybody has any questions or concerns about this
3 project, please step forward, you have three minutes
4 to state what you want to say.

5 Okay. Seeing none, I declare that the
6 public hearing closed. Commissioners, any questions,
7 concerns about this project?

8 MR. CULPEPPER: To the Chair?

9 MR. HUNTINGTON: Commissioner Culpepper?

10 MR. CULPEPPER: Let me say thank you. The
11 questions that arose in our study meeting, not only
12 have they been answered, they've been documented.
13 And, again, my concern was the residents, in case,
14 when it went to Council, that if someone said they
15 didn't talk to you, then we would know. So thank you
16 for coming out and also sending in the letter.

17 Another one of my concerns was the
18 containers in the back. Thank you for talking to the
19 attorney. That's not a question about that, you have
20 time to get that done. So, again, thank you for
21 stepping forward and answering the questions and doing
22 the things that I asked in the meeting. Thank you.

23 MR. DAGHER: Thank you, sir.

24 MR. HUNTINGTON: Okay. Anyone else? Okay.

25 I really don't have a problem with the vacation of the

1 alley. My main concern was really all the trash and
2 debris outside. I didn't want it to turn into an
3 alley and looking like an alley. So I understand you
4 are getting that taken care of, you're cleaning it up,
5 which is great. I think the vacation of the alley is
6 going to generate public interest and is not
7 detrimental to public access or access to any public
8 energy services or any similar right-of-way. So the
9 fire department did give us the okay that there's no
10 issues there, as long as you keep it clear, which was
11 a main concern last week, we weren't sure about the
12 fire department's report. But we do have that report,
13 so it's just a matter of keeping the alley clear, and
14 I think we're good.

15 Commissioner Griffis?

16 MR. GRIFFIS: Just a logistics
17 clarification. So, in theory, if you vacate this
18 alley, there could be a fence down the middle of the
19 alley, right, separating the property to the north and
20 the property to the south, does that, in fact, impede
21 fire department access, or is there just a special
22 situation we're going to document where the fence is
23 going to be to make it so you can still drive through,
24 or do we even need to worry about that?

25 MR. CROAD: Classroom discussion, yes, that

1 could happen. But I believe the applicant is seeking
2 a quitclaim deed from the two residents deeding that
3 ten feet to the south, so there would be no need for a
4 fence. There is an existing wall. The only
5 logistical thing that would be remaining is that
6 technically the ten feet would be zoned residential,
7 and they'd have to come back and get a zoning
8 amendment for that ten feet.

9 MR. DAGHER: Right. That's our next step,
10 once it's approved, and then we'll figure out what's
11 going with it.

12 MR. CROAD: Right.

13 MR. HUNTINGTON: Mr. Willis?

14 MR. WILLIS: Through the Chair, just from my
15 understanding, I was under the impression that it was
16 the fire marshal that asked for no obstruction.

17 MR. CROAD: That's correct.

18 MR. WILLIS: And that would be a fence, to
19 me.

20 MR. CROAD: That's correct.

21 MR. DAGHER: We'll work it out. I mean,
22 whatever's going to be a compliance, it should be.

23 MR. WILLIS: Not to work out, just for my
24 understanding, I just wanted to make sure it was
25 clear.

1 MR. CROAD: And as I stated, the B-3 zoning
2 does not allow outside storage, anyways. So the only
3 possibility, there's a 15-foot rear yard setback that,
4 in theory, the building could be extended five feet to
5 the north, but then that would impede the 20-foot
6 access that the fire marshal's looking for. So it's
7 really just they've been using the property, they
8 would now own the property, but they can't impede on
9 that 20 feet.

10 MR. HUNTINGTON: Commissioner Miah?

11 MS. MIAH: Just to reiterate what
12 Commissioner Culpepper stated, because that was my
13 question last time, would the neighbors be interested
14 in that property. So thank you as well for the
15 documentation. And I think it makes sense for you to
16 access that alley, since you've been using it anyway.
17 I think it makes sense.

18 MR. DAGHER: Thank you.

19 MR. HUNTINGTON: Okay. Thank you. Do I
20 have a motion? Oh, sorry, City Planner, please, can
21 we have your recommendation?

22 MR. SPENCE: Yes. Thank you. With regard
23 to PSV19-0001, the alley vacation request, the
24 Planning Department does recommend favorable
25 consideration to vacate a 20-foot wide public alley

1 abutting lots 48 through 51, Tapers Baseline Evergreen
2 Sub, subject to the following conditions:

3 Retention of existing easements for
4 maintenance of existing utility lines. Future use of
5 the subject property, including the vacated alley will
6 be subject to the requirements, standards, and
7 conditions of the zoning ordinance with regard to
8 outside storage, et cetera. The alley is to remain
9 unobstructed and available for fire apparatus, per the
10 Southfield fire marshal.

11 MR. HUNTINGTON: Okay. Thank you.
12 Commissioners?

13 MR. WILLIS: Through the Chair?

14 MR. HUNTINGTON: Commissioner Willis?

15 MR. WILLIS: I would move for favorable vote
16 by the Commission for PSV19-0001.

17 MS. MIAH: Second.

18 MR. HUNTINGTON: I have a favorable
19 recommendation by Commissioner Willis, seconded by
20 Commissioner Miah. All in favor?

21 (All stated aye.)

22 MR. HUNTINGTON: Any opposed? Okay. It
23 moves forward.

24 MR. DAGHER: Thank you, Commissioners. Have
25 a good evening.

1 MR. HUNTINGTON: Next on the agenda we have
2 PSLU19-0004.

3 MR. SPENCE: Yes. Thank you, Mr. Chairman.
4 This is PSLU19-0004. This is the Special Use Request
5 of Lochmoor HOA to amend their plan, bylaws, and
6 Master Deed to require minimum standards, as defined
7 by the Association, for properties located within the
8 Lochmoor Land Development.

9 If you recall, this did come before you last
10 week with regard to the proposals for making changes,
11 amendments to square footage of this building, as well
12 as materials of the buildings themselves.

13 So in your packet, we do have the
14 presentation materials that talk about various aspects
15 of this particular project, including on page, let me
16 find it for you, page 13, which does have the control
17 preferences for the developer for the architectural
18 items for this particular project.

19 So this particular project, again, just for
20 the standpoint of the public, this is on Ten Mile
21 Road. Let me go back. It's between Telegraph and
22 Lahser Road, south side of the street. The property
23 south is just over 12 acres. You can see the circular
24 drive that's currently on the property, as well as a
25 number of existing houses that do currently exist on

1 the property.

2 These are images of what the property looks
3 like right now, currently zoned R-2, Single Family
4 Residential, as is the property directly to the west.
5 The property to the east and to the south are zoned
6 R-2, Single Family Residential.

7 With that, I'm going to turn it over to the
8 architect or the HOA to kind of discuss their
9 particular project here, what they're looking for from
10 the standpoint of amendments to their architectural
11 control preferences.

12 MR. HUNTINGTON: Can you step forward,
13 please, and state your name and address for the
14 record?

15 MS. BELL: Good evening, again, Planning
16 Commissioner, Constance Bell, 24637 Pembroke Drive.

17 MR. TURNER: Kevin Turner, City Build Design
18 Group, 360 Lincoln Road, City of Grosse Pointe.

19 MR. HUNTINGTON: Okay. Thank you. So just
20 give an overview of what you want to accomplish here.

21 MS. BELL: At the last meeting, you asked
22 for additional information, more detailed information.
23 So we do have that this evening. And Kevin's going to
24 explain the information.

25 MR. TURNER: And I'd like to speak to Mr.

1 Spence. I received your e-mail a couple hours ago, so
2 I do have a response to that. And I'd like to clarify
3 that initially, if I may. In terms of the three
4 housing types that you indicated in the e-mail, we
5 basically want -- or the HOA basically wants the new
6 housing to be of similar vernacular design of the
7 existing homes that are there. In regards to the
8 Wexford, the builder that built the home that's
9 incomplete, actually, utilized the same name, Wexford.
10 That was Huntley Building, one of the original homes
11 that were built there back in 2005 and 6.

12 MR. SPENCE: If I may, through the Chair,
13 just for a moment, just for the standpoint of context,
14 because you're probably a little confused, within the
15 information that was provided to us on the standards
16 that the HOA was looking for, they mention minimum
17 square footage, and then they give types of house,
18 type one, type two, type three, without any real
19 relation to what houses are we talking about. I mean,
20 that's why I asked the question earlier today about
21 can they give us some kind of graphic example of the
22 types of houses that they're looking for. It's kind
23 of vague just to say type one, type two, type three.
24 If they have specific models in mind, it would
25 probably be better to be part of this presentation and

1 not so vague. So just from a matter of context,
2 that's where the architect is coming from at this
3 time, is trying to explain the types of houses that I
4 was questioning that they were talking about in their
5 information.

6 MR. HUNTINGTON: Okay. And, actually, I'd
7 like to hear, too, if you can just give an overview of
8 why you actually came here and what you're trying to
9 accomplish just so -- I know we had our study
10 meetings, but just so the public can have an idea what
11 you're here for and what you're trying to accomplish.

12 MS. BELL: Certainly. The original
13 developer went out of business, I think it was around
14 year 2011 or '12, somewhere around there and,
15 therefore, we had no developer. So the Homeowners
16 Association became the successor developer. We had
17 three homes that were built that were totally
18 different from the homes, our current homes. And I
19 know some of you drove to our neighborhood, one house
20 in particular, Stacy Nether's home, the materials are
21 different, and we wanted homes that are similar to
22 ours that we could maintain the value and harmonious
23 look of the current homes. There were two more homes
24 that are being built that are around 1838 square foot,
25 which our original homes, the smallest one is 2100, I

1 think it's like 2100, the largest is the 2700. The
2 materials are different. Our current homes currently
3 have brick above the garages. The newer homes do not.
4 The value of the home -- I should say the construction
5 of the homes are totally different from the existing
6 homes, and that was a concern that we had as
7 homeowners. And, again, we were advised by the City
8 Council, because when the original site plan, the top
9 page, the first page of the site plan referred to
10 attachments, but for whatever reason, the attachments,
11 we were told they were uncertain what attachments were
12 attached, even though our homes were the ones that
13 were built. And some of the drawings that I have are
14 pictures of our homes; however, we were told they may
15 not be the original plans or drawings. Don't
16 understand how that is. But City Council advised us
17 to go back through the process and to create a new
18 site plan with detailed information so that in the
19 future we won't have the problems, the existing
20 problems that we're having right now, homes just
21 coming in and just building anything and walking away
22 and affecting the value of our community.

23 MR. HUNTINGTON: Okay. Thank you. I'm sure
24 that helped everyone.

25 MR. CROAD: If I could, through the Chair,

1 this is being done as a special land use because the
2 cluster option was approved as a special land use, and
3 so what we're doing, they're asking us for an
4 amendment to the conditions of the special land use
5 with regards to the minimum size of the house, the
6 materials and so forth. So we're not changing the
7 site plan, but we are changing the special land use
8 conditions with regard to minimum square footages,
9 building materials, architectural details. And that's
10 all we're doing, is focusing on an amendment to those
11 specific items.

12 MR. HUNTINGTON: Okay. Anything else you
13 would like to add?

14 MR. TURNER: There was a few things in
15 regards to the meeting we had last week, in terms of
16 one of the Commission members mentioning increased
17 construction cost. So one of the things that we
18 discussed was reducing the preferred square footage of
19 the homes in consideration to the increased building
20 costs, present day. And that was the type one, two
21 and three in regards to that.

22 MR. CROAD: Okay. Again, just for
23 clarification, what is the minimum square footage
24 you're looking for, if it's less than 2100?

25 MR. TURNER: Yes, the type one we discussed,

1 1950 minimum.

2 MR. CROAD: Again, this is televised, this
3 is a public meeting, and even though we talked about
4 it last week, anybody that wasn't there last week
5 doesn't have the information.

6 MR. TURNER: I understand.

7 MR. CROAD: So, for the record, we're having
8 this -- the minutes are being prepared. I just want
9 to be clear it's 1950 square feet?

10 MR. TURNER: Yes.

11 MR. CROAD: Okay.

12 MS. BELL: And that's two homes at 1950
13 square feet, and then two homes at 2250 -- I'm sorry,
14 three homes, change that to three homes, and then
15 three homes minimum square footage 2450. So, again,
16 that would protect the value of our homes, and it
17 would be harmonious, so it's not just hojpag of the
18 same type of houses and the same square footage.

19 MR. CROAD: Okay. So, again, clarification,
20 of the remaining eight lots, you want a minimum two,
21 being 1950 square feet, three a minimum of 2250, and
22 three, a minimum of 2450, correct?

23 MS. BELL: Yes.

24 MR. CROAD: Okay. Thank you.

25 MR. HUNTINGTON: Okay. This is a public

1 hearing. If there is anyone from the public that has
2 any questions and would like to speak on this matter,
3 please step forward and you have three minutes to
4 state your point.

5 MR. CHASE: Good evening, everyone. My name
6 is Darin Chase, I live at 61815 Bradbury Run in
7 Washington Township, and I am the only lot owner of
8 vacant lots in this community. So I'm here today to
9 ask that the Commission recommend that the City
10 Council does not approve this change. And here's why:
11 First, I want to give you some background. I'm not
12 going to speak to the legal reasons. I brought my
13 legal counsel here to give you some legal background
14 on why you should not recommend approval. I'm going
15 to give you the practical reasons. If you don't
16 already know this, the residents in this subdivision
17 have been complaining against each other and
18 complaining against me as a lot owner for nine years.
19 I've owned lots in this sub for nine years. I
20 maintain them impeccably. I've been told by your
21 departments that these lots are impeccable. I've been
22 told by your departments that I've been harassed.
23 Complaints coming in about a McDonald's bag that blew
24 onto the lot. I have to run out there and clean it
25 up, or somebody is going to come from the City and

1 charge me \$200 to pick it up. And, yes, I paid a lot
2 of those \$200 fines, because I didn't get there quick
3 enough. So I want you to know that the history of the
4 subdivision is well-known by the people who work
5 within the City. It's they have a propensity to
6 complain about a lot. That's fine. I get it. But
7 the reason I'm in this subdivision right now building
8 homes -- I have two going up, brand new homes not
9 finished -- is because I was asked not to have the
10 other builder build there. And I honored the request
11 of the Board to do that. So here I come in to build,
12 and all of a sudden they want to change the game plan
13 in midstream. I don't need to build here. These are
14 lots that I can sell to other builders. But this
15 change is going to hamper that. But I have nothing
16 but certainty going forward with this Board, if they
17 make these changes without following the rules.

18 Ever since I've owned these lots, I follow
19 the rules. I pay my dues. I show up at the cleanup,
20 spring cleanup. I donate flowers for the front. I
21 don't have to do these things, but I do it because I
22 like the people in the community and I care about it.
23 But the Board is not following the rules. They don't
24 have the legal authority to make this change. They
25 haven't gone to the residents. The bylaws require a

1 vote of these residents. If this is such a good idea,
2 why aren't they asking the people who live there if it
3 is. Because they know the answer is they don't want
4 to have the outcome say they don't want to have this
5 denied. So the Board is here unilaterally acting on
6 their own special interest, spending money on
7 attorneys and consultants that this HOA does not have,
8 money that is better spent putting in a top coat on
9 the road and other things that would enhance the value
10 of the community. So I'm here asking that you deny
11 this request or recommending that the City Council
12 deny it. Thank you.

13 MR. HUNTINGTON: Okay. Thank you. Please
14 state your name and address for the record.

15 MR. ABDO: Good evening, everyone. My name
16 is Sherman Abdo. I have my office at 12900 Hall Road,
17 Sterling Heights, Michigan, 48313. My phone number is
18 586-413-7777. I came here on behalf of Mr. Chase
19 today to speak a little bit about the legalities of an
20 amendment to the Master Deed that's proposed in front
21 of the Council today, or in front of the Board today.

22 There needs to be two things that happen per
23 the Master Deed for Lochmoor. First, in Article 10
24 Section 7, they need to have approval of the City of
25 Southfield before recording any amendments that

1 circumvent over the Master Deed. This amendment has
2 already been recorded in September of 2008, so they've
3 already made one violation there.

4 The second violation, through the Michigan
5 Condominium Act, Section 90(a), and through Article 10
6 of their own Master Deed states that two-thirds
7 consent of the co-owners for material changes to any
8 amendment need to be approved. Therefore, we need to
9 look through the proposed changes. I've looked
10 through a lot of the proposed changes, and a lot of
11 the amendments that they have are immaterial. They're
12 immaterial in the sense that the developer, its
13 successor, and the Association will have certain
14 powers preserved to them throughout the Master Deed
15 and throughout the bylaws. A lot of these amendments,
16 since the developer is not there, is just erasing the
17 developer and having the Association now assume those
18 powers, since the developer is no longer there.

19 One section in particular, and the section I
20 have is Article 6, Section 3 over architectural
21 control. I want to read to you one part in
22 particular. Section O of that states that the purpose
23 of this section is to assure that there's continued
24 maintenance of the condominium as a beautiful and
25 harmonious residential development, and shall be

1 binding upon both the Association and upon all
2 co-owners. Developer's rights under this Article 6,
3 Section 3 may, in the developer's discretion, be
4 assigned to the Association or other successor to the
5 developer.

6 Now, at no point has the Homeowners
7 Association shown us any type of transfer of this
8 power from the developer to the Homeowners
9 Association. And the proposed amendments to this are
10 to have minimum square footage of the houses being
11 built.

12 Whereas, throughout this Master Deed there
13 is no minimum square footages designated throughout
14 the Master Deed. Therefore, as a material change to
15 the building conditions of this -- of Lochmoor, I
16 would ask that it needs prior approval of at least
17 two-thirds of the homeowners before it even gets to
18 the point of being brought before this Board to be
19 discussed. And additionally, they're not considered a
20 successor developer. Successor developer is an entity
21 that owns 70 percent of all homes, or either ten homes
22 that is located in the project. The Homeowners
23 Association does not qualify for either of those.
24 Thank you.

25 MR. HUNTINGTON: Thank you.

1 MS. MCLEAN: Good evening, my name is
2 Stephanie Mclean. My address is 24726 Pembroke Drive,
3 Southfield, Michigan. I recently moved into Lochmoor
4 subdivision, actually it will be a year next week, and
5 part of the reason I did that is because the
6 neighborhood was very, very welcoming, very beautiful,
7 very harmonious. I could see it as a very great
8 investment for me and my family.

9 Mr. Chase, I'm not sure if he's still here,
10 has lots adjacent to my property, both of which the
11 yard has not been cut at all this year. So for him to
12 come up and say, oh, yes, I take great care of the
13 property and the lots that I own, that is blatantly
14 untrue. I have several pictures. I've spoken with
15 the City trying to get this situation rectified. He
16 stated to the City, as of Saturday morning, that he
17 would have someone come out either Tuesday or
18 Wednesday to cut the grass. It is Wednesday at 7:45
19 p.m. That has not been done.

20 I do ask that the Planning Commission really
21 consider this, because it's our property, it's our
22 property values, and it's something that we've all
23 invested and worked very hard to attain. Thank you.

24 MR. HUNTINGTON: Thank you.

25 MS. MCLEAN: Also, sorry, I still have time.

1 I'm not on the board.

2 MR. BLANDON: Good evening, my name is
3 Cornell Blandon, I'm at 24712 Pembroke Drive, and I'm
4 a resident of Lochmoor, and I'd just like to say that
5 I was Board president two years ago, and I had a
6 rapport with Mr. Chase. But since then, it looks like
7 the subdivision has been trashed by the builders. The
8 lots, horrendous. The grass, not cut. The lot next
9 to me has been abandoned, so I've been forced to keep
10 that up myself, cutting the grass, putting weed and
11 feed down.

12 The builder across the street has been
13 working on this house two or three years now. Mounds
14 of dirt. Dirt blowing all into my windows. My
15 windows are filthy. Driveway's filthy. The
16 drive-through, filthy, dirt. The guy that built the
17 roof, the bags blew all over the subdivision, all down
18 into the creek. I had to put boots on, climb down
19 there and get all the plastic bags out of the creek
20 down there. So nobody is monitoring that. Nobody is
21 thinking about Lochmoor Subdivision.

22 These guys, these builders are coming out
23 here and they're taking forever to finish these homes,
24 and they're not cleaning up after themselves, and
25 they're not respecting the subdivision. You know, I

1 worked hard to build a rapport with Darin Chase. He's
2 been over my house. We've talked. But, you know,
3 we've been totally disrespected. And it's time that
4 the City of Southfield stand up and do something for
5 Lochmoor Subdivision, because we're an integral part
6 of Southfield, and we feel like we're being forgotten.
7 You come out when it's convenient to get our taxes,
8 and then we get partial services, little services at
9 all, then you disappear. You tell us one minute that
10 you don't have control, and then the next minute that
11 you've got control.

12 So I'm here today to stand as a member to
13 say that we would like to see some control that we can
14 exert as a Homeowners Association over the types of
15 building process that go on and the length of time and
16 the control, the contractors, in terms of cleaning up,
17 maintaining. We've got holes in the road from trucks
18 coming in and out of there. So it's just helter
19 skelter, and I think that something needs to be done.
20 Thank you.

21 MR. HUNTINGTON: Okay. Thank you.

22 MS. NEAL: Good evening, my name is Vickey
23 Neal. I reside at 24667 Pembroke Drive. I'm a Board
24 member of the Lochmoor Homeowners Association, and I
25 wanted to state for the record that I am in total

1 agreement for the amended site plan to revise the
2 sizing in our community. It's unfortunate that
3 smaller homes were built, and now we're forced to
4 build even smaller homes to keep this harmonious look
5 in our community. I also would like it known that the
6 reason that the bylaws were revised initially was
7 because there's some houses that went up that were not
8 harmonious, that were smaller, that did not have the
9 brick at all. We had to fight to even get the first
10 level of brick. We had to bring out the bylaws,
11 because they were trying to just put up anything that
12 they wanted.

13 So as a Board of the member -- excuse me, I
14 do get nervous. But as a member of the Board, we felt
15 it was our responsibility to enforce the bylaws for
16 the people in our community and ensure that homes for
17 the future were harmonious. And that's why we went
18 ahead and became successor developers. We hired an
19 attorney and we had a vote. We have meetings, and any
20 decisions we make are always considering the
21 homeowners. If you don't attend the meetings and you
22 don't vote, then that is unfortunate. But we always
23 make sure that we have the percentages that are
24 required, and so far we have met those. We did not
25 realize that was their question. We would be glad to

1 validate that.

2 I'm not out of time yet?

3 MR. HUNTINGTON: You got a little bit of
4 time left.

5 MS. NEAL: Well, basically, that's it. I
6 just wanted you to know that I am in agreement and
7 we're doing what's best for our community.

8 MR. HUNTINGTON: Okay.

9 MS. DONALD: Hi, my name is Deborah Donald,
10 I reside at 24653 Pembroke Drive, Southfield,
11 Michigan. And I just want to speak on behalf of our
12 subdivision. And I am in agreement with the site
13 plan.

14 MR. HUNTINGTON: Okay. Thank you. Anyone
15 else?

16 MS. GERALD: Pamela Gerald, P.O. Box 155,
17 Southfield, Michigan, 48037-0155. My telephone number
18 is 248-346-0439. I'm not a homeowner in Lochmoor, but
19 I almost was. In 2013, I went looking to buy a house
20 in Lochmoor, and someone had an offer on the home, and
21 I got a little discouraged and I went elsewhere. I'm
22 concerned about, first of all, the developer getting
23 before this honorable body with an attitude
24 criticizing the residents about what I consider
25 personal business within the subdivision. Whether or

1 not they click and get along is not your business here
2 and it's not his business. What's important is the
3 process by which you finish the development in this
4 subdivision. When you talked about how well and
5 maintenance of it, don't forget a couple years ago
6 there was a oil leak in this subdivision right near
7 where the house was that I wanted to buy. So we don't
8 know what caused it, but it happened. I didn't check
9 to see what the resolve was, but that was an issue,
10 and it was an environmental issue.

11 Now, you keep quoting through the Chair, the
12 builder, all of these different sections, Article 10,
13 Section 7, and you talk about the Master Deed. If you
14 decide to get back up here, quote, and tell me what
15 the Master Deed says about when you make a change from
16 the initial site plan, what is the process. So if the
17 initial site plan says that houses are to be 2100
18 square feet to 2700 square feet, under what auspice
19 are you allowed to make that change. I would purport
20 that it would require some kind of amendment. You
21 can't just say I'm gonna do it and put it in the
22 Master Deed and then say, oh, I'm not going to do it.
23 And the fact that you had to change from what you
24 initially did says a whole lot. It says the economy.
25 It says the people moving in there. But one thing

1 that's really important, it's not necessarily about
2 you the builder and how many lots you have, it's about
3 the residents that took their hard-earned dollars and
4 bought --

5 MR. HUNTINGTON: Okay. You may want to wrap
6 it up in about 15 seconds.

7 MS. GERALD: I don't need you tell me that,
8 because I'm watching the clock.

9 MR. HUNTINGTON: Okay. I'm letting you
10 know.

11 MS. GERALD: And the fact that you do that,
12 you're taking my seconds away. So you know I've been
13 speaking for 36 years and I know the process. Now you
14 took two of my seconds away.

15 MR. HUNTINGTON: Okay. Well, you got two
16 seconds put back, and you're wasting them right now.

17 MS. GERALD: So what I'm going to do is
18 finish my statement. And I would just encourage you
19 to be respectful to me. You may not like what I'm
20 saying, but I'm a clockwatcher, I speak
21 extemporaneous, and I can count three minutes in my
22 head. What I'm saying here is he has to be cognizant
23 of the people that invested their hard-earned money
24 into this subdivision.

25 MR. HUNTINGTON: Okay. Thank you. Time's

1 up. Thank you.

2 MS. GERALD: I'm going to ask you don't do
3 that again.

4 MR. HUNTINGTON: Everybody gets three
5 minutes. You know this from anyone else.

6 MS. GERALD: I don't need you to remind me
7 how much time I have. Let me watch my clock and don't
8 interrupt me. I don't need you to remind me how much
9 time I have.

10 MR. HUNTINGTON: Everyone gets three
11 minutes. You need to follow the rules, period.

12 MS. GERALD: Respectfully, I don't need you
13 to tell me I have 15 seconds when my 15 seconds is not
14 over.

15 MR. HUNTINGTON: Okay. Thank you.

16 MS. GERALD: This is not a testosterone and
17 estrogen struggle. Do you and be the Chair, let me
18 watch the clock and get my three minutes.

19 MR. HUNTINGTON: Thank you. You got your
20 three minutes.

21 MS. GERALD: No, I didn't. I'm going to
22 acquiesce to you, because you got the power trip going
23 on.

24 MR. HUNTINGTON: Okay. Thank you. Anyone
25 else?

1 MS. JOHNSON: Good evening, my name is
2 Jessie Johnson, and I live in the Lochmoor Community,
3 and I agree with the site plan.

4 MR. HUNTINGTON: Okay. Thank you. Anyone
5 else?

6 MS. DONALD: Hi, I'm Pauline Donald, I
7 reside at 24647 Pembroke Drive, and I also agree with
8 the site plan, and I'm not a member, I mean a board
9 member.

10 MR. HUNTINGTON: Okay. Thank you.

11 MR. RENO: My name is Connie Reno. Good
12 evening, and I'm the construction representative for
13 HOA --

14 MR. HUNTINGTON: Your address?

15 MR. RENO: Okay.

16 MR. RENO: I live in Detroit, Michigan, at
17 the Lofts in Detroit. This to me is all about
18 adherence. Adherence to the site plan, Master Deed,
19 bylaws. They have been violated by Mr. Chase. I have
20 advised them to become successor developer. They have
21 done so and registered in Oakland County. Adherence,
22 compliance, that's what this is about. Thank you.

23 MR. HUNTINGTON: Okay. Thank you. Anyone
24 else? Okay. I declare the public meeting closed.
25 Commissioners, any questions, concerns?

1 DR. DENSON: Question?

2 MR. HUNTINGTON: Okay. Commissioner Denson?

3 DR. DENSON: Thank you. Terry, or the
4 staff, how does the proposed amendments compare to the
5 original site plan?

6 MR. CROAD: Again, there was no minimum
7 square footages that were part of the original cluster
8 option approval, as far as conditions of approval.
9 There was only a requirement to have brick on the
10 first floor or on four sides. Four of the lots
11 located on the northeast corner were limited to a
12 story and a half. And, basically, those were the
13 three regulatory requirements that were made
14 conditions of the architecture. And so since there
15 was not definitive clarification on those items,
16 that's over time, that's where I think some of the
17 issues have come to play. And, therefore, we are
18 amending the special use conditions so that we're
19 clear on the minimum size square footages, the brick
20 requirement, the architectural details of buildings
21 moving forward. So this would apply to the eight or
22 nine lots that have not been developed yet.

23 DR. DENSON: And in terms of the original
24 site plan, do you have the original site plan?

25 MR. CROAD: Yes, we have the original site

1 plan. There's no changes to the site plan. We're
2 just talking about changes to the special use
3 conditions of the cluster option.

4 DR. DENSON: Okay. All right.

5 MR. CROAD: And since this was done as a
6 cluster option, there was building envelopes. So as
7 long as the building fits within those setback
8 requirements that created the building envelope, then
9 they can build, whether it's 2100 square feet or 2700
10 square feet, they still have to meet the, there was a,
11 I think, perimeter 50-foot setback. There was a
12 20-foot setback from the road, and then there was a
13 separation between building sites. So unlike a
14 platted subdivision, where you would have specific
15 setbacks from property lines, this was the building
16 envelope.

17 DR. DENSON: Okay. Thank you.

18 MR. HUNTINGTON: Okay. Commissioner Willis?

19 MR. WILLIS: Okay. I have a couple
20 questions of Mr. Chase, if I could. Mr. Chase, you
21 shared with us during your brief statement that you
22 had owned property for nine years, and that you had
23 waited during this entire nine years before you built
24 anything. Am I correct?

25 MR. CHASE: That's correct.

1 MR. WILLIS: Was your delay caused by a
2 writing, did you get a writing from someone that says
3 please don't build now, build in 2018?

4 MR. CHASE: No, I was waiting for the market
5 to come back to start out with. And the only reason
6 why I've decided to build now in this subdivision is
7 because about 12 months ago I had a meeting with the
8 Board here in the building, the municipal building.
9 They asked me to have the other builder -- not to sell
10 any more lots to the other builder, and they gave me
11 their rational. I agreed to that. And so the houses
12 that they're talking about that they had problems with
13 are the three houses the other builder built. They're
14 not the ones I'm building. My houses are quality.
15 They're bigger, for one.

16 MR. WILLIS: Okay. I just needed to know
17 about the delay. It is your statement that the City
18 of Southfield approved of this plan originally. Would
19 you have any concern with the City of Southfield
20 approving of a site plan now? Would they have the
21 authority to do that?

22 MR. CHASE: Well, the City of Southfield has
23 the authority to approve a plan, certainly. My legal
24 counsel and I have -- disagree with the premise that,
25 number one, that they are successor developer. That

1 the HOA is not successor developer. That's an act
2 that you just can't bestow on yourself. There's a
3 legal process involved in doing that. They failed to
4 follow that.

5 MR. WILLIS: Okay. Then my understanding is
6 this matter is also in litigation. Is that issue in
7 litigation?

8 MR. CHASE: I've been told that there's
9 legal action that they're taking, and their attorney
10 told me I was going to receive it two weeks ago. If I
11 don't receive it soon, it will end up in litigation,
12 yes.

13 MR. WILLIS: Okay. But your understanding
14 is that they cannot become successor developers, even
15 though it's abandoned by the original developer?

16 MR. CHASE: They can become successor
17 developer if they follow the proper course of action,
18 which is to seek that approval from a court of
19 competent jurisdiction. They did not. They just said
20 we're successor developer.

21 MR. WILLIS: Okay.

22 MR. CHASE: And there's nothing in the law
23 that automatically transfers it to them, even though
24 the developer went out of business.

25 MR. WILLIS: Okay. And that is to be

1 determined, in your view, by a court.

2 MR. CHASE: Yes.

3 MR. WILLIS: Okay. Lastly, not to belabor
4 these points, you cited the Condo Act, and you said
5 that it takes two-thirds of owners before a site plan
6 could be presented to Council. Am I reading that
7 right?

8 MR. CHASE: That's correct. The bylaws call
9 for a two-thirds majority for any changes.

10 MR. WILLIS: Are you suggesting that the
11 Board itself would not constitute two-thirds members
12 of the condo.

13 MR. CHASE: Yes, I'm suggesting that.

14 MR. WILLIS: Okay. That's what I need to
15 know. Thank you.

16 MR. CHASE: And for the record, I have asked
17 the Board to sit down with me and come up with a plan
18 that we can mutually agree upon, where we don't need
19 lawyers, we don't need to go through this process.
20 I'm open-minded. But I feel like this is another form
21 of harassment, and my future is uncertain, if I
22 continue to let this happen.

23 MR. WILLIS: Okay. Thank you.

24 MR. HUNTINGTON: That's it. Thank you.
25 Commissioner Griffis?

1 MR. GRIFFIS: I just have some general
2 observations to things that are jumping out to me as
3 odd and not consistent in this document, and I have a
4 lot of questions. One minor. It says: A survey must
5 be prepared by a registered engineer or surveyor. And
6 then it further continues on to say a dimension site
7 plan must be, and it only says registered engineer.
8 There seems to be double cost, double burden on
9 whoever's going to build a home in there. And it's my
10 understanding with a new house that a surveyor's
11 license will do both -- you know, in their
12 professional scope of liability, a surveyor is allowed
13 to do both the site plan and a topographic survey. A
14 registered engineer may not be licensed to do a
15 topographic survey. So it just seems inconsistent
16 with me. It may not even matter.

17 One other just one really weird minor thing.
18 All facial construction and rakes to be rough sawn or
19 pine painted. It doesn't give you the option of
20 cedar, redwood, or other quality woods. It doesn't
21 give you an option of an engineered product that would
22 be water resistant. So, to me, rough sawn and pine is
23 peeling paint in two years, which goes against this
24 quality image that is trying to be set forth here.
25 And then there's a you must use vinyl siding, and it

1 must be this shape and it must be -- the thickness, I
2 think, is okay. But just odd standards of things that
3 I'm zeroing in. The amount of brick makes sense.
4 That's a certain amount of quality level to me.

5 The square footage -- like I said, I have a
6 lot of questions here. When in the City of
7 Southfield -- I'm not aware of any instances in the
8 City of Southfield that would review the architectural
9 style of a residential house. How is the building
10 department -- with all of the building inspectors who
11 have recently retired, I'm not even sure who some of
12 the new inspectors are -- how are they supposed to
13 know that they're even supposed to be reviewing a plan
14 to a certain amount of standard and denying it or
15 seeking additional approval from a condominium
16 Association.

17 MR. CROAD: Well, in this particular case,
18 through the Chair, we don't have a lot of cluster
19 options. On individual single-family homes, the
20 Planning Department, it never goes to Council, as long
21 as they meet the district requirements. But because
22 this is a cluster option, and the purpose was to relax
23 the dimensional requirements of the underlying zoning
24 district to preserve woodlands, wetlands or, in this
25 case, there's also steep slopes. So as part and

1 parcel to that, this was a contract, basically, on the
2 layout of the residential subdivision. It could be
3 platted, it could be done by a condominium, those are
4 just ownership types. But through the course of that,
5 it is run through a special use so that these
6 conditions of architectural style and materials were
7 put in place back when it was originally approved.
8 The problem was there wasn't enough clarification,
9 even though there was a lot of discussion through the
10 process, there wasn't enough clarification on the
11 actual building type. So the Building Department,
12 when issuing a permit, first looks at the minimum
13 square footage of the district, unless it has special
14 conditions similar to this cluster option. And that's
15 in our system. They know which subdivisions or
16 special cluster options are flagged, and then they
17 refer to those conditions.

18 MR. GRIFFIS: And where I was going with
19 that, could someone, in theory, have got approved for
20 a substandard design just because it slipped through
21 the cracks or maybe it wasn't even a rule, maybe it
22 was a procedure rule?

23 MR. CROAD: It's always possible. But what
24 happened, I believe, is the building didn't have
25 clarification of the square footage, it had to refer

1 back to the underlying zoning district. So if it was
2 above a thousand square feet and it met all the other
3 requirements, he had to issue a permit.

4 MR. GRIFFIS: Okay. Just a couple more
5 items. I'm confused as to how, in practicality, you
6 enforce two houses at this size, three houses at this
7 size, and two houses at this size, or whatever the
8 ratio is, and if you're last in line, you're
9 essentially penalized financially. Your house costs
10 more. Maybe you're last in line, your house costs
11 more, but the value around you has risen to your
12 level, so it's not as big of an issue. Just as a
13 practicality, how would that really work in real life?
14 And then I thought of just the increased square
15 footage cost of general construction, and how it
16 affects these minimum square footages. I don't know.
17 Maybe you can explain or give me a theory of what was
18 the -- without your whole business motto on the line
19 here, but there was, I'm sure, an assumed construction
20 cost, an assumed sale price, assumed profit margin for
21 your business, as is your right. What's changed, how
22 is that different? How does this -- it sounds like
23 it's penalizing you in a way, I guess.

24 MR. CHASE: Well, the two speculative homes
25 that I'm building now that are probably 60 days from

1 completion are 1850 square feet. The previous three
2 homes were smaller. I felt that the market had --
3 there was more demand for a slightly bigger square
4 footage home. But the days of the 2700 square foot
5 homes are really gone by. Now, maybe they'll come
6 back at some point, but right now the demand is for
7 homes around the 1900 to 2100 square foot, because
8 there's nobody building affordable housing. I'm the
9 only one building housing that's affordable. And, you
10 know, the land costs are so high that the cost of
11 construction materials is so high, everything's gone
12 up so much, that the cost of labor has gone up so much
13 and nobody can afford to build. The only reason I can
14 afford to build these houses is because I own lots.
15 And so I'm monetizing the lots into my profit margin,
16 even though if I sell these lots today I might break
17 even. So this is not a boondoggle for me. This is I
18 have to build on these lots in order to fulfill my
19 obligation to the community, but also to monetize the
20 lots. And I hope that answers your question. This
21 is, I'm trying to build what the public wants. If the
22 public wanted something else, I'd be happy to build
23 it.

24 MR. GRIFFIS: So, yeah, if I come to you and
25 I want a 3,000 square foot house, you'd say I'd be

1 happy to do it at X, Y, Z price to these standards?

2 MR. CHASE: Yes.

3 MR. GRIFFIS: Thank you. That kind of
4 explains what I was trying to get at. And, I guess,
5 my other option that I see is you do nothing. You
6 just sit, maybe pay your taxes, maybe cut the grass.
7 And I don't think that is going to help this
8 subdivision.

9 MR. CHASE: It looks like an abandoned
10 community.

11 MR. GRIFFIS: Well, I'm just, again, stating
12 out loud.

13 MR. CHASE: Yeah.

14 MR. GRIFFIS: So maybe the large size and
15 the higher quality does force that just financially
16 economically.

17 MR. CHASE: Sure, it would. Because it's
18 not only the cost of construction, but the price that
19 you would have to sell the home at. Would it even --
20 is it something that we can obtain an appraisal on,
21 you know. So you would have to sell homes for more
22 than they're going to appraise for. And it would be
23 unwise to buy a home in that situation, but most
24 people don't have the difference to cover the gap
25 between the sale price and the appraised value, which

1 they would have to do under that scenario.

2 MR. HUNTINGTON: Thank you. Appreciate it.
3 Commissioner Willis?

4 MR. WILLIS: Ms. Bell, is it possible to
5 speak with you again.

6 MR. CULPEPPER: And stay there.

7 MR. WILLIS: Thank you. I can't tell you
8 how much you're helping me out with this. So first
9 question is, you are the successor builder, and I'm
10 using a generic you, because I'm not sure who you are
11 at this point. Am I correct?

12 MS. BELL: Lochmoor HOA is the successor
13 developer.

14 MR. WILLIS: So the entire Board of the
15 Association is a part of that?

16 MS. BELL: The entire Association, all the
17 homeowners in the association.

18 MR. WILLIS: Can you tell me how many
19 homeowners there are in the Association?

20 MS. BELL: 23.

21 MR. WILLIS: How many members are -- how
22 many homeowners are members of that board?

23 MS. BELL: All. All homeowners.

24 MR. WILLIS: Okay. And that notion of it
25 takes two-thirds consent of the owners. I'm going to

1 assume you tabulate the numbers when you have votes.
2 Do you know if you've had two-thirds votes of the
3 owners in support of this?

4 MS. BELL: Yes. Also, the Beth, I'm not
5 sure of her last name, of the Law Department --

6 MR. CROAD: The City attorney.

7 MS. BELL: The City attorney presented, had
8 a whole presentation, I'm not sure if everyone was
9 here for the Planning Commission and for City Council,
10 where modification to existing condominium documents,
11 as long as there is no material change, the Board has
12 the authority to become the successor developer. And
13 as I said before, there was a lawsuit which I
14 presented to the City Council and, I believe, to the
15 Planning Commission that Darin Chase, through a
16 lawsuit, was deemed not the successor developer.

17 MR. WILLIS: Okay.

18 MS. BELL: And so we had to have someone so
19 that people just couldn't come into our community and
20 do just anything.

21 MR. WILLIS: Okay. I'm comfortable. Thank
22 you.

23 MR. CROAD: Just for clarification, there's
24 23 homes that have been built?

25 MS. BELL: Correct.

1 MR. CROAD: There's 34 total lots?

2 MS. BELL: Yes, mine is the one with the oil
3 well, the oil well --

4 MR. CROAD: I just want to make sure that
5 the Commission understands there are additional lots
6 that make up the Homeowners Association, but those
7 lots would not have people that own them who are
8 members of the subdivision Board, because they're
9 vacant.

10 MR. WILLIS: So I just wanted to know what
11 percentage of the members in existence are in support
12 of.

13 MR. CROAD: Well, 23 of the 34 homes works
14 out to be 67 percent.

15 MS. BELL: Right. And I would reiterate
16 that --

17 MR. WILLIS: And a hundred percent of the
18 23. Okay. All right.

19 MR. CULPEPPER: To the Chair?

20 MR. HUNTINGTON: Yes, Commissioner
21 Culpepper?

22 MR. CULPEPPER: Thank you. Ms. Bell, as I
23 said in the study meeting, I've been with you in all
24 your requests to the City Council, and I understand
25 that there are quite a few things that people really

1 don't know about behind this situation, what got lost,
2 what was said and what wasn't said. I want to
3 piggyback, before I get into my dissertation about the
4 residents, there are 23 currently owned homes in that
5 area, correct?

6 MS. BELL: Yes.

7 MR. CULPEPPER: Are all 23 of those owners a
8 part of your Association?

9 MS. BELL: Yes.

10 MR. CULPEPPER: So you do have two-thirds
11 vote, quote, what you want to do with this amendment?

12 MS. BELL: Correct. But --

13 MR. CULPEPPER: I just want to know. I take
14 note. The same thing that Mr. Willis said, that you
15 need two-thirds votes to bring it, and you just wasn't
16 acting on the Board with five or six members doing
17 something that the other residents were against.

18 MS. BELL: Correct.

19 MR. CULPEPPER: Okay. I want that
20 understood. Second is, you know, to me, I'm not an
21 architect, I'm not an engineer, but I like common
22 anality and I like conform anality. I think, just
23 suggesting, my humble opinion, what you're trying to
24 do in the neighborhood is have harmony. I don't want
25 to move into a neighborhood that had 23 houses one way

1 and these two other houses on the corner and this
2 other house is a different way. Property value,
3 whatever, again, I'm not an architect, if I was an
4 architect I would build the house according to how you
5 want me, as the developer. I don't think I should
6 come in and build the house the way I want it. If I'm
7 coming into your vicinity, your condo, you should tell
8 me how you want your house built.

9 That's why I'm in accord with the Homeowners
10 Association taking over a hundred percent ownership of
11 the houses and stuff that go in your community. That
12 way we won't have the issues that we've had with the
13 Building Department, with whoever, that you said, I
14 think, I'm not going to speak for you, but some of
15 your complaints, you haven't gotten the information
16 that you wanted because things have changed.

17 MS. BELL: Correct.

18 MR. CULPEPPER: Things fall through the
19 crack. But once you own it, you can't come back to
20 the City or anybody and say I didn't do this, I didn't
21 do that. Now, I have empathy for the gentleman that
22 has owned this property for nine years or however.
23 The developer didn't develop it because of the market,
24 that's an architectural thing, that's a financial
25 thing, you know, whether you want to build now or

1 wait. That's personal. Just like this to me is
2 personal that you're taking and your residents are
3 saying we want to own this, we want to take it under
4 control, and we want to have harmony and we want to
5 have proximity in our division. That's why I'm in
6 favor of this amendment. Thank you, Chair.

7 MR. HUNTINGTON: Okay. Thank you.
8 Commissioner Martin?

9 MR. MARTIN: Has the Homeowners Association
10 approved any plans for any new home construction?

11 MS. BELL: Commissioner Martin,
12 unfortunately, we haven't -- the protocol was not
13 followed. Anyone who comes into our community,
14 they're supposed to come through the Association. No
15 one came through the Association at all. And the
16 first houses that were built, Mr. Chase brought the
17 builder in and introduced him to the community. They
18 never approved any of the houses. He referred to the
19 Master Deed which, of course, we understand that the
20 City does not have to enforce that, that's a contract
21 between the Homeowners Association and the builder.
22 Nothing was followed.

23 His attorney mentioned the architectural
24 control. Nothing was followed. They're supposed to
25 submit plans to the Association for review. That

1 wasn't followed. A landscape plan, construction
2 schedule, a fee just in case -- right now we've got so
3 many potholes from all the different trucks that came
4 in. Nothing was followed. It was totally
5 disregarded. A builder just came in and just started
6 building anything, without our authorization, without
7 our approval. And far as the square footage of the
8 houses, 1800, the smallest home is 19 -- it's over
9 1900 feet. So for 1800, that's the smallest house,
10 which they're building now. And the last how that was
11 sold was sold at 350,000. It's a 2700 square foot
12 house.

13 MR. HUNTINGTON: Anyone else?

14 MR. CULPEPPER: We're good.

15 MR. HUNTINGTON: Okay.

16 MR. GRIFFIS: I have to do this.

17 MR. HUNTINGTON: Okay. Commissioner
18 Griffis?

19 MR. GRIFFIS: I've got one more question.
20 It sounds like there's either allegations of pending
21 lawsuits, or I don't even know if this applies to us
22 or are we even talking about things that matter to us
23 in the Planning Commission.

24 MR. CROAD: Well, let's try -- the Master
25 Deed is a private issue between the Homeowners

1 Association, the lot owners, the builders. They have
2 their own set of rules. They can't supplement any
3 City standards. They can be above, but not less. But
4 we only can enforce what the city approves. So
5 tonight I ask you to just focus on the amendment to
6 the special use requirements dealing with the
7 architecture. All this other stuff is germane to
8 them, but it's outside the purview of the City. Okay.
9 They have got their own set of regulations and
10 requirements that the builders have to follow, and
11 that's for them to enforce. But as I said, for
12 whatever reason, back when this got approved, there
13 wasn't enough clarification on the minimum building
14 square footage. The architectural details were
15 limited to brick on the first floor, and then there
16 was four lots that were designated only a story and a
17 half because of the compromise with the adjacent
18 subdivision.

19 So we're just asking you to focus on their
20 request of these typologies, the minimum square
21 footage, their architectural details, and their
22 building styles. The site plan itself is not being
23 changed.

24 MR. HUNTINGTON: Okay. Commissioner Martin?

25 MR. MARTIN: If I understand you correctly,

1 the site -- the information that we're looking at will
2 have exactly no impact on the three houses that are
3 under construction?

4 MR. CROAD: That's right. This is for the
5 nine underdeveloped lots or any future homes. Eight.
6 This is for future development.

7 MR. MARTIN: Thank you.

8 DR. DENSON: Mr. Chair?

9 MR. HUNTINGTON: Okay. Commissioner Denson?

10 DR. DENSON: Thank you. Do you have any
11 pictures that you can include so that it would be
12 clear what type of housing is to be built?

13 MR. SPENCE: Yeah, if I may, through the
14 Chair, that was a question that I had posed to the
15 architect earlier. So, Mr. Turner, if you could,
16 again, specify -- if you could refer to -- I do know
17 that in your packet there are numerous housing types
18 here.

19 MR. HUNTINGTON: Just a minute. Were you
20 finish, Jeff?

21 MR. SPENCE: Yes.

22 MR. HUNTINGTON: Okay.

23 MR. TURNER: Do the Commission Members have
24 that entire package I provided to you, all the 19
25 pages. Okay. The original four homes that were

1 built, that were presently built, my understanding is
2 that those homes and variations of those homes would
3 be built throughout the entire development. Okay.

4 When I say variations, I mean -- I'm sorry?

5 MR. CULPEPPER: To the Chair, can we get a
6 page, to the Chair.

7 MR. TURNER: Page five.

8 MR. CULPEPPER: Would you ask him to refer
9 to the page, through the Chair.

10 MR. HUNTINGTON: What page number are you
11 on?

12 MR. TURNER: There it is. The original
13 developer. The package that I forwarded to you.

14 MR. MARTIN: Page 10.

15 MR. CULPEPPER: Page 10.

16 MR. MARTIN: Yeah.

17 MR. TURNER: It may be page 10. There may
18 be some additional pages that were added.

19 MR. SPENCE: Right there.

20 MR. TURNER: Those are the model homes that
21 were proposed and built on the site. The
22 understanding is that the vernacular of those homes,
23 there would be variations in elevation, style, usage
24 of particular material throughout the entire
25 development, if all 34 homes had been built. The HOA

1 wants the remaining sites to be built of the same
2 design -- similar design vernacular, architectural
3 detail, orientation and size. Okay. So the
4 understanding is that any future homes -- or the
5 preference is any future homes will follow these
6 particular characteristics.

7 MR. CROAD: However, just for clarification,
8 you have stated two homes at 1950 square feet, three
9 homes at 2250, and three at 2450, which is different
10 than what's shown up there.

11 MR. TURNER: Correct. And that's in
12 response to the increased building cost, it's in
13 consideration of that.

14 MR. CROAD: I just want to be clear that you
15 want the architectural style, but at these square
16 footages.

17 MR. TURNER: Correct.

18 DR. DENSON: So will we have a different
19 updated --

20 MR. CROAD: We will have an updated
21 attachment going forward to Council. If you recall,
22 last week there was a minimum request of 2100 square
23 feet. And then based on the comments of Mr. Griffis
24 and myself saying please review what the cost and the
25 implications are, tonight they're coming with this

1 2150, 2250 and 2450. So as a condition of your
2 approval, should you do that, we will have to update
3 these plans going forward to Council, because we want
4 no ambiguity as we move forward. And again, you know,
5 it's hard to look back in the past to determine what
6 happened, but there were a number -- from the first
7 application, there was a number of different housing
8 styles that were discussed throughout the process, but
9 they weren't tied to the final approval. And we want
10 to make sure that we're as clear as we can be moving
11 forward.

12 DR. DENSON: Okay.

13 MR. SPENCE: If I may, through the Chair,
14 just to Mr. Turner. So on subsequent pages, your page
15 6, your page 7, you can flip to those. At least
16 within the packet it's page 6 and page 7 which
17 actually depicts the homes within Lochmoor right now.

18 MR. TURNER: Correct.

19 MR. SPENCE: So page 6 and page 7. So you
20 would agree that these kind of go along with page 10
21 or the previous page and then these, also. The reason
22 I'm getting into that is because, as Mr. Croad had
23 noted, when it comes down to conditions, if you're
24 going to stay within types one, two, three, and these
25 particular houses are the ones that you are seeking, I

1 want to make sure to reference those in my conditions,
2 that it will be types one, two, and three, similar to
3 sheets A, B and C, or five, six and seven?

4 MR. TURNER: Yes.

5 MR. SPENCE: Okay. Thank you.

6 MR. CROAD: So it's going to be
7 Bristol-Lochmoor, the Amherst-Lochmoor, the
8 Dublin-Lochmoor, and the Wexford-Lochmoor?

9 MR. TURNER: Correct.

10 MR. CROAD: But with the revised minimum
11 square footage?

12 MR. TURNER: That's correct.

13 MR. CROAD: Okay.

14 MR. HUNTINGTON: Commissioner Griffis?

15 MR. GRIFFIS: I'm still just having a
16 problem with all these square footage requirements. I
17 just think it's -- so here's my suggestion, feel free
18 to ignore me, everybody up here, whatever you want to
19 do, two at 1950, that's a couple affordable, quote,
20 unquote houses. They're still going to be 350 grand
21 to build or to sell. And then why the step in, say,
22 2100 to 2400. So if you want to build bigger, go
23 ahead, you're free. But a 2200 square foot house
24 is -- and we're building a lot of 2200 square foot
25 houses right now. I can't believe I'm taking square

1 footage off the table. That's not my job, that's not
2 the way I want to operate. But from a building point
3 of view, I think a 2200 square foot house is a
4 good-size house, and it will likely tick upward, once
5 everyone gets in and customizes their floor plan.
6 Then this alleviates this who goes first and I missed
7 it, now I've got to pay a penalty cost and all that
8 kind of thing. It seems like a lot of moving parts
9 here. And 2500 is a pretty large minimum size. I'd
10 be curious if -- there's a lot of 2100 square foot on
11 these examples. Another 400 square foot bigger and
12 another 80 grand in construction or sales cost right
13 there, it seems like a lot to me.

14 MR. TURNER: May I speak? I think the
15 reasoning behind that was to show more homes of
16 varying style, not sort of copied in these unbuilt
17 sites. So varying styles. Maybe the square footage,
18 maybe we can have a minimum and, you know, a middle of
19 the road maximum. I'm going to have to discuss it
20 with the HOA. But this is what their preferences
21 were.

22 MR. CROAD: Again --

23 MR. TURNER: We're not necessarily limiting
24 it to two, two and three.

25 MR. CROAD: Well, that's the way it was

1 stated. And again, we'll respect whatever you want,
2 but I think what we're trying to do, if you say
3 minimum 2100 square feet, whatever it is, the market
4 will dictate if people want bigger. The maximum will
5 be dictated by your building foot envelope. You're
6 not going to be able to build a 5,000 square foot
7 house just, because you don't have the building
8 envelope for that.

9 I think what I hear from Mr. Griffis is if
10 you say two at 1950, and the remainder at a minimum
11 square footage, 2100 or above, that's probably going
12 to be in alignment with the majority of the homes
13 there anyway. But we don't want to put words in your
14 mouth. But since we have to, A, make a definitive
15 recommendation, again, Council will have the final
16 say, but we'd like to give as much direction to
17 Council as we can. That does not preclude you from
18 raising these issues with Council, but our job is to
19 get it as complete as possible moving forward. And,
20 again, we want to respect what the desires of the
21 Homeowners Association is.

22 I think some of us are saying don't paint
23 yourself into a corner, and then you can get it built
24 because the market won't support it, and still respect
25 that you're looking for a minimum size in scale and

1 quality moving forward. But right now on the table
2 you've got two at 1950, three at 2250, and three at
3 2450 with those four building styles.

4 MR. TURNER: Umm-hmm.

5 MR. CROAD: Okay. So that's what the
6 recommendation would be.

7 MR. HUNTINGTON: Commissioner Denson had
8 another question.

9 DR. DENSON: Just a suggestion. I agree
10 with Commissioner Griffis, you know, if you do a
11 minimum, and the market will dictate the minimum and
12 above, you still have what you wanted in terms of the
13 style -- I mean, the square footage. And I'm just
14 concerned that if the market does not dictate 2700,
15 and it's gonna be, you know, vacant, you know, I'm
16 just concerned if all of the other lots are taken and
17 now you only have one that's, you know, you dictated
18 2700, and nobody is buying.

19 MR. TURNER: Well, we indicated 2450, I
20 believe.

21 MR. CROAD: 2450 would be the largest.

22 DR. DENSON: Well, I'm just -- yeah. I'm
23 thinking, and it's just my suggestion with -- and I
24 agree with Commissioner Griffis, a minimum of whatever
25 and above.

1 MR. HUNTINGTON: Commissioner Griffis?

2 MR. GRIFFIS: And to compliment your wording
3 on the other side of the equation here, I understand
4 what you mean now when you say the vernacular and the
5 scale and the style and you give me four examples.
6 Now I can design a house to compliment that. Now I
7 think that the wording is strong and good. I don't
8 want to be all negative all the time.

9 MR. TURNER: It's okay.

10 MR. GRIFFIS: That makes sense to me. I
11 understand what you're going for, it speaks the
12 language. If we get an actual document in there,
13 date, page, then it's enforceable to me because --

14 MR. TURNER: Maybe might I suggest a higher
15 minimum, and then what the market will bear.

16 MR. GRIFFIS: It's up to you. That leaves a
17 lot of variety.

18 MR. HUNTINGTON: That's it? I have one
19 question I really want to clarify. So did you guys
20 actually have a vote with the members, did all the
21 members vote for this?

22 MS. BELL: We had a meeting with the members
23 that were eligible to vote. However, the Board --
24 based on the information from the other homeowners,
25 the Board had the authority to vote as far as becoming

1 the successor developers, because there was no
2 material change. We had it done through an attorney.
3 We had it recorded with everyone who was eligible,
4 because there are some people who are not in good
5 standing, therefore they were not eligible to vote.
6 But this is something that most of the homeowners
7 wanted.

8 MR. HUNTINGTON: So you did have a vote?

9 MS. BELL: Yes, yes.

10 MR. HUNTINGTON: Okay. So what's the
11 percentage of the vote, do you have that number?

12 MS. BELL: I don't have the people. But,
13 again, the Board has the authority to vote for this.
14 And five out five -- well, we only had four at the
15 time. Four Board members voted in favor of Lochmoor
16 Homeowners Association becoming the successor
17 developer.

18 MR. HUNTINGTON: So the Board voted, but the
19 residents never had the opportunity to chime in?

20 MS. BELL: We had input from the homeowners.
21 Generally, we have more homeowners than this. But
22 they have the concerns -- and we represent the
23 Association, they had the same concerns about the
24 value of our homes and the homes that were going up.

25 MR. HUNTINGTON: Okay.

1 MR. CROAD: If I could, through the Chair,
2 Ms. Bell, given all the -- I think everybody here is
3 trying to help. Given all the discussion, you still
4 want to move forward with the three minimum types, or
5 would you consider two at 1950, and let's say all the
6 other ones at above a certain minimum?

7 MR. TURNER: Can I mention something? One
8 of the things is the home sites that are not built are
9 contiguous, they're right pretty much close to one
10 another. So what you may get is a series of homes at
11 1900 square feet throughout that half of the site
12 development. So we're trying to avoid that kind of
13 thing. We'd rather have a mix, per se.

14 MR. CROAD: Right. But you could also say
15 two at 1950 and, let's say, for example, the rest over
16 2100. And then you're likely to get not everything
17 built at 2100, you might get somebody willing to build
18 at 2300. You might get someone at 2150. You've got
19 four different styles, so there's two different
20 options. We just don't want you to paint yourself in
21 the corner that they become vacant lots. And we're
22 also trying to respect the fact that you have a
23 certain minimum square footage that you want to
24 maintain your quality and you want to maintain your
25 value. And we just -- whatever your request is, we'll

1 consider it. But I think there's been some good
2 comments about not painting yourself in a corner here.

3 MS. BELL: Well, originally we wanted all
4 the homes to be at least 2100 square feet, because we
5 do want -- like I say, we don't want to lessen the
6 value of our homes. We want to make sure -- we just
7 had a home, as I said, sell for 350, 2700. The one
8 prior to that was 2100 for 3,000. We want to make
9 sure that our values increase. So we don't have a
10 problem with saying the minimum is 2100.

11 MR. CROAD: Okay. With the two at 1950 and
12 the other two at 2100?

13 MS. BELL: No, we'll do everything at 2100
14 or above.

15 MR. CROAD: That's fine. Based on the
16 comments, I just wanted to make sure we're all clear
17 that with what we will move forward with is the four
18 building styles with a minimum of 2100 square feet?

19 MS. BELL: Yes.

20 MR. HUNTINGTON: Okay. In closing, one
21 great thing about condo ownership is that you share
22 the load of ownership, okay. And that load is really
23 caring for the value of your assets, which includes
24 the common areas, the grounds and everything included
25 outside the condo. So you're taking ownership, and

1 that's why I asked about the vote for the other
2 members, because they are also part of this ownership.
3 So, hopefully, they're on board, also. Some people's
4 desires are not everyone's desires. Some may want a
5 little bit more affordable housing connected. But the
6 main thing is you've got to be -- stay flexible, stay
7 understanding and flexible. You want a good healthy
8 Association. You want to make sure people chime in
9 and vote and get involved in this conversation.

10 A lot of what we're hearing today is really
11 maintenance issues, which we're not really here for.
12 But you do have a big problem there. That's not
13 something we can do much about here. But a lot of
14 maintenance issues here. We're here to talk about the
15 minimum standards that you're trying to change. But,
16 you know, the home ownership is important, and it's
17 important to your value, and you guys are doing the
18 right thing by trying to keep your values up in the
19 Association.

20 So I do applaud you for what you're trying
21 to do here. I got a feeling it's going to be a legal
22 battle in court, but you're definitely making the
23 right step as far as coming here first and moving on
24 to the City Council. Okay. So good luck to you.

25 MS. BELL: Thank you.

1 MR. MARTIN: Excuse me?

2 MR. HUNTINGTON: Commissioner Martin?

3 MR. MARTIN: You mentioned that there are 23
4 homes and there are four Board members. You also
5 stated that there were residents that weren't eligible
6 to vote. How many residents aren't eligible to vote?

7 MS. BELL: At the time, I think it was
8 three, two or three. I'm sorry, four.

9 MR. MARTIN: So, in essence, then you had 15
10 that were in favor of the 23?

11 MS. BELL: Yes.

12 MR. MARTIN: I just wanted to be able to
13 look at the percentage of that vote.

14 MR. CROAD: That would be 19. If there's 23
15 homes, and four were not eligible, that would leave
16 19.

17 MR. MARTIN: Yeah, minus the four Board
18 members.

19 MR. CROAD: They have a right to vote.

20 MR. MARTIN: Okay. All right.

21 MR. HUNTINGTON: Anyone else? Okay. Can I
22 get a recommendation from the City Planner?

23 MR. SPENCE: Yes, thank you. Just for a
24 clarification, the documents that you have were
25 actually renumbered, because some of the documents had

1 like a 4A, B, C, so they are labeled one through 19.
2 So as I read through the recommendations, I will
3 actually be referring to the new numbers that are at
4 the bottom of the sheet that you have, just for
5 clarification purposes.

6 So with regard to PSLU19-0004, this is a
7 Special Use Request of Lochmoor HOA to amend their
8 plan, bylaws, and Master Deed to require minimum
9 standards as defined by the Association. The Planning
10 Department does recommend favorable recommendation
11 with the following conditions:

12 Presentation packet for PSLU19-0004 dated
13 May 22nd, 2019, sheets one through 19 is to be
14 included as a part of this approval. Minimum square
15 footage of the remaining eight home sites to be built
16 in consideration and respect to the increased
17 construction cost present day. Typical residential
18 building rates will meet and/or exceed the minimal
19 square footage of 2100 square feet. This will include
20 a minimum of three different house styles with
21 alternative elevations, variations, and grouping
22 configurations. Additional home sites, numbers three
23 and four, the maximum height must be one and a half
24 stories, as identified per original approved special
25 use and site plan in the original Lochmoor Master

1 Dead, sheets 10 through 12, as examples.

2 The facade is to include brick, columns,
3 porches, and garage face to gable ridge equivalent and
4 a corresponding pattern, color and design to the
5 original homes within the existing development,
6 including first floor brick facade around perimeters
7 on all four -- I'm sorry, on all new homes. All
8 windows must be equivalent in style, orientation and
9 quality to existing homes built in 2005 and there up
10 until 2015. See sheets 10 through 12 for examples.

11 All vinyl siding must conform to
12 specification 044 inches thickness, double four
13 Dutchlap CertainTeed or Vytex or equivalent. All
14 facial construction and racks to be rough-sawn pine
15 painted. Roof and dormer shingles must be
16 architectural 30-year dimensional asphalt. Three
17 brands, GFA, IKO, Tamcor or equivalent.

18 Aluminum gutters installation, four-inch
19 case style with aluminum rectangular downspouts.
20 Orientation of building siding should meet the site
21 parameters as indicated on the original site plan,
22 approved, dated by the City of Southfield, September
23 19, 2003. Clear view from front of home to street
24 must be maintained. Equivalent building vernacular,
25 scale, architectural context, compatible color,

1 including brick, painted surfaces and trim features to
2 be relevant and coherent and consistent to the
3 existing homes must be maintained. Observance, when
4 most applicable, of building placement in regards to
5 front building setback uniformity with all existing
6 built homes.

7 Related to the proposed build-out of the
8 remaining home sites within the Lochmoor Cluster
9 Development, the Lochmoor HOA will not approve the
10 continuation and completed build-out of the following
11 home types: Pembroke home style, the Williams, or any
12 corresponding names, if applicable. The Huntley
13 building style one, the Wexford, or any corresponding
14 name -- or if applicable, see 18. The Huntley
15 building style two, the Irvington or any corresponding
16 name, if applicable. See page 17. Thank you.

17 MR. CROAD: And, through the Chair, I just
18 want to make a clarification for Mr. Spence, just
19 so -- and the architect. Page 10 here has four
20 different styles: The Amherst, The Bristol, the
21 Dublin, and the Wexford. You reference three styles.

22 MR. SPENCE: The reference three styles.

23 MR. CROAD: Is that your intent, three
24 styles, or are you looking for four styles,
25 Mr. Turner?

1 MR. CULPEPPER: Page 15.

2 MR. CROAD: Could you come up to the
3 microphone. So, again, there's four -- there's four
4 styles showing on this sheet and what was built. The
5 Wexford, the Dublin, the Bristol and the Amherst. But
6 yet there was a reference to only three styles. And
7 then I heard an exclusion to a Wexford, but it might
8 not be the same Wexford as being shown here.

9 MR. TURNER: No, that name was utilized,
10 again, on the three.

11 MR. CROAD: The name was. But your intent,
12 according to sheet ten and these pictures is to allow
13 these four styles, correct?

14 MS. BELL: Yes.

15 MR. CROAD: So the reference to three styles
16 should be four styles, and then specifically these
17 four types?

18 MS. BELL: Yes.

19 MR. CROAD: Okay. That's, again, we want to
20 be crystal clear on this.

21 MR. TURNER: Yes.

22 MR. CROAD: Okay. So the Planning
23 Commissioner understands that that condition has been
24 amended in our recommendation.

25 MR. HUNTINGTON: Okay. Thank you for

1 pointing that out, Terry, that's very important.

2 MR. CROAD: You need to stay there until we
3 take our vote.

4 MR. MARTIN: The Wexford?

5 MR. CROAD: As shown up here.

6 MR. CULPEPPER: Right. We got it. We got
7 to say question.

8 MR. CROAD: So what I would suggest is you
9 take a motion, and then we can have further discussion
10 after the motion.

11 MR. HUNTINGTON: Okay. Can I get a motion,
12 Commissioners?

13 MR. CULPEPPER: To the Chair?

14 MR. HUNTINGTON: Commissioner Culpepper?

15 MR. CULPEPPER: I recommend favorable
16 recommendation for PSLU19-0004.

17 MR. WILLIS: Support.

18 MR. HUNTINGTON: Okay. I have a favorable
19 motion from Commissioner Culpepper, seconded by
20 Commissioner Willis. All in favor?

21 (All stated aye.)

22 MR. HUNTINGTON: All opposed?

23 MR. CULPEPPER: Question. I'm not opposed.
24 Question.

25 MR. HUNTINGTON: Okay.

1 MR. CULPEPPER: Going back, looking at what
2 we just said about the four houses, and maybe this is
3 my ignorance, when we look at page 11, you've got
4 Amherst, Bristol, Dublin and Oxford.

5 MR. TURNER: Wexford.

6 MR. CULPEPPER: Wexford. Okay. So those
7 are the four. I just wanted to make sure. Those are
8 the four. The others --

9 MR. CROAD: As illustrated in the existing
10 building and also as illustrated on this sheet, so
11 these sheets will become part and parcel to the
12 condition of the approval with the minimum square
13 footage being 2100.

14 MR. CULPEPPER: Okay. Good point.

15 MR. CROAD: So take a motion, discussion,
16 and then you can take the vote.

17 MR. HUNTINGTON: So we have a motion on the
18 floor. We have a favorable recommendation by
19 Commissioner Culpepper, and it was seconded by
20 Commissioner Willis. All in favor?

21 (All stated aye.)

22 MR. HUNTINGTON: All those opposed? Okay.
23 So it passes on. Good luck to you.

24 MR. CULPEPPER: Good luck at the Council
25 meeting.

1 MR. MARTIN: To the Chair?

2 MR. HUNTINGTON: Commissioner Martin?

3 MR. MARTIN: We have the minutes to review,
4 to approve.

5 MR. HUNTINGTON: Next on the agenda we have
6 the approval of the minutes.

7 MR. SPENCE: If I may, through the Chair, I
8 did receive from Mr. Martin earlier today some
9 amendments to the minutes. In this case, to the April
10 24th, 2019, regular minutes. Just a couple changes.
11 On page 3, there's a reference to December 24th, 2017,
12 as the date of the meeting. So that would be amended
13 to 2019. And then on page 6, there is a
14 recommendation for postponement for PSLU18-0007 and
15 Site Plan PSP18-0009. However, neither one of those
16 reference numbers appeared in the minutes. So we want
17 to make sure that we do reference those. So in this
18 case, it would be Mr. Culpepper states that I move
19 that PSLU18-0007 and also SP, site plan PSP-0009 be
20 postponed until our main meeting. So those would be
21 the two changes.

22 MR. HUNTINGTON: Okay. Good catch,
23 Commissioner Martin.

24 MR. CULPEPPER: To the Chair?

25 MR. HUNTINGTON: Commission Culpepper?

1 MR. CULPEPPER: I recommend approval of the
2 meetings dated April 3rd, Study Meeting; April 19th,
3 Long Range Study Meeting, April 24th, Regular Meeting,
4 with the changes on page 3, and also the changes on
5 page 6, as noted by the Planner.

6 MS. MIAH: Second.

7 MR. HUNTINGTON: I have a motion by
8 Commissioner Culpepper, seconded by Commissioner Miah.

9 MR. MARTIN: You mentioned four dates for
10 the minutes?

11 MR. CULPEPPER: I mentioned April the 3rd,
12 April the 10th, April the 24th.

13 MR. MARTIN: I'm sorry, I thought the 19th
14 was in there somewhere. I apologize.

15 MR. CULPEPPER: We're on the same page.

16 MR. HUNTINGTON: We have a motion, favorable
17 motion from Commissioner Culpepper and seconded by
18 Commissioner Miah. All in favor?

19 (Six Commissioners stated aye.)

20 (Mr. Willis abstained.)

21 MR. HUNTINGTON: Any opposed?

22 MR. WILLIS: Through the Chair, I abstain.

23 MR. HUNTINGTON: Thank you. Abstain, Mr.
24 Willis.

25 MR. CROAD: And, again, if I can just talk

1 about protocol. You can accept the motion and then
2 you can have discussion on the motion. So if there's
3 clarification, it would be better to do it after the
4 motion's been made, and then you can ask for amendment
5 or so forth.

6 MR. WILLIS: Are we looking at Robert's
7 here?

8 MR. CROAD: Well, we don't have to be that
9 strict, but we want to make sure we follow proper
10 procedures.

11 MR. HUNTINGTON: Are there any
12 miscellaneous?

13 MR. SPENCE: Yes, you do have a June 5th
14 Study Meeting. We do have four items prepared, and
15 are preparing for that agenda.

16 MR. CULPEPPER: Okay.

17 MR. HUNTINGTON: Anything else? That's it.
18 Meeting is adjourned.

19 (The meeting adjourned at 8:53 p.m.)
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1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN)

3) SS

4 COUNTY OF OAKLAND)

5

6 I, Earlene Poole-Frazier, certify that this
7 meeting was taken before me on the date hereinbefore
8 set forth; that the foregoing was recorded by me
9 stenographically and reduced to computer
10 transcription; that this is a true, full and correct
11 transcript of my stenographic notes so taken; and that
12 I am not related to, nor counsel to either party nor
13 interested in the event of this cause.

14

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20

Earlene Poole-Frazier

21

EARLENE POOLE-FRAZIER, CSR-2893

22

Notary Public,

23

Oakland County, Michigan

24

My Commission expires: March 4, 2025

25