

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
December 22, 2003**

Approved as submitted January 12, 2004.

DATE: December 22, 2003
TIME: 6:00 PM
PLACE: 58000 Grand River

Call to Order: Chairman Hemker called the meeting to order at 6:03 pm.

Roll Call: Present: Brent Hemker, Chairman
Michael Barber, Vice Chair
Laura James, Secretary
Ray Bisio, Trustee
Jim Hamilton
Laura Williams

Absent: Ted Soper

Also Present: Matthew Quinn, Township Attorney
Chris Doozan, Township Planner
Michelle Aniol, Township Planner
Chris Olson, Township Superintendent

Guests: 12

1. APPROVAL OF AGENDA

Ms. Williams made a motion to approve the agenda as written. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Soper

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA:
- November 17, 2003 Special Meeting Minutes
- November 24, 2003 Meeting Minutes**

Ms. Williams made a motion to approve the Consent Agenda consisting of the November 17, 2003 special meeting minutes and the November 24, 2003 meeting minutes as submitted. Mr. Barber supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Soper

Motion approved unanimously.

3. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** **NONE**

4. **PUBLIC HEARINGS:** **NONE**

5. **OLD BUSINESS:**

AP-03-35, Hornbrook Estates Planned Development, 11 Mile and Martindale Roads, Conceptual Review, Applicant: Canzano Building/Domenic Mancinelli (tabled at 12/08/03 meeting).

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 26, 2003 regarding this issue.

Representing Hornbrook Estates:

- Nick Mancinelli, Canzano Building Company
- Bob Leighton, Robert Leighton Associates
- Joe Dolan, Engineer

Mr. Mancinelli gave a brief introduction of the development they are proposing. He noted that they have built several homes already in the Township and feel that they have a good working relationship with the Township. He stated that he believes that Hornbrook Estates reinforces large lots and green open space which the Township is trying to promote.

Mr. Leighton gave a Power Point presentation. He briefly went through the plan and discussed some of the site calculations and benefits to the Township. He stated that they believe that there are some significant benefits that would justify the amount of density bonus they are asking for.

Mr. Leighton stated that some of the benefits they are offering are:

- over 22 acres of common open space
- trail stop at the Huron Valley Trail
- establish a Lyon Township entrance feature at Eleven Mile and Martindale Roads (they will work with the Township on the design of this feature)
- extending the Townships sanitary sewer and water lines
- pave Eleven Mile Road along the property frontage

Ms. James stated that she can't see any justification for density bonus for this plan. She stated that open space is the only thing that she felt would warrant a bonus. She noted that the open space is not contiguous. She suggested that the developer look at the density criteria list that the Planning Commission set up in March. She noted that there are very specific things that they look for in granting density bonus.

Mr. Barber questioned how much of Eleven Mile Road is going to be paved. It was noted that the developer will be paving the road that is in front of their property, 2,647' (1/2 mile). Mr. Barber stated that some of the lots are encroaching on the wetlands. Mr. Doozan stated that they must have a 50' setback from wetlands to the building envelope.

Mr. Mancinelli briefly discussed the open space and the comment by Ms. James stating that the open space is not contiguous. Ms. James stated that there is open space in the corners and then down the middle. Mr. Mancinelli stated that all the open space can be accessed from Eleven Mile or through the subdivision. Ms. James stated that the concept is to put all the homes on half the land and leave the other half as open space. She noted that this plan does not reflect this.

Ms. James noted that the Planning Commission has been working on a landscape plan for Ten Mile

Road. She felt it would behoove Mr. Leighton to get a copy of this plan to see what the Planning Commission is looking for in terms of landscaping on a main road.

Mr. Mancinelli stated that they were thinking of donating the corner property to either the Rail Trail System or to the Township. He stated that they were thinking about putting a gazebo there for the people who use the trail. They were also thinking about putting some picnic tables at this location also. He stated that in the southeast corner they were thinking of building some sledding hills. They would also construct some steps with railings for the kids to come back up the hill. He stated that they will be improving the intersection of Eleven Mile Road by adding the items that are recommended in the Traffic Consultant's report. He felt that these items would help them in obtaining additional density.

Mr. Mancinelli stated that they are over sizing the water and sewer lines to meet future demands so that the people from the north can tie into them. He felt that this too, would help in obtaining additional density.

Mr. Mancinelli stated that this property fronts on two roads, Eleven Mile and Martindale Roads. He stated that they are giving away 27' of right-of-way on the entire frontage on Martindale. He stated that this takes away 1.8 acres of their property in density calculations. In addition to this, about 80% of the properties that come through the Planning Commission does not have a gas line going through the middle of them. The gas line takes up almost five acres of the property in density calculations. He stated that if the gas main was not in the middle of this property, they would only be asking for a 15% density bonus.

Mr. Hemker stated that the developer did not have to purchase the property. The gas line is not their problem.

Mr. Mancinelli stated that they have made great efforts to bring this plan with the larger lots. He briefly discussed the type of entrance sign that they are willing to work with the Township on.

Mr. Bisio questioned if the gas line was taken into consideration when formula was calculated. Mr. Doozan responded that the buildable density does not include the gas line property. He stated that they cannot put lots there. Mr. Mancinelli stated that this is not true. He stated that he has done a development where the gas line is part of the lot. Mr. Doozan stated that with this planned development they are not allowed to put lots there. He noted that the gas line does go through Carriage Club to the south and there are no lots where the gas line is.

Mr. Bisio briefly discussed the sewer lines. He questioned if this will help with annexation in this area. Mr. Olson responded that it could. Mr. Bisio stated that this could then be taken into consideration for a density bonus. Mr. Olson briefly discussed the sewer lines and how they will travel to get to this development.

Mr. Hemker questioned if the developer will be paving Martindale Road. Mr. Mancinelli responded that there are not enough lots to warrant paving Martindale Road.

Mr. Mancinelli stated that whenever he has done a looped development, they have only put sidewalks around the interior of the development and not on the exterior lots. He stated that he would like to know the Commission's thoughts on this. Mr. Hemker felt that it was premature to discuss the sidewalks at the conceptual review. The sidewalks could be discussed at a later time. Mr. Bisio felt that this is an interesting concept. It was noted that a 10' wide bike path would have to be constructed along both Eleven Mile Road and Martindale Road.

Mr. Mancinelli briefly discussed the entrances. He stated that they could put an entrance out to Martindale Road, as long as they would not have to pave Martindale Road. Mr. Hemker stated

that he would like to see an entrance out onto Martindale Road for safety reasons.

Mr. Barber questioned if there is stub road for future developments to the east of this property. Mr. Mancinelli responded that there is a subdivision there right now.

Mr. Bisio stated that he feels that 28% density bonus is a lot for what the overall benefits are. He stated that he would like to see lower density.

Ms. Williams stated that she does like the rail trail stuff and the open space. However, she does not feel that the benefits provided warrant a 28% density bonus. She questioned who would be paying for the sewer extension. Mr. Mancinelli responded that they would be looking into doing a SAD. He stated that based on the timing, it will determine whether they will pay for this themselves or do an SAD.

Mr. Barber questioned the price and size of the homes proposed. Mr. Mancinelli responded that the homes will be approximately \$280,000 to \$350,000 and will be 2,300 to 2,800 square feet in size.

Mr. Hamilton questioned if there will be one builder or will some of the lots be sold. Mr. Mancinelli responded that there will only be one builder.

Mr. Bisio questioned the percentage of brick that would be on the homes. Mr. Mancinelli responded that they will be approximately 40% brick. He noted that all the homes will have side entry garages.

Mr. Bisio felt that these homes would be small for the size lots that are being proposed. He stated that he would like to see smaller lots with open space. He stated that he would like to also see less density.

Ms. Williams stated that she would have to disagree, she would like to see larger lots and less of them. She questioned with regard to the sledding hills, who would maintain them. Mr. Mancinelli responded that the Homeowners Association would maintain the hills.

Mr. Hemker stated that he would also like to see fewer lots of a larger size.

Mr. Bisio stated that he would like to see a more costly house on this size lot. Mr. Mancinelli stated that they have to build what the market calls for and unfortunately, the market is not there for \$400,000 and higher homes.

Mr. Hamilton stated that density is his main concern, it is too high.

Mr. Mancinelli questioned if there is any density bonus that will be allowed for this. Ms. James responded that if this was tweaked, she would go with 5%. Mr. Hemker stated that at this point, not a whole lot of density bonus is justified. After brief further discussion regarding density bonus, Mr. Mancinelli asked the following questions:

1. Does paving Eleven Mile Road across the frontage of their development contribute to the density bonus? Ms. James responded "No", because the planned development calls for frontage on a paved thoroughfare. Mr. Mancinelli noted that they could move the entrance forward and not have to pave that much. He questioned if there would be a benefit to leaving the entrance where it is and paving that much of Eleven Mile Road. Mr. Hemker responded that in his mind, there would be a small bonus for this.
2. Do the walking trails throughout the subdivision warrant any type of a density bonus? Mr. Hemker responded that these would be for the benefit of the residents of this development.

Mr. Mancinelli stated that these could be used by everyone because they do hit Eleven Mile Road and they do hit the rail trail.

3. Is there any benefit to the entrance announcement and landscaping? He stated that if the Commission does not see any benefit for the entrance announcement, he is certainly not going to spend the money to do this. He stated that if there is not benefit, they will just put in the landscaping that is required of them. Ms. Williams stated that she does not see any benefit in this.
4. What about the donation of land for the rail trail system or the Township? There was brief discussion as to who would maintain this property. Ms. James stated that she would rather pay for this themselves than give away density bonus.
5. Does the over sizing of the sewer and water lines contribute to a density bonus? Ms. Williams stated that it is not clear to her as to who is paying for this. Mr. Mancinelli stated that either way, he would still be paying for it. He noted that the SAD would probably be with the people developing the Freidlaender parcel and they will be building the whole sewer.
6. What about the creation of the sledding hills? The Commission concurred that this would not warrant any density bonus.
7. What about the improvements to the intersection at Eleven Mile and Martindale Roads? Mr. Hemker stated that he would have to know what the improvements are. Mr. Mancinelli stated that the improvements are indicated in the their traffic study.

Mr. Quinn questioned if the Hornbrook's have signed the application yet. Mr. Mancinelli responded that they have. Ms. Aniol noted that they do not have a copy of this. Mr. Mancinelli responded that Mary Clark should have a copy of this because he brought it into the Township.

This was a conceptual review, therefore, no formal action was taken on this issue this evening.

AP-03-38, Freidlaender Planned Development, Pontiac Trail between 11 Mile Road and Silver Lake Road, Conceptual Review, Applicant: Lyon Development Associates, L.L.C. (tabled at 12/08/03 meeting).

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 21, 2003 regarding this issue.

Representing Freidlaender Planned Development:

- Steve Deak, Robert Leighton Associates
- Rick Genrich, Multi Building Company

Mr. Deak gave a brief presentation of the proposed development. He noted that Multi Building Company will be responsible for both developing and housing construction within this project.

Mr. Deak stated that their density calculations are based on the Future Land Use Map. He noted that to the north are one acre lots and to the south are half acre lots. He briefly discussed the lot sizes. He noted that Multi Building Company is planning on using 87' lots so that they can accommodate side entry garages.

Mr. Deak stated that they are trying to use a curvilinear street pattern to take advantage of the topography and drainage patterns. On the north end of the site, they tried to stay away from the natural features and not just the wetlands. He noted that in many areas the setbacks far exceed the 50' requirement. He stated that their current intentions are to create a path system down the center that would link up to the entrance and a tot lot in one area. He stated that they are open to discussion on creating some nature trails that go to the north.

Mr. Deak stated that along Trotters Point they will have 40' and then they will create a buffer between the lots and the 40'. All streets will have sidewalks on both sides, as recommended

by the Township. The streets will be considered public. He stated that they are still debating as to whether or not make this a platted subdivision or a site condo. He reviewed the setbacks that the lots will have. He displayed some drawings of homes that Multi Building Company is proposing for this site.

In conclusion, Mr. Deak explained some of the benefits that they are proposing:

- significant open space, up to 27% of the site
- 22 acres of preserved wetlands and woodlands
- buffer along the south
- preserving high quality woodlands and wetlands to the north
- providing active recreation with a tot lot and central open space with a path system
- significant landscaping along Pontiac Trail
- Multi Building Company will be actively participating in both the water and sewer extensions
- providing a high quality façade and side entry garages

Mr. Barber questioned the distance between homes. Mr. Deak responded that it will be a total of 32', 22' on one side and 10' on the other side. Mr. Barber noted that the Township likes the side entry garages. He felt that the loop water system would be good for fire protection.

Mr. Hemker stated that this is close. He felt that some of the tree rows should be preserved. He stated that he would like to see this stick to the Future Land Use as close as they could because these are the numbers that they have targeted as a transition away from the City. Mr. Deak stated that this is what they tried to take into consideration knowing that their site was somewhat unique. He stated that they tried to keep their proposed bonus lower than what has been asked for in the past. He briefly discussed the quality of some of the wetlands on the site.

Mr. Bisio questioned how many acres the Planning Commission designated to 1/2 acre on the Future Land Use Map. Mr. Doozan responded that they designated 70 acres. Mr. Deak stated that it is split between two parcels. He indicated on a plan where the 1/2 acre and where the one acre areas are. Mr. Bisio stated that with regard to density, he feels that it is still a little high. He questioned if it would be feasible to go with 90' lots which would lower the density. Mr. Deak stated that they would have to look at this.

Mr. Bisio questioned the price and the size of the homes. Mr. Genrich responded that the price of the homes would be \$300,000 to \$350,000. The size of the homes would be 2,300 square feet to 3,000 square feet. The homes will be 60 to 65% brick.

Ms. James stated that with regard to the approximate 50 acres of open space, she would like to see the developer donate this land to the Oakland Land Conservancy. She stated that neither the Homeowners Association nor the Township will be able to clean it up when it gets dumped in. Mr. Deak felt that this would be a great idea.

Ms. James stated that she does not want to see monuments at the entryways. She did not feel that monuments go with the rural character of the Township. Mr. Genrich stated that they have not created a landscape plan for Pontiac Trail yet. He stated that they will be happy to work with the Township to achieve something acceptable to them and the Township.

Ms. James stated that she would like to see a rural view shed along Pontiac Trail. She suggested possibly 150' off the road. She discussed the 12% density bonus that is being requested. She noted that there is already a bonus given by the Future Land Use Map change that was done two years ago. She stated that if they chopped off some of the lots along the frontage, it would appeal to her and make it a lot easier for her to vote for this. Mr. Bisio and Ms. Williams concurred with this.

Mr. Hemker stated that he feels that they are close, but feels that they should get down to the Future Land Use Map numbers.

Mr. Quinn questioned if the property owners have signed the application yet. He stated that this won't be considered at the Board level until it has been signed. Mr. Genrich responded that he believes that it has been signed.

This was a conceptual review, therefore, no formal action was taken.

6. NEW BUSINESS:

Review of Planning Commission By-Laws

There was brief discussion regarding the By-Laws of the Planning Commission. Some of the issues that were discussed:

- conflict of interest
- dealing with calls from developers
- Planning Commissions from other municipalities working together with the Lyon Township Planning Commission

Mr. Quinn noted that "Chairman" should be changed to "Chairperson".

It was determined that Mr. Doozan and Ms. James would work together and recommend any changes to the By-Laws to the Planning Commission.

7. DISCUSSION AND COMMUNICATIONS:

Ms. James questioned if they are completely done with the Master Plan revisions. Mr. Doozan responded that they are not. He stated that they have some more things to take care of. He noted that it was not on tonight's agenda because of the carry over from the last meeting. He stated that once it is compiled it has to be sent to the surrounding jurisdictions for their review. He noted that they have 45 days to review the plan before it goes to the Board for their review.

Mr. Bisio questioned if they could put a time limit on a public hearing presentation so that they don't run into the same situation they had at the last meeting. Mr. Quinn responded that when you have a proposed development of 600 acres, like this, he did not feel that the time spent on it was too much.

Mr. Hemker stated that he is always leery of cutting off the developer. He stated that he would rather have them get out all the information so that they know everything about it. Ms. James stated that at the first hearing she did not believe that they can limit the time. She noted that at subsequent hearings the time could be limited.

Mr. Hemker stated that Mr. Soper could not attend the meeting tonight because he got caught up at work.

Ms. James made a motion to excuse Mr. Soper's absence tonight. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Quinn stated that looking at the rules, there is no roll call that is required. He stated that whoever is putting together the agenda should include a section for "Roll Call" and this is where the Commission can handle any excused or non-excused absences.

Mr. Quinn noted that when there is a public hearing listed on the agenda, the Commission does not automatically go to a vote. The vote should be handled under an actual item listed under "New Business".

Ms. James questioned if the Elkow sub-committee had anything to report. Mr. Hemker stated that they had a meeting and expressed their concerns again. He noted that they do have another meeting scheduled for January 8, 2004.

8. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 8:17 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary