

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
December 13, 2004**

Approved as submitted January 10, 2005.

DATE: December 13, 2004
TIME: 7:00 PM
PLACE: 58800 Grand River

Call to Order: Vice Chair Barber called the meeting to order at 7:00 pm.

Roll Call: Present: Michael Barber, Vice Chair
Laura James, Secretary
Dan Cash, Trustee
Jim Dome
Jim Hamilton
Ted Soper
Laura Williams

Also Present: Philip Seymour, Township Attorney
Michelle Aniol, Township Planner
Alexis Marcarello, Township Planner
Chris Olson, Township Superintendent

Guests: 12

1. APPROVAL OF AGENDA

Mr. Soper requested that the order of the agenda be changed as follows:

- Public hearing for AP-04-34, Carriage Trace Rezoning
- Consider AP-04-34, Carriage Trace Rezoning Request
- Public hearing to consider amendments to PD regulations
- Consider amendments to PD regulations

Mr. Soper made a motion to approve the agenda for Monday, December 13, 2004, as modified.
Ms. Williams supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA
- Regular Meeting Minutes of November 15, 2004**

Typographical errors were noted for the Recording Secretary to fix.

Mr. Soper made a motion to approve the Consent Agenda consisting of the meeting minutes from the November 15, 2004 as corrected. Ms. Williams supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

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

4. **PUBLIC HEARINGS:**

AP-04-34, Carriage Club Rezoning, Coach House Lane and Trebor Court, east of Pontiac Trail, north of Eleven Mile Road, public hearing to consider a rezoning request from R-1.0 to R-0.5.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 19, 2004 regarding this issue. She noted that Carriage Trace Phase 5 site condominium plan was approved by the Township on October 10, 2002.

Ronald Hughes, representing Carriage Trace Limited Partnership spoke. He displayed an illustration of all phases of the Carriage Trace development. He noted that there are 30 acres of land across Pontiac Trail from the subject site already zoned R-0.5, in addition to the Saddle Creek development. He stated that sewer and water service is available to this parcel. He indicated that there are many constraints to the subject site, such as setback areas, Lyon Drain, wetlands, rights-of-way and detention ponds. He stated that the developer cleaned out Lyon No. 1 Drain at his own cost of approximately \$300,000 and contributed trails to the area. He felt that Trebor Lane was a natural barrier to residential development (natural transition line between residential densities). He believed that the maximum number of units that could be developed on the site given the constraints was 10 units. He stated that they would only be adding one additional home on Trebor Lane (in addition to the two already approved for Carriage Trace Phase 5). The other new homes would access Coach House Lane. He restated that the rezoning would be an excellent transition and that the new development would be consistent with what is already developed on Trebor Lane.

Mr. Soper recalled discussion at a Board meeting regarding drainage issues on Trebor Lane and asked the applicant to address this. He also asked if Giffels-Webster has reviewed the rezoning application. Ms. Marcarello responded that she is not aware of any drainage issues on Trebor Lane, but aware of some drainage issued concerning Carriage Club. She noted that Giffels-Webster does not review rezoning applications, only site plans. A new site condominium plan would be required, if rezoning approved and wanted to add more units to Carriage Trace Phase 5.

Mr. Olson noted that the Township Engineer has not provided any comments regarding the proposed rezoning issue. He stated that regarding utilities, the Township has nothing in writing from the Engineer. He repeated comment from former Commissioner, Brent Hemker, whose brother lives in Carriage Trace, "residents told that Phase 5 would be a large lot development".

Mr. Olson stated that with regard to a transition between the City and Trebor Lane, Trebor is developed with 3 to 5+ acre lots and the current zoning requires one acre lots minimum, which already creates a transition. He noted that he walked the site today and that he agrees with former Supervisor Shigley in believing that the in-line storage was created in the Township on this site. He found a point where water flows south, not north to Novi-Lyon Drain. He felt that there must be a low spot in the area. He stated that (created in-line detention on the subject site when cleaned out the No. 1 Drain) is the case, then there was no benefit accrued to the Township, and was certain that the clean out had to be done to make greater use of the land located in the City. He referred to the storm water and drainage maps. He noted that the area near Trebor Lane was cleared and he was able to walk around. He questioned the rights

to Trebor Lane, noting it is a private road and that the deed must be reviewed for rights, maintenance responsibilities, etc. He asked to see a layout of the proposed lot configuration, if the rezoning was approved. He informed the applicant that Clerk Johnson had questions about the street light status, as a bill from Detroit Edison was received.

Mr. Soper questioned whether Trebor Lane had to be paved since there are 19 homes already on it. Mr. Olson responded that either paving or providing a secondary access point was required for 20 dwellings or more on a private road. Mr. Soper asked the applicant if they had investigated the private road easement or maintenance agreement.

Mr. Hughes stated that they have a layout, which was then distributed. He noted that layouts are usually done at site plan review stage, not rezoning. He stated that he would come back with a site plan, if rezoned. He disagreed with Mr. Olson's comments about transition and believed that the majority of the site is adjacent to commercial district. He noted that there are provisions in the master deed of Carriage Trace that they must pay their fair share of maintenance costs for Trebor Lane. All 250 residents of Carriage Trace pay into an association, which pays pro-rata costs for the two homes on Trebor Lane. He stated that they would expect the Township Engineer to comment at site plan review but are only asking for 10 units consistent with the current R-1.0 designation. He explained that the developer cleaned out the drain per a contract with the City of South Lyon and Carriage Trace, and in full contact with the Drain Commissioner. He noted that the Commissioner provided full time inspectors and that all the work was approved and bonded.

Mr. Olson noted that the clean out work did not extend to the Novi-Lyon Drain. Mr. Hughes stated that everything was done exactly the way that the Drain Commissioner approved. He noted that the whole area had problems with flooding and the clean out work significantly improved and eliminated the flooding. He could not address why the Drain Commissioner had the developer stop where they did.

Mr. Soper expressed concerns about water problems and impervious surface. He stated that he would hate to compound any existing problems.

Mr. Hughes stated that Giffels-Webster would require additional capacity, if necessary, with site plan approval.

Mr. Olson stated that the Drain Commissioner did not consult with the Township and that the drain now appears to be in-line storage in the Township. He stated that the Chicarel parcel appears to be untouched. He felt this was not a Township/Drain Commissioner issue because it was done to make sufficient capacity for a City development. He noted that the Township was not a participant and did not create an SAD. He stated that he had not seen anything to say that the clean out benefited the Township.

Ms. James stated that these issues are being discussed because the applicant was representing this factor as one for consideration for rezoning approval.

Mr. Olson noted that in the application statement it says that improvements were made that added capacity for additional development on the subject site, but these improvements benefit the City not the site or the Township.

The Planning Commission questioned why the amendment to the Master Plan Future Land Use Map to create a transition zone did not extend all the way around the City. Ms. Aniol speculated that it was because the focus was only on the Friedlander case at that time and no other situations were considered.

Ms. James questioned if Phases 1 to 4 were complete. It was indicated that they were. She questioned what representations were made about Phase 5 (to Phase 1 to 4 home buyers). It was noted that the proposed layout seems to have potential wetland encroachment problems, particularly for Lot 10. It was also noted that the Township requires a 50 foot setback from wetlands.

Mr. Hughes asked the Planning Commission if they are requiring a site plan.

Ms. Marcarello asked the applicant if the conditions of site condominium plan approval have been fulfilled, which were providing a conservation easement around the wetland area. She thought that the applicant received MDEQ approval to fill two small wetland areas but was required to protect the larger wetland area in the northwest portion of the site.

Mr. Barber opened the public hearing.

Bruce Church, 60380 Trebor Lane, reminded the Commission of the things that Mr. Olson stated. He noted that there were 21 homes on a single road (including the two already approved Phase 5 homes). He referred to the maintenance agreement. He agreed that the drain seemed like a linear detention pond. He noted that the drain contained a lot of water. He stated that the water and sewer were pre-requisites because the site does not perk. He felt that Trebor Lane residents would not benefit from water and sewer running down their road.

Tony Cappola, 60320 Trebor Lane, stated that there is no flooding where Trebor Lane crosses the Lyon No. 1 Drain but that section of road has the worst potholes. He noted that general flooding along Trebor Lane is in the front yards. He reminded that the changes to the Master Plan did not include the subject site and was only for the Friedlander parcel. He stated that he moved to Trebor Lane because it was zoned R-1.0 and was surrounded by R-1.0. He stated that they have high density around, and he is against the rezoning and the three homes crammed right at the beginning of Trebor Lane would look out of place. He stated that they have increased traffic already due to Saddle Creek and Carriage Trace. He wondered how a rezoning can be approved without a site plan, especially on a site with so many constraints.

Penny Rowe, 60475 Trebor Lane, stated that she does not want sewer and water. She stated that she has spoken with McKenna Associates and no one could figure out how a 21st home was approved on Trebor. She wondered how that slipped through. She felt that the private money used to clean out the drain was like selling development. She noted that all the lots on Trebor are at least 3 acres in size. She stated that they already have to deal with additional traffic. She stated that they are good neighbors and want the subject site to stay at the R-1.0 zoning.

Dan Argentati, 60695 Trebor Lane, asked for an explanation of site condominiums. He echoed the other neighbors concerns. He felt that clustered homes would look odd, especially with a winding road behind the bar, which is not uniform like the homes already on Trebor Lane.

Diane Rosenthal, 60540 Trebor Lane, stated that she is opposed to the rezoning. She noted that she used to have horses. She told the Planning Commission not to start rezonings because a developer wants to make more money.

Mr. Stricker, 60725 Trebor Lane, stated that he has seen the creek, reservoir and it doesn't drain like it is supposed to. He is worried about mosquitoes. He noted that the drain had filled to the top two times already. He felt that the cleaning was superficial. He noted water was being stopped and is standing dead water. He used to live in a subdivision neighborhood but was tired of that and so he moved to a 3 acre lot and will move again if the area becomes another development. He noted that there was talk of adding street lights. He wondered how easy it will be to get the developer to maintain the road and drain in the future. He stated that two guys handle all the maintenance

on Trebor Lane on their own, with the cooperation of the neighbors. He felt that the road would be ruined during construction and wondered how long the residents would have to put up with it. He felt that the lots on Trebor Lane should match the existing homes and did not want change.

Mr. Hughes responded that Carriage Trace was a good neighbor and referred to the example in the rest of Carriage Trace. He noted that they already had approval for two lots on Trebor Lane and agreed to restrict Phase 5 to just two lots on Trebor Lane. He noted that Carriage Trace has promptly paid every bill ever sent to them for maintenance and that they would be obligated to contribute their pro-rata share of any more improvements per the deed. He felt that they should be treated the same as if any of the other 19 residents didn't pay their fair share. He stated that Phase 5 would respect the design and symmetry on Trebor Lane. He believed that the lots on Coach House Lane would have more symmetry with the rest of the development, if the rezoning change was allowed. He stated that he could not address how Phase 5 got approval for the 21st lot on Trebor Lane and that he could not respond to the flooding issues on the side of Trebor Lane. He stated that Giffels-Webster would certainly make sure that there is no added flooding to the area like any other site plan. He stated that the portion of the drain north of Trebor Lane was not on the subject site and it would be okay if they had to lose two lots because of some flooding issues.

Mr. Barber closed the public hearing.

Roy Russell, Project Engineer for Carriage Trace Phase 4 and applicant, stated that he would be able to address the technical issues. He stated that the city wanted the drain cleaned out but that Carriage Trace does not own it. He noted that over 800 acres of land drain into the Lyon No. 1 Drain and couldn't get 800 to agree to pay for the work so Carriage Trace went ahead and did the clean out themselves. He recalled the Township being advised, but perhaps it was before Chris Olson was Superintendent. He noted that the drain, which was established in 1903, has never been cleaned out with or without an assessment collected. He stated that there is only 1-1/4 inch fall over 100 feet, which is pretty flat for a stream and be easily blocked. He stated that a block happened and that turned the drain into a basin. He stated that from the beginning to end there is only 2 feet of fall over one mile. He felt that the issue was with the Drain Commissioner and there should be a petition for scheduled maintenance. He noted that there is a drainage

area

on the south side of Trebor Lane and they have received MDEQ approval for two driveways at certain spots. He believed that the clearing from Saddle Creek has increased run-off and created erosion from overland flows. He stated that the wetland and ditch now blocked, but has no

control

over Saddle Creek development. He felt that Giffels-Webster will suggest any corrections necessary. He agreed that the drain turned into a linear detention pond because of the lack of additional cleaning.

Mr. Barber questioned how high the buildable area is. Mr. Russell responded that it is about 15' above the drain elevation. He stated that engineered drain fields can be installed for 5 lots but Loren Crandell, Township Engineer, has indicated that water and sewer are coming to this area and that easements will be granted.

Mr. Olson referred to the 2003 Storm Water Master Plan and noted various elevations. He stated that the problem was that not enough work was done to make the drain flow. He noted that the Township did not want to be symmetrical with the City, but distinct and added that Carriage Trace signs go up like mushrooms every week-end.

Ms. James stated that the availability of water and sewer is not a basis for rezoning approval. She stated that being next to Saddle Creek was not a basis for rezoning approval, as that development had public benefits, but Carriage Trace is asking for things without public benefit. She stated that

Mr. Barber opened the public hearing.

John Hicks, 29393 Tonester Circle, commented that the Board did not like a specific numbers or percentages because developers would feel entitled to them.

Mr. Barber closed the public hearing.

Planned Development Regulations, Consider amendments

Mr. Soper made a motion to recommend to the Township Board that a sub-committee be assembled consisting of three Planning Commissioners and three Trustees to finalize the details. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

The Planning Commission selected Jim Dome, Laura Williams and Ted Soper to represent the Commission when the sub-committee is created.

5. OLD BUSINESS:

AP-04-34, Carriage Trace Rezoning, Coach House Lane and Trebor Court, east of Pontiac Trail, north of Eleven Mile Road, Consider rezoning request from R-1.0 to R-0.5.

Action was taken as part of the public hearing.

Planned Development Regulations, Consider amendments

Action was taken as part of the public hearing.

6. MISCELLANEOUS DISCUSSION

Mr. Soper made a motion to cancel the December 27, 2004 Planning Commission meeting. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

7. ADJOURNMENT:

Mr. Barber adjourned the meeting at 10:05 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary