

**Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
March 10, 2008**

Approved: April 14, 2008

DATE: March 10, 2008  
TIME: 7:00 p.m.  
PLACE: 58000 Grand River

Call to Order: Mr. Barber called the meeting to order at 7:00 p.m.

Roll Call: Mike Barber, Chairman  
Michael Conflitti  
Jim Hamilton  
Laura James  
Sean O'Neil  
Chris Roberts, Board Liaison  
Carl Towne

Also Present: Phillip Seymour, Township Attorney  
Chris Doozan, Township Planner  
Leslie Zawada, Township Planner

Guests: 10

1. APPROVAL OF AGENDA

Mr. O'Neil made a motion to approve the March 10, 2008 agenda as written. Mr. Hamilton supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. CONSENT AGENDA

Mr. O'Neil made two corrections to the minutes, and the Recording Secretary made those changes.

Mr. Hamilton made a motion to approve the February 11, 2008 meeting minutes as corrected. Mr. O'Neil supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

3. COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - No one wished to address the Commission.

4. PUBLIC HEARINGS

**AP-07-34, Continuation of Public Hearing to consider a text amendment to the Zoning Ordinance regarding Senior Housing Regulations, discussion and possible action to follow the public hearing.**

Mr. Doozan stated that this was a continuation of the January public hearing meeting at which time they asked for some small revisions of the Senior Housing Regulations. Mr. Doozan referred to the McKenna Associates letter dated February 8, 2008.

Ms. James stated that the zoning was the only problem she had with this. She did not understand why they would give something away for free when they could ask for amenities. There was at least one developer at a prior meeting that agreed it was a concern.

Mr. Hamilton asked if they could make the density subject to their approval. Mr. Doozan stated there would need some criteria.

Mr. Doozan questioned if Ms. James had a problem with both of the 8 units per acre and the 20 units per acre. Ms. James stated absolutely; it seemed that they were rezoning the entire township depending on the age of the people that were going to be living in the development. Mr. Barber stated that senior housing was necessary; it would make it easier for the younger people to take care of their parents. Ms. James stated that there was a need, but even in the one proposal that was pending before them they were not asking for a density increase, they were staying within the density of the property they purchased on Ten Mile. They know they are putting sewer and water in on Griswold. They would be getting another proposal on the Northeast corner of Griswold and Eight mile and under this law, they would be under much higher density. She agreed that having the senior housing was a good thing and it was needed, but if they were going to build a 200 unit facility, she thought they should either get it rezoned or buy 200 acres to build in an R-1.0 or negotiate with the Township and get what they usually get in a PD. Ms. James questioned how much density that property would be able to get under a current law and how much under this proposal.

Mr. Barber opened the Public Hearing at 7:12 p.m.

Nick Mancinelli - He questioned if the procedure for the Special Land Use required permission from the Planning Commission. Mr. Doozan responded yes. Mr. Mancinelli stated they would have the control of approving the facility. Ms. James stated the problem was that they have the law on the books that if they get 8-20 units per acre, and they come in with a proposal that has 20 units per acre, they couldn't say it's too dense. What excuse would they come up with to ignore their own law? Mr. Mancinelli stated that he thought the Special Land Use would allow them to turn them down when it was in a location where it would be detrimental to residential zoning. Mr. Towne stated that he viewed these as guidelines and questioned how could they reword it to satisfy the density.

Mr. Mancinelli stated that they would have 56 units on 3.5 acres. It was Master Planned office, but they would be coming under the regular R-1.0 zoning if this was approved. There was really no zoning classification in Lyon Township. This was why they were waiting to do their site plan submittals because there was nothing to site plan by. Ms. James stated that there was contract zoning or a PD. Mr. Mancinelli stated that there were too many things, and they couldn't satisfy a PD.

Mr. Seymour stated that Senior Housing was considered a State licensed facility. He explained the Zoning Enabling Act. He agreed with Ms. James. If they say up to 20 units, they should have some sort of criteria/standards that they could justify the number. It was hard to simply turn someone down when they put in an ordinance that allowed 20 units. Ms. James stated that 8 units per acre was trailer park density, and 20 units per acre was very dense. Mr. Barber asked if they could say something about the construction of the building. Mr. Doozan stated that with their building and site design standards, he did not see how a mobile home park would fit in. Ms. James questioned what explanation would be given to say that they couldn't use this law to put in a mobile home park.

Mr. Seymour stated that there would be certain setback requirements.

Mr. Towne stated that he thought this looked good; they have covered the senior housing intent. Mr. Barber stated that some of these would be state licensed and regulated by the State. Mr. O'Neil questioned if the spacing of the building would eliminate the possibility of a mobile home park. Mr. Doozan stated that they could add some language to item 3 that the Township could require lesser density than specified in the above chart based on criteria which would be based on compatibility with the adjacent land uses and consistency with the intent of the section. Ms. James questioned how this statute impacts this. Mr. Seymour stated that they were somewhat in compliance. What the statute says is that state licensed residential facilities can be located in any residential district, but then it goes on to say that it's subject to a Special Land Use, if the density was higher than that which was allowed in that particular residential district. Ms. James asked if a township couldn't require more of the licensed facility than the surrounding properties. Does that prevent them from regulating senior housing? Mr. Seymour stated no, it pertained to a State licensed residential facility, which shall be considered a residential use of property for purposes of zoning and a permitted use in all residential zones and was not subject to a special use or conditional permit or procedure, different from those required from other dwellings of similar density in the same zone. Ms. James stated that they cannot ask them to do a Special Land Use. Mr. Seymour stated that they can, if the density was going to be more than what's allowed in that particular zone.

Nick Mancinelli – He stated that if they were so concerned about the 20 units per acre to solve the trailer park problem, they could say it has to be one story. Mr. Barber stated the ones that he has seen have common walls; that would eliminate trailer parks.

Garrett Sedley, 7041 Country View Blvd. Jackson Michigan. This particular point of the density came up at a previous meeting, and he believed that the reason the language was up to 20 was because it meets the need of assisted living. These seniors are in units ranging from 325 square feet up to two bedrooms of 475 sq. feet. They are single units all under one roof.

Brief discussion continued regarding the sizes of the units and the density.

Ms. James stated that if there were some type of cap she would feel better; she was worried about someone building a mega-plex. Ms. James stated that unlicensed was 8 units per acre and licensed was 20 units per acre. What happens if someone buys 15 acres, and they have all the density they want? Mr. Mancinelli stated that the average age of the seniors was 84, and they needed to have the higher density so they can be as tight as they can to support the facility to provide them with the benefits such as the restaurant, nursing station, hair salon and a laundry facility. Ms. James stated it was not the physical proximity. Mr. Mancinelli stated that use of the city facilities would still be very minimal; the tax base would be considerable for a limited amount of use.

Ms. James stated this was a blank check and what happened to their sewer and water capacity? If they have 20 units per acre, what happens when their sewer capacity is gone? Mr. Mancinelli didn't think they would get flooded with senior facilities.

Mr. Conflitti questioned how the unlicensed facilities are. Mr. Sedley stated that they couldn't provide assisted services without a license.

Mr. Mancinelli stated they would like to stay at 60 units and below. They were thinking to have 54 units for this facility, and they wouldn't care if the amount were capped.

Mr. O'Neil questioned if their facility was on one floor. Mr. Mancinelli stated yes. Mr. O'Neil questioned if they would fall within the 30% lot coverage as well. Mr. Mancinelli stated yes; they meet all of the requirements.

Ms. James questioned what the physical dimensions of the building would be. Mr. Mancinelli stated 315'L x 210'W. Mr. Hamilton stated that if they wanted to build a mega complex, they could have one building on one half of the property and one on the other. Mr. Mancinelli stated that it logically wouldn't make sense because they would want to have the restaurant facility centrally located. They wouldn't do it because of the cost factor.

Mr. Hamilton stated that he thought they should allow Mr. Doozan to draft some language so they would have some control. Mr. Doozan agreed. Ms. James stated that this language needed to reflect the statute.

Mr. Barber questioned if the State electrical, plumbing and heating inspectors do the inspections of the buildings. Mr. Sedley stated that they submit their plans to the State for their review, but the locals give the final.

**Mr. Towne made a motion to recommend approval to the Board for AP-07-34 Senior Housing Text Amendment with additional wording on density in the Senior Housing Section, Project Density. Mr. O'Neil supported the motion for discussion.**

Mr. O'Neil questioned what the specific language would be. Mr. Towne stated that Mr. Doozan would look at the language and tighten up the density. Ms. James stated that she really wanted to see it before they recommend it. Mr. Barber questioned how long it would take to write something like that. Mr. Doozan stated not long. Mr. O'Neil stated that Mr. Doozan was more than capable, but he wouldn't like to see something go that some people really didn't like. Ms. James stated that they were supposed to be where the rubber meets the road, and the Board wants them to do the nitty gritty fine detail work before sending it to the Board.

Mr. Hamilton stated that he would like to amend the motion. Once Mr. Doozan gets done with the criteria for the density, it should be brought back to the Planning Commission for approval.

Mr. Towne stated that they have been working on this since October, and everything looked good with the revisions. To put some more wording in for the density was not a big thing, he would prefer to stick with his original motion. Mr. O'Neil stated that he was torn because he would like to agree, but he wondered if they were not doing their job by not going through all of the details. They are only meeting once per month now and to bring it back would not be efficient for a minor change. Ms. James stated that density was a big issue. She brought this up the last few times they looked at this, and no one really responded. Mr. Towne stated that he trusted the Board to make this perfect. Mr. Roberts stated that he thought the Board would have no problem with addressing the density issue.

Mr. Barber stated that he was for it, and he was a little concerned about the extra density. It was a necessary thing for the Township to do.

Mr. Doozan gave an example as to the language he might use. Mr. Barber questioned if that was written in there, would it be acceptable to everyone? Ms. James stated that they can't ask for a Special Land Use for licensed facilities, and she was concerned that the language was not part of the statute. Mr. Seymour stated that they could have a Special Land Use if the density proposed exceeds the density in the zoning district where the facility would be located. Ms. James stated that she keeps thinking about the property on Griswold that was zoned for high density. That was the next big project.

Mr. Hamilton withdrew his amendment and stated that they should go along with Mr. Doozan and let the Board tweak it.

**Mr. O'Neil continued support of Mr. Towne's original motion.**

Voice Vote:	Ayes:	All
	Nays:	None

**MOTION APPROVED**

Mr. Barber closed the public hearing at 7:55 p.m.

**AP-07-33, Continuation of Public Hearing to consider a rezoning of Hidden Ponds Planned Development, to R-1.0, Residential-Agricultural District, discussion and possible action to follow the public hearing.**

Mr. Doozan reviewed the memo from McKenna Associates dated March 6, 2008. He continued that this was a carryover from a previous meeting. The developer had indicated at the December meeting that he would like to maintain the PD zoning and indicated the willingness to work with the Commission to complete the conditions of approval, which were originally granted by the Township Board on August 6, 2001. The applicant submitted a revised PD Agreement on February 16, 2008. They recommend that the applicant satisfactorily address the conditions of approval granted by the Township Board in August 2001, keeping in mind that the revised PD plan and PD Agreement must meet all current Ordinance requirements as outlined in the McKenna Associates letter dated March 6, 2008.

Ms. Zawada stated that they completed their review on March 10, and their biggest concern was that the engineering standards have been changed since this was originally approved; the current standards are much stricter, which could have significant impact on the plan. Ms. James questioned if it could be expensive change. Ms. Zawada responded that it could enlarge their pond significantly. The original plan was designed with a 10-year storm detention basin that outlets to an existing low area. The current standards require a one, one hundred year pond that has an outlet. Ms. James questioned if the applicant would lose a lot by expanding like that. Ms. Zawada stated that he may, but the applicant just got this report today so he probably hasn't even looked at it yet. Ms. James questioned if they could do that legally. Mr. Seymour stated yes, the applicant never had an approved plan. The plan was never recorded, and it's also lapsed. He believed they could impose the existing criteria/standards on this plan.

Mr. O'Neil stated that he could not see granting an approval without the applicant bringing it up to every single standard of 2008. If he would have followed through and finished it in 2001, then he wouldn't have that issue; he would have been protected by that approval.

Mr. Barber opened the Public Hearing at 8:05 p.m.

Ms. Zawada stated that a representative from Giffels-Webster walked the site with Mr. Huszti and had a meeting with McKenna Associates and the neighboring property owner Mrs. Crowley, who had concerns that she was getting more water prior to grading on the Hidden Pond site. As it turned out, it seems like additional water was coming from Coyote Golf Course. It appears that there have been some drainage swales that have been dug, adding water to Mrs. Crowley's property. Another issue that came up during the site walk was that there was a swale between lots 20 and 21, which Mr. Huszti has agreed to fill in, which should take care of the problem.

Ms. James questioned if the applicant has agreed to comply with all of the changes asked of him. Mr. Huszti stated yes, the changes are fine. He stated that the conditions in the March 6, 2008 memo were fine with him. He explained why the PD was not completed. Ms. James questioned if the applicant's property was also flooding from Coyote Golf Course. Mr. Huszti stated they were taking on quite a bit of water, and that was just recently discovered. Mr. Huszti stated that the water should flow under South Hill Road, and he understood that there was an old clay pipe there that was plugged up, which made the problem worse because there was no outlet. Mr. Huszti explained that was a Road Commission responsibility to keep that maintained.

Ms. James stated it was not legal to dig a ditch to drain onto a neighbor's property. Mr. Barber asked if there was a plan for grading for Coyote Golf Course. Ms. Zawada stated that there was an old plan, but the swales were not shown on it.

Mr. Hamilton questioned if the applicant had any problem complying with the new engineering standards. Mr. Huszti stated no, but it was news to him that there were new engineering standards, so he would like to talk with his engineer about it. The ponds that were there were over and above what was necessary for retention and detention, so they may be able to meet those standards with the existing ponds that are there.

Mr. O'Neil stated that this was reviewed using the 2001 ordinance standards, and he totally objected to holding the applicant to the 2001 standards. He felt they should hold him to the 2008 standards for both the Zoning Ordinance and the Engineering Design Standards and get a new plan that demonstrates his ability to meet all of the requirements of today's Zoning Ordinance and the Engineering Design Standards. They needed to treat this like a whole new plan, like he is starting over.

Mr. O'Neil made a motion to table AP-07-33 Hidden Ponds Planned Development until the May meeting in order to allow the applicant to evaluate the engineering and planning issues. Mr. Towne supported the motion.

Mr. Barber closed the Public Hearing at 8:20 p.m.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

AP-07-36 Duncan Disposal – No action was taken, this application was withdrawn by the applicant.

5. OLD BUSINESS - None

6. NEW BUSINESS

AP-08-03 Rosey's Romper Room, schedule the date for a Public Hearing to consider a Special Land Use request for establishing a Child Day Care Center in a RM-2, Multiple Family Residential, located at 27491 Pontiac Trail.

Mr. Doozan stated that they are proposing to demolish a building and erect a 14, 036 square foot childcare center. The property was zoned RM-2, and a childcare center was a Special Land Use in that district, which would require a public hearing.

Mr. O'Neil questioned the architect for Rosey's Romper Room if they would be closing the existing facility or opening a second one. The representative from Guido Architects stated that they would close the facility in South Lyon and open this one.

Ms. James made a motion to set a public hearing fro April 14, 2008. Mr. Hamilton supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

Electronic Messaging Center Signs, Discussion regarding regulations of such signs.

Mr. Doozan questioned if the Commission was interested in addressing the electronic messaging signs in the ordinance. The Commissioners all stated yes.

7. ADJOURNMENT

Mr. Barber adjourned the meeting at 8:28 p.m.

Respectfully Submitted,

Kellie Angelosanto  
Recording Secretary