

**Charter Township of Lyon
Planning Commission
Meeting Minutes
May 12, 2008**

Approved: June 9, 2008 as corrected

DATE: May 12, 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
Lise Blades
Michael Conflitti
Jim Hamilton
Sean O'Neil
Chris Roberts, Board Liaison
Carl Towne

Also Present: Phillip Seymour, Township Attorney
Chris Doozan, Township Planner
Leslie Zawada, Township Planner
Al Hogan, Building Official

Guests: 36

1. APPROVAL OF AGENDA

Mr. Doozan requested to add an item under New Business to make a presentation regarding the Master Plan.

Mr. Hamilton made a motion to approve the May 12, 2008 agenda as amended. Mr. Roberts supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. CONSENT AGENDA

Mr. Hamilton made a motion to approve the April 14, 2008 and April 28, 2008 meeting minutes as submitted. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

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

4. PUBLIC HEARINGS

1. AP-07-33, Continuation of Public Hearing to consider a rezoning of Hidden Ponds Planned Development to R-1.0, Residential-Agricultural District, (recommend continuation of Public Hearing to the June 9, 2008 meeting).

Mr. Hamilton made a motion to continue the Public Hearing for AP-07-33 Hidden Ponds Planned Development to the June 9, 2008 meeting. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTOIN APPROVED

2. AP-07-21, Orchards of Lyon, Phase II, Public Hearing to consider an amendment to the Planned Development Agreement, located between Grand River Avenue and Pontiac Trail west of Milford Road, discussion and possible action to follow.

Representing AP-07-21: Randy Sanocki, Milestone Realty Services
Dan LeClair – ANC Engineering

Mr. Doozan gave an overview of the memo dated April 8, 2008 from McKenna Associates. In general, the submitted plans meet the requirements of the preliminary plan review. However, the Planning Commission should determine if the increase in density and the reduction of lot sizes is appropriate. They recommend that the applicant revise the plans as cited in the memo dated April 8, 2008. Ms. Zawada stated that Giffels-Webster did their review in the memo dated April 8, 2008. The main issues were in regards to the storm water discharge; some calculations still needed to be provided regarding the drainage. The Downstream Maintenance Agreement and easements would also be required.

Mr. Sanocki gave a brief history of how the Pension Fund became involved in the project.

Mr. LeClair stated that they got involved several years back when the first phase of the project was built. They became more involved with the second phase of the project. The Phase II portion was designed and ready to go, but that was when Stonebrooke Development started running into problems. Over the course of time, several builders and developers worked with them, and one of the issues that always came up was being able to market the remainder of the property through the first phase. When looking at the first phase of this development, both entrances were built, and there were homes constructed. There was always concern with how a builder is supposed to come in and purchase future lots and set up their product and market it.

Mr. Sanocki confirmed that they started playing around with the layout for Phase II a year ago. He explained the updates regarding the west property line, roads, open space, and the proposed entrance off of Pontiac Trail.

Mr. Barber opened the Public Hearing at 7:35 p.m.

Mr. Barber stated that the Planning Commission received two letters, one from Thomas and Sandra Burrows and one from Helen Gauntt and Peggy Sorek.

Donna Kondra, Lot 76. Ms. Kondra stated that she was happy to see the building going on behind them. They chose their sub for 3 reasons: the clubhouse, the playground that was not put in, and a walkout lot on the common area. According to the proposed plans, they now do not have a walkout lot on the common area. They did pay a site premium for the lot and wondered why was it being taken away from them. They have been maintaining that common area. They pay insurance on it, and the neighbors to the east of her are not happy about it either. If they have more open space on the plans, why take it away from the people who have been living there for 5 years? She wants to keep the common area. She stated that there are only 64-65 houses constructed in Phase I, not 90 homes.

Bryan Stewart, Lot 75 – Mr. Stewart was excited to see that some action was going to take place, but he had some serious concerns. He stated that the original PD shows that the common area should really be part of his property. He also shared pictures that showed that he does maintain the common area. Mr. Stewart also showed his Purchase Agreement showing a lot premium was paid. He explained that he would be having a financial loss if the current plan were approved, due to the elimination of the common area. He expressed that there were legal considerations that an express contract was formed. The common area was the basis for the sale, so there would be a breach of contract. He listed the items that do not match in regards to the design guidelines, such as the interior square footage requirements, the sidewalks, street lighting, screening, and the final road topcoat. He questioned who the developer would be. He also

questioned if it was possible to include a clubhouse that can be managed more appropriately than the current clubhouse. He also questioned if it would be all under one association. Mr. Sanocki stated that they do not know who the developer/builder would be.

Thomas Burrows, Lot 68 – Mr. Burrows stated that they have many concerns regarding the proposed amendment to the approved Planned Development Amendment. They paid extra to have a three-car corner lot with side entrance, with a premium added to back up to the common area. As recommended in the proposed PD amendment, the side road will be eliminated, and lot 68 will need a front driveway entrance to connect to Orchards Lane, and the sidewalks would be removed. They would like to have the driveway from the south sidewalk to the gravel road. He questioned if the developer would replace sod and repair the sprinkler system and replace trees if any were moved. He also questioned if the new property line was outside of lot 68 if that property would be deeded to them. Mr. Towne explained a possible alternative. Mr. Burrows agreed that he would be ok with “b”. Mr. Towne stated that the property would be deeded over to them and the sod/sprinkler system would be fixed.

Jack Jevitts, Lot 74 – Mr. Jevitts stated that he paid a premium for his, lot and he maintains the common area behind his home. He questioned Item B regarding purchaser’s rights and wondered if that meant that if the developer defaulted so would he get out of his home for free. He really wanted to keep the common area, as do his neighbors. He was happy to hear that something was happening. Mr. Barber stated that they are going along very carefully to make sure they do the right thing. He felt that Phase I should be finished first. He stated his concerns regarding the previous developer Rick Tabbi.

Matt S., Lot 47 – He wasn’t against it but questioned why this is happening now. The builder that was brought in didn’t finish the job; they have one tree when they should have 5. He understood that Mr. Tabbi was one of the builders for Phase II and Phase III, and he told them he was going Chapter II because he didn’t want to pay for any repairs of their homes or the 3 other homes he has built in there. His opinion was if they allow Phase II and Phase III to be built, and he was the first builder to come in, then they just lost 10-15 more lots that are going to sit for years, and they would have a barren wasteland full of dirt and debris. What builder would come in and build right now? He gave some statistics for the State of Michigan in terms of building, which forecasted 2011 before it turned around. He wanted them to finish Phase I first before they are allowed to go further.

Ellen Seghi, 30291 Grace Ray Court – Ms. Seghi did like the new drawing, since the retention pond is much larger. When the first drawing came originally, there was a road proposed there, and it was shot down. She did not think having a road on a curve was a good idea; they have trouble turning onto their road and out of their road due to the sight line. She was shocked to see there was a road proposed there again. The tie into Arbors of Lyon would be a better alternative and a safer outlet than the one that was proposed.

Mrs. Crooks – Mrs. Crooks stated that she lives on the south side of Pontiac Trail and has seen a lot of deaths on that road. It is blind going in both directions. It is the worst place, and she cannot imagine how the County agreed to put a road there.

Bob Briggs – Mr. Briggs stated that he was the lot next to the entrance, and it is a dangerous curve. He explained that his daughter wrote a letter of concern regarding their driveway to Oakland County Road Commission. They came out and investigated, and they agreed that the visibility was not enough. There is a Hidden Driveway sign that was placed there because of that. How was it deemed to be safe now? He is an employee for Consumers Energy, and he explained about the lines and the right of ways. It was federally mandated to check those lines internally; the right-of-way was necessary because if there were a bad spot, they would tear up the land and correct it. He offered an alternative suggestion that he felt would be safer for the public. Safety is number one.

Joel Mallory, Dakota Drive – Mr. Mallory’s main concern was that the lot sizes were decreasing, which would make the values of their homes decrease. The entrance off of Pontiac Trail would be very convenient, but he wondered about the traffic and the speed at which it travels and how people cut through.

Bob Kondra, Lot 76 – Mr. Kondra listed the following concerns: Will the roads be tied into the apartment roads and finished, and how can they be guaranteed they will be finished? Where would the construction access be located? The road dedication for Phase I does not have its top coat on it, so where would the money come from? Where was the playground equipment going to be located, and would they have access to it since they are Phase I? Drainage issues are a concern. In Phase I, there were supposed to be some sidewalks, and he wondered if those would be finished. What were the minimum lot sizes going to be? What would the general house construction be? Will Phase II have to follow the same bylaws as Phase I? Will there be models, and where would they be located?

Thomas Burrows, Lot 68 – Mr. Burrows questioned if they removed trees, would they go on his lot line? Mr. Barber stated that they are trying to work that out, but it was reasonable.

Denise Bative, Lot 73. Ms. Bative said that they bought their house in 2003, and they did not buy it in a downward economy. Making any community more marketable would translate into smaller homes. They paid a premium for their lot. Overall, she was very concerned that Phase I gets finished first. Downsizing it would be a deterrent.

Jamie Diamondback, 30043 Crispin. Mr. Diamondback was concerned that Phase I should be finished first and thought that they could put in a rule that Phase I has at least 80-90% built before they start building homes. He was also concerned with the sizes of the homes that were going to be built.

Robert Crook - Mr. Crook has lived on the corner since 1941, and it has a great history or accidents. The school bus cannot stop in that area. As far as the gas line was concerned, he has in his property contract that it cannot be used as a driveway and can only be driven over with light vehicles. He thought that they were overlooking a safety aspect. It is a dangerous situation.

Jamie Shelley, Lot 16 – Ms. Shelley said it's important to have it finished, but finish Phase I first and make sure that the sizes of the homes are not small. She was concerned with screening of the hill, who owned it, who would maintain it?

Mr. Barber closed the public hearing at 8:28 p.m. due to no one else wishing to address the Commission.

Mr. Towne stated that this was a punch list that the representatives were not aware of but are now. Mr. O'Neil questioned if there was a plan for the home sizes changing. Mr. Sanocki stated that the only amendment that they were asking for was the amended site plan. Whatever was in the existing PD agreement would stay the same, and he did not foresee changing it.

Mr. Hogan stated that the PD had a generous square footage that should not need to be amended. As far as the screening issue, there was a bond in place for the screening, and it would be completed at the time the commercial property was built. The hill would be mowed this year.

Mr. Towne questioned the open area that affects lots 76, 77, 78. Mr. Sanocki stated that they would look into that.

Mr. Hamilton questioned what they would do about the clubhouse and the playground. Mr. Sanocki stated that there was something in the PD regarding the playground equipment, and there was a recreation easement. They are not in control of that easement, but they are with Phase II. They have been coordinating with the other holders to become a part of the easement.

Mr. Conflitti asked what the benefit is of having the Pontiac Trail entrance, as opposed to the cul-de-sac. Mr. Sanocki stated that it gives Phase I and Phase II a separate identity, and it would help control the traffic. Mr. Barber questioned if there would be a traffic light. Mr. Sanocki stated no.

Mr. LeClair stated that they are not asking for distribution of the lot sizes. The minimum lot size is no different than what was currently approved.

Mr. Towne made a motion to table AP-07-21 for 90 days. Mr. O'Neil supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

Mr. Barber called for a 5-minute recess at 8:40 p.m.
Mr. Barber called the meeting back to order at 8:45 p.m.

3. AP-08-07 Country Collision Repair Shop, public hearing for Special Land Use, located on the south side of Travis Road, west of Milford Road, discussion and possible action to follow.

Representing Country Collision Repair Shop:	Conrad Stellich, Attorney for Mr. Dodds Alan Dodds, Owner
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Mr. Doozan gave an overview of the memo dated May 5, 2008 from McKenna Associates with the following recommendation:

They recommend approval of AP-08-07, Country Collision Site Plan subject to the following conditions:

1. Approval of the Special Land Use
2. Detail of the fence and gate must be provided
3. Nor way Maple trees should be spaced out
4. The dumpster should be moved at least 10 feet from the building
5. The signage must meet the requirements of Section 16.07
6. The Industrial Activities Statement must be revised as noted

Mr. Doozan reviewed the memo dated May 2, 2008 from McKenna Associates for the Special Land Use request and gave the following recommendation:

They recommend that the Planning Commission recommend approval of the Special Land Use for AP-08-07, Country Collision to the Township Board, provided that additional information was provided concerning noise generated by the facility was provided and was found acceptable, and subject to Site Plan approval.

Mr. O'Neil stated that the engineer on this project, Mr. Powell, was a trustee in the community for which he works and effectively he was one of his bosses. He asked the Commission to *allow him to* abstain from voting or from participating in any discussion.

Mr. Hamilton made a motion to *recuse* Mr. O'Neil from this item. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

Mr. Stellich stated that they agreed with Mr. Doozan's review and would comply. Mr. Dodds was in a non-conforming use on 10 Mile Road. His business has grown to the point that he has outgrown that facility. That facility would be closed. The new facility has some deficiencies that need to be brought up to code.

Mr. Barber questioned if there would be parked cars outside of the building. Mr. Stellich stated that they intend to have everything inside of the building; they would have 7600 square feet, which was an ample size to have everything stored inside.

Mr. Conflitti questioned what the hours of operation are. Mr. Dodds replied that it was 8 a.m. – 5 p.m. Monday-Friday and Saturday 9 a.m. – 2 p.m. Mr. Dodds stated that there would be some noise, and he currently had residents where they were located now, and they have not had any complaints. He thought the noise was minimal. Mr. Hamilton stated that there is less residential in the proposed facility.

Mr. Conflitti questioned how they would dispose of any hazardous materials. Mr. Dodds stated that all of the materials that are collected are hauled away and documented by companies that handle it.

Mr. Barber questioned if there would be a sprinkler system installed. Mr. Dodds answered that it was an enclosed sprinkler system and was self-contained.

Mr. Conflitti questioned what type of fencing would go up. Mr. Dodds stated that it was to separate and close off the view from the roadside.

Mr. Barber opened the Public Hearing at 9:05 p.m.

Dennis Austache 58065 Travis Road- He stated that he lives ¼ of a mile west of the proposed facility. He noticed that the site plan only had 16 parking spaces and were required to have more. The main issue he had was with the Industrial Activities Statement regarding question 6, which states that the applicant needed to provide a detailed description. Mr.

Dodds' answer was that it was an auto collision repair shop, same as doing business on 10 Mile Road. He continued that he took photos of the current location and passed those out to the Commission. He was very concerned with the amount of junk cars that are stored outside of the building; there were too many to be able to store them inside of a building. He thought it would end up being a junkyard. He was also concerned with the hazardous waste and the noise. He questioned how many ordinance officers work in the Township and stated that they work part time; he did not understand how the noise ordinance would be enforced. Mr. Hogan explained how a complaint would be handled if one came into the Township. Mr. Hogan stated that it would be his responsibility to make sure that Mr. Dodds has his doors closed and runs a tight knit operation.

Mr. Austache stated that the Township should have more by way of Township enforcement. He continued that he was concerned with the traffic and that Travis Road could not handle the additional traffic. Travis Road was a dirt road that was already in bad shape with deep potholes.

Mr. Towne stated that they could place a condition in the Special Land Use that all vehicles have to be stored inside. Mr. Towne stated that there was a State regulated rinse pad in the facility.

Mr. Austache stated that in the permitted use list, a salvage yard was not permitted. Mr. Doozan stated that this was not a salvage yard.

Mr. Stellich stated that Mr. Dodds was not the sole property owner of the current facility, it was the impound lot for the City of South Lyon. What they were seeing in the pictures was not what would be happening at the proposed site.

Mr. Towne suggested planting some trees on the southwest side of the property to help alleviate possible noise concerns. He also suggested that two of the trees needed to be removed that were presently located there.

Mr. Towne stated that he would like to see the MSDS sheets passed on to the Fire Department and the Police Department.

Mr. Barber closed the Public Hearing at 9:23 p.m.

Mr. Towne made a motion to recommend to the Township Board for the Special Land Use for Country Collision AP-08-07. Mr. Hamilton supported the motion.

Voice Vote: Ayes: 6
 Nays: None
 Abstain: O'Neil

MOTION APPROVED

Mr. Towne made a motion to approve the Site Plan AP-08-07 subject to the May 12, 2008 McKenna Associates memo. Mr. Conflitti supported the motion.

Voice Vote: Ayes: 6
 Nays: None
 Abstain: O'Neil

MOTION APPROVED

5. OLD BUSINESS - None

6. NEW BUSINESS

AP-06-34, Presentation by Ernie D'Ascenzo of development concept for the northwest corner of Milford Road and Grand River Avenue.

Representing AP-06-34: Ernie D'Ascenzo, owner
Carl Slimmer

Mr. D'Ascenzo gave a PowerPoint presentation regarding the pros and cons of having dual storefronts and included the vision that he has for the Putters property. He would like to establish something that is long term and sustainable.

Several Commissioners expressed concern that the plan did not meet the Downtown Overlay District. After discussion, it was decided that a sub-committee would be formed to explore all options. The sub-committee would include Commissioners Mike Barber, Lise Blades and Carl Towne.

John Dolan expressed his support of the project and his displeasure that the Commission wanted to move more slowly.

Jay Howie expressed his support of the project but thought that it needed to be tweaked.

Lannie Young stated that they have a downtown vision that has evolved over the years, and they are realizing the reality economically. They need to look at the entire Overlay District and see what works economically and take this presentation as a learning tool. They need to make their vision match up to something that would actually come into the community.

Mr. Barber stated that Mr. Doozan's presentation would be postponed until the next meeting due to the lateness of the hour.

7. ADJOURNMENT

Mr. Barber adjourned the meeting at 10:45 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary