

**Charter Township of Lyon
Planning Commission
Special Meeting Minutes
August 25, 2008**

Approved: September 8, 2008

DATE: August 25, 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
Chriss Roberts, Board Liaison
Carl Towne

Also Present: Phillip Seymour, Township Attorney
Michelle Aniol, Township Planner
Chris Doozan, Township Planner
Al Hogan, Building Official

Guests: 20

1. APPROVAL OF AGENDA

Mr. Hamilton made a motion to approve the August 25, 2008 agenda as submitted. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. CONSENT AGENDA

Mr. Hamilton noted two typographical errors, and the Recording Secretary made those corrections.

Mr. Hamilton made a motion to approve the August 11, 2008 minutes as revised. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

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COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

There were no comments.

4. PUBLIC HEARINGS

- A. AP-08-16, Public Hearing plan review for Hutsfield Pond Planned Development, located at the northeast corner of 8 Mile and Griswold Roads.

Representing Hutsfield Pond: Jon Hutto
Tad Krear, Land Design Studio
Frank Hutto

Mr. Doozan reviewed the McKenna Associates memo dated August 21, 2008. The following major issues were noted with this Planned Development

- Building separation
- Lot size
- Setbacks

On August 11, 2008, a majority of the Planning Commission members indicated they were comfortable with the plans relative to those issues. There remains public concern about these three issues.

Another issue of concern was the non-compliance with the Tree Ordinance, which seems impractical on this heavily wooded site.

Mr. Barber stated that their approval of things was just to let Mr. Hutto know so that he could move forward. It was not an approval of anything at the last meeting; it was a reaffirmation of the concept, not a vote.

Mr. Hutto stated that they did respond to the planner's letter, and he came away from the meeting feeling that they were on agreeable terms.

Mr. Barber stated that a petition was turned in from Mr. and Mrs. Watters that forty people signed to say that they do not want the applicant to do anything. Mr. Hutto explained that when he said 95% of the residents were agreeable with this proposal, he clarified that his statement was that with the SAD in place they were going to have to build something on that piece of property. They offered this plan as a substitute to the parallel plan and with a show of hands at the meeting, 95% of the residents responded in favor to this proposal. He knew that some people did not want to see anything happen. Mr. Hamilton questioned how many residents were in attendance at that meeting. Mr. Hutto stated close to 35, and everyone that wanted to be there was there. Mr. Barber questioned if he had the sign-in sheet from the meeting. Mr. Hutto stated that he could provide that.

Mr. Hamilton questioned what size building envelope there would be with the 50' lots. Mr. Hutto stated 35' x 55', maximum. Mr. Hamilton stated that he did some research, and it copies a mobile home park. Mr. Hutto stated that a typical mobile home was a ranch style home, which was typically up to 80' long. Mr. Hamilton stated that he was referring to the width. Mr. Hutto stated that they are proposing stick-built homes.

Mr. Conflitti stated that last year they had some planners from Oakland County talking about a greenbelt area and how important it was to include those. He felt they were all on the same page with that. This project was pretty much clear-cutting. He was concerned with the number of trees being cut and the replacement not even being close. He thought the recommendation to use larger size trees was a good one. The lot sizes were a big concern. He hoped they didn't ignore the ordinance. It is their responsibility to look into the future. When things turn around, the small homes turn into low-income homes, which would be a problem for people who live in the area. He spoke to the Sheriff's Department and found that the police were called to Country Estates over 150 times. He was concerned that in item it would be known as the south side of Lyon Township. This did not include the amount of times that they had to go to Northville Crossings. In the South Lyon school area, there are 313 homes on the market with 139 homes that are available in the proposed price range. He felt sorry for the people in the area if this project was to go through.

Mr. Hamilton stated that he agreed with what Mr. Conflitti said and he felt that they could do better than 50' lots and make it look less like a mobile home park and more like a residential development. He questioned if they could bring the

height to within 30'. Mr. Hutto stated that right now, under current zoning, they are allowed 35'. It was impractical to restrict it to 30' for the senior housing and the multi-family units. Most, if not all, of the single-family product would be under the 30'. Mr. Hamilton stated that there was another developer that wanted to go 35' for congregate care, and he was able to bring it in line.

Mr. Towne stated that he concurred. There would be many problems that would come with this type of development. The parking alone is a problem; he would like to see the lot sizes. He would like to see some of the tree stands stay, and he would like the connectivity to be a strong consideration for the wildlife. He thought it could be reworked if the applicant would be willing to work with the Township. It could go, but everything was just too small. He felt the building material would not score very high on their standards.

Mr. Hutto stated that they have proposed something very different, and they have given them their best shot and stretched every dollar with every aspect. All of the cards are on the table. They were moving forward under the assumption that everyone wanted an alternative. They have to build on this property.

Mr. Barber stated that this land has been zoned RM-2 for a long time. Residential housing was better than industrial. Housing was the best use, and he believed this was the applicant's best attempt and their last attempt. They could put all apartments in there without even asking permission. Mr. Barber stated that he was for it; he wants to see people own their homes that live in Lyon Township and be proud of their property. . As far as it becoming the south side, he didn't see that happening. He thought it was a nice development.

Mr. Roberts stated that he was thrilled that the industrial piece was being absorbed into a residential use. They should keep in mind that they are next to an active railroad track and a mobile home park, so they need some buffering and different kinds of product. If they were building this anywhere else in the Township, he would have concerns. However, he thought that this was an appropriate location. He supported this use at this time and thought it was an innovative use. He did not like the military barracks parallel plan. He did not want to see this turn into apartments with transient people. He would like people to own their homes, and they need a place to start. Senior housing was also a benefit.

Ms. Blades referred to the slogan in the Township Hall, which states "low taxes, homes in all price ranges"; everyone had to start out somewhere. She didn't understand why they wouldn't want it to be here. She would never have wasted time in Redford had she been able to move into Lyon Township sooner. The slogan was in the meeting hall, and she knew some comments that were made at the last meeting about how the market was saturated and people are foreclosing. There would be a long list of items to deal with if someone buys a foreclosed home. There are people out there who want this type of atmosphere but don't want a big lawn to mow. This would be a development that many people could enjoy. Regarding the trees, the parcel was just impossible. It is so thick, and she didn't know what the solution was. The applicant could not even do the parallel plan and meet the Tree Ordinance. She was in support of the plan.

Mr. Barber stated that the Planning Commission couldn't do anything with the Tree Ordinance. It is a law, so if it were going to be changed at all, the Township Board would have to do it.

Mr. O'Neil stated that it was any community's responsibility to provide affordable housing. This is an accepting community, and there is quite a mix and diversity. When looking at this property, it is currently a huge buffer between very high-density mobile home and low-density homes on large lots. Both sides like their privacy, and realistically the applicant can develop his property. He thought that when they look at developing this land and talk about transition, he didn't know many people who would want to build a half-million dollar house backing up to Country Estates. There was the whole issue of buffering. This does make sense and is compatible. They are asking to build at a density less than what they are allowed to build otherwise. He felt they should encourage single-family housing as much as they can. Mr. O'Neil agreed with Mr. Roberts' comment that it was nice to see the industrial parcel go away.

Mr. O'Neil questioned bonding for the road completion. Mr. Hutto stated that it was never discussed, and the first he had heard about it was in the review letter. In regards to the bonding, there was not a problem with bonding per phase. However, they don't want to pave the entire road within 3 years when they were still on Phase I; they couldn't do that. Mr. O'Neil requested that they discuss some sort of plan with the Township for addressing that issue so at some point the applicant was obligated to complete their end of the deal. Mr. O'Neil questioned if they were going to be placing in double-sided sidewalks. Mr. Hutto stated that if it converts to single-family, they definitely will. The principal behind one-sided sidewalks in the duplex area was that it was a typical planning practice.

Mr. O'Neil questioned what the duplexes would look like. Mr. Hutto did not have pictures available. Mr. Krear stated that they are a combination of brick and vinyl siding.

Mr. Towne questioned if they could get rid of the single garages. He heard the consensus of the Commission, and he understood the setbacks, but they are still too close; it needed to be more dynamic. Mr. Hutto stated that the single garage was an option; not every home would have a single garage. The concept would allow for 3 different garage choices. They felt that it would provide more diversity.

Mr. Towne stated that the parking also needed to work. He questioned common areas and what they envision to make this project successful. Mr. Hutto stated that they intend on providing all of the off-site parking that was required as well as the driveways; he didn't see a problem with the parking.

Mr. O'Neil stated that the applicant had been required by ordinance to plant 5,910 2.5" caliper trees and 1,819 3" caliper trees. They have proposed 1,337 2.5" caliper only, no 3" caliper. He didn't expect them to plant 7,700 trees, nor did he think it was reasonable, but he did not see anything in the response letter that addressed the tree issue. One of his concerns was that they should take a look at a creative alternative that might better than what was proposed. He thought that those discussions should continue in order to come up with a better option. A variety of sizes and species might get them further. It may be more costly but could have a better end result.

Mr. Hutto stated that they agreed with everything, except meeting the ordinance closer by number. They did not approach it from the standpoint of having all one-size tree located in one spot; they approached it as a caliper issue. They are committed to providing 5,060 inches of caliper. Having a range of sizes was a benefit to them to mix it up. The total amount of trees is 2,064, when they take into account the additional street trees that would have to be put in by ordinance as well. They were open to mixing up caliper sizes. Mr. O'Neil stated that he understood, but he would like to see future discussions occur with regards to the number and size of the replacement trees to come up with a better plan than what was before them now.

Mr. Hamilton asked if they have explored salvaging some of the landmark trees. Mr. Hutto stated that most of the landmark trees are found along the border of Griswold and would be taken out due to the road paving.

Mr. Hamilton questioned if this was a condominium project and what the common elements were. Mr. Hutto stated that their attorney was not present, and he didn't have that information with him. Mr. Hamilton stated that he was asking that because when they put 5' on one side of the lot and 10' on the other and building a two story house, they would have to put a roof on down the line and would have to infringe on that 5', so if there was a common element, it wouldn't disturb anyone. Mr. Hutto stated if that was concern, he didn't see it being an issue. It could be worked into the PD agreement.

Mr. Barber stated this would be done in 9 phases, so all of the trees wouldn't be cut down at one time. Mr. Hutto stated it was their intention to cut down trees as needed per phase. Mr. Barber confirmed that they have no intention of cutting everything down at one time. Mr. Hutto agreed.

Ms. Blades stated that since Griswold would be paved at some time whether or not they build there, she questioned if those trees that were going to go away because of paving, were those trees included in the tree replacement calculations? Mr. Hutto stated yes. Ms. Blades stated that since the applicant was responsible for 40% of the SAD and the Township was benefiting by bringing water and sewer down Griswold, she thought they should not be held accountable for those trees. She would like to see a calculation without those trees. Mr. O'Neil and Mr. Hamilton agreed the trees were in the right-of-way, and the applicant shouldn't be held responsible.

Ms. Blades asked that if the pond were not an open area, how much would that improve the tree calculations? Mr. Hutto stated it would be somewhere in the ballpark of 100-150 pine trees.

Mr. Barber stated that the Township had no responsibility regarding the parks or pond areas. It would be part of the association; it would not be an amenity to the Township.

Mr. Hamilton questioned if the Commission would look at each phase before it moved forward. Mr. Doozan stated yes; each phase with the detailed plans would come before the Planning Commission for Site Plan Review.

Mr. O'Neil questioned what items could not be met from the Planners' letter. Mr. Hutto stated the density, trees, setbacks, and building separation would not be conformed to, but the other items were addressed in the response letter.

Mr. O'Neil made a motion to recommend approval to the Township Board for AP-08-16 Hutsfield Pond subject to meeting all conditions in the McKenna Associates letter dated 8/21/08 with the exception of the

tree replacement, the road bond issue and the sidewalk issue in the duplex area which are items that are to be resolved prior to final approval by the Township Board. Another tree calculation should be done removing the trees that are in the right of way or that would be removed by the County or Township during the course of either paving or water and sewer expansion along Griswold Road which may reduce the deficiency. Ms. Blades supported the motion.

Roll Call Vote: Ayes: Blades, O'Neil, Roberts, Barber
 Nays: Hamilton, Conflitti, Towne

MOTION APPROVED

7. ADJOURNMENT

Mr. Barber adjourned the meeting at 8:20 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary