

**Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
October 13, 2008**

Approved: November 10, 2008 as written

DATE: October 13, 2008  
TIME: 7:00 p.m.  
PLACE: 58000 Grand River

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

Roll Call: Lise Blades  
Michael Conflitti  
Jim Hamilton  
Sean O'Neil  
Chriss Roberts, Board Liaison  
Carl Towne

Absent: Mike Barber, Chairman

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

Guests: 12

Mr. Hamilton explained Mr. Barber's absence.

Mr. O'Neil made a motion to excuse Mr. Barber's absence. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

1. APPROVAL OF AGENDA

Mr. Towne made a motion to approve the October 13, 2008 agenda as submitted. Mr. Roberts supported the motion.

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

MOTION APPROVED

2. CONSENT AGENDA

Mr. Towne made a motion to approve the September 8, 2008 as submitted. Mr. O'Neil supported the motion.

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

There were no comments.

3. PUBLIC HEARINGS

None

4. OLD BUSINESS

A. AP-08-20a, Cambrian of Lyon, senior housing facility on Ten Mile Road, west of Johns Road

Representing AP-08-20a:           Nick Mancinelli  
  Tom Prendergast, WIN3 LLC  
  Garrett Sedley  
  Steve Deak, Landscape Architect

Mr. Doozan reviewed the McKenna Memo dated October 10, 2008 and found the proposal to be substantially compliant with Township Ordinances and recommended approval subject to the following conditions:

1. Approval of the Zoning Board of Appeals shall be obtained for variances to allow the proposed driveway to be used to provide access in a non-residential district.
2. The discrepancy between the site plan and architectural plan regarding the number of units shall be corrected on a revised site plan for review and approval of the Township Planner.
3. Contrasting shakes above the cultured stone base and around the dormer windows to break up the expanse of vinyl siding and to provide a more aesthetic view of the building from Ten Mile (i.e. north elevation) shall be provided on revised site plan for review and approval of the Township Planner.
4. Approval of the parking area easement by the Township Attorney.
5. The regal privet shrub hedge shall be replaced with salt tolerant evergreen shrubs (e.g. sea green juniper) and another group of ten shrubs shall be provide on a revised site plan for review and approval of the Township Planner.
6. A revised full size detail sheet that shows the materials for construction to be used for the generator enclosure shall be provided for review and approval of the Township Planner.
7. A revised plan shall be provided that correctly identifies the dimensions of the proposed sign, in accordance with Article 16.00 of the Zoning Ordinance, as well as the manner in which the sign is to be illuminated.
8. A land division shall be completed prior to the issuance of a building permit.
9. Approval of the Township Engineer and Township Fire Department.

Mr. Mancinelli stated that at approval, they would provide the final number of units on the final set of plans. Due to the financial dilemma the construction business is facing, they will not proceed until they know for sure. They are finding it extremely difficult to obtain financing, but they are working on it. In order to change the plans, it would cost \$50,000. They would do that when the time is right and would have their final room count at that time. They had planned the site plan with a maximum of 56 units, and they would still meet the requirements.

Regarding the architectural designs, all of the bump outs have the contrasting vinyl shake design all the way up to the roofline. They have no problem with the parking. Mr. Mancinelli explained that there are other wall-mounted lights that they need for security purposes. Mr. Doozan clarified that the lights are shielded and pointed downward and also stated that those were acceptable.

Mr. Mancinelli stated that they had no problem with the landscaping. Mr. Deak stated that they agreed with the Planner's comments, and they recommended the sea green juniper for year round green and their hardiness.

Mr. Towne explained that he was concerned with the linear design and preferred groupings with a mixture so there would be a canopy that would overhang. Mr. Hamilton agreed that it would look better if it were mixed. The applicant agreed to work together with the Planner to make it look nice.

Mr. Mancinelli explained that they would like to have one enclosure for the dumpster and the generator so they have only one concrete pad and it would eliminate the need for two gates. They would provide details for that. Mr. Hamilton questioned how the generator would be protected. Mr. Mancinelli explained that there would be column bumpers, and the fence would match the building.

Mr. Mancinelli explained that in order to meet the reduced sign drawings, they have to reduce the surrounding aluminum or lower the height. The final drawings would be approved before construction is done. They are having the sign company do a couple of examples. The sign would not be illuminated from the inside.

The applicant understood that the road must revert back to the 31' width that was in the original submittal. The 70' easement requirement was not mentioned in the Giffels-Webster letter dated August 26, 2008. They can have the minimum but, because of the constraints of the wetlands on the south side of the project, they will not have the road in the center easement. It would not be a problem for them to do that. He asked that the Planning Commission allow them to offset the road in that 70' easement, and then they could satisfy the 70' front. Mr. Doozan stated that they had no problem with that.

Mr. Mancinelli explained that the Fire Department approved the location of the fire hydrants on October 8, 2008.

Mr. Conflitti questioned the long runs of vinyl siding. He did not see what thickness the vinyl was; it should be at least a 44 mm. Mr. Sedley stated that he was not sure on the specifics, but they would find out; it was not something that they skimp on. Mr. Conflitti questioned what kind of shingles would be used. Mr. Sedley stated architectural shingles would be used. Mr. Conflitti questioned the use of a bilco door being used on the lower level. Mr. Sedley stated that there is one set that would be used. Mr. Mancinelli stated that they would take the vinyl concern into consideration when speaking to their architect.

Mr. Hamilton questioned the concern regarding the setback. Mr. Mancinelli stated that if they changed it, there would be no project.

Mr. Towne made a motion to approve Cambrian of Lyon Site Plan AP-08-20a. The applicant has gone through the list in McKenna's letter dated 10-10-08 and has agreed with everything. This approval would be contingent upon the granting of a ZBA variance. Mr. O'Neil supported the motion.

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

**MOTION APPROVED**

**5. NEW BUSINESS**

AP-08-23, Twin Pines Planned Development, Conceptual Plan Review, west side of Martindale south of Grand River.

Representing AP-08-23: Herb Lawson, Windham Group

Mr. Doozan reviewed the McKenna Associates letter dated October 3, 2008 with the following recommendation:

Conceptual review is intended to give the applicant an indication of the issues and concerns that must be resolved before preliminary and final approval of the planned development. No formal action is required or appropriate at this time.

Mr. Lawson explained that his company was retained by Citizen's Bank, who is the owner of the property. They have asked Windham group to take a look at the property and make some recommendations on what to do with the existing units and to figure out what can be done to take this development and move it forward. They have successfully completed all of the units and cleaned up the site and have started to sell those units. They are moving forward with financing because it is difficult to get financing on an attached product. They are able to accommodate some purchasers with a land contract, but it has been very difficult. The attached product does not work anymore. There are a number of reasons why an attached product does not work into today's market, so they looked at what they can do to move this forward. There

were 97 units originally; they are not asking for more units, they are keeping it the same. There was a special assessment on every one of those units for sewer and water, and those assessments have to be paid. They are trying to keep this development going. The development is looking good, and they want to keep the momentum that they have going by building a few units at a time until the market improves. Mr. Lawson continued that they are not looking to change anything or cut back on anything, just detach the units to make it more marketable.

Mr. O'Neil clarified that there are 5 sites of duplexes that have already been built. Mr. Lawson stated that they have finished everything, including the entryway and the landscaping. The development looks good.

Mr. Towne stated that it does look good, but he has a problem with the 15' building separation; that is just too close together. The criterion is 30'. Mr. Lawson stated that they have built a 15' between units before and in some cases as close as 6'. Compared to attached units, he believed it is a good improvement. Mr. Lawson stated that River Ridge in Novi would be a good place to visit to see an example of the 15' separation between buildings. Keeping the attached product would mean that nothing would be built in the foreseeable future. Mr. Towne stated that he still did not like the 15' building separation.

Mr. Lawson stated that there has to be a product that is affordable and this product would fit a lot of people but they have to keep the cost in line.

Ms. Blades questioned what the distance was between the units when they are attached. Mr. Lawson stated 30'. Ms. Blades stated that if no one was going to get financing if the units were attached and had a 30' separation, but they could get financing for 15' separation unattached, she would be fine with that. Mr. Towne stated that he believed people would not want this, and it would cycle back in. Mr. Lawson stated that if they don't get the support, the project would just sit.

Ms. Blades questioned the size of the homes. Mr. Lawson stated that the homes would be the same size as the duplexes, 1800 square feet, plus or minus. Mr. Lawson stated that they would keep the same number of units at 97 units.

Mr. Hamilton questioned what the average lot size. Mr. Lawson stated that they could provide each of the sites and come up with a lot. They would still have an association, just as it was going to be before.

Mr. Roberts stated that they all want to see the project move forward. The resistance would be to decrease the density and the separation between buildings. Mr. Lawson stated that they are in this together; the loss of density would be a cost factor for the bank. He was there to try and balance this. He needs to keep the density the same. They already have certain dollars into this, and he has to come back with a plan so that they can recover some of the loss that they have put out. Mr. Roberts questioned the Mill River project and if more have been built. Mr. Hogan stated that the cottages are going fine.

Mr. Towne stated that the applicant is not compromising at all. Mr. Lawson stated that he was not acting in the development capacity but as a balancing person to figure out what they can do to resurrect this development. He has no personal interest in the property; it is the bank's property. If it was his property, he could negotiate those issues. He didn't know where he could go with it, he had to go back to the bank and try to sell this. Mr. Towne stated that he understood his position.

Mr. Conflitti stated that they are here to look into the future. To accept something just because the economy is bad does not do justice to what they are there to do 5 to 10 years from now. To scale back on the amount of units would be more favorable. Mr. Hogan stated that to do that, they need to look at the amount of SADs and the Martindale Road pavement. To scale back on the number of units, they would have to go back and change the whole SAD, which in turn costs the Township money, which in turn raises the price of the lots again. They have a piece of property, and they have to make the numbers work.

Mr. Hamilton questioned the spacing on the cottages. Mr. Hogan stated 15'.

Mr. O'Neil stated that he didn't think enough had been done in situating the lots and questioned if they really need visitor parking. He suggested taking out the visitor parking and then they could start moving things around. Without losing any units, they may be able to gain some distance. They can't change the assessment on the lots that are already there, so that needed to be taken into account as well. Mr. Lawson stated that it was a good idea.

Mr. O'Neil stated that he would like to see the visitor parking go away if this was going to be a single-family development. Mr. O'Neil asked for an average width and to show what some of the tweaking has resulted in. Ms. Blades asked if all of

the visitor parking is already paved. The planner stated that all of the visitor parking in Phase One is paved, but the remainder was not. That is what they could take out.

Ms. Blades questioned what the perimeter setback was in the original plan. Mr. Doozan stated that it was 30'.

Mr. Lawson stated that he would like to make the changes but he would like some approval in order to make the changes and come back for another informal hearing. The Commission concurred.

There were letters sent to the Township in support of Windham Group LLC's effort to go forward with the project from Ardith Kelly, Robert & Janice McPhail, and Pamela Bratschi, who are all existing owners of a condominium in the Twin Pines Subdivision.

**B. Revision to the Noise Standards**

Mr. Hogan asked if they could raise the decibel because the plan would not be in compliance.

Mr. Towne made a motion to set a public hearing for the revision to the Noise Standards on November 10, 2008. Mr. Conflitti supported the motion.

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

**MOTION APPROVED**

**C. Kristin and John Halmaghi, request to consider a text amendment to allow nursing homes and convalescent homes in the R-1.0 district.**

Mr. Doozan stated that they already allow uses like this in the R-1.0 district and this was a complimentary use to assisted living.

Mr. O'Neil made a motion to set a public hearing for November 10, 2008. Mr. Roberts supported the motion.

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

**MOTION APPROVED**

Ms. Blades questioned if they could get the meeting packet sooner. Mr. Doozan stated that they could provide the packet on the Wednesday before the meetings.

**7. ADJOURNMENT**

Mr. Hamilton adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

Kellie Angelosanto  
Recording Secretary