

**Charter Township of Lyon
Planning Commission
Meeting Minutes
May 11, 2009**

Approved: June 8, 2009 as revised

DATE: May 11, 2009
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
John Dolan, Board Liaison
Sean O'Neil
Carl Towne

Also Present: Phillip Seymour, Township Attorney
Michele Aniol, Township Planner
Al Hogan, Building Official

Guests: 16

1. APPROVAL OF AGENDA

Ms. Blades requested adding a discussion item in order to review the process of how text amendments are placed on the agenda.

Mr. Hamilton made a motion to approve the May 11, 2009 agenda as revised. Mr. Towne supported the motion.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

2. CONSENT AGENDA

Mr. O'Neil explained that he did not vote no on the last motion on page 4 and asked that it be corrected. The Recording Secretary made the correction.

Mr. Hamilton made a motion to approve the April 27, 2009 minutes as corrected. Mr. Towne supported the motion.

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED

3. COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

John Bell – Mr. Bell reported how successful the first annual Kite Festival was. There were 2,252 spectator visitors that participated in the event. The Commissioners congratulated Mr. Bell on his success and thanked him for his contributions.

Mr. Barber closed the public comments at 7:10 p.m. due to no one else wishing to comment.

4. PUBLIC HEARINGS

A. AP-09-04, Crystal Creek Villas, Amendment to the Planned Development, residential condominium located on the north side of 11 Mile, west of Milford Road, public hearing for preliminary Planned Development review.

Representing Crystal Creek Villas: Paul Elkow

Ms. Aniol reviewed the McKenna Associates memo dated April 17, 2009 with the recommendation that the Planning Commission must make a recommendation to the Township Board following the public hearing and discussion. The Planning Commission has four options: they can recommend approval, approval with conditions, denial, or they can table the case.

If the Planning Commission was ready to make a recommendation of approval, they recommend the following conditions, at a minimum:

1. The plans must be corrected to show the correct number of duplex and single family detached units.
2. A landscaping plan must be attached to the plan packet.
3. The plan must be revised to show sidewalks on both sides of the street.
4. The Township Engineer's concerns must be addressed.

5. The Planned Development Agreement amendment must be submitted prior to Final Planned Development review.
6. An Amendment to the Master Deed and Bylaws with the Final Development Review or after Final Development Review.

Mr. Elkow stated that they would comply with everything in the McKenna letter but questioned if sidewalks should be included on the existing duplexes. Ms. Aniol stated that it does not seem to be appropriate to require sidewalks on both sides and retro fit the condominium development portion, but she would want to double check with Mr. Doozan.

Mr. Barber opened the public hearing at 7:23 p.m.

Karen Szymula – Ms. Szymula is a resident of Crystal Creek, and she explained that all of the owners are happy with the plan and are backing Mr. Elkow. They all want to see the project started. Mr. Towne asked if the residents are willing to go along with the change in the Master Deed. He suggested that the residents have their own lawyer look it over. Ms. Szymula explained that the residents do not have their own attorney, but they did talk with Mr. Elkow's attorney. Mr. Elkow explained that his attorney spent a couple of hours with the residents, explaining it to them. Mr. Towne asked if the residents who were in attendance were comfortable. The residents answered yes. Ms. Szymula explained that this looked like the best choice for them; they would all love to have just condos, but that was not going to work. Mr. Elkow explained that they would love to do that, but there was no financing. There was some discussion regarding the gate at Spaulding and Elk Run.

Mr. Elkow stated that they would like to start advertising; there are still nine condos that are in some state of completion and two that will probably have to come down.

Ms. Blades raised the concern that since there will be single family homes built behind the condos, she wondered if having families with young children around them would bother some of the residents. Mr. Elkow explained that if they saw someone that is more of an empty nester, they would try to accommodate that, but it was a possible scenario. Ms. Szymula explained that it was not an adult community, and there were already some children in the area.

Mr. O'Neil questioned which units would be coming down. Mr. Elkow stated it would be units 56 & 55.

Mr. Dolan asked if Mr. Elkow would comply with the McKenna review. Mr. Elkow stated that he had no objections, and he hoped to be in the ground soon.

Some of the Commissioners expressed concern with the building envelope and the space between homes.

Mr. Elkow explained that they were considering ranch and cape style homes, and the sizes would be 1600 s.f. and 2000 s.f. They would make them blend in with the existing homes. Mr. Elkow stated that he did not think they were going to allow swimming pools or fences.

Mr. O'Neil explained that Mr. Elkow had agreed to put money in escrow for the road. Mr. O'Neil wondered how the gap would be made up if the road took three or four years to complete. He questioned if there was a shortfall, would Mr. Elkow agree to make that up? Mr. Elkow stated that he would agree that if there were a \$10,000 shortage, then they would pay for it. If it were to go over that, there would hopefully be enough money being earned from the association to pay for it. Mr. Elkow stated it was a good idea; he would agree to being capped at \$10,000.

Mr. Hamilton asked if one association would control both A & B. Mr. Elkow explained that there is a Master Association at the Glens and the Villas that takes care of all of the perimeter landscaping. There would be an A & B voting stock because the people in the single-family portion will maintain their own lawns but will be responsible for 1/78th of the road and 1/78th of their share of the Master Association Dues. That was why they had to have two associations inside of the Villas.

Mr. Seymour agreed that the residents should explore the possibility of having their questions and concerns reviewed by a lawyer of their choosing. Mr. Barber reminded everyone that this is under a Planned Development, which has rules. They are changing very little, and the residents seem to be behind it.

Ms. Blades asked the residents of their concern regarding the starting price of \$150,000 and how that could bring down their investment. Ms. Szymula stated that most of them paid almost double of that price, and they know the state of the economy. They know that they have lost dearly on their investments, and they don't want to lose more. They had hoped that there would be some ranches in there, as opposed to two stories. Mr. Elkow explained that the ranch style would be offered, and they are basing the price on today's market and are hopeful that they are at the bottom and coming up.

Mr. Conflitti asked what the plan was for the open space. Mr. Elkow answered that the plan was the same.

Ms. Blades asked about the park ~~conservation~~ ~~conversation~~ area and if Mr. Elkow would be willing to work with the Township to do something with that. Mr. Elkow explained that the deal was that they would farm it as long as they chose to farm it. At the point they quit farming, they would seed it to grass for the Township. But the Township has said that they would like Mr. Elkow to continue farming the land as long as they can because the Township does not have the funds. Ms. Blades asked about putting baseball diamonds there and she

asked if he would be agreeable to helping that along. Mr. Elkow stated he would offer all the support he can as long as it was not monetary; 20 acres would not make a difference to them.

Mr. Barber closed the public hearing at 8:00 p.m.

Mr. Towne expressed that he was totally against the 7.5' between houses. There was no parking, and he felt it was a mistake that the residents have not sought their own legal counsel. However, considering the criteria where it would finish the development, pay the back taxes, and help the community, he was willing to bend.

Mr. Hamilton expressed that he had the same concerns. He felt that the density was increased, if looking at a duplex, he would count that as one unit, if they split it in half then it would be counted as two units. Mr. Elkow stated that they were very careful during the PD to count one unit and as two, which was very concise and explained during the PD ratification so he did not like that being brought up and turned around now. He stated that was not right. They have been good residents and developers. Mr. Hamilton stated that in the ordinance it states 5500 square feet for a mobile home park and this was not measuring up to that, he did not feel that he could support it.

Ms. Blades questioned if approving these would start setting precedence. Mr. Seymour stated yes, but it was limited by setting forth the criteria for granting it, such as with the Special Assessment District.

Ms. Blades stated that the overriding decision maker for her is the SAD and back taxes.

Mr. Dolan felt that that without fences, the homes would not look so close together. There would be a lot of open space, and it was commendable that all of the residents were on Mr. Elkow's side and want to see it finished.

Mr. Conflitti stated that he was not thrilled with the lot size but given the economy it was what they should do.

Mr. O'Neil stated that he was concerned about the 15' distance between homes, but most of them provide 17' – 18' of distance ~~a few feet more than that~~ between structures.

Mr. Barber stated that he was for it, given the financial situation and that the residents were supporting it. It was determined that they can make it work, and there is a need for it.

Ms. Blades stated that she was in support of the project; starter homes are needed. She just does not want every development to have 15' separation

Mr. Hamilton stated that he could support it if they incorporated in the motion that it was due

to the burden of the SAD and the economic factor.

Mr. O'Neil stated that he appreciated the residents coming out in force, and they have shown a great deal of open mindedness.

Mr. O'Neil made a motion to recommend approval of AP-09-04 with all of the conditions outlined in the McKenna Associates letter dated April 17, 2009 with an additional number 6 which is the condition regarding the amendments to the Master Deed and Bylaws as well as the April 8, 2009 memo from Giffels Webster with the added caveat that Mr. Elkow has agreed to make up the short fall provided that it was \$10,000 or less for the completion of the road. In this situation part of the reason is due to the economic hardship with the SAD, the economy as a whole, back taxes and it would complete an incomplete project. Mr. Hamilton supported the motion.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

5. **OLD BUSINESS** - None

6. **NEW BUSINESS**

A. **Procedure for placing text amendments on the agenda**

Ms. Aniol explained that there are a couple of ways to do this. They have monthly meetings where the planners, engineers, and Township Administration sit down and address issues as they come up. Sometimes, that includes issues with the ordinance. When they find there are problems, they write a letter and bring it to the Commission for appropriate action. Another way that an amendment can be proposed is by an applicant. Mr. Seymour stated that people wishing for a change in the zoning ordinance could also make a request.

Ms. Blades explained that the reason it came up is that she took a look at the bills, and there was a bill for \$1200 that has already been spent in making these recommendations, and the Board or the Planning Commission did not initiate it. She understood that Supervisor Young had wanted to look into it. She was not bothered by that and was not against it, but she was concerned with the amount that was spent. She looked up the Michigan Township Association Charter Ordinance Checklist and questioned if that was what they should follow. Ms. Aniol stated that they have planners that operate in place of specific departments. Those operations are basically taken over by the consultants. It is less expensive than if they had full departments. Ms. Aniol stated that she would bring her concerns to Mr. Doozan and have an answer for her at the next meeting. Mr. Barber stated that he had no problem with it. Mr.

Dolan stated that he agreed with Ms. Blades, he felt it should be more than just one person driving the request.

B. AP-09-06, Amendments to Private Road Regulations, consider scheduling a public hearing to consider text amendments.

Ms. Aniol reviewed the McKenna Associates memo dated March 30, 2009. This Zoning Ordinance amendment would accomplish two principal purposes:

1. Make it clear that site plan review and approval is required for residential condominiums and site condominiums.
2. Prohibit any new private roads.

Various concerns were discussed and it was the consensus of the Commission to review this item in more detail and bring it back.

Mr. Hamilton made a motion to table AP-09-06, Amendment to the Private Road Regulations until the June meeting. Mr. O'Neil supported the motion

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

C. AP-09-09, Wind Energy Systems, discussion and decision whether to have ordinance amendments drafted to permit such facilities.

Ms. Aniol reviewed the McKenna Associates memo dated April 21, 2009. She commented that this request was received from a Grand River Avenue business owner who wishes to install a wind turbine on his property to generate electricity. The facility would be 70 feet in height, measured to the tip of the blade at its highest point. The Zoning Ordinance allows a maximum height of 35 feet, so either a variance or a text amendment would be required to allow such a facility.

Various concerns that would come along with this such as the noise factor, soil samples that would be needed, footings, only allowing them on larger lots and to be sure they are kept out of road easements and the safety issue if they were to fall were discussed.

The Commissioners decided to wait and see if there were going to be anymore requests forthcoming from individuals or companies before spending funds for one request. Mr. Hamilton suggested asking the applicant to pay the expense; he did not think it was right for

the Township to absorb the cost for one person.

Mr. Hamilton made a motion for AP-09-09 that if the resident wants to pay for the amendment change then they would consider it. Mr. Towne supported the motion.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

7. ADJOURNMENT

Mr. Barber adjourned the meeting at 9:43 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary