

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
January 10, 2011

Approved: February 14, 2011 as corrected

The meeting was called to order ~~my~~ by Mr. O'Neil at 7:02 p.m.

Roll Call: Lise Blades
Ed Campbell
John Dolan
Kristopher Enlow
Sean O'Neil
Carl Towne

Absent: Michael Conflitti

Guests: 13

Also Present: Chris Doozan, McKenna Associates
Phillip Seymour, Township Attorney

**Motion by Towne, second by Blades
To excuse Mr. Conflitti's absence.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

APPROVAL OF AGENDA

Ms. Blades suggested moving the Master Plan Update after the Woodwind Village amendments.

**Motion by Blades, second by Campbell
To approve the agenda as submitted.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

CONSENT AGENDA

a) Approval of the December 13, 2010 Regular Planning Commission Minutes

**Motion by Towne, second by Campbell
To approve the Consent Agenda as presented.**

**Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti**

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

NONE

PUBLIC HEARINGS

1. **AP-10-13, Twin Pines PD west of Martindale Road, south of Grand River Avenue. Public hearing to consider a preliminary PD plan and request to rezone approximately 24 acres from RM-1, Suburban Townhouse District, to PD, Planned Development, with 82 detached units and 10 attached units; discussion and possible action.**

Mr. Doozan reviewed the McKenna Associates Memo dated November 24, 2010 with the following recommendation:

Issues for which the applicant needs direction from the Planning Commission include:

- Number of permitted units (density)
- Yard setbacks and distances between buildings
- Open space
- Sidewalks

Mr. Elkow explained that the demand and the financing for duplexes have dried up. They purchased the property and decided to move forward with single-family homes and bought the property at the Township tax sale. He explained that their plan focused on 92 units, which was what the Commission agreed on at the November 10, 2008 meeting. Mr. Elkow referred to the meeting minutes of that meeting.

Mr. Elkow briefly reviewed the proposed house layouts and explained that a 15' setback had been approved for Villas of Crystal Creek. If it were a larger setback, then the house would have to be much narrower.

Mr. Elkow explained the process of obtaining the land from the tax sale and that the Township owns the second phase.

Ms. Blades questioned if fences would be allowed. Mr. Elkow stated no.

**Motion by Blades, second by Towne
To open the public hearing at 7:27 p.m.**

**Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti**

MOTION APPROVED

Brent Robbins – Mr. Robbins explained that his property backs up and is adjacent to Twin Pines. He is concerned with the grading and how that will affect the water flow. He explained that he did have flooding in his basement due to the grading that was done and shared photos of that episode. He is concerned with how this will affect the value of his home.

Robert McPhail – Mr. McPhail explained that he is the association president and that they would like the builder to adhere to exterior themes that the existing condos have as far as color and architecture.

**Motion by Towne, second by Blades
To close the public hearing at 7:34 p.m.**

**Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti**

MOTION APPROVED

Mr. Elkow agreed to use earth tones for the exterior finishes and to match the architecture as close as possible. He assured Mr. Robbins that the water will stay on Twin Pines property; there will be swales, catch basins and pipe that will be installed. Mr. Robbins expressed his concern of having a two-story home behind his home, since the grade is much higher there. Mr. O’Neil suggested a landscape plan along that back area. Ms. Blades stated that the plans do say existing evergreen trees and felt that more evergreen screening along the property would be appropriate.

Ms. Blades expressed her concern with the density. She felt it was unappealing on the two straight-aways, especially since the infrastructure was not in Phase II. She felt the density could be lowered. She expressed her concern with the lack of parking. Mr. Towne agreed that parking is an issue.

Mr. Enlow questioned if there was any background as to why the Commission had come to the decision of 92 units. Mr. Elkow explained that there are SADs on each individual lot.

Mr. Dolan explained that the first phase would encompass the people that live there now. Whatever the builder does, he should work with the existing condos as far as color and architecture.

There was discussion regarding the open space calculation.

Ms. Blades asked for a cost breakdown eliminating 2 and 4 lots and how much that would add to the SAD per lot and how many feet that elimination would add.

Mr. Elkow asked to be tabled for a few minutes in order to allow him some time to do the cost breakdown and come back later in the meeting with the figures.

**Motion by Towne, second by Enlow
To table AP-10-13 for a few minutes.**

**Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti**

MOTION APPROVED

- 2. AP-10-14, Expiration Period for PD Preliminary Plan Approval – Public hearing to consider an amendment to Section 7.04, which would provide an approval and expiration schedule for Preliminary PD approvals; discussion and possible action.**

Mr. Doozan reviewed the McKenna Associates memo dated November 15, 2010. He explained that this amendment would establish a 2-year period of approval for a preliminary Planned Development plan, while providing up to two 12-month extensions by administrative approval.

**Motion by Towne, second by O’Neil
To open the public hearing at 8:26 p.m.**

**Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti**

MOTION APPROVED

Jon Hutto – Mr. Hutto expressed his concern regarding the restrictions on the PD. He felt that the PD is put in place and uses the ordinance as its basis. He stated it brings a give and take between the developer and the Township; it’s an open negotiation. He continued that the PD process is very expensive, and he felt it would discourage developers from coming in the door. He felt the restrictions would crush developers that are creative. He feels that creativity should be encouraged, and the PD process allows for that creativity.

**Motion by Towne, second by Blades
To close the public hearing at 8:34 p.m.**

Voice Vote: Ayes: Unanimous

Nays: None
Absent: Conflitti

MOTION APPROVED

Mr. Towne commented that Mr. Hutto raised good points but felt that in total there would be 5.5 – 6 years, which is a lot of time. He felt it was sufficient as written. He also suggested that when an extension is given administratively, a notice should be given to each board member.

Mr. Dolan commented that it is a very expensive process and different from site plan review; he didn't know if 4 - 5 years is enough time. He did not want to set a deadline on people interested in doing multimillion-dollar deals.

Ms. Blades stated that she is against the limitation on extensions. If a purpose of a PD is to offer flexibility, then that could not be achieved in the traditional way. The PD process is more deserving of not having that restriction. She stated that 40 acres is huge and if someone has to go back to the drawing board then she felt it would discourage developers.

Mr. Doozan gave an example of a developer who sat on his project for 10 years. He explained that it just does not just affect the developer but the surrounding landowners.

Mr. O'Neil stated that he felt another year or two should be added to this process.

Mr. Hutto stated that if a developer is investing in the township and continuing to show progress and working at it, then they should be allowed to continue. If someone is just sitting on his or her project, then that's a different story.

Discussion regarding developing standards/criteria and possible wording was discussed.

Motion by Campbell, second by Enlow
To table until the February meeting when Mr. Doozan will bring back standards to discuss.

Voice Vote: Ayes: 4
Nays: Blades, Towne
Absent: Conflitti

MOTION APPROVED

Motion by Towne, second by Enlow
To bring back AP-10-13.

Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti

MOTION APPROVED

Mr. Elkow referred to the future phase of the project that is owned by the Township. He explained that if 2 units were lost the SAD would roughly be \$20,870 per unit and would gain 55 feet. If 4 units were lost the SAD would roughly be \$21,820 per unit and would gain 110 feet. He stated that the price point of the homes is \$159,900.

After discussion, it was agreed that lots 72 and 82 would be taken out, which would balance out the open space that is needed. Mr. Elkow also agreed to have sidewalks on both sides of the street and agreed with the 27' right of way on Martindale for the Road Commission.

Motion by Towne, second by Enlow

To approve AP-10-13 Preliminary Planned Development review with removal of two lots, lot number 72 and 82 that will go towards the open space area, sidewalks to be built on both sides additional 27' of right of way to the Road Commission on Martindale. Also, includes everything in the McKenna Associates memo dated 11/24/10. The homes will have earth tone colors to match existing phase.

**Roll Call Vote: Ayes: Towne, Enlow, O'Neil, Dolan
 Nays: Campbell, Blades
 Absent: Conflitti**

MOTION APPROVED

Ms. Blades explained that she voted no due to not having any controls over the second phase, but she loves phase one.

Mr. Campbell felt that the density in Phase II should have been lowered more.

- 3. AP-10-15, Retail Uses, Office Uses, and Outside Storage in the I-1 and I-2 Districts – public hearing to consider amendments to Section 33.02 and 33.03 to allow retail uses, office uses, and outside storage in industrial districts; discussion and possible action.**

Mr. Doozan reviewed the McKenna Associates memo dated November 15, 2010.

**Motion by Towne, second by Blades
To open the public hearing at 10:05**

**Voice Vote: Ayes: Unanimous
 Nays: None
 Absent: Conflitti**

MOTION APPROVED

Jon Hutto – Mr. Hutto commented about his concern regarding public storage with the light industrial and the residential properties that abut them. He wouldn't want outside storage next to a residential area. He would hate to see chemicals, steel, scrap, landscape materials, etc., by a residential area.

Motion by Towne, second by Campbell

To close the public hearing due to no further comments at 10:08 p.m.

Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti

MOTION APPROVED

Mr. Doozan reviewed the permitted items that are allowed to be stored outside. There was brief discussion regarding residential property that is adjacent to I-1.

Mr. Seymour suggested that there not be standards for the building official to revoke a waiver.

Motion by Towne, second by Blades

To Approve AP-10-15, Retail Uses, Office, Uses, and Outside Storage in the I-1 and I-2 Districts.

Roll Call Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti

MOTION APPROVED

OLD BUSINESS

- 1. Master Plan – Continue work to update the Master Plan to incorporate the Vision Plan – the Plan for New Hudson**

Motion by Towne, second by Blades

To table the Master Plan until the February meeting.

Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti

MOTION APPROVED

NEW BUSINESS

- 1. AP-10-17, Amendments to Woodwind Village Phase II, north side of 10 Mile Road, east of Currie Road. Schedule a public hearing to consider**

amendments to the Woodwind PD Agreement and the Woodwind Village Phase II Condominium Bylaws.

Mr. Jack Healy explained that the roads are not in and there are back taxes totaling \$740,000.00. He asked for refinements on the landscaping surrounding the pond area and proposed minimizing trees. He also explained that there are 10 lots that back up to 10 Mile, and those are harder to sell. He is proposing to shrink the total square footage of those lots from 2,400 to 2,000 and 2,000 to 1,800, which is comparable to the surrounding subdivisions in the area. He is proposing a 6/12 roof pitch instead of a 7/12 pitch.

Mr. Enlow stated he would like to hear from the existing residents.

**Motion by Blades, second by Towne
To set a public hearing for AP-10-17 Amendments to Woodwind Village Phase II for February 14, 2011.**

**Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti**

MOTION APPROVED

2. Community Reports

Mr. Doozan reported that a proposed use for the old Township Hall has been brought forth. On one side would be a small garden center, and the other side would be occupied by a plumber. The Township Board did approve the revisions to Article 5.00 that the Planning Commission had recommended, and the DDA will be setting its goals and objective for 2011 at the next DDA meeting. Also, there is interest in the Noricks parcel on the west side of Pontiac Trail, south of South Lyon, for a business use.

3. Election of Officers

**Motion by Blades, second by Towne
To nominate Sean O'Neil as Chairperson. Mr. O'Neil accepted the nomination.**

**Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti**

MOTION APPROVED

**Motion by Towne, second by O'Neil
To nominate Lise Blades as Vice-Chair. Ms. Blades accepted the nomination.**

Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti

MOTION APPROVED

Motion by O’Neil, second by Towne
To nominate Michael Conflitti as Secretary. Mr. Conflitti was not in
attendance at this time.

Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti

MOTION APPROVED

Motion by O’Neil, second by Campbell
To nominate Carl Towne as the ZBA Planning Commission liaison. Mr.
Towne accepted the nomination.

Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti

MOTION APPROVED

ADJOURNMENT

Motion by Towne, second by Blades
To adjourn the meeting at 10:35 p.m.

Voice Vote: Ayes: Unanimous
Nays: None
Absent: Conflitti

MOTION APPROVED

The Planning Commission meeting was adjourned at 10:35 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary