

Charter Township of Lyon  
Planning Commission  
Regular Meeting Minutes  
February 14, 2011

Approved: March 14, 2011 as written

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

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

Guests: 27

Also Present: Chris Doozan, McKenna Associates  
Matt Quinn, Township Attorney

**APPROVAL OF AGENDA**

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

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

**MOTION APPROVED**

**CONSENT AGENDA**

- a) Approval of the January 10, 2011 Regular Board Meeting Minutes

Mr. O'Neil made a typographical change to the minutes.

**Motion by Towne, second by Blades  
To approve the Consent Agenda as amended.**

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

**MOTION APPROVED**

**COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS**

NONE

**PUBLIC HEARINGS**

- 1. AP-10-17, Amendments to Woodwind Village Phase II, north side of 10 Mile Road, east of Currie Road. Public hearing to consider amendments to the Woodwind PD Agreement and the Woodwind Village Phase II Condominium Bylaws.**

Representing Woodwind Village Phase II:

Jack Healy

Mr. Doozan reviewed the McKenna Associates Memo dated December 29, 2010. Mr. Doozan recommended that the Planning Commission and applicant take the following actions to move this case along:

- The Planning commission should schedule a public hearing regarding the Planned Development modifications. This hearing can take place February 14.
- The applicant must amend the application to note that the request involves an amendment o Exhibits O and P of the Planned Development Agreement, dealing with landscaping and building size, respectively.
- The applicant must revise the condominium master deed, bylaws, and condominium subdivision plan in accordance with our November 21, 2006 letter and submit these documents and plans to the Planning Commission for review.

Mr. Doozan explained that the Planning Commission could either approve or deny or table to the next meeting.

Mr. Healy explained that they have a purchase agreement on the lots and that they would like to finish the sub. He disagreed with the amount of trees around the pond that were required. In the revised plan, he showed that he would like to leave it natural and that at this point they would have to remove some of the trees there to plant new ones. Those trees would offer no advantage to the community, and it looks great the way it is now. He explained that the wetland area goes up quite far and that 90% of the trees in Phase I didn't get put in.

Mr. Healy explained that they would be paying all of the back taxes on the property, which would be for 2010, 2009 and 2008. Also, the lots used to be worth approximately \$120,000 and now are worth only about \$20,000. He explained that he felt street trees would be a benefit to everyone and would be enjoyed more.

Mr. Healy suggested reducing the square footage as follows for the houses abutting 10 Mile Road:

One story or ranch style	2,000 to 1,800 sq. feet
1 ½ or split level	2,250 to 2,100 sq. feet
Two story	2,400 to 2,200 sq. feet

These homes would be lower in price and would offer the same elevation; they'd just be a little smaller. He explained how hard it is to sell homes along Ten Mile Road.

Ms. Blades questioned what is directly west. Mr. Healy stated it used to be a sod farm and is unbuildable.

Mr. Conflitti questioned what Mr. Healy estimated the cost of the trees to be? Mr. Healy stated \$50,000.

**Motion by Towne, second by Blade  
To open the public hearing at 7:22 p.m.**

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

**MOTION APPROVED**

**Chris Raiti, 54370 Villagewood Drive** – Mr. Raiti explained his concern regarding the diminishing standards. He felt approving this would devalue their properties by lowering the price even more. By allowing this revision, it would be changed for the future and for the community. The long-range vision of the Township was to make this area valuable with the schools and the market area down the street. By continuing to devalue it with this vision it would be shortchanging the future for a quick buck. He felt the developer went in with his eyes wide open; these are not new restrictions that are being placed on it. He felt it was a bad idea to go beneath the restrictions.

**Greg Fryatt, 54560 Birchwood Court** – Mr. Fryatt explained that he didn't know where \$50,000 wouldn't enhance a neighborhood. There would be 20 or so homes that would back up to that area. He felt natural is good and that some of that could remain but not all. Scrub bushes were removed from the front. When the subdivision was approved 5-7 years ago, it was known that houses that back up to major roads are always harder to sell; economic conditions are not relevant.

**Kathleen Harmon, 24875 Wedgewood Drive** – Ms. Harmon did not think the bylaws should be amended. She did not think the square footage of the homes should be reduced. She stated that everyone is selling homes along Ten Mile Road, and she would like to see the research that showed that those homes were not selling. She thought that Island Lake homes in Novi were comparable to this subdivision, and they have not had to decrease their minimum size; they have maintained the value of their homes and continue to build. The minimum size of the homes is stated in the bylaws, and she did not think it should go below that. She felt downsizing the size would have an adverse affect on the subdivision. She suggested that the Planning Commission consider increasing the size of the homes. She asked that the request be denied. Regarding the landscaping, she had never heard of moving to subdivision with no trees. She commented on the careless contractors that have been in the sub. She chose Woodwind because of the builder and their high standards and the vision the Township had for this subdivision.

**Jeff Sigouin, 54495 Birchwood Court** – Mr. Sigouin commented that the area around the pond has matured, and he would propose less landscaping instead of eliminating it. He felt eliminating it all was more of an economic decision and that the people that live by the pond will find that their view will change once houses are built there. If it was so undesirable to back up along 10 Mile Road, why approve homes to be built there? He suggested using that space as green space. They moved in with the idea that the minimum home size would be expected. The Township should protect the plan as written and preserve the value of the homes and that the value would increase. They can't continue to lower the floor. He commented what a disastrous investment this has been for them.

**Tom Harmon, 24875 Wedgewood Drive** – Mr. Harmon asked that the Township maintain the integrity and intent of the bylaws by improving the property values. The original residents have seen a decrease of \$150,000-\$250,000 or 4-6 million dollars of lost equity. He objects to the plans and felt it would only lock in their losses. He felt that the improvement would only improve the builder's opportunity to sell the homes, and the builder needs to give and invest with the residents. If they continue to water down and shrink the footprints, these plans will do the opposite.

**Mark Hilfinger, 54405 Birchwood Drive** – Mr. Hilfinger commented that they should go bigger is better and that the sub is really selling homes. He saw no reason to change it.

**Rob Bixby, 54420 Birchwood Drive** – Mr. Bixby commented that they moved here 5 years ago from Island Lake because Woodwind was to be the premier subdivision in Lyon Township. With the elementary school and the middle school that was planned it had all the benefits, not a step down. He did not support any changes to the plan or modification to the landscape.

**David Gatt – 24750 Wedgewood Drive** – Mr. Gatt asked that they keep the wetlands as they stand; he didn't agree with \$50,000 of landscaping. If there is an issue on 10 Mile Road, he suggested reducing the number of lots. Relocate the \$50,000 landscaping to the green belt on 10 Mile Road to make it more attractive to buyers.

**Motion by Towne, second by Conflitti  
To close the public hearing at 7:51 p.m.**

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

**MOTION APPROVED**

Mr. Healy stated that the landscaping is economically induced; he said it may have been promised but no one has done it. He believed the Township would have approved the smaller homes along 10 Mile Road if it had been presented that way at the very beginning. Mr. Healy commented that everyone in this room has lost money due to the economy. There are a lot of buyers, and they even sold the lots by the campground. In phase I, the trees that were supposed to be planted were not. He stated that the average home that is being built now is 2,900 square feet.

Mr. Dolan suggested that since Mr. Healy was able to get the lots for much less he thought he would be able to make some money back with a reduction of lots or at least meet the minimum size. Mr. Healy stated that certain costs don't reduce, and the low lot cost is the only thing that allows them to be able to build at all.

Mr. Towne commented that the square footage of the homes should stay the same for all the reasons that were stated. He felt that they should check into any invasive species that may be in the pond area and felt that he would not want to see \$50,000 of landscaping on Ten Mile Road; it should be used to buffer the homes that are going to be built for the existing homes.

Mr. Conflitti stated that he would not be in favor of reducing the home size, and economic hardship is not for long range planning. He felt that the landscaping could be compromised on.

Ms. Blades commented that the residents moved in banking on the size of the homes, and the landscaping would be a benefit for everyone. She felt that the developer was cavalier in saying that if the residents wanted trees they could plant their own trees. She did not feel this would be the long-term vision that the Township had for this subdivision. To reduce the size of the homes would be unattractive when this is already a high-end subdivision.

Mr. Campbell commented that 10 Mile Road corridor is a transition between higher end Novi/Northville. He felt the size was important, and his concern is with the size of the homes. He felt the homes on 10 Mile Road were gateway homes and important homes that set the stage. He is concerned with the natural product around the pond; if it is invasive, then it needs to be removed. He stated he was not a fan of taking out all of the trees; big trees are expensive, and smaller trees take time.

Mr. Enlow asked how many houses were sold in Phase I. Mr. Healy stated he has sold about 20 in the past year and that the 3,100 sq. foot home is the best seller. He stated that the restrictions do not say a 3-car garage but that is the demand.

Mr. Dolan stated that they were within a few hundred feet regarding the square footage and thought they could work out the landscaping issues. Mr. Healy stated that they were asking for help. He thought they could build the houses on 10 Mile first to help block it, and he said that Curtis Builders should have done the landscaping.

Mr. O'Neil stated that he was not in favor of reducing the square footage but felt that the landscaping could be reduced.

Mr. Dolan suggested that Mr. Healy work with the Homeowners Beautification Committee. Mr. Healy agreed.

Mr. Doozan explained that it could be tabled in order to look into the landscaping portion.

Mr. Healy agreed that he would have sufficient time if it were tabled.

**Motion by Towne, second by Blade  
To table AP-10-17 Amendments to Woodwind Village Phase II until the  
March 14, 2011 meeting.**

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

**MOTION APPROVED**

**OLD BUSINESS**

- 1. AP-10-14, Expiration Period for PD Preliminary Plan Approval – consider an amendment to Section 7/04, which would provide an approval and expiration schedule for preliminary PD approvals.**

Mr. Doozan reviewed the McKenna Associates memo dated January 14, 2011. He provided six criteria to evaluate whether substantial progress has been made.

Mr. Quinn stated that the Township Attorney is satisfied with the criteria.

Mr. O’Neil and Mr. Enlow explained that they researched other areas regarding if those areas offered an expiration date and they found that that they are all different.

There was discussion regarding having a definite expiration date and not having one. The majority of the Commission felt that a definite expiration date was not needed.

Mr. Doozan offered the following updated language which the Commission felt was satisfactory, Mr. Doozan suggested deleting in the 2<sup>nd</sup> sentence “up to 2”.

The second sentence would read:

“However, 12 month extensions may be granted by the Planning Commission provided that the developer demonstrates that he/she is making substantial progress towards application for final planned development approval.” The last sentence should read “The preliminary plan shall be brought up to date so it represents current conditions in zoning surrounding site which the Planning Commission may take under consideration in their decision whether to grant an extension.”

**Motion by Blades, second by Campbell  
To recommend approval to the Township Board of AP-10-14 as amended  
including the corrections made by Mr. Doozan as stated.**

**Roll Call Vote: Ayes: 6  
Nays: Towne**

**MOTION APPROVED**

**2. AP-10-10, Woodwind North Condominium, Final Planned Development Review - PD located north of 10 Mile, between Chubb and Currie Roads. Consider an amendment to the PD to convert from quadplex to single-family, resulting in a reduction of the number of units.**

Mr. Doozan reviewed the McKenna Associates memo dated January 26, 2011. The issues that have been identified are relatively minor in scope. He recommends that the Planning Commission take the following actions:

- Approve the condominium Master Deed, Bylaws and Exhibit B drawings, subject to: a) revising the master Deed to specify easements for each lot/unit, b) approval of the wetland buffer waiver request, and 3) Township Engineer and Township Attorney review.
- Recommend approval of the Third Amendment to Planned Development Agreement Woodwind Planned Development, the site plan, and landscape plan, subject to the completion of the applicable revisions noted in this letter, and subject to Township Engineer and Township Attorney review. These revisions should be completed prior to meeting with the Township Board.

Mr. Seiber explained that they are asking for a wetland buffer waiver going from 13,700 square feet to 8,000 square feet, which represents about a 42% reduction of wetland buffer disturbance from the previously approved plan. The goal was to provide a 15' wide area behind the home to have an area that was usable. The engineer review was completed and all items were taken care of. He explained that they are still providing the safety emergency gate and a sidewalk to the school.

Ms. Blades asked what prevents homeowners from using the wetland area and making the area bigger by mowing. Mr. Quinn stated that it would be an MDEQ violation and the Homeowners Association would need to monitor that since that area would be a common area.

Mr. Towne wanted to see that phosphates could not be used in the fertilizer.

Mr. Seiber stated that they have no objections to the McKenna Associates memo.

**Motion by Blades, second by Towne**

**To approve the Condominium Master Deed Bylaws and Exhibit B drawings subject to A.) revising the Master Deed to specify the easements for each lot/unit. B.) approval of the wetland buffer waiver request and C.) Township Engineer and Attorney review. AP-10-10.**

Mr. Enlow questioned how close is too close for the wetlands regarding the waiver and how it would impact the wetlands. Mr. Seiber explained that there is no wetland impact at all; it's the area from the back of the house to the buffer line. Mr. Doozan stated that the buffer line was put in after investigation that it would be sufficient and an ideal situation, it's not to say that something less than 25' feet would work or less than 25' would work. Mr. Enlow stated he would feel better about it if it weren't a regulated

wetland.

**Roll Call Vote:     Ayes: 6**  
**Nays: Enlow**

**MOTION APPROVED**

**Motion by Blades, second by Towne**

**To recommend approval to the Township Board of the 3<sup>rd</sup> amendment to Planned Development Agreement Woodwind Planned Development site plan and landscape plan. Subject to the completion of the application and applicable revisions noted in this letter and subject to Engineer and Attorney review and these revisions should be completed prior to meeting with the Township Board.**

**Roll Call Vote:     Ayes: 6**  
**Nays: Enlow**

**MOTION APPROVED**

**NEW BUSINESS**

- 1. AP-11-03, Paul Adams – Tree Management Plan, east side of Johns Road, north of 11 Mile Road. Consider a tree management plan for parcel number 21-13-400-020.**

Mr. Adams explained in his letter dated 2/1/2011 that most of the trees on the parcel are 12"-16" maple and walnut trees. He would like to thin the woods and allow these trees to grow to healthy, mature trees by removing 18"-30" trees, many of which are in poor or dying condition. He explained that he would be selling the wood, and it would be stored on a vacant parcel.

**Motion by Conflitti, second by Towne**

**To approve the Tree Management Plan as presented.**

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

**MOTION APPROVED**

- 2. AP-11-02b, Kroger Fuel Center, northeast corner of 8 Mile and Pontiac Trail. Schedule a public hearing to consider a special land use request to allow the addition of fuel center to an existing Kroger grocery store.**

**Motion by Blades, second by Campbell**

**To schedule a public hearing on March 14, 2011 for the Kroger Fuel Center.**

**Voice Vote: Ayes:       Unanimous**

Nays: None

**MOTION APPROVED**

- 3. AP-10-01, Automobile Service Stations – Consider amendments to Section 3.02 and Section 30.02(B)1 of the Zoning Ordinance, which would change the definition of automobile service stations and allow them as a special land use in the B-1 district.**

Mr. Doozan reviewed the McKenna Associates memo dated January 20, 2011. He explained that a businessperson inquired about occupying an existing vacant building for the sale of tires and repair of vehicles. Such a use is not permitted on an independent parcel in the B-2 district.

After discussion there were concerns expressed regarding this type of business. The Commission felt more investigation would be necessary in order to make a decision.

**Motion by Towne, second by Enlow  
To schedule a public hearing on March 14, 2011**

**Voice Vote:           Ayes:           1  
                              Nays:           6**

**MOTION APPROVED**

**Motion by O’Neil, second by Blades  
To table AP-10-01 Automobile Service Stations.**

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

**MOTION APPROVED**

**ADDITIONAL BUSINESS**

- 1. Downtown Development Authority – Consider schedule a special meeting with DDA.**

**Motion by Blades, second by Towne  
To schedule a meeting with the DDA on April 25, 2011.**

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

**MOTION APPROVED**

- 2. Motion by Campbell, second by Towne  
To table #2, Height Standards and #3 Master Plan Update until the March 14, 2011 meeting.**

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

**MOTION APPROVED**

**Motion by Blades, second by Campbell**  
**To hold a special meeting on February 28, 2011 at 6:30 in order to finish the Master Plan Update.**

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

**MOTION APPROVED**

**2. Community Reports**

Mr. Dolan reported that the Board returned all homes back to Twin Pines in the second phase. He also announced that the Board has added an agenda item for updates from the Planning Commission Liaison.

Mr. Doozan reported on technology that could replace cell towers in the near future. He also reported that the Township Board passed the New Engineering Designs Construction Ordinance and passed the first reading for outside storage. He also reported that a new Zoning Officer, Mark Spencer, was hired.

**ADJOURNMENT**

**Motion by Towne, second by Blades**  
**To adjourn the meeting at 10:24 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 10:24 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto  
Recording Secretary