

**Charter Township of Lyon
Planning Commission
Meeting Minutes
December 12, 2011**

Approved: January 9, 2012 (as written)

The meeting was called to order by Mr. O'Neil at 7:00 p.m.

The Pledge of Allegiance was led by Kent Lake Girl Scout Troop 20368.

Roll Call: Lise Blades, Vice Chairman
 Ed Campbell
 Michael Conflitti, Secretary
 John Dolan, Board Liaison
 Kristopher Enlow
 Sean O'Neil, Chairman
 Carl Towne

Guests: 13, plus 6 Girl Scouts

Also Present: Chris Doozan, McKenna Associates
 Matthew Quinn, Township Attorney
 Michelle Aniol, DDA Administrator/Economic Development Coordinator

APPROVAL OF AGENDA

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

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

MOTION APPROVED

CONSENT AGENDA

Motion by Blades, second by Enlow

To approve the Meeting Minutes of November 14, 2011 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

COMMENTS FOM PUBLIC ON NON-AGENDA ITEMS - None

DDA REPORT

Ms. Aniol reviewed the DDA Report dated December 6, 2011. She explained that confirmation was received that Quadrants Industrial Research Centre is now a Certified Business Park by the Michigan Economic Developers Association. Lyon Township has also rejoined Automation Alley. Ms. Aniol briefly reviewed the news releases that were sent out regarding our Welcome To Lyon Business Appreciation Program. The DDA approved a proposal for McKenna to prepare a Form Based Code based on the recommendations of the Lyon Center Vision Plan. The amount of the contract is \$15,000. Also, a contract for \$238,055 was awarded to C&E Construction, who was the low bidder for the Grand River Sewer Project. Ms. Aniol also reported that after a thorough review the DDA voted unanimously to award Universal Sign Systems both contracts in an amount not to exceed \$58,071 for the Wayfinding Sign Project.

PUBLIC HEARINGS

- 1. AP-11-12 Asbury Hill Condominium PD, property located on the south side of Grand River Avenue, west of Martindale Road. Public hearing to consider preliminary review of a proposed 59-unit condominium PD.**

Mr. Doozan reviewed the McKenna Associates memo dated November 21, 2011, which outlined what actions are still required for the developer. He also explained that the Planning Commission must decide if 8,796 sq. ft. of open space will be sufficient and decide if the yard setbacks and spacing between buildings will be adequate.

Mr. Storey from SES Engineering Group gave a brief overview of the history of the project. He also reviewed his memo dated November 28, 2011, which explained that the fiscal impact analysis would be provided under separate cover by the applicant. He also apologized for their error in showing an 8 foot wide asphalt bike path on the last submitted site plan. The path

should have been shown as 10 foot wide. He included a revised site plan indicating the proposed bike path to be 10 feet in width.

There was brief discussion regarding using fencing versus landscaping along the perimeter. Ms. Blades stated that she thought as far as the liability issue is concerned, you wouldn't want to have a playground that is owned by a subdivision available as an open area for just anyone to come into and use. However, she did not recall that it should be fenced away from neighboring communities. Mr. Storey stated that they didn't want to encourage pedestrians walking through residents' backyards.

Mr. Towne stated that the last time he drove through the site, graffiti was still on the apartments, and there is graffiti on the pavement. The graffiti needs to be cleaned up. With this project, he understood Ms. Blades' concern but at the same time one would not want just anyone wandering through a resident's yard; he felt a fence would be a good idea. Mr. Storey also reminded the PC that a bike path is going in on Grand River, which will help with connectivity.

**Motion by Towne, second by Blades
To open the public hearing at 7:43 p.m.**

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

MOTION APPROVED

Carl Payton, 30900 Asbury Hill Court – Mr. Payton stated that they don't want to be shuffled around; there needs to be some answers regarding the Homeowners Associations. With all the building that will be taking place, he questioned how often the roads would be swept. He explained that he still has to pick up nails out of the street. He is concerned about not having additional outside parking and felt there should be more. He questioned if the same building materials would be used and wondered if fencing could go up on 3 sides instead of two so it looks even. He questioned if the island would be moved. The lighting is also an issue, there are 6 lights at most; he would like to see more. He questioned when builders come in if they draw from the community and use local workers.

Rick Hendershot, 30951 Asbury Hill Court – Mr. Hendershot did not know why the current owners were not involved in the conceptual review. He did not see how there was any legal basis to say that they would become part of the condominium association. An escrow has yet to be created. They continue to pay dues, but there is no accounting of that. Mr. Hendershot

asked if anyone has walked the property line. There is no sidewalk in two spots. He has looked at it and was not sure how a sidewalk could now be installed on their property. He did not think there was enough room for a 10-foot sidewalk. He explained that they have no use for a 10-foot sidewalk. If there is a need in the future, put it in then, not now when it leads to nowhere. He also explained that there is a need for more parking. He was assured that what would be built in the future would be compatible when he purchased his condo, and he hoped that is what he would find. He questioned when construction would start and how long it would take. He felt the basis for sharing costs should be frontage, not the number of units. He preferred a vinyl or plastic fence to redwood, due to the longevity of the product.

Barbara Desmedt-Furlong , 30892 Asbury Hill Court – Ms. Desmedt-Furlong was concerned about snow removal. Since there is not an association that meets, it's imperative that these things are discussed with the builder immediately. She does not know why these things have not been done. The lack of street lighting and parking are also a concern. She questioned if there is a plan for dust control when construction begins. She felt a yearly audit should be done as well.

Motion by Towne, second by Blades

To close the public hearing at 7:58 due to no further comments.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Mr. Healy explained that there is one extra space per two units. The units have two car garages with two spaces in front. He was not sure what the requirements were. He did not think there were plans to install streetlights throughout the whole subdivision, but there were lights on the boulevard/island. There is an association, and they are collecting dues and paying the bills. There has not been a meeting yet because they were waiting for everyone to move in, but they need to get moving and get organized. The snow will be plowed; the whole subdivision will not be done since no one lives in the back. Mr. O'Neil suggested talking to the Fire Department to make sure the trucks would have turn around area. Mr. Healy agreed. Mr. Healy explained that he would get plans together so the residents can see it. Mr. O'Neil explained that the earlier meetings did not require notification. Notification was not required until this meeting, so the residents were not excluded by any means.

Mr. Healy stated he could hold an association meeting by the end of January. He stated it would have been a good idea for him to send the plans to the existing residents.

Ms. Blades questioned the lighting. Mr. Healy explained that there is lighting but it would not be throughout. Ms. Blades stated that if he were concerned about safety in the neighborhood, he would have additional lighting. Mr. Healy stated his first concern is not safety and lighting in Lyon Township. Ms. Blades stated that if the concern is about people cutting through yards, one of the deterrents is lighting. Mr. Healy stated that personally he has never even thought about it. He has seen, in lieu of street lighting, having two lights on garages that have to stay on. He would not be responsible for building those though, so that question would need to be asked of someone else.

Mr. Furnari, Allora Properties, explained that coach lights in front of the homes with a porch light would be sufficient. The density has been lowered, and they will address any concerns the residents may have. He feels this is the best use for the land.

Ms. Blades questioned if they can hook into the bike path directly across from the development. Mr. Furnari stated that he thought it was something the Township wanted them to do. They do want to do something to help with walking, which is why they put in the sidewalks. Mr. Quinn explained it was up to the Planning Commission to allow the developer to put the money into a replacement fund that can be used anywhere in the Township. Ms. Blades stated she would be in favor of a contribution equal to the bike path fund. Mr. Furnari stated that was fine. Mr. Storey stated theories are one thing, but to get across Grand River is another, and there are items that will have to be dealt with through the Road Commission. Due to the complexity, it would delay the project even if it were approved through Oakland County. The Commission observed that if the bike path were put in sometime in the future it would be able to have a connection. Mr. Furnari stated he had no problem with the fund if that was the route the Commission would prefer.

Mr. Dolan questioned the dust issue. Mr. Furnari stated that was something that they took care of throughout the construction process.

Mr. Towne questioned staging. Mr. Furnari stated that the equipment could be stored in the back of the sub so it is not in view during the construction process.

Mr. Quinn explained that homeowner could put in a 4' fence within their boundary and fence their own condominium within the regulations in the back and side yards.

Mr. Enlow questioned the open space. Mr. Furnari stated the details have not been developed yet, but it is located within the single-family portion.

Mr. Furnari explained that the single family does not require off-site parking, but it is required in the multi-family portion. Originally, this did not offer open space in the plan, so they are offering more than what was originally planned.

Mr. O'Neil suggested on the west side of the site, the footprint of the building should be pushed back as much as possible to give a longer driveway. Mr. Furnari agreed. Mr. O'Neil suggested adjusting the envelopes to allow more room. Mr. Furnari explained that there could be side entry garages on some of the lots.

Mr. Doozan questioned if the same architecture would be used throughout. Mr. Furnari stated the materials would be similar but different home layouts.

Ms. Blades expressed her concern regarding the sidewalk that goes nowhere. Mr. Furnari stated he had no problem contributing to the fund. Various scenarios were briefly discussed.

Mr. Dolan questioned the timeline. Mr. Furnari stated that the approval process and engineering process needed to happen, but he would hope to begin in the springtime.

Ms. Blades suggested putting the money aside in an escrow account in order to make a connection to the path across Grand River. Mr. Doozan stated that it would be a good idea to get a representative from the Road Commission to see how to go about getting a crossing.

Motion by Towne, second by Conflitti

To recommend approval of AP-11-12 Asbury Hill Condominium Preliminary Plan Review referencing McKenna Associates letter dated November 30, 2011, which includes the following: Number of lots being reduced by 3, resulting in 59 units and the addition of 8,796 sq. ft. of open space. Approval has been recommended to the Board of Trustees with the only concern being the 10 foot wide sidewalk requirement in front of the development, since we are not sure if it should be installed or money should be placed into the sidewalk fund to be used for a future crossing over to the bike path on the north side of Grand River.

Roll Call Vote: Ayes: Campbell, Conflitti, O'Neil, Dolan, Towne, Enlow, Blades
Nays: None

MOTION APPROVED

2. AP-11-20, ZBA Review Text Amendment – Public hearing to consider an amendment to Section 8.03 of the Zoning Ordinance regarding when it is appropriate for a case to appear before the Zoning Board of Appeals.

Mr. Doozan explained that this would clarify when someone can go before the Zoning Board of Appeals.

Mr. O'Neil stated that this would not inhibit anyone coming before the Zoning Board of Appeals. Mr. Doozan confirmed. Mr. Quinn also agreed.

Mr. Towne asked if there would be a checklist added to the paperwork to show that they were denied before going to the next step so that it's in writing and is dated. Mr. Quinn stated that the Building Department indicates on an application when it is denied, which then gives the applicant the right to go to the ZBA. Mr. Towne felt that documentation should be improved to show a checks and balances system.

Ms. Blades stated that she is okay with the text amendment except in the event the entire plan hinges on a variance from the ZBA. Mr. Quinn is the quasi-judicial body, it's the body of last resort, and it should only be there for those purposes.

**Motion by Towne, second by Blades
To open the public hearing at 9:03 p.m.**

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

MOTION APPROVED

**Motion by Blades, second by Enlow
To close the public hearing at 9:04 p.m.**

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

MOTION APPROVED

**Motion by Towne, second Campbell
To recommend approval of text amendment AP-11-20 to the Board of Trustees.**

Roll Call Vote: Ayes: Conflitti, O'Neil, Dolan, Towne, Enlow, Blades, Campbell
Nays: None

MOTION APPROVED

COMMITTEE REPORTS

Mr. Doozan reported that there is a committee working on sign regulations. Mr. Bell is the head of the committee, and they are considering about sending out a survey regarding the amount of signage allowed in the Township. He also reported that the period of review of the Master Plan is up on December 23, so it will be back on the agenda in January 2012.

Mr. Dolan stated that the vehicle repair use was tabled because they would like to see a zoning the way it was versus the way it would be in order to see the change. There was also discussion regarding the ZBA fees. Mr. Dolan questioned Ms. Blades for specific questions to ask the Board at the next Board meeting regarding the bike path.

Ms. Blades commented that she spoke at the last Board meeting regarding the billboards. She was not representing the Planning Commission, only herself.

ADJOURNMENT

Motion by Conflitti, second by Towne
To adjourn the meeting at 9:19 p.m. due to no further business.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Respectfully Submitted,

Kellie Angelo-Santo
Kellie Angelo-Santo
Recording Secretary