

Charter Township of Lyon
Planning Commission
Special Meeting Minutes
April 23, 2012

Approved: May 14, 2012 (as written)

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

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

Guests: 7

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

APPROVAL OF AGENDA

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

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

MOTION APPROVED

CONSENT AGENDA

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

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

None offered.

PUBLIC HEARING

1. **AP-12-03, Creek Side of Lyon**, property located at the southwest corner of Ten Mile and Milford Roads. Public hearing to consider the preliminary review of a proposed 70-unit single-family residential PD on 60 acres; discussion and possible action.

Mr. Doozan reviewed the McKenna Associates memo dated 4/23/12. He noted that the applicant has made changes since the last review on 4/13/12. The number of lots was decreased to 70

from 75 and the amount of open space has decreased slightly. The applicant was asked to provide a traffic impact study at the 10 Mile and Milford Road intersection, which will be available next week.

With regard to density, the ordinance indicates that the overall density in a Planned Development may exceed the density that could be achieved with the underlying zoning by 5%. The Township Board granted the increase in density above 5% and in this case, it is 55 units. The new proposal from this applicant calls for 15 more as permitted by the underlying zoning and should be considered and part of the motion this evening.

Mr. Doozan also noted that under the Tree Protection Ordinance, 251 replacement trees would be required using the formula provided in the ordinance. He does not feel 251 replacement trees are needed and this should be reevaluated. The applicant's plan does not currently show any replacement trees, but notes that a landscape plan will be submitted that will illustrate street trees within the development; extensive trees and shrubs along 10 Mile Road; plantings along the church to the east; trees and shrubs around the detention basins; and the preservation of 24 acres of open space, which is mostly undisturbed woodland.

Mr. Doozan is recommending to the Planning Commission to recommend approval to the Township Board of the Planned Development preliminary site plan for Creek Side of Lyon subject to the following:

1. Review and approval by the Township Board of the traffic impact analysis being prepared by Mike Labadie;
2. Approval of an increase in density that would allow 15 more units than otherwise permitted;
3. Review and approval of information provided by the applicant to justify a 35 ft. front yard setback; and
4. Resolution of the tree protection requirements.

Leslie Zawada of the DDA indicated that the pathway crossing for 10 Mile Road and minor storm water issues could be addressed in the final review.

David Goldberg and Duane Bennett were present to address the board and comments from the public.

Mr. Goldberg stated they were before the Planning Commission a few weeks ago and listened to comments. They subsequently revised their plan to make the property consistent with R-0.3 standards. He added that they are currently 2 units below the number of REU's for the site. Also, with regard to Mr. Doozan's comments, they have hired Mr. Labadie and do not foresee any issues providing the traffic impact analysis.

Mr. Goldberg confirmed that they are requesting an increase of 15 lots above the current zoning standards and noted the REU's drive part of this.

With regard to the request for the 35 ft. front yard setback, Mr. Goldberg noted this is what the current setback is for the R-0.3 district. The PD ordinance sets this arbitrarily across any lot and they are trying to stay consistent.

They will submit actual calculations for the additional unprotected trees in the ordinance, and he feels they will come close to almost no replacements.

Ms. Blades referenced Mr. Doozan's letter with regard to tree protection and questioned whether the applicant could build on this woodland area if they eliminated the trees. Mr. Goldberg explained there are 2 wetland pockets with a fully grown forested area, which is the bulk of open space. They technically could put 8-10 lots in this area.

Mr. Conflitti questioned whether Phase II streets and utilities would be done at the same time as Phase I, but Mr. Goldberg didn't think so.

Ms. Blades again referenced the tree protection and questioned what trees and shrubs are planned along 10 Mile Road and the detention basin. Mr. Goldberg responded that he would resubmit the landscape plan to Mr. Doozan this week. He added that they are typically required trees that will be located in small created areas at the top of the basins.

Mr. Towne asked how confident Mr. Goldberg is that the entranceway would be approved by Oakland County Road Commission in conjunction with the road from CVS. They typically do not want those drives lined up, but more offset. Mr. Goldberg responded that Oakland County requires 200 ft. between alignments so there are no conflicts with left turns and their plan is at 400 ft.

Mr. Towne commended the applicant on keeping the look on 10 Mile throughout the corridor, but he is worried where the 10 ft. wide pathway will cross near the light. Mr. Goldberg explained that this would be figured out at another time. The physical crossing at 10 Mile will be another jurisdictional crossing, and he'll need a special permit to cross a road. Ms. Zawada added that this would require a modification of light for this area.

Mr. Towne questioned whether the sidewalk would go over the drain. Ms. Zawada responded that this is an area where money could be used to cross the drain, and this has been requested by a board member in the past. Discussion continued that the crossing of 10 Mile Road would be a part of this project, but the crossing of the drain would not.

Mr. Towne feels that crossings have to be looked at each time and followed through on. He also stated that he doesn't have a problem with the 35 ft. front setback or going from 75 to 70 units. The traffic impact study will be done by the time this recommendation goes to board. With regard to the resolution on tree protection, when this comes back to the Planning Commission, it will see the landscape plan. He noted there are many junk tree and feels it would behoove the applicant to remove the dangerous trees while they have someone out there to make the project safe.

Mr. Dolan referenced felt that if the Commission agrees to cross 10 Mile Road safely, it has to have a pathway. He asked Mr. Goldberg if this would be a problem, and Mr. Goldberg stated it would not. Mr. Bennett noted that if path continued easterly, it would have to cross the drain. Essentially the path will go to the lift station, and they will contact Oakland County Road Commission with regard to pedestrian crossing over 10 Mile Road.

Mr. Towne noted that the township has to strongly request permission to put in a crossing. Mr. Bennett added that getting a permit from the Road Commission to stripe for pedestrians isn't an issue, but they may come back saying they need flashing lights and signs. Mr. Dolan feels this has to be engineered with the path and has to be at the intersection. Ms. Zawada noted that her final letter suggests this. The township has the option of putting money into the fund, but crossing 10 Mile Road is a reasonable request since there will be residential across from commercial. This would make it more marketable as well.

There was discussion on street names, North and South Cold Spring, Meadowbrook Court, Drive, Lane. Mr. Goldberg stated they would come up with other names to avoid confusion.

Mr. Dolan questioned whether the applicant would be willing to screen utilities along 10 Mile Road. Mr. Goldberg stated they informed the Township Board that they would. Mr. Bennett added that when they do the landscape plan they will make sure this is incorporated into the corridor plan as well.

**Motion by Blades, second by Enlow
To open the public hearing at 7:42 p.m.**

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

John Hicks referenced the road names and felt the Fire Department may have concerns with the names being the same or similar. They will drop "North" and "South" from Cold Springs and add "Circle". This will be verified with the fire department if it is acceptable.

**Motion by Towne, second by Blades
To close the public hearing at 7:46 p.m.**

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

Mr. Towne stated that he is impressed on how this development is laid out. He likes the contiguous forest; there are a lot of deer back in that area. He also thinks everything should stay connected in the township. He respects how the applicant is going to develop this piece of property.

Mr. Enlow questioned whether the 2 unused REU's would get banked. Ms. Zawada noted that the applicant could make an appropriate donation.

Mr. Conflitti referenced Lots 30 and 70. Mr. Bennett indicated this area is where they envision the first phase. Mr. O'Neil noted that wherever the Phase is, we need to make sure the fire department is comfortable where the applicant is ending the road, whether with a t-turnaround or stub road, etc.

Ms. Zawada noted that when the applicant submits for the engineering review, they will submit only for Phase I, and she will review this with the fire department. For final submittal, she expects the detention on the south side of the base line will be part of Phase 1. Both ponds will be constructed to ensure enough volume and a connection pipe to make it one large basin. Mr. Enlow asked what they anticipate as the square footage of drainage on the homes. Mr. Goldberg responded 3,000 sq. ft.

**Motion by Towne, second by Conflitti
To recommend to the Township Board approval of the Preliminary Site Plan for Planned Development for AP-12-03 Creek Side of Lyon subject to: (1) Review and approval by the Township Board of the traffic impact analysis being prepared by Mike Labadie; (2) Approval of an increase in density that would allow 15 more units than otherwise permitted because of improvements with open space; (3) Approval of the 35 ft. front yard setback; and (4) Resolution of the tree protection requirements, compliance with Ms. Zawada's recommendations in her April 18 memo, and include the crosswalk to CVS with a permit and requirements across 10 Mile Road.**

**Roll Call Vote: Ayes: Unanimous
Nays: None**

Mr. O'Neil allowed comments from Don Perfetto, 24861 Douglas Drive, who questioned where the entrances would be located and whether the speed limit would be reduced on 10 Mile Road. Ms. Zawada responded that the speed limit is set by the Michigan State Police and controlled by the Road Commission. The applicant would have to get a permit from the Road Commission for the entrance. Mr. Perfetto feels this is a hazardous area and asked who he has to contact about

getting the speed limit reduced. Mr. O'Neil responded that a traffic study is being done, but he could contact MSP and the Road Commission in the meantime.

MOTION APPROVED

NEW BUSINESS

None

ADDITIONAL BUSINESS

Mr. Doozan reported on the One-Stop Ready Conference, which suggested paying more attention to economic development. Mr. Campbell added that the concept was that you have to think in terms of economic development and how quickly projects can be moved through the system.

ADJOURNMENT

**Motion by Towne, second by Blades
To adjourn the meeting at 8:05 p.m.**

**Roll Call Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Respectfully Submitted,

Lynn Lindon

Lynn Lindon
Recording Secretary