

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
May 14, 2012

Approved: June 11, 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: 47

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

APPROVAL OF AGENDA

Ms. Zawada requested to add under an item under New Business to schedule a public hearing to consider the Wellhead Protection Ordinance.

Ms. Blades requested to add committee discussion on the review of the Zoning Ordinance currently being done by the subcommittee.

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

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

MOTION APPROVED

CONSENT AGENDA

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

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

None offered.

Ms. Aniol reviewed her monthly report dated May 10, 2012. She provided status updates on the Farmers Market, ICSC Brochure, 3 Minutes in Lyon Film Festival, the Kensington Grill PRIP Application (at which the DDA outlined items that met guidelines and subsequently granted \$9,800 for eligible elements), Milford Road Improvements, the Parks and Rec Advisory Board, Wayfinding Signage, One Stop Ready Communities, the housing boom in the news; and the Skilled Manufacturing Training Program.

PUBLIC HEARING

1. **AP-12-06, Orchards of Lyon Planned Development, Phase II**, property located west of Milford Road, between Grand River and Pontiac Trail. Public hearing to consider a preliminary planned development proposal; discussion and possible action.

Mr. Doozan reviewed his report dated May 9, 2012. He gave an overview of the project and briefly discussed the traffic impact, the relationship of this development to the Master Plan, fiscal impact, density, setbacks and distances between buildings, open space, and the landscape plan. Mr. Doozan noted there were miscellaneous technical improvements that have to be made in the landscape plan before this is approved.

Mr. Doozan is recommending that the Planning Commission approve the preliminary plan for the Orchards of Lyon Planned Development, and recommend approval to the Township Board, subject to two conditions: (1) the landscape plan must be amended as noted; and (2) the revisions to the Amendment to the Orchards of Lyon Planned Development Agreement, as described in Mr. Quinn's May 7, 2012 letter must be completed.

Ms. Zawada reported that since her April 18, 2012 letter, the applicant has addressed concerns with sanitary sewer calculations as well as the outflow from the detention basins. The site plan is now in conformance with the township engineering standards. Phase II roads are proposed to be public and will be reviewed by the Oakland County Road Commission. She noted that the deed to the property will have to be presented prior to the pre-construction meeting.

Eric Lord, representing Orchards of Lyon, was present to answer questions from the public.

Mr. Lord indicated that they are proposing 249 units on the plan. He noted that there is no change in access points, they are adhering to setbacks and design standards with the same density and lot sizes, and they are making improvements to the old plan.

Mr. O'Neil indicated that some of information, or inconsistency, over the years behind lots 79-80-81, pertained to whether the triangular shaped property is considered for open space. Mr. Lord responded that at one point those lots were proposed to extend to the boundary of this phase, but they found an opportunity to continue the contiguous open space to provide a buffer between those lots.

Mr. Dolan referenced the retention ponds and whether the intent was to bore under Pontiac Trail and run pipe. He questioned how far back into the property would the pipe run. Mr. Lord responded that they are planning to continue the existing water course so it receives the same flow rate. They will be boring under Pontiac Trail 200-300 feet for a second route, and they are restricted to an outlet rate under Township rules. This will be controlled by outlet structures under the pond. Ms. Zawada noted that Lyon Township's standards are twice as restrictive as Oakland County's. When the original PD was approved, the volume was for a 10-year storm. The township now requires volume for one 100-year storm.

Mr. Towne noted that prior to jet rotting the line under Pontiac Trail, there was heavy rain and flooding in this area. He questioned the need to run another line. Mr. Lord responded that Township standards were driving the need, but the main reason is when water leaves traverse through SEV properties, a property owner could block that water course unless they were

securing easements. This proposal allows a better avenue to get from their site and is the best solution for all properties involved.

**Motion by Blades, second by Enlow
To open the public hearing at 7:33 p.m.**

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

MOTION APPROVED

Joe Andrews, 30176 Magnolia Drive – Mr. Andrews read a prepared statement urging protection of natural parks. He lives in the Arbors of Lyon and is looking for continued protection of the greenbelt in this area. He referenced the applicant's proposal of a 100 ft. greenbelt/open space, but he feels this can't be a green community when the natural landscape is disappearing. He was not aware of this development when he bought his home and knows he can't stop it, but he would like to request the applicant consider 100 yards of greenbelt as opposed to 100 ft.

Mike Quinn, 29889 Magnolia Drive – Mr. Quinn supports Mr. Andrews on the 100 yards of greenbelt. Mr. Quinn is also concerned with the traffic flow and the burden that will be placed on Arbors of Lyon. Based on the traffic studies, there will be an additional 2,200 trips daily from this development. When looking at trips from the northeast versus the southwest into different areas, there will be 5 access points for the residents to travel northeast but only one access point through Arbors of Lyon that will hugely impact these residents. Arbors of Lyon has 60 units and will have 250 more cars coming through. He asked Mr. Lord to close this access point or create more accesses to lessen the burden in the southeast direction.

Brad Commler, 30120 Magnolia – Mr. Commler agreed with both Mr. Andrew's and Mr. Quinn's comments. He also supports the 100 yard greenbelt and closing the southeast lane access point due to the traffic problems it will create.

Helen Gaunnt, 30069 Orchards Lane – Ms. Gaunnt indicated that she previously sent a letter to the Planning Commission noting that the residents from 60-76 paid a premium to have their homes along that common area when the original plan was configured.

Brian Stewart, 57763 Cider Mill Drive – Mr. Stewart noted that his lot (lot 75) was mislabeled on the current plans and the original Planned Development did not reflect the correct lot line. He and his neighbors have spent additional money to grade, grass, and water that common area. They have also put in sandboxes, a horseshoe pit, fire pit, etc. over the years to maintain the area. If the developer were to take the common area now, he would be out \$32,000 in SMP. Mr. Stewart stated he is not against moving forward with the plan, but he urged the board to help protect the residents' investment as well by leaving the common area as it was.

Ms. Blades questioned whether the legal description designates this area as part of Mr. Stewart's lot and whether the PD agreement allows for them to put those things in the common area. Mr. Stewart stated that it does not, but this is a common area that he and his neighbors paid a premium to abut.

The commissioners asked Mr. Lord to go back and provide an overlay for the plan and square up the lots. Mr. Lord indicated there is some depth with some of the lots there and he can't guarantee the same open space that was there.

Mr. Stewart asked what was driving the change with the same number of lots. Mr. Doozan explained that under the previous plan, there are two high pressure gas lines that cross the property. This new proposed plan has improved from a public safety standpoint. While open space is important to Mr. Stewart, there is also a public safety issue and his vote will always be

for this. Mr. Lord added that he feels this is a good layout that accomplishes the same density and easements. Mr. Stewart requested to meet with Mr. Lord for further clarification.

Ms. Blades questioned how many lots would have to be taken out if the development were to maintain the original open space. Mr. Lord responded that everything is wrapped from north to south so possibly 2 lots would have to be taken out. He added that the open space is provided in the gas easements and they don't have left over areas. Ms. Blades asked whether the yards in the lots could be reduced in depth. Mr. Lord stated he would look into this further.

Bob Condra, 57771 Cider Mill Drive – Mr. Condra stated he has the same concerns as the other residents. He would like to see the common area preserved, and he also paid a premium for his lot. He also asked if there was a way to match the road with the original curvature of the land. The road is planned now to be a half mile of straight road. He is concerned this will become somewhat of a drag strip and a safety hazard to the residents living along that strip. He feels curves and intersections will slow the traffic down.

Shirley Baker, 27239 Stancrest – Ms. Baker asked if there would still be the roundabout at Grand River and Milford Roads. Mr. Doozan stated there would be an improved intersection but not a roundabout. They did a review in this area and another on at Pontiac Trail. Ms. Baker felt that the traffic study is irrelevant if the plans have changed.

Bob Briggs, 58580 Pontiac Trail – Mr. Briggs stated he lives west of the proposed retention ponds and is concerned that water will not be disbursed to other areas but will make it to the ponds as they should. Also, he lives on the edge of the water table, and rain already affects his sump pumps. He would like assurance that the elevation of the ponds won't be in conflict with the water table. He thinks his neighbors overall find this a good plan but would also suggest that the landscaping is presentable and appealing and hide the pond. He also feels a sidewalk would be nice to get people off the road.

Timothy Davis, 25801 Belladonna Drive – Mr. Davis asked if the time and day was provided when the traffic study was conducted. He hopes the Township is not trying to maximize the capacity.

Mr. Andrews added that Arbors of Lyons is a small community with small children ranging in ages from 1-5. He supports the effort to keep this road closed and feels this should be considered carefully.

Peg Sorek, 30069 Orchards Lane – Ms. Sorek stated that she also paid a premium to back up to the common area and feels the area is being pinched.

Sarah, Bober, 29867 Bradford Drive – Ms. Bober, indicated that her subdivision will be connected to this new phase and she hopes there will be speed limits and speed bumps. Ms. Zawada noted this the new phase will be under Oakland County Road Commission jurisdiction, and they will not approve speed bumps.

Russ Danielson, 29465 Pineview – Mr. Danielson questioned whether the developer got approval from the Oakland County Drain Commission to do this development. Mr. Lord responded that they met with the drain commission and found that a permit is not required.

Mr. Towne noted there is some confusion with the lot numbers, and he would be hard pressed without accurate information. There is discrepancy with what the neighbors are showing versus what is being proposed by the applicant. Mr. Lord concurred that 2 different plans have different lot configurations and he will get an accurate depiction. Mr. O'Neil requested a large blow up of the overlay area from what was originally approved and what is being proposed now.

Mr. Conflitti referenced the approved entrance onto Pontiac Trail and asked Mr. Doozan whether Arbors of Lyon was planned for an outlet to this at that time. Mr. Doozan confirmed that it always had the stub road and noted there is also access adjacent to the park and down to the roundabout through Village Drive.

**Motion by Blades, second by Towne
To close the public hearing at 8:17 p.m.**

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

MOTION APPROVED

Ms. Blades referenced a letter regarding Lot 68 to have a corner lot and now it appears the lane is no longer part of the plan. Mr. Lord stated they are aware of this and are working towards a solution.

OLD BUSINESS

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 his letter of May 4, 2012. He gave a description of the project and a brief overview of the revisions to the plan with regard to the Planned Development Agreement, approval standards as set forth in Section 7.06, protection of the natural environment, compatibility with the Master Plan, and compliance with applicable regulations.

Mr. Doozan is recommending that the Planning Commission recommend approval of the Creek Side of Lyon Planned Development Final Site Plan to the Township Board.

Ms. Zawada indicated that her biggest issue at this point is that the applicant has to submit detailed engineering plans with regard to the basin, which might need a redesign. She noted there is space available to make the area larger.

The applicant, Mr. Goldberg, indicated that nothing has changed from the layout. The basin has gotten bigger and may have to get even bigger, which is no problem. They have revised their plan to make engineer comfortable and have also followed Mr. Doozan's request before going to the Township Board.

Motion by Blades, second by Conflitti

To recommend approval to the Township Board of the Final Site Plan for AP-12-13, Creek Side of Lyon subject to compliance with Mr. Doozan's letter of May 4, 2012 and Ms. Zawada's review of May 10, 2012.

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

Mr. Towne requested that the applicant make sure to include the drawing submitted this evening with the same elevations from 2,500 to 3,800 sq. ft.

MOTION APPROVED

NEW BUSINESS

2. **AP-12-07, Pinehurst PD Agreement**, PD located on the north side of 10 Mile Road, west of Martindale. Schedule a public hearing to consider an amendment to the PD agreement to allow the historic farm parcel to be conveyed to the Michigan Historic Preservation Network.

**Motion by Towne, second by Conflitti
To schedule a public hearing for June 11, 2012.**

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

MOTION APPROVED

3. **AP-12-08, TNG Parking Lot**, property located north of Grand River on W.K. Smith Drive, between South Hill Road and Old Plank Road. Site plan review of a proposed parking lot addition; discussion and possible action.

Mr. Doozan gave a brief history of the case. There are currently 127 parking spaces, and the company is adding 43 additional employees from Farmington Hills, for a total count of 170. The expansion would take place behind the building, and his original concerns have been addressed in the revised plan. Mr. Doozan recommends approval of the parking lot expansion and noted that the applicant will have to submit detailed engineering plans upon approval. Ms. Zawada added that the slopes are excessive, and she has suggested to the applicant that they be flattened a little.

**Motion by Blades, second by Enlow
To approve the parking space expansion of AP-12-08, TNG Parking Lot, with the
addition of Ms. Zawada's letter of May 7, 2012**

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

MOTION APPROVED

4. **AP-12-09, Zoning and Subdivision Ordinance Amendments**. Consider proposed amendments to sections of the Zoning Ordinance (6.02, 7.04, 9.03, 12.08, 13.05, 32.02) and Subdivision Ordinance (22-243); discussion and possible scheduling of a public hearing.

Mr. Doozan reported that these are minor revisions to the Zoning and Subdivision Ordinance. He gave an overview of each amendment and there was a brief discussion that followed with regard to Open Air Displays and Sales.

Phil Rowe, 28440 Haas Road - Mr. Rowe expressed concern with signs being taken down advertising farmers selling produce from their property. Mr. O'Neil stated there is not an issue with farmers having produce stands on their property, but signage is an issue.

**Motion by Towne, second by Conflitti
To schedule a public hearing for June 11, 2012.**

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

MOTION APPROVED

5. **AP-12-11, Nine Mile and Griswold Rezoning**, southeast corner of Nine Mile Road and Griswold Road. Schedule a public hearing to consider the Township's request to rezone two parcels (46 acres total) from I-1, Light Industrial, to R-0.3, Single Family Residential.

Mr. Doozan indicated that this involves rezoning 2 parcels. The larger parcel has 44.26 acres of vacant land with wetlands that is owned by the township. The remaining 1.74 acres is owned and occupied by SF. This is a non-conforming use that cannot be expanded. The owner of the residence wants to put in pole barn and was denied. The Township Board is recommending scheduling a public hearing.

**Motion by Blades, second by Campbell
To schedule a public hearing for June 11, 2012.**

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

MOTION APPROVED

6. **Wellhead Protection Overlay District**, schedule a public hearing

Ms. Zawada reported that the Township has established a plan through grant funds, which would help protect the drinking water in the Township. They will add reference to this in the Township engineering standards.

**Motion by Blades, second by Enlow
To schedule a public hearing for June 11, 2012.**

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

MOTION APPROVED

7. **Committee Discussion requested by Ms. Blades**

8. Ms. Blades stated she didn't feel she had enough input from the Planning Commission with what the subcommittee was being charged with regarding zoning concerns, i.e., vehicles, number of vehicles, required screening, etc. She felt they may have been overstepping their original charge.

Mr. O'Neil noted that this ties back to the amendment to the Storage of Vehicles requirement. Mr. Dolan added that this came administratively with the intent of doing minor tweaks to this section of the ordinance and not an extensive overhaul.

Mr. Towne stated the subcommittee is charged with the task that the Zoning Officer has asked. He doesn't think they are going down the wrong path, but is also not prepared to discuss this further this evening.

Mr. O'Neil noted that the Planning Commission knows what the concerns and issues are at hand. The intent is not to alienate the people who have been here and to be conscientious of new residents while coming up with a solution on the condition and manner of which blighted junk vehicles are being stored. This is not an easy task because there are different opinions of what looks nice and what doesn't.

Mr. Enlow indicated that setback seems to be a key issue of complaints. He struggles with this as well and is looking for suggestions.

Mr. Campbell feels less is more. The more restrictive the ordinances, the more there will be violations. Tightening this up may be the worst thing, in his opinion.

Mr. Dolan stated he doesn't understand why this particular section is being reviewed and tweaked. Perhaps the solution would be to work with the neighbors and violators rather than tighten the ordinance.

Mr. Quinn reminded that the committee was given a directive by the Board to work on this.

ADJOURNMENT

**Motion by Campbell, second by Towne,
To adjourn the meeting at 9:45 p.m.**

**Roll Call Vote: Ayes: 6
Nays: 1 (O'Neil)**

MOTION APPROVED

Meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Lynn Lindon

Lynn Lindon
Recording Secretary