

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
June 11, 2012

Approved: July 9, 2012 (as written)

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

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

Guests: 27

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

APPROVAL OF AGENDA

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

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

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

MOTION APPROVED

COMMENTS FROM PUBLIC – None

DDA REPORT

Ms. Aniol reviewed her monthly report dated June 7, 2012. She provided status updates on the Township Flag, Milford Road Improvement Project, cemetery fencing,, the Business Welcome Initiative, Committee Appointment, Oakland County Prosper and a new business in the Township.

PUBLIC HEARINGS

1. AP-12-05b, Walbridge Metal Center – Special Land Use, property located on the southwest corner of Grand River Avenue and South Hill road. Public hearing to consider a special land use request for a metal recycling center.

Mr. Doozan reviewed the McKenna Associates memo dated May 10, 2012. He explained that the site plan should address how general trash will be dealt with. It should note the location of the barrier-free sign. He also recommended that the Planning Commission consider the reasonableness of requiring sidewalk, bike path, and landscaping improvements at this time, given the small scale of the development.

Ms. Zawada reviewed the CES memo dated May 7, 2012. She explained that her concerns were as follows:

- Any existing floor drains be plugged and made unusable.
- All storage is to be done inside the existing building. There shall be no outside storage of metals or other scraps.
- Hazardous waste, radioactive metals and any item containing liquid will not be accepted at this facility.
- The property owner shall be prohibited from any shredding or torching of metal on site.

Mr. John Rakolta III stated that he agreed to meet the conditions. He explained that all the materials stay on the truck before unloading them into bins. Mr. Towne expressed his concern regarding radioactive materials. He was concerned that there was no way to identify if the material was radioactive. He questioned what a hand scale is, and he stated that he didn't know how clean of an operation this would be. He also questioned the business being temporary. Mr. Rakolta explained that the operation would not accept radioactive materials, that it would only be scraps from their own construction company and scraps from other contractors. He continued that any material that is not accepted would be removed by that person.

There was concern among the Commission that there was not a formal presentation by the applicant and that the information was not sufficient.

Mr. Dolan stated that his concerns are with noise. Mr. Rakolta stated that there would be no noise level that's inconsistent with that property.

Mr. Rakolta explained that the facility would accept construction materials like copper and aluminum. He continued that the area is under serviced for this type of service and he hoped to open it to the retail market as well.

Mr. Conflitti asked how this operation would compare to Milford Salvage. Mr. Rakolta said he has never been there but this operation would have everything inside; it would not be a salvage yard. He explained the hours of operation are just a typical 8 hour day.

Mr. Towne stated he would like to see restrictions placed, and he would favor not allowing retail. Mr. Towne stated he also wanted to see a paper trail of who is bringing materials in and what type of materials.

**Motion by Towne, second by Enlow
To open the public hearing at 7:36 p.m.**

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

MOTION APPROVED

**Motion by Towne, second by Blades
To close the public hearing at 7:37 p.m.**

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

MOTION APPROVED

Ms. Blades questioned the number of employees that would be employed. Mr. Rakolta stated 3. Mr. Campbell questioned if this was more of a sorting of material process. Mr. Rakolta stated yes.

Ms. Blades questioned if the building would stand empty if this use was not allowed. Mr. Rakolta confirmed that it is currently being used for construction material storage.

Mr. Enlow stated that originally he had concerns with the amount of traffic, but it does not sound like it will be an issue. Mr. Rakolta stated it would be more of an outlet for local contractors.

Ms. Blades questioned the vehicle paving requirement. Mr. Doozan stated that it is an essential part of the operation.

Mr. Dolan felt that a yearly review is a good idea. He was concerned about the noise but by the scale of the operation described it didn't sound like a problem.

There was brief discussion regarding the sidewalk/bike path/landscaping and the consensus was to hold off on the requirement for the time being.

**Motion by Towne, second by Blades
To recommend approval for AP-12-05b with conditions in the McKenna Associates memo and the CES memo with a 5 year return to the Planning Commission allowing for administrative review every year. The sidewalk, bike path and landscaping do not have to be done at this time. A written**

procedure, paper trail shall be turned in before going to the Board.

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

MOTION APPROVED

AP-12-05a, Walbridge Metal Center – Site Plan, property located on the southwest corner of Grand River Avenue and South Hill Road. Site plan review to consider a request for a metal recycling center.

Motion by Towne, second by Blades

To recommend approval for AP-12-05a with conditions in the McKenna Associates memo and the CES memo with a 5 year return to the Planning Commission allowing for administrative review every year. The Sidewalk, bike path and landscaping do not have to be done at this time. A written procedure, paper trail shall be turned in before going to the Board.

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

MOTION APPROVED

- 2. AP-12-07, Pinehurst PD Amendment, PD located on the north side of 10 Mile Road, east of Martindale Road. 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.**

Mr. Doozan reviewed the McKenna Associates memo dated May 22, 2012. The recommendations were to recommend preliminary and final approval of the Third Amendment to the Planned Development Agreement and recommend approval of the First Amendment to the Historic Preservation Easement, Pinehurst.

Mr. Quinn explained that Pulte and the subdivision are being removed from all responsibility for maintenance, and there is nothing that gives the responsibility to the preservation authority to maintain while it is for sale. The preservation authority should be the responsible party. This should be addressed before final.

Motion by Blades, second by Campbell

To open the public hearing at 8:03 p.m.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

Motion by Campbell, second by Towne

To close the public hearing at 8:04 p.m.

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

MOTION APPROVED

Motion by Blades, second by ??

To recommend approval to the Board for preliminary and final approval of the Third Amendment to the Planned Development Agreement and recommend approval of the First Amendment to the Historic Preservation Easement, Pinehurst, with the suggestion that the preservation authority takes care of the property until it is sold.

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

MOTION APPROVED

- 3. AP-12-09, Zoning and Subdivision Ordinance Amendments. Public hearing to 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).**

Mr. Doozan reviewed the McKenna Associates memo dated April 26, 2012. He reviewed the four categories of the amendments.

**Motion by Towne, second by Campbell
To open the public hearing at 8:09 p.m.**

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

MOTION APPROVED

**Motion by Towne, second by Blades
To close the public hearing at 8:10 p.m.**

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

MOTION APPROVED

There was brief discussion regarding non conforming structures.

Ms. Blades questioned the minimum size of a structure. Mr. Doozan stated the minimum size is 1200'.

Motion by Towne, second by Conflitti

To recommend approval to the Township Board of AP-12-09 Zoning and Subdivision Ordinance Amendments. Include the bullet points 1, 2 and 4 in

the McKenna Associates memo dated 4/26/12 as well as the requirement for publication/notification from 21 days to 15.

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

MOTION APPROVED

**Motion by Towne, second by Conflitti
To approve item 3 in the McKenna Associates memo dated 4/26/12 with the revision to non-conforming buildings fire or catastrophe.**

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

MOTION APPROVED

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

Mr. Doozan reviewed the McKenna Associates memo dated May 23, 2012. He explained that rezoning of the subject property to a residential classification is appropriate at this time. This letter has identified considerations that suggest that a higher density single family residential classification would be appropriate, including: 1) Site limitations that will reduce the number of units that can be constructed, 2) Natural features that will partially screen the development from the road, 3) Potential compatibility with the Hutto development to the south, and 4) Presence of 103 REUs on the property. Based on those considerations and other findings he recommended approval of the rezoning to R-0.3, Single Family Residential.

**Motion by Towne, second by Campbell
To open the public hearing at 8:30 p.m.**

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

MOTION APPROVED

**Motion by Campbell, second by Enlow
To close the public hearing at 8:31 p.m.**

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

MOTION APPROVED

Ms. Zawada explained that she has met with the Road Commission about paving

Griswold between 8 and 9 Mile Road. That section of road is in the Huron Valley Federal Aid District, and the majority of it is in Livingston County. She has also been in contact with Michael Crane with Livingston County Road Commission to try and get the road on the Federally Funded list. Being that the Township owns the parcel, if it is rezoned it will most likely be marketed to sell it to a developer. The developer could participate in a cost sharing of the road paving. Ms. Zawada stated that they are working on it, but there are no funds available at this time.

Mr. Towne asked if the train track crossing would be reconfigured. Ms. Zawada felt it would be accomplished when the road is paved, but the elevation is an issue; she did not think the slope would be totally eliminated.

Mr. Towne felt the property should be taken up ½ acre lots and then sold. He felt that would prevent a large density if someone would apply for a Planned Development.

There was discussion as to how the property has 103 REU's on it.

Mr. Campbell felt that going to R-0.3 makes more sense from an economic standpoint, and it would tie into the development to the west.

Mr. Conflitti stated that he preferred R-1.0 or ½ acre lots. Ms. Blades felt that R-0.3 would be more marketable.

Motion by Blades, second by Campbell

To recommend approval of AP-12-11, Nine Mile road and Griswold Rezoning to R-0.3 given the conditions of the property.

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

MOTION APPROVED

- 5. AP-12-14, Wellhead Protection Overlay District. Public hearing to consider adding Section 42.00, the Wellhead Protection Overlay District to the Township Zoning Ordinance.**

Ms. Zawada explained the benefits of a Wellhead Protection Area. Mr. Quinn explained that this does not apply to residential but applies to commercial and industrial and requires a second containment center.

**Motion by Towne, second by Campbell
To open the public hearing at 9:00 p.m.**

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

MOTION APPROVED

Motion by Towne, second by Campbell

To close the public hearing at 9:01 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

There were brief comments made by the Commission in support of the Wellhead Protection Overlay District.

**Motion by Towne, second by Blades
To recommend approval to the Board adding Section 42 Wellhead Protection Overlay District.**

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

MOTION APPROVED

OLD BUSINESS

6. **AP-12-06, Orchards of Lyon Planned Development, Phase II, property located west of Milford Road, between Grand River Avenue and Pontiac Trail. Consider a minor change to an existing Planned Development.**

Mr. Doozan reviewed the McKenna Associates memo dated 5/30/12. He explained that the applicant has taken care of all issues, and there are no planning issues remaining.

Ms. Zawada reviewed the CES memo date 6/5/12. She requested that the phase numbers be revised to show A, B, C, D etc. Verification of the volume calculations for the 1st phase will be needed.

Mr. Lord explained that lots 68-77 were recalculated to have more green space, which gave more open space. The reconfiguration will give an additional 20 to 30' behind the lots.

Mr. Lord briefly reviewed the landscaping on the east and west side. Ms. Blades commended Mr. Lord for doing what the residents wanted regarding the buffering on the west side, since that wasn't required. Mr. O'Neil agreed.

Mr. Enlow commented that lots 29, 30, and 31 don't have a buffer. He questioned if that was due the lots not being deep enough. Mr. Lord stated that is correct.

Bob Briggs, 58580 Pontiac Trail – Mr. Briggs questioned the retention pond. He likes the greenery around it but is concerned with the site distance and wanted to make sure that people could see around the curve in the road.

Joseph Andrews, 30176 Magnolia Drive – Mr. Andrews questioned if the evergreens

would be considered the greenbelt he asked for. He commented that he didn't like the road that would connect the two subdivisions. He requested that it not be open until construction is done in order to keep the trucks off the roads. He felt that the road was private not public due to the color of signs that are used to sign the street. He stated that after talking with all of the neighbors he found that all of them want the road closed permanently. He questioned what the average price of a home would be. Mr. Lord stated \$250,000-\$400,000.

Mr. O'Neil suggested that the residents be proactive as well and communicate their concerns to the Road Commission.

Resident – He stated that there are 35-40 small children in the Arbors of Lyon, and he is very concerned with the traffic. He commented that it was not designed to handle the increase of flow. He questioned if a No Thru Traffic sign could be used. Ms. Zawada directed him to the Road Commission, but she did not think the Road Commission would permit those signs.

**Motion by Blades, second by Towne
To approve AP-12-06, Orchards of Lyon Planned Development, Phase II,
subject to consultant's letters.**

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

MOTION APPROVED

NEW BUSINESS

- 7. AP-12-12, Saddle Creek PD, Phase 2, PD located on the west side of Pontiac Trail, north of Eleven Mile Road. Consider Phase 2 of the Saddle Creek PD.**

Mr. Doozan reviewed the McKenna Associates memo dated 6/1/12. He recommended that the Planning Commission recommend approval of Saddle Creek Condominium Phase 2, subject to further clarification in paragraph 3 of the Master Deed.

Ms. Zawada explained that she received the application of Exhibit B and Site Plan but emails were also received from residents who had concerns. Those concerns included that the landscaping has not been completed, and the residents would like a bond or have the landscaping completed. The applicant agreed. Also, the amendment would be subject to the vote of the co-owners. The applicant agreed. Lastly, extension of the park behind Phase 2 shouldn't be included in this phase.

Gregory Windingland, Lombardo Homes, stated that there was discussion with the residents agreeing to complete items in Phase 1. He agreed to not add the additional open space area. He explained that there is not a choice in allowing the residents to vote because it is a requirement by the Condominium Act. He explained that even with the approval of the Commission, he does not have the ability to record the Master Deed

until there is at least a 2/3 vote of the co-owners as required. Mr. Quinn stated that was correct.

Ed Huffnagle, 26681 York Circle – Mr. Huffnagle explained that the Association is requesting that the landscaping in Phase 1 be completed. Also, adjacent to lots 36-51 is Saddle Creek Park, and they have asked that it be landscaped. The additional request is to add the lots along with the land behind them that abut Saddle Creek Park to the deed. He explained that if there was a development interruption again, the land that would become Saddle Creek Park had not been allocated to the Association. There would be no control if the subsequent phases were not completed.

Mr. Windingland suggested placing a restrictive easement over that property and then if there is another interruption in construction, the Association would have control of that land. Mr. Quinn felt that would work. Mr. Huffnagle stated that the Association would agree with that option.

Resident - he commented that EMS had to come to his neighbor's home, and EMS could not get through due to the cars being parked on both sides of the street. He questioned who he should contact regarding that.

Motion by Blades, second by Conflitti

To recommend approval of AP-12-12, Saddle Creek PD, Phase 2, PD subject to consultants letters and the agreement to draft an easement as described on the record.

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

MOTION APPROVED

8. **AP-12-18, Cambrian of Lyon Rezoning, property located on the south side of 10 Mile Road, west of Johns Road. Schedule a public hearing to consider rezoning 5 acres from O-1, Office, to R-1.0, Agricultural-Residential**

Motion by Blades , second by Towne

To schedule a public hearing for AP-12-18, Cambrian of Lyon Rezoning for the next regularly scheduled meeting in July.

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

MOTION APPROVED

9. **AP-12-20 Tanglewood PD Amendment, property located on the south side of 10 Mile Road, between Currie Road and Chubb road. PD amendment conceptual review, followed by scheduling of a public hearing to consider proposed PD amendment at preliminary review.**

Mr. Doozan reviewed the McKenna Associates memo dated June 5, 2012. Mr. Doozan explained that there is a lot of missing information at the Conceptual Review level, and he questioned if it was appropriate to schedule a public hearing at this time.

Ms. Zawada reviewed the CES memo dated June 7, 2012. She explained that although the sanitary sewer is private, a permanent easement for sanitary sewer and municipal public services may be required throughout the review process for the future extension of the Township Sanitary Sewer System. Also, the storm sewer volume calculations shall be provided during preliminary plan review per the current Township Engineering Design Standards. Ms. Zawada continued that the Tanglewood Planned Development is currently connected to the Township Public Water System. Therefore, the extension of water main will be required along the entire frontage of Chubb Road.

Ms. Zawada stated that the future right-of-way along Chubb Road shall be dedicated to the Road Commission Oakland County for a half R.O.W. of 60 feet; therefore a total of 27' of right-of-way shall be dedicated as part of this project.

Mr. Freund explained that he comes at this from a simplistic point of view. He always felt that Chubb Road would be left gravel and he laid it out that way. He wanted to hear what everyone's point of view was. Mr. O'Neil explained that there was insufficient information and he didn't know if a public hearing should be scheduled.

Mr. Towne commented that an infrastructure had to be built because there are not enough paved roads to handle the houses that are being built.

The sidewalk/bike path was discussed. Ms. Blades questioned if there would be willingness to contribute to the bike path fund instead of putting in a path along Chubb. Mr. Freund stated yes; the path was not essential to him.

Mr. Conflitti commented about the 4-plexes and duplexes. Mr. Freund stated that he did a mix of things on the plan but was not attracted to the 4-plex units. He did like the condos. Ms. Blades commented that she did not like the 4-plex units.

Mr. Freund stated that he could make the stub off of Chubb a cul-de-sac. Ms. Blades agreed; she had no interest in anyone coming out onto Chubb Road.

Mr. Quinn explained the share cost of paving Chubb Road. The Township would have to pay a large portion of the construction cost. If there is no access to Chubb, he would say that the Developer's portion of the traffic on Chubb and Ten Mile would be minimal. A study would need to be done to make that determination.

Mr. Campbell commented on missed opportunities to pave roads and felt this was an important north/south road that needs to be paved.

Mr. O'Neil suggested tabling this item until the next meeting.

**Motion by Blades, second by Conflitti
To table AP-12-20 Tanglewood PD Amendment**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Shirley Baker, 27238 Stancrest – Ms. Baker commented that with all of these subs going in, there is no way to go around people making left turns. She asked that be considered.

ADDITIONAL BUSINESS

10. Community Reports

Mr. Dolan reported that 3 people were appointed to the Park Advisory Committee. Creek Side of Lyon is now called Stoneleigh, and the first reading was approved. The Board approved a contract for dispatch services, and it's working really well. The new fire truck was delivered and should be in use soon. Most of the cost of the fire truck was paid for by a grant.

Ms. Blades commented on the break-ins that have been going on near her and commended the Sheriff Department.

Mr. Doozan passed out information regarding a new law that was passed regarding new limits on zoning of Wireless Telecommunications Facilities.

Mr. Quinn commented that Stoneleigh was approved.

ADJOURNMENT

**Motion by Campbell, second by Blades
To adjourn the meeting at 10:52 p.m.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Planning Commission meeting was adjourned at 10:52 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary