Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
May 13, 2013

Approved: June 10, 2013

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

Roll Call:	Lise Blades, Vice-Chair Ed Campbell Michael Conflitti, Secretary John Dolan, Board Liaison Kris Enlow Sean O'Neil, Chairman Carl Towne
Guests:	22
Also Present:	Michelle Aniol, DDA Administrator/Economic Development Coordinator Chris Doozan, McKenna Associates Scott Baker, Township Attorney Patrick Sloan, McKenna Associates Leslie Zawada, Civil Engineering Solutions, Inc.

Mr. Baker introduced Attorney Jennifer Gatti who will be assisting the Planning Commission in the future.

APPROVAL OF AGENDA

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

Motion by Towne, second by Conflitti
To approve the April 8, 2013 Meeting Minutes as presented.

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

COMMENTS FROM PUBLIC - None

DDA REPORT - None

PUBLIC HEARINGS

1. **AP-12-16, The Woodlands of Lyon PD. Property located on the north side of 9 Mile Road, east of Griswold Road. Public hearing to consider preliminary review of a proposed 103-unit single-family residential planned development on 120 acres.**

Representing The Woodlands: Duane Bennett, Land TEC Consultants, Inc.
Irwin Arkin, Arkin-Licht/Lyon LLC

Mr. Sloan reviewed the McKenna Associates memo date 4/1/13. The principal issues are as follows:

1. 103 units are proposed, which is 18 more than would be permitted under conventional zoning (+21.18%). The Planning Commission must decide if this is satisfactory.
2. The Fiscal Impact Analysis falls short of what is required by Ordinance.
3. Front and side setback modifications are proposed, as noted in items 3 and 4 on pages 3 and 4 of the McKenna memo dated 4/1/13. The Planning Commission must decide if this is satisfactory
4. The Planning Commission must decide if the bike path should be extended across the front, or if the developer should deposit money into the Sidewalk and Bicycle Path Development Fund.
5. Street name adjustments are required.
6. The maximum block length for Fieldcrest Road must be addressed.
7. Missing information listed in the appendix to the McKenna Associates memo dated 4/1/13 must be provided.

Ms. Zawada reviewed the CES memo dated 4/24/13. She explained that the wetland setback on Lot 6 is located within the building envelope. The development roads are proposed to be public and under the jurisdiction of the RCOC. Paving is not proposed across the entire Nine Mile Road frontage of the development in accordance with PD requirements. Phase 1 roads will be impacted during construction of Phase 2 as there is only one public road access to Phase 2. The extension of the water system will result in a long dead-end system until it is looped in the future. Calculations must be provided verifying that adequate fire flow and pressures will be provided to meet Township standards prior to the approval of detailed engineering plans.

Mr. Bennett gave a history of the proposed project from 2002 and an overview of the current plan. The paving of Nine Mile Road will be 485' greater than it would be if only the frontage was paved. He explained that the Road Commission signed off on 2 lane roads and issued a conceptual review letter. He explained that they have a count of the tree removal but they are not differentiated between SAD removals and removals from construction. All of the protected trees that they are taking out don't qualify for replacement since those are located in building envelopes, roadways, sewer easements, areas that don't count against them as far as replacement calculations.

Mr. Bennett explained that they are proposing 35' in the front and 35' in the rear. An open space strip was left on the west property line to serve as a buffer for the residents on Clarkshire. He felt the requested setbacks are consistent with current developments.

Mr. Bennet explained that they have no issue with building the bike path but it will dead end. He commented that the water main could be an issue but they will provide calculations when final plans are completed. If there is pressure issues then that would be resolved. He explained that there is a possibility of a connection to the north.

Mr. Towne suggested curving the roads and questioned the purpose of the open space on the

east side. Mr. Bennett explained the difficulties in curving the road and offered that the road as presented will have great character due to the hilliness of the topography. Mr. Bennett explained that the open space buffers the residents on Clarkshire. Ms. Blades felt it was important to keep the trees for the existing neighbors.

Mr. Dolan questioned the wetlands on lot 6. Mr. Bennett explained that the wetland is only at the corner of the lot and will have a preservation easement. Ms. Zawada stated that it needs to be shown on the condominium documents.

There was discussion regarding the benefits of a connection to 10 Mile Road. Some Commissioners did not approve of a connection to 10 Mile Road. Mr. Bennett explained that the plan that Mr. Arkin is pursuing does not have a connection.

Mr. Dolan questioned the density and felt that some lots could be removed. Mr. Bennett stated that it is a financial consideration.

Motion by Blades, second by Towne
To open the public hearing at 8:06 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Robert Seccombe, 56888 Nine Mile Road - Mr. Seccombe questioned the density and questioned if any applicant can qualify for a PD given the current ordinance. He explained that he served the Township for many years on the Board and the Planning Commission. He explained the criteria that must be met when proposing a PD, and he did not feel that The Woodlands of Lyon met any of the criteria. He explained that the requirements states that a PD shall front on a major road and all roads shall be paved; it says nothing about paving only a portion of the road. He felt the applicant was using the PD as a tool to get extra density. He felt that the PD was being used to often in the Township to get the higher density instead of a tool to get creative developments. He did not want to see a 22% increase in density for nothing. He commented that the traffic study was not accurate; the whole city exits in the morning and goes east and comes west at the end of the day. Adding 1,100 additional cars more to Nine Mile Road is more cars than that road sees in a month.

Victoria Debord, 22985 Clarkshire – Ms. Debord commented that she has lived here for 3 years and moved back to the area after growing up in New Hudson. She didn't know about the new development and appreciated getting the history on the project. She asked that the Commission consider the integrity of the Township, and she supported Mr. Seccombe's comments. She asked that they also consider the area; she loves the town and didn't want to see the wetlands invaded. She would like to see the trees and wildlife preserved.

Al Rasegan – Mr. Rasegan explained that he was involved in this process when it first came about in 2002 and felt that they had come to a good overall balance, but this plan is giving up a lot from the 1st agreement. The Township is not getting a lot back. He explained that it was to the applicant's benefit to pave to Griswold, not the residents. He questioned if the Township is getting a return on a 22% increase.

Motion by Towne, second by Blades
To close the public hearing at 8:24 p.m. due to no further comments.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Mr. Doozan explained that all mile roads are considered major thoroughfare roads.

There was discussion regarding the SAD and the original assessments due to the sewer department. It was explained that Mr. Arkin paid his assessments and did not walk away from his obligation as other land owners did.

Mr. Seccombe commented that the applicant should go back to the R-1.0 zoning and forget the PD. He reminded the Commission that Kirkway Development paved 1 mile of 9 Mile Road so their development would front on a paved road, in accordance with the ordinance.

Mr. Bennett commented that the original PD plan had the exact same proposal for Nine Mile Road.

Ms. Blades commented that she is concerned with density.

Mr. Towne stated that overall he agrees with the layout and the felt the open space works and that the applicant is preserving a lot of property. He agreed with the proposed density. He felt the bike path should go down to the wetland going east. He felt that the 60' building envelope on 150' lot was reasonable. He stated it would be a beautiful sub and he recommended approval.

There was discussion regarding the bike path. The Commission felt the bike path should be built up to the wetland and the remainder put in the bike path fund.

Mr. Doozan confirmed that all roads fronting a PD shall be paved. In the past the ordinance was interpreted that segments have to be paved, not the entire frontage. The strict interpretation is that the entire frontage should be paved. The Commission concluded the entire frontage should be paved. Mr. Enlow commented that the applicant is receiving a 20% density bonus and there is no second entrance north or south and he would prefer that the entire frontage be paved.

Mr. Dolan commented that the sewer hurt many people and Mr. Arkin did not walk away from his obligation. That was a big benefit to the Township, and he commended him for that. He did feel it would be a benefit to the residents to pave the entire frontage, and it is a requirement of the PD.

Motion by Towne, NO SUPPORT was given
To approve the preliminary review with all discussion and the CES memo dated 4/24/13 and McKenna Associates memo dated 4/1/13 including paving the bike path to the wetlands.

MOTION FAILED

Motion by Blades, second by Campbell
To recommend approval to the Township Board of The Woodlands of Lyon PD including the McKenna Associates memo dated 4/1/13 and the CES memo dated 4/24/13, including paving the entire frontage of the development, the bike path to be paved to the wetlands and bank the remainder of the cost with the cost to be

determined by the Township Engineer.

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

MOTION APPROVED

2. AP-12-25b, Verizon Wireless Tower. Property located on the north side of Grand River Avenue, east of Old Plank Road. Public hearing to consider a special land use request to allow construction of a proposed cellular tower AND AP-12-25a, Verizon Wireless Tower. Property located on the north side of Grand River Avenue, east of Old Plank Road. Site plan review of a proposed cellular tower.

Representing Verizon: Claudine Antoun

Mr. Doozan reviewed the McKenna Associates memos dated 4/29/13 and 5/13/13. Ms. Zawada reviewed the CES memo dated 5/10/13.

Ms. Antoun stated that Verizon has no objections to either the CES or McKenna Associates memos.

There was brief discussion regarding the treatment of phragmites on the site. Ms. Antoun confirmed that all Verizon sites are maintained.

Motion be Towne, second by Blades
To open the public hearing at 9:06 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion be Towne, second by Blades
To close the public hearing at 9:07 p.m. due to no comments.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

There was discussion regarding the safety of the pole. Mr. Herrick, attorney for Verizon, explained that a pole has never been lost, and the building is not in any danger of being damaged.

Motion by Blades, second by Towne
To recommend approval to the Township Board of AP-12-25b Verizon Wireless Tower special land use request to allow construction of a cellular tower.

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

MOTION APPROVED

Motion by Blades, second by Conflitti
To approve the site plan for Verizon Wireless Tower AP-12-25a subject to special land use and revisions requested by the Township Engineer and McKenna Associates memo dated 4/29/13 and 5/13/13.

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

MOTION APPROVED

Mr. O'Neil called for a short recess at 9:10 p.m.
Mr. O'Neil called the meeting back to order at 9:18 p.m.

NEW BUSINESS

1. **AP-13-10, 10 Milford 18 PD. Property located at the northeast corner of Ten Mile and Milford Road. Conceptual review of a proposed mixed-use planned development on 18 acres**.

Mr. Sloan reviewed the McKenna Associates memo dated 5/9/13. He explained that the memo identified several concerns dealing with land use, density, traffic impact, and natural features that affect the feasibility of the proposed devotement. Mr. Sloan also reviewed the McKenna Associates memo dated 5/13/13.

Mr. Doozan confirmed that Tara Drive is a private road. Ms. Blades questioned if Tara Road lines up with the proposed plan for a future 2nd access point. Mr. Robinson stated that it does line up.

Ms. Zawada reviewed the CES memo dated May 10, 2013. She explained that the planned development site plan does not show a car wash on the plan, but it is mentioned in the traffic report. At this time she cannot recommend a car wash as part of this PD. Soil borings in the area of the retention basin should be submitted with the Preliminary PD submittal to be able to confirm if the soils. Part of this property is within the Wellhead Protection Area and shall be shown and identified with the preliminary PD submittal for review.

Mr. Baker confirmed that he looked at the Wellhead Protection Area and it does control the area and will be applied.

Mr. Robinson stated that there were minor changes since the last time they were before the Commission, mainly with the lots being wider and the car wash being eliminated. He stated that they will comply with the Wellhead Protection Overlay District. They will comply with zoning. He stated that the 10 Mile Corridor is in need of a gas station.

Mr. Towne stated that a gas station is not in the Master Plan and is an issue that can't be overlooked. Mr. Conflitti, Ms. Blades, and Mr. Campbell agreed.

Mr. O'Neil explained that a meeting was held to discuss this proposal. He explained the unique setup that was proposed for the gas station.

Mr. Enlow stated that he had no doubt a gas station was needed but he was leaning towards no gas station due to its residential aspect. He stated that at the last meeting the applicant was told to present a plan without a gas station. He questioned if there was another plan.

Mr. Robinson stated that they do not have a plan B at the moment. Restaurants were used in the calculations to make sure there was enough parking.

Ms. Aniol reported that the commercial businesses on the west side of the road are looking forward to some sort of food establishment going in since there are limited options.

Mr. Robinson confirmed that the project will be phased by market demand.

No action was taken.

2. AP-13-11, Logging Operations, consider allowing logging operations as a permitted use or special and use in the R-1.0 district.

Mr. Doozan reviewed the McKenna Associates memo dated 4/21/13. He explained that if the logging operation is allowed to continue subject to special land use, Mr. Fields would be required to submit a site plan that illustrates the operation in detail, along with Site Plan Review and Special Land Use applications. He confirmed that the use is timber processing not "logging". Mr. Doozan reported that there are a number of residents that are not happy with the operation, and they have submitted a petition stating concerns with noise and smell. He stated that the operation should have been terminated in November but has continued. He explained that this is a township issue, and a citation has been issued. The Township Board is looking to see if the Planning Commission will allow it or not and, if not, terminate the use.

There was discussion regarding the use not being lawfully established and why it's in front of the Planning Commission when it's an enforcement issue.

Mr. Fields stated that he has been running this operation for 6 or 7 years at this property and has had no complaints until a year ago. He has no crew and rents the property.

Walter Kondrat, 27225 South Hill Road – Mr. Kondrat stated that the operation started out slowly, and he has been dealing with Mr. Spencer for 17 months to try to get this issue addressed. He had a signed document from the Township dated May 22, 2012 that approved the operation until November 2012 which at that time the applicant must reapply. Five months have passed, and the application has not been addressed. Odor from the diesel fumes is bad, and the lumber comes to the property on semis. Then the logs are processed all day long. He explained that the operation is 146 yards off the road, not 300 yards.

Ms. Blades questioned how this use was approved within an unapproved activity. Mr. Doozan explained that in the I-2 District, lumber/planing was a use but it does not specifically address it.

No action was taken. Logging operations were deemed an inappropriate action.

OLD BUSINESS

1. **New Hudson Form Based Code -** a special meeting will be scheduled to review this information.

2. **AP-13-03, Revisions to the Zoning Ordinance to Permit Small Wind and Solar Energy Projects** – will be placed on a future agenda.

ADDITIONAL BUSINESS

1. Sidewalk and Bike Path Development – Review recommendations from the Sidewalk and Bike Path Committee.

Mr. Doozan reviewed the McKenna Associates memo dated 4/22/13 which outlined the long term priorities.

Mr. O'Neil questioned a bike path that should have been installed by now. Ms. Zawada stated would check into it.

Motion by Towne, second by Blades
To move the Sidewalk and Bike Path Development to the Township Board for approval.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. Community Reports

Mr. Dolan reported that there were housekeeping items on the Boards agenda. He announced that May is Mental Health Month in Lyon Township and the Township's computer server will be getting upgraded.

Mr. Doozan reported that he has been getting many requests for lot splits and concerns about subdivision street trees. He stated there is a demand for red maple trees but Common Hackberry and Sweet Gum trees will not be allowed anymore. He also reported that there has been some activity regarding the large parcels in Section 36, and there may be more developments coming in that area.

ADJOURNMENT

Motion by Towne, second by Campbell
To adjourn the meeting at 10:32 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Planning Commission meeting was adjourned at 10:32 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary