

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
June 10, 2013

Approved: June 25, 2013

The meeting was called to order by Ms. Blades at 7:00 p.m.

Roll Call: Lise Blades, Vice-Chairman
Ed Campbell
Michael Conflitti, Secretary
John Dolan
Kris Enlow
Sean O'Neil, Chairman (arrived 7:04 p.m.)
Carl Towne

Guests: 22

Also Present: Michelle Aniol, DDA Administrator/Economic Development
Coordinator
Chris Doozan, McKenna Associates
Jennifer Gatti, Township Attorney
Patrick Sloan, McKenna Associates
Leslie Zawada, Civil Engineering Solutions, Inc.

APPROVAL OF AGENDA

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

**Motion by Towne, second by Campbell
To approve the May 13, 2013 Meeting Minutes as presented.**

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

MOTION APPROVED

**Motion by Towne, second by Campbell
To approve the May 20, 2013 Meeting Minutes as presented.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

COMMENTS FROM PUBLIC - None

DDA REPORT

Ms. Aniol reported that the DDA is looking at decorating the light poles at Christmas time. A plan is in the works on how to get sponsorships to offset the cost of the decorations. Giffels-Webster prepared a report looking into a cost estimate for a sidewalk study for downtown. The dead trees will be removed from Lyon Center Drive East. Ms. Aniol sadly announced that Phil Seymour, Township Attorney, passed away recently.

PUBLIC HEARINGS

1. AP-13-14, Saddle Creek PD Amendment

Representing Saddle Creek: Mark Roebuck

Mr. Doozan reviewed the McKenna Associates memo date 5/24/13. It was recommended that the Planning Commission recommend approval of the amendments to the Saddle Creek Planned Development, consisting of the Second Amendment to the Planned Development Agreement, the Preliminary and Final Planned Development Plan, and the revised Landscape and Monument Wall Signage Plan, subject to the corrections listed in the McKenna Associations memo dated 5/24/12.

Ms. Zawada reviewed the CES memo dated 6/7/13. Ms. Zawada explained she has reviewed the Planned Development Amendment and recommends approval. The Road Commission Oakland County has approved the Street names in the PD.

Mr. Roebuck confirmed the following:

- * Proposed lots will be renumbered
- * Names of certain proposed streets have been changed.
- * A stub street to the south will be added (Starter's Way)
- * Lots 110 and 111 will be modified to accommodate an easement and sanitary sewer depth issue. Engineering constraints are due to the sewer depth, they will lengthen those homes back and those lots will have a deeper setback. All of the other lots stay the same.
- * Lot layouts on Canterling and Philly Courts will change slightly due to engineering considerations.
- * Construction phasing will be modified. The original plan called for three phases; the new plan calls for six phases.
- * The overall density of the plan is not changing

Mr. Roebuck confirmed that the wood chip path will be installed in the fall; he thought September or October, once phase 3 is developed due to the storm structures that in the park area. He explained that trees were installed last year. Mr. Roebuck confirmed that they will not have to go into the area of Belmont Park.

Mr. Conflitti questioned the grading/elevations. Mr. Roebuck stated this was the first time he has heard of an issue with the driveway slopes. Mr. Roebuck explained the grading and topography of the site. He also explained that there will be a boardwalk on piers, elevated to carry through the wetland area.

Ms. Blades questioned if there would be a crossing of some sort from Saddle Creek to Carriage Trace across Pontiac Trail. Ms. Zawada stated that there would be safety concerns regarding a mid-block crossing on a major road.

Mr. Roebuck confirmed that he will satisfy all of the concerns in the McKenna Associates memo dated 5/24/13 and the CES memo dated 6/7/13.

**Motion by Towne, second by Blades
To open the public hearing at 7:28 p.m.**

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

MOTION APPROVED

Andrew Schindler – Mr. Schindler confirmed that the Saddle Creek Park will be late September, early October. He explained the resident's opposition to the stub road and offered to deed it to the Township to use for a road in the future when it's needed; they would like to grass it over, add landscaping for now instead of having an unsightly, unused stub road.

Adrienne Kaufman, 26920 Victory Court – Ms. Kaufman explained that she is also opposed to the stub road that leads to nowhere. She explained that they were told the developer would not build past Phase 2 until they build all the way around because the sewer system would not allow them to go further back. She is concerned regarding the construction traffic and felt that they construction traffic would not follow the proposed gravel drive. Currently, there are many open lots that are developed and have families living in the homes, and there are no sidewalks, driveways or final grade. She questioned when that would be completed.

Allan Finley, 1102 Cantor Lane – Mr. Finley explained he lives in Trotters Pointe and is opposed to the stub road connection by his property. He felt it would be used for construction traffic in that phase of development. Mr. O'Neil explained that it does have to be connected. Mr. Roebuck confirmed that Phase 6 timeline would approximately be 2016.

Ken Elkins, 26700 Kentucky Court – Mr. Elkins stated that Phase 5 backs up to his

property, and he is not getting any notices when things are happening. He questioned if he would be notified when the wood chip path is installed. Mr. O'Neil stated it would be coordinated through the Homeowner's Association. Phases 3 and 4 have lots behind his home that flood with every rain; he is concerned with lots 126, 125 and 196.

Drew D'Agosta, 26690 Kentucky Court – Mr. D'Agosta is concerned with the construction traffic. He stated that the large machines are parked everywhere, and he is worried about kids getting hurt. With the future expansion, the volume of traffic needs to be controlled. He is concerned with the mounds of dirt and debris that are left behind. He stated children are playing on those lots; there is no fencing and nothing is done. He questioned what the guidelines are for that.

Ms. Zawada explained that the dirt mounds have to be stabilized or surrounded by silt fence or soil erosions. She suggested speaking with the developer or contacting the Township or her if these kinds of issues are happening.

**Motion by Blades, second by Towne
To close the public hearing at 7:44 p.m. due to no further comment.**

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

MOTION APPROVED

Mr. O'Neil explained that the Township does not own, build or maintain roads. He stated that the Township wants the roads to connect to one another. His preference to leave it the stub road so there is an expectation that it will be connected.

Mr. Roebuck confirmed that the will take care of the construction traffic and instruct that all trades use the construction access road. Mr. Roebuck stated that the homeowners were notified of work being done and Mr. O'Neil explained that if residents had concerns regarding notification then they needed to work through the Homeowners Association. Mr. Roebuck stated he could put a snow fence around the mounds of dirt, but leveling it would not be cost effective. Mr. Roebuck was encouraged to make the area where the dirt is located safer and stabilize it one way or another.

Regarding the final grading, sidewalks, driveways, Ms. Zawada explained that is a building department issue and there were bonds to complete the homes. Mr. Roebuck stated he would investigate this issue as well.

Ms. Blades questioned the timing of the boulevard entrance, sidewalk and boardwalk and if those would be in before a single home is built. Mr. Roebuck stated that, time wise, one model home will be built before the boardwalk. Ms. Zawada explained that those items will have to be built or bonded before one home is built. She also stated that the wood chip path is bonded. Mr. Roebuck stated he did not look into any other material besides the wood chips for the path.

Ms. Blades commented that she did not see any reason to put a stub road in for the

property to the south. She stated that there are no plans for that large parcel, and she viewed it as a negative impact. She did not think the Township should be running north/south routes through the neighborhoods and is completely opposed to the stub road. The stub road was discussed at length with varying views on the subject. Some commissioners were in support of the stub road and felt that connectivity is needed not only for public safety reasons but it is good planning not to have dead end roads.

Mr. Enlow questioned if Lot 109 has enough buildable area. Mr. Roebuck stated yes.

Ms. Zawada explained that Chief McClain does have minor concerns with the street names and she will forward to the concerns to Lombardo.

Mr. Dolan asked Mr. Roebuck for a good faith effort to keep the subdivision clean and control the construction traffic. Mr. O'Neil suggested considering keeping a watering truck on site to keep the dust down in the summer months as well.

Mr. Enlow questioned the pathway on the west side of Pontiac Trail and a sidewalk on the east side he explained that it would be inviting to cross there. He suggested asking the Road Commission if they would even entertain the idea to have some sort of striping or signage. Mr. Roebuck agreed to ask the Road Commission but felt it would be a bad idea.

Mr. Towne commented that he thought it is a great layout and great subdivision with all of the open space and curviness of the roads.

Motion by Towne, second by Enlow

To recommend approval of AP-13-14 the amendment to Saddle Creek, including the CES letter dated 6/7/13 and the McKenna Associates memo dated 5/24/13 and Chief McClain's concerns dated 6/10/13. The dirt mounds will be stabilized, the stub road will be kept as presented and the developer will place a phone call to the Road Commission regarding a crossing. Construction access shall only be on the Shaya Boulevard.

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

MOTION APPROVED

2. AP-13-15 Saddle Creek PD, Phase 3

Mr. Doozan reviewed the McKenna Associates memo dated 5/29/13 with the recommendation that the Planning Commission recommend approval to the Township Board of the Second Amendment to the Master Deed of Saddle Creek, including replat no.2 of the condominium subdivision plan (Exhibit B).

Ms. Zawada reviewed the CES memo dated 6/5/13. She explained that there were minor comments that needed to be addressed. She explained that item number 1 should be eliminated from her memo for legal reasons. Other than that she

recommended approval.

Mr. Roebuck stated he is good with all of the comments in both letters.

**Motion by Towne, second by Campbell
To approve AP-13-15 Saddle Creek PD, Phase 3 with the comments from
McKenna Associates in the memo dated 5/29/13 and the CES memo dated
6/5/13 with the removal of item number 1 in the CES memo.**

**Roll Call Vote: Ayes: 5
 Nays: Conflitti, Blades**

MOTION APPROVED

3. AP-13-16b, Cambrian of Lyon Special Land Use

**Representing Cambrian of Lyon: Nick Mancinelli
 Gareth Sedley**

Mr. Sloan reviewed the McKenna Associates memo dated 5/28/13. As noted in the memo, it is recommended that the applicant revise the site plan in order to demonstrate compliance with the Zoning Ordinance and increase the use's compatibility with surrounding properties. It is recommended that the Planning Commission make a recommendation of approval of the special land use to the Township Board on the conditions that the applicant address the recommendation of this report and the site plan review letter.

Ms. Zawada reviewed the CES memo dated 6/7/13. She explained that the exact number of units, their type and size shall be provided in order to calculate sewer REUs and verify capacity in the downstream sanitary sewer. Some additional information in the overflow route of the storm system may be necessary during detailed engineering review. Detailed engineering review shall be requested.

**Motion by Towne, second by Blades
To open the public hearing at 8:35 and close it due to no comments.**

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

MOTION APPROVED

Mr. Mancinelli gave a brief overview/history of the project. He stated that they will be in compliance with State Regulations since they will be licensed.

Mr. Sedley explained that this facility will be the only home for the aged in the Township. With dementia and Alzheimer's on the rise there is a substantial need. This plan incorporates a memory care portion on the south side which will be separate from the assisted living portion. There was brief discussion regarding the parking lot and

keeping it at 27' for maneuverability.

Mr. Mancinelli explained that he disagreed with the requirement regarding the 2 shrubs and 2 trees. He explained that all units face inside the hallway, they don't feel that requirement applies to their project. The Commission agreed.

Mr. Sloan briefly reviewed the McKenna Associates Site Plan review letter dated 5/24/13. There was brief discussion regarding Section 19.03 of the Zoning Ordinance regarding the landscaping requirement. Mr. Doozan stated that there is nothing specifically in the ordinance referring to assisted housing and felt that the requirement was aimed at a more traditional multiple family development. The Commission agreed.

**Motion by Blades, second by Towne
To recommend approval of AP-13-16b Cambrian of Lyon Special Land Use.**

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

MOTION APPROVED

4. AP-13.16a, Cambrian of Lyon Site Plan

The Commissioners agreed with the length of the building especially when the existing building on the site is being incorporated into the plan. Mr. Doozan explained that a variance would be required.

Mr. Campbell commented that he loves the project, and we need more of them in the area. He commented that the courtyard layout is great and hoped with the access to the high school they can get school involvement from the students.

Mr. Enlow questioned the FAA Radio Tower and the access easement. Mr. Mancinelli stated that it will stay gravel. Mr. Mancinelli explained that the tower is the secondary FAA tower for Metro Airport.

**Motion by Blades, second by Towne
To approve AP-13-16a Cambrian of Lyon Site Plan with the landscaping discussion to not require 4 shrubs and 2 trees per unit, keeping the parking lot at 27', contingent on ZBA approval for the length of the building. Including the comments from the McKenna Associates memo dated 5/24/13 and the CES memo 6/7/13.**

Mr. Mancinelli agreed to address the issues in the letter.

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

MOTION APPROVED

OLD BUSINESS

1. Revisions Small Wind and Solar Energy

Mr. Doozan explained that there has been greater interest in Solar Energy projects. He reviewed the latest addition dated 4/8/13 which included definitions of Roof Mounted Systems, Solar Energy Systems and Solar Storage Battery. Regulations were briefly reviewed for solar energy - residential and utility grade.

Mr. Towne questioned glare from the solar panels. DTE Representatives will bring back information on how glare is handled.

Mr. Conflitti confirmed that there is no noise associated with the solar panels. There was brief discussion regarding setbacks, glare and return on investment.

**Motion by Towne, second by Conflitti
To approve as stated in the revision to permit solar energy projects including Section 3.02, 19.02 and including a letter to the Board regarding the glare issue.**

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

MOTION APPROVED

**Motion by Towne, second by Blades
To approve Small Wind Section of the Zoning Ordinance Section 12.14 to allow small wind mills including the grammar change in the first and last sentence.**

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

MOTION APPROVED

**Motion by Blades, second by Towne
To postpone AP-23-02 and 24.02 to a future meeting in July.**

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

MOTION APPROVED

NEW BUSINESS – None

ADDITIONAL BUSINESS

1. Community Reports

Mr. Doozan explained that he has identified a conflict in the Tree Ordinance where two terms have become confused. The term "DBH" and the term "caliper". Caliper refers to nursery trees that are 12" above ground whereas once the trees are in the ground, they are measured as diameter breast height, which is 4'. Lot splits have also been coming in, and residents are surprised to learn that they are not allowed on private roads.

Mr. Dolan reported on the bike path presentation. Woodlands of Lyon will be paving from Griswold to the entrance. The Fireworks Ordinance was passed. Mr. Spencer was offered a full time job as a site plan reviewer.

Mr. O'Neil stated that the Oakland County Coordinating Committee vote was 3-0 regarding the rezoning for The Enclaves at 10 Mile and Napier.

ADJOURNMENT

**Motion by Towne, second by Blades
To adjourn the meeting at 9:53 p.m.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:53 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary