

Charter Township of Lyon  
Planning Commission  
Regular Meeting Minutes  
August 27, 2013

Approved: September 9, 2013

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  
Kris Enlow  
Sean O'Neil, Chairman  
Carl Towne

Absent: John Dolan, Board Liaison

Guests: 13

Also Present: Michelle Aniol, DDA Administrator/Economic Development  
Coordinator  
Chris Doozan, McKenna Associates  
Jennifer Gotti Township Attorney  
Patrick Sloan, McKenna Associates

**Motion by Towne, second by Blades  
To excuse Mr. Dolan's absence.**

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

**MOTION APPROVED**

**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 August 12, 2013 Meeting Minutes as presented.**

**Voice Vote: Ayes: Unanimous**

Nays: None

**COMMENTS FROM PUBLIC** - None

**DDA REPORT**

Ms. Aniol reminded the Commission that the Township is participating in the MDOT Walkable Audit which will take place on 9/10/13 and it will provide a hands-on evaluation of the walking conditions in the New Hudson area. Also, the One Stop Ready Program on Management Structure will be held on 9/25/13 and another one is offered on 10/23 with the focus being Implementation/best practices. She encouraged the Commission to attend at least one of the sessions.

**PUBLIC HEARINGS**

1. **AP-13-19b, DTE Solar Array – Special Land use. Property located along the north side of I-96, west of Old Plank Road. Public hearing to consider a special land use request for a proposed 750kW solar array.**

Mr. Doozan reviewed the McKenna Associates memo dated 8/15/13 with the recommendation that the Planning Commission table the special land use application for DTE Solar Currents solar array until the regulations permitting such a facility have been adopted by the Township Board. Mr. Doozan also referred to the McKenna Associates memo dated July 19, 2013.

Ms. Gatti questioned the rear yard setbacks and if there was a way to avoid requiring a variance. Mr. Eckhout explained that the front setback is 75' with the proposed setback to be 90'; they are considering moving that forward 15' so that means the rear setback which is 75' will go from 64' to 79' which would then meet the building requirements.

Mr. Eckhout handed out the proposed landscaping plan and briefly reviewed it. He explained that MDOT is not allowing them to remove any trees located in the right-of-way, but they are considering the removal of invasive species.

**Motion by Towne, second by Conflitti  
To open the public hearing at 7:17 p.m.**

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

**MOTION APPROVED**

**John Purslow, 30200 Fortune Trail** – Mr. Purslow questioned if there are tax benefits to the Township. He also wanted to know if the energy will be diverted to reduce utility costs and if there would be an impact on property values. He is also concerned with any health, safety, or environmental impacts.

**Linda Noble, 30240 Fortune Trail** – Ms. Noble questioned if there is a similar plan that

has been done elsewhere in a residential area and how it affects the residents. She questioned where the workers would enter the property and asked where the energy that is generated would go. She questioned if this will cost the residents anything and if there are other energy companies interested in doing this. If other companies are interested, where would they be located?

**Sean Sant, 30711 Old Plank Road** – Mr. Sant expressed his concern that the Township could be setting a precedence by changing the zoning. He questioned if the lots to the north and south could change in zoning. He also expressed concern regarding the dust from the road impacting the solar arrays.

**John Bosch, 52886 Rico Court** – Mr. Bosch questioned how this would benefit the Township when it would lower property values. He questioned how the power is transmitted. He is concerned with the dust from the road as well and how the road will be affected. He explained the entrance to this site is across from his property. He is also concerned with the 24' height of the arrays.

**Hannah Windsor, 52881 Rico Court** – Ms. Windsor explained that she is a certified residential home appraiser. She did not understand why this was going in a residential area when there is industrial zoning across the road that could be utilized. She understood that utilizing a special use permit is spot zoning, which is against the law. She is concerned that it will cause an external obsolescence and cause property values to decrease. She is concerned with the road as well and the excavating of the existing trees. She asked that it be tabled for 30 days so she had time to investigate it further.

**Motion by Towne, second by Blades  
To close the public hearing due to no further comments.**

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

### **MOTION APPROVED**

Mr. Conflitti questioned how many feet from Old Plank road to the first panel. Mr. Eckhout explained approximately 400'.

Mr. O'Neil explained that the property is not being rezoned, so it is not spot zoning. He stated that other properties could make the same request, but he is unaware of any other applications. There is no direct cost to the residents, and there will only be one or two trips per year to do maintenance on the arrays after construction so the impact with traffic will be very minimal. The panels will be taxed, so there will be a tax benefit to the Township.

Mr. Eckhout explained that the energy goes from the panels to an inverter, to an underground trench, to a utility pole line that runs up the pole and runs to the DTE current utility system. DTE is the only electric company, and he knew of no other applications doing this kind of system. He felt that the dust would not be an issue. There is an existing property in Monroe where a 500kW system is located. This site will be fully screened to the residential side. He also explained that safety is a priority,

and the site will be contained within a fence. The transformer and inverter will be contained behind a 7' fence with all of the required signage. He explained that the site will be visited 2 times per year for operation maintenance. They expect to be done with construction by the end of January 2014. There is a 20 year lease and at the end of the lease the property will be put back to its original condition. There is an option to renew the lease for 10 years. The location of the arrays is for DTE to market the program with a good visual impact from I-96. Mr. O'Neil explained that the site will have to be watered down, and a soil erosion permit will be needed. Mr. Eckhout explained that the majority of the arrays are 15' and under; they are only 23' on the far west side of the site due to the dip in the topography. They want the arrays all the same height throughout the site.

Mr. Doozan explained that this is an appropriate location, and it is a hard piece of property to develop as residential. This project will provide a visual and noise buffer from I-96 to the residents with trees that will be planted. He explained that this is a benign use with no noise, glare, or odor. Mr. Conflitti agreed and felt that he would much rather see this use than a residential development since there will be a lot less traffic and noise. He felt this is a great project for the location.

Mr. Enlow asked that the applicant not concentrate the landscaping along I-96. Ms. Blades asked that any available tree be used as screening for the residents. Mr. Eckhout stated that they can do that. Mr. Eckhout agreed to add the type of tree species and sizes to the landscape plan. Mr. Eckhout explained that the power connection will be on the east side.

**Motion by Towne, second by Campbell  
To table AP-13-19b DTE Solar Array Special Land Use and AP-13-19a, DTE  
Solar Array Site Plan Review.**

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

**MOTION APPROVED**

- 2. AP-13-28, Woodwind PD Amendment. Property located on the north side of 10 Mile Road, east of Milford Road. Public hearing to consider an amendment to the Woodwind Planned Development Agreement to remove parcel 21-22-300-057 and a portion of the Conservation Easement and to amend the Conservation Easement.**

Mr. Doozan reviewed the McKenna Associates memo dated August 16, 2013. The first action requested of the Planning Commission is to recommend to the Township Board that it amend the Woodwind Planned Development from the Woodwind Planned Development to remove the parcel described in Exhibit A from the Woodwind Planned Development (parcel number 21-22-300-057). The second action requested of the Planning Commission is to recommend to the Township Board that the Conservation Easement be removed from parcel number 21-22-300-057, in accordance with the legal document prepared by the Township Attorney.

**Motion by Towne, second by Blades**

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

Voice Vote: Ayes: Unanimous  
Nays: None

**MOTION APPROVED**

**Mr. Prasad, 24839 Brompton Way Court** - Mr. Prasad asked for an explanation of the maps showing the easements.

Mr. Doozan reviewed the maps with the residents that were in attendance.

**Motion by Lisa Blades, second by Towne**  
**To close the public hearing at 8:13 due to no further comments.**

Voice Vote: Ayes: Unanimous  
Nays: None

**MOTION APPROVED**

**Motion by Towne, second by Conflitti**  
**To recommend to the Township Board to amend the Woodwind Planned Development to remove the parcel described in Exhibit A from the Woodwind Planned Development (parcel number 21-22-300-057).**

Roll Call Vote: Ayes: Unanimous  
Nays: None

**MOTION APPROVED**

**Motion by Towne, second by Blades**  
**To recommend to the Township Board that the Conservation Easement be removed from parcel number 21-22-300-057, in accordance with the legal document prepared by the Township Attorney. Including the McKenna Associates memo dated 8/16/13.**

Roll Call Vote: Ayes: Unanimous  
Nays: None

**MOTION APPROVED**

**OLD BUSINESS**

**3. New Hudson Form-Based Code**

There was brief discussion as to the benefits of utilizing form-based code. Mr. Doozan explained that the current zoning is not working for New Hudson and it does not implement the Lyon Vision Plan. Form Based Code is a method of zoning that will bring in elements that will further the Lyon Vision Plan and marries public and private realms

together. Conventional zoning is not comprehensive. Mr. Doozan explained that whether this was re-development or new development, it will take a while.

Concerns were discussed regarding negative things some of the Commissioners have heard from area residents but yet there have been very few, if any, who have attended any of the meetings to bring those concerns to the Township regarding the proposed changes. Ms. Aniol explained that home-based businesses are allowed as long as the business is an allowed home-based business.

Ms. Aniol confirmed that the Planning Commission does allow apartments above the shops in the core. Ms. Gatti confirmed that state licensed residential facilities to be special land uses in the edge and the neighborhood are allowed.

Mr. Enlow questioned why the 3 detention basins along the East Ring Road are not included in the map on page 7. Ms. Aniol explained that the DDA owns those 3 small pieces and amount to less than 2 acres. Mr. Doozan stated that those should probably be included.

Ms. Blades questioned if the proposed ring road will really happen. Ms. Aniol answered that it is a long range plan.

Mr. Enlow questioned the street names on page 8. He felt having 3 names for the same road was confusing. Ms. Aniol explained the logic behind that and stated that the Road Commission is aware of it.

Mr. Towne questioned the 30' for the curved radius, and Mr. Doozan stated he would like to leave that in.

There was brief discussion regarding educating the public regarding form based code. He suggested placing information on the website. There was discussion regarding the name, and Mr. Doozan suggested having the title read Zoning Regulations for New Hudson.

Mr. Enlow questioned the 0 foot setback in the core. Mr. Doozan explained that they have gone back and forth on that, and they want to achieve uniformity with the setbacks.

Mr. Towne suggested allowing one way streets in the alley areas of commercial and residential. He also stated that the sidewalk at driveway crossings should be maintained in the alleys as well so that pedestrians have the right of way. He also stated he is against loading docks and felt it would be safer and more walkable without those. He also suggested utilizing the area between buildings to offer some sort of seasonal offering like an ice cream stand or a tiki bar, an area where people can gather. Mr. Towne stated he would also love to see some sort of water feature.

Mr. Enlow asked that the drawing on page 11 for the shop front be changed to show that it looks like a hamlet and not a wall to wall row of buildings

Mr. Towne asked that all mechanics are blocked wherever they are located.

Mr. Enlow questioned the exceptions to the building heights and if those will be reviewed by the Planning Commission. Mr. Doozan stated yes they will be reviewed by the Commission except for single family residential which is the same in the existing zoning. Mr. Doozan stated that he had concerns that the single story buildings would get more of a strip mall appearance and he would prefer to leave it as it is now; he is not concerned with getting a 3<sup>rd</sup> story.

Mr. Enlow questioned the Pedestrian Elements. Mr. Doozan explained that it will dress up the environment; it's not a regulation but more of an encouragement.

Mr. Towne suggested removing the window coverings from page 14 (G)(b), removing the last sentence which states "If window coverings must be used on the first floor to prevent glare, then adjustable solar shades are an acceptable alternative." Ms. Blades disagreed with removing the sentence in the event someone did not want to get an awning.

Mr. Conflitti stated that asphalt shingles should be removed from page 15 (H-3) under pitch roof requirements and dimensional shingles should be inserted.

Ms. Aniol suggested adding additional graphic elements to the document to help differentiate some of the items like roof types. There was brief discussion regarding dormers.

There was brief discussion regarding building elements encroaching into the public right-of-way like a bay window.

Mr. Enlow questioned 10% transit reduction on page 1. Mr. Doozan stated it is a starting point.

Ms. Blades questioned the residential uses under Parking. Mr. Doozan stated that the 1.5 space per residential dwelling could be located on the driveway.

Mr. Enlow questioned if parking would be allowed by the front of the businesses in the hamlet. Mr. Doozan stated that the plan is for on street parking once the streetscape is done. Mr. Doozan explained there would be a transition period this would not happen overnight.

Mr. Enlow questioned the 20' landscape buffer and wondered if this is throughout the entire district. Mr. Doozan stated 20' is too much and he would look into that.

Mr. Towne commented on page 19, Outdoor Retail Sales A(3), that the minimum pedestrian pathway on a sidewalk should be 5' not 6'. He also suggested removing the administrative approval for obtaining a permit except for the 5' clearance, the 5' clearance has to be maintained.

Mr. Enlow suggested removing the electronic changeable copy on page 23, #4 Prohibitive Sign, since gas stations have those types of signs.

Mr. Enlow questioned who determines if an awning is dirty or stained and needs replacing.

Mr. Enlow asked that a picture of a pole sign be added to page 27 #10.

**Motion by Conflitti, second by Towne  
To schedule a public hearing on October 14, 2013.**

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

**MOTION APPROVED**

**NEW BUSINESS** - None

**1. Community Reports**

Mr. Doozan reported that Stoneleigh West will be coming in to present a project for 55 units. He also passed out an article regarding anti mall.

Mr. Towne reported that the ZBA granted the variance request for Cambrian of Lyon.

Ms. Aniol reminded the Commission of the Michigan Association of Planning Conference is scheduled for October 2-4, 2013

Mr. O'Neil reported that the Commission will be getting a hard copy of the Zoning Ordinance. He also suggested scheduling a 2<sup>nd</sup> meeting per month for the remainder of the year and schedule two Planning Commission meetings a month beginning in January.

Ms. Blades suggested having discussions/requirements for developers to maintain the screening between existing residential areas and new construction.

**ADJOURNMENT**

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

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

**MOTION APPROVED**

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

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary