

Charter Township of Lyon
Planning Commission
Meeting Minutes
February 24, 2014

Approved: March 10, 2014

The meeting was called to order by Mr. Conflitti at 7:00 p.m.

Roll Call: Ed Campbell
Jim Chuck
Michael Conflitti, Chairperson
Kristopher Enlow
Sean O'Neil, Board Liaison
Deborah Sellis, Secretary
Carl Towne, Vice-Chairperson

Guests: 12

Also Present: Chris Doozan, Township Planner (McKenna Associates)
Jennifer Gatti, Township Attorney (Seglund, Gabe, Quinn, Gatti & Pawlak, PLC)
Leslie Zawada, Township Engineer (Civil Engineering Solutions)

APPROVAL OF AGENDA

**Motion by O'Neil, second by Chuck
To approve the agenda as presented.**

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

MOTION APPROVED

CONSENT AGENDA

Mr. O'Neil referenced the two Kettle Lake Road tree preservation permits and noted there weren't any conditions with removing trees and planting replacements, nor were there any bonds in place. He feels the trees being agreed to should also be guaranteed.

**Motion by O'Neil, second by Towne
To approve the Consent Agenda with the condition for the two Kettle Lake Road tree permits that they come with a guarantee and tree clearing permit.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

None offered.

PUBLIC HEARING

1. **AP-13-38, Parkside Village PD.** Property located on the east side of Milford Road, south of Grand River Avenue. Public hearing to consider preliminary review of a proposed mixed-use planned development consisting of 277 detached single family units, 200 attached single family units, and up to 50,000 sq. ft. of commercial/office space with 200-400 attached residential units on 168 acres; discussion and possible action. Conceptual review held 12/9/13.

Mr. Doozan reviewed the McKenna Associates memo dated February 20, 2014. With regard to Setbacks and Distances between buildings, he noted that the Planning Commission must decide whether the modifications to the front and side setbacks are acceptable. If the Commission concludes that they are, then McKenna would recommend approval of the preliminary plan for Parkside Village (AP-13-38) to the Township Board subject to the following conditions:

1. The Fiscal Impact Study must be refined;
2. The landscaping requirements identified must be addressed on the revised plans;
3. If a bridge or culvert is required, clarification is needed as to who would build it;
4. The preliminary and final PD review and approval shall be required for the Townes at Parkside and the Village Center at the time these elements are ready to move forward;
5. Engineering approval shall be required. The applicant needs to address the 13 concerns identified by Civil Engineering Solutions prior to preliminary PD approval;
6. Typical layouts and façade designs must be provided for each type of single family residential product.

Ms. Zawada addressed concerns she has with the sanitary sewer, and the fact that the property is bisected into 2 drainage districts. The south district will require offsite improvement and require Trailway and DNR approval for that path work. She feels these issues can be addressed in the final submittal.

Howard Fingerroot of Pinnacle Homes indicated that he gave an overview last month at the conceptual meeting. Since that time, they have made improvements based on comments from the planning and engineering staff. He continued that Parkside Village has a variety of housing types: Estates (3,000-3,800 sq. ft.); Manors (2,500-3,200 sq. ft.); Villas (active adult living areas); and the Townes, which will be an attached multi-family product within the next 2-3 years. He noted that the Town Center component is contingent upon the last leg of the loop road being installed adjacent to their property. All of the components were included in the traffic study, which encompasses 30-40% of the activity. Concentration right now is with single family detached and will take 4-6 years to build this out.

Mr. Towne questioned the proposed setbacks, the Villas being 5 ft. and 7 ft., or 15 ft. below the minimum requirement, and the Manors at 7 ft. and 10 ft., which is 18 ft. below the minimum. He feels the applicant has to do better than that. Mr. Fingerroot stated those measurements are typical for a 70 ft. home site when it is adjacent to an urban setting, but Mr. Towne disagreed. Mr. Towne stated this is a great product, but he would personally like to see 7-8 ft. on each side for the Villas and 7-10 ft. on each side for the Manors. Mr. O'Neil stated to Mr. Fingerroot that this is a standard that the township has tried to hold on all others. There is more of a concern from a fire safety standpoint as well. Mr. Fingerroot stated that 15 ft. building separations could be accommodated.

Mr. Towne referenced McKenna's report with regard to landscaping and recommending evergreens as opposed to deciduous trees on the south side of the development. He noted there is a crest on the property and questioned whether earth could be moved to get some berm and stay with deciduous. Mr. Fingerroot indicated that deciduous trees would screen the maintenance facilities and areas that are visually impacted by their neighbors. Mr. Doozen added that the east side is bermed, but the south is not due to utilities limiting how much they can do. The applicant

has added trees that would only be seen by the residents who back up to it and maintenance staff. Mr. Towne noted that he'd like to see trees that are removed replaced with hardwoods.

Mr. Enlow agreed with Mr. Towne, and the fact that the Township has held true with setbacks to other developments. He is concerned that the overall surrounding properties are industrial and someone will move to the east and want to develop as industrial, which would be an allowed use.

Mr. Chuck stated he is concerned with the Traffic Impact Study. If the development is as successful as they think it will be, he'd like to see some pavement. Traffic stacking up and turns will be tough. He'd like to see complete proposed improvements for a quarter mile, i.e., a traffic light, tapers and access roads to Milford Road. There are existing traffic issues and he doesn't want to create more. Mr. Fingerroot stated that traffic is always a concern, and the conclusions of the study, given the 3 items stated in that study, would suggest traffic would operate at adequate level. Further, as part of public benefit, Parkside is doing a half mile of drain clean out to the west of the site and a quarter mile of offsite gravity sewer on the site, which will service a large portion of the downtown area. They recognize the needs of the township and they feel what they are proposing is fair.

Ms. Sellis stated she has the same concerns with traffic. She'd like to see complete proposed improvements at Grant River/Milford, as it is very congested. She asked what the plan would be.

Bill Anderson of Pinnacle Homes stated they got the overall plan for the area from the township and one major component is the ring road and last quarter needs to be completed. There is also a roundabout component. Mr. Doozan noted that the roundabout is no longer in the program. Mr. Anderson responded that there may be a need for a traffic signal. Their study looked at the impact on Milford Road, and they plan on adding tapers.

Mr. Doozan noted that the DDA cannot fund this to pursue. The land acquisition would cost more than the ring road. With respect to the Grand River intersection, part of DDA's plan is to fix this and do streetscape improvements from the east roundabout to the east intersection. Intersection improvements will cost hundreds of thousands of dollars and is beyond what any developer could undertake. The roundabout is out because it is not pedestrian friendly. He added that once a determination is made with bypass lanes etc, it is up to the Road Commission to decide the length and criteria.

Mr. Towne stated he is happy with the commitment for the bypass and tapers. He doesn't think this will be a problem. He feels the roundabouts have solved many issues, and the light/left turn lane at Milford Road has helped as well. It will take traffic away from Pontiac Trail and Grand River. He thinks this will work, and once they get to the build out stage, the township can look at curb cuts to continuing the ring road.

Mr. O'Neil stated that he has looked at all the plans, and there are no lot dimensions on any of them. He would like to have width and depth dimensions of the lots at the next meeting with the applicant.

There was some discussion regarding the airport and the lots that would be directly affected. Mr. Fingerroot stated he doesn't have a problem with anyone in the fly zones and will provide a notification on those lots. He indicated that the Energy Code requires them to build the houses tight and offers a phenomenal sound barrier along with insulation. They had surveyors lay out the runway and fly zones and they have detailed this in their site plan. He doesn't think this would be a big concern.

Mr. O'Neil referenced easements and noted that they get recorded for deviation and noise. Homeowners will hear the airplanes in certain conditions. Mr. Towne added that there should be a disclosure. The township needs to make sure notification is key. Mr. Fingerroot stated that what

they do as a matter of policy is take the plot plan done by the surveyor and walk the homeowner through all the easements and show them the building envelope beforehand.

Ms. Gatti stated that the County is recommending easements. She questioned how the applicant plans to notify homeowners without easements. Mr. Fingerroot responded that they would recommend putting this in the Master Deed for the lots that will be impacted. Mr. O'Neil feels this issue merits further research and discussion to address concerns before final.

Mr. Campbell questioned Mr. Doozan about the Fiscal Impact Study and what needs to be refined. Mr. Doozan felt that parts of the plan will be designed for seniors and students. Mr. Anderson indicated there was an extensive study done in 2009 for the number of children per household and they used the basic numbers from that study. They will plug in those numbers on South Lyon's demographic. Mr. Campbell asked whether they took into account which homes are family-oriented and if the numbers omitted the senior households. He'd like to know if the number goes up or down. The impact could be a proportionate decrease, and school funding will go down. Mr. Anderson stated he used the figures directly from the study, but the number would be brought down on the active adult community. Mr. Chuck would like to see estimates for where the numbers are at 3 years from now and again when the project is built out in 6-7 years. The numbers are deceiving at this point. Mr. Anderson indicated that SEMCOG's data is good at projecting 1-2 kids per household.

Mr. Campbell questioned what the price range of the homes would be. Mr. Anderson stated the homes range from \$500k-\$550k for Kirkway; but the average home would sell in the range of \$375k, and attached condos in the \$200k-\$225k range.

**Motion by Towne, second by O'Neil
To open the public hearing at 8:19 p.m.**

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

Robin Allen, 28550 Tindale Trail – Mr. Allen stated that traffic is an issue. Milford Road backs up and he disagrees this will not create a major problem. There are two accesses on Milford Road, one between Continental and his house. He feels this would be the worst place to put this. The speed limit is 35mph and if you obey that limit, someone will run you off the road. Turning left increases the chance of being rear-ended. He can't understand why they would want to put this development in. Continental has been a problem with odor and noise since they came 15 years ago. He asked what the Township will do when they are getting 100 calls per day. He'd like to see the planned developments stopped in general and the rural atmosphere kept.

Keith Archambault, 56079 Pontiac Trail and 29656 Costello Drive – Mr. Archambault is also concerned with the traffic. He doesn't feel a taper and a few left turn lanes will solve the problem on Milford Road. They all have to go through this intersection and it doesn't handle the volume now. The ring road may not get built or if it does, it will be a very long time. He feels this issue needs to be discussed further. He doesn't think the township should let a developer come in who knows they will impact the area significantly, or let them off the hook. The problem will be years down the road. He added that if the purpose of the Council is to make Lyon Township better and attract people, this development will only drive them away with the current infrastructure. He asked about the drinking water supply and whether it could support this volume. Ms. Zawada stated that it could. Water customers' capital charges go into the water enterprise fund, as does the sanitary sewer.

Nancy Duczowski, 56739 Twelve Mile – Ms. Duczowski noted that some of the buildings will be pushed back and she wants to know what she will see of this project. Mr. Fingerroot stated the estate lots are on southern border and Ms. Duczowski will see the golf course and the backs of the estate houses. Ms. Duczowski questioned whether there were plans for sewers coming

down 12 Mile, but Ms. Zawada indicated there was not because the development does not front on Milford Road. Ms. Duczkowski stated that 12 Mile takes a beating and has increased significantly. It is a dirt road and not an official route, but even now, she can barely get out of her driveway. With additional traffic on Grand River and Milford Road, she will see more traffic detouring to 12 Mile. She asked if there were any plans to pave 12 Mile. Mr. Chuck stated that over time people will use 12 Mile more frequently. Mr. Towne added that it wouldn't change for people who know the area and how to avoid the traffic. There are no plans to pave 12 Mile. Ms. Duczkowski indicated that a friend was killed getting to her mailbox. Mr. Towne responded that the State Police need to control the speed.

Mr. Towne continued that in his experience with the traffic lanes the developer will put in; there is normally not an issue. The only time there appears to be an issue is when there is an accident on the freeway. The applicant has a right to build and as a Commission, they can only try to control the development and ask them to do so much. He noted that this is preliminary review, and the Township Board will ask questions too.

**Motion by Chuck, second by Towne
To close the public hearing at 8:33 p.m.**

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

Mr. Enlow asked for clarification on the drive approach locations. Mr. Fingerroot indicated that the Road Commission and engineers tend to line up drives and streets across from each other when adding acceleration and deceleration lanes. Ms. Zawada added that the roads are under the Road Commission's jurisdiction, and they will study the area and require the applicant to meet their standards. If this affects the layout of the property, the Commission will see it in the final. She would anticipate that the Road Commission will require passing lanes and tapers. As far as a PD goes, it does not front on gravel and the applicant would not be required to pave the road.

Mr. O'Neil noted that Continental Aluminum was referenced by Mr. Allen during the public comment, and he agrees the odors from the facility can be strong. He asked if this were something the developer is aware of and willing to contend with. Mr. Fingerroot stated that he would have his environmental engineer revisit this concern. Mr. Towne added that Continental has been tested over and over and each test has found nothing unsafe.

Mr. Enlow feels it's rough to have all industrial surrounding this proposed development. Mr. Towne stated he would rather see houses than industrial on the property. The amenities are there and he feels this plan should be approved, but there is a lot of work to be done with the plan before it goes to the Township Board.

Mr. O'Neil indicated that typically, industrial next to residential is not encouraged without transitional uses. The township could consider rezoning the property further east and buffer this from a very intense industrial use. He is not totally comfortable with this, and traffic is an increasing mess.

Ms. Sellis stated she is also struggling with future land use and converting from Light Industrial and Research to Residential. The township is left with no real Research Office zoned property. From a large perspective, she sees value with the downtown use, but doesn't want another Continental Aluminum in the back yard. She questioned where to stop the rezoning.

Mr. Doozan stated that more rooftops will be better to support business however, if taken away it won't be the death of it. For years, Walbridge has vehemently opposed a change in zoning on their property and want to stay industrial. The township respected their wishes and it stayed industrial, but the Master Plan reflected transition in the industrial world and there is less demand for general industrial property. Research for the conceptual review found the township has more

percentage wise industrial land. There is opportunity to pull back on the amount of industrial in that location and still have enough to supply the township's needs for a long time. In this case, they would have access to Milford Road, which is paved. He noted that Walbridge has 505 acres and this development has 168 acres.

Mr. Chuck stated that based on research over the years/decades, the township has to do something. He questioned what could be done to the east to ensure going forward what can be put there. He likes the project, but issues surfaced tonight that need further discussion. He like to make better use of what the township has to do and to do it smartly.

Mr. Campbell agrees with other comments. He also feels this is a great project, close to downtown area, and great to add rooftops. However, he asked whether the township can talk to Walbridge regarding a ring road and another buffer. Mr. Doozan thought it would be possible to have those discussions. He thinks the project would make better sense with a ring road and buffer in place.

Mr. Anderson addressed the buffer for this project. Half of the area will come back for site plan review 5-7 years from now. There is an existing wooded area which will provide a nice transitional area. The Townes is a site planning matter with the ability to add a buffer. Any new facility abutting their property will be required to add buffers as well. Mr. O'Neil does not agree that this will be the transitional area. He would prefer to see a buffer/screening put in now so it's dealt with.

Mr. O'Neil continued that he doesn't want to give the applicant a false sense of security. It should be understood that these issues need to be dealt with, but he knows some are beyond their control and responsibility.

Mr. Fingerroot asked what kind of buffer and setback the Commission is looking for. Mr. Campbell stated it wasn't so much about the buffer concerns as much as transitional area. He thinks this is potentially a flawed concept. If Walbridge would agree to take 25 acres and designate it to Research and Offices, that might be a fair transition. This is a great location, but the wrong zone, and the township should be doing due diligence. It's the Commission's job to protect the community on this level.

**Motion by Towne, second by Campbell
To table File AP 13-38 until the next meeting**

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

MOTION APPROVED

Mr. Doozan stated he would schedule a meeting with Walbridge, but in the meantime the applicant should address the issues stated in his and Ms. Zawada's reports and also the issue with the airport, and be prepared to come back in two weeks.

OLD BUSINESS

None

NEW BUSINESS

1. **AP-14-06, Hines Park Ford Building Addition.** Property located at 56588 Pontiac Trail (north side of Pontiac Trail, east of Milford Road). Site plan review of a proposed 2,200 sq. ft. building addition for a car detail shop; discussion and possible action.

Mr. Doozan reviewed his reported dated February 17, 2014.

The plans for the addition to Hines Park Ford are largely in compliance with zoning ordinance requirements. Consequently, they recommend that the Planning Commission approve the plans subject to:

1. The discrepancy regarding the number of employees be resolved;
2. Outside storage must be removed;
3. The Fire Marshal's requirements must be implemented;
4. Engineering review and approval is required.

Ms. Zawada stated she is also recommending approval. She noted that the detention volume does not need to be verified, but the roof drain should be connected to the storm basin.

Ms. Gatti did not have any comments.

Mike Strehl of Hines Park Ford stated they are currently working on the conditions stated in Mr. Doozan's report. He did report that there would not be an extension of the water main, and they have 92 employees, and parking on their site is adequate.

Mr. Towne was concerned with height of the building. It appears from the drawings that the building is 22 ft. in one spot and 30 ft. in another. Mr. Strehl stated the new structure will only be 22 ft. The existing structure is 30 ft. at its highest point.

**Motion by Towne, second by Chuck
To approve File AP-14-06 subject to addressing the CES letter and the 4 issues in
McKenna's letter**

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

MOTION APPROVED

2. **AP-14-04, Hutto Text Amendment – Mobile Home Park District.** Review proposed amendments to section 28.02 of the Zoning Ordinance to allow truck rental and recreational vehicle storage in the Mobile Home Park District; discussion and possibly schedule a public hearing.

Mr. Doozan reviewed his report of February 10, 2014. He stated that the mobile home park has been sold and the Zoning Enforcement Officer noticed a truck rental business surfaced on the site. The officer issued a letter of warning to resolve. The applicant is asking the commission to consider an amendment to the zoning ordinance text to allow continued operation and expansion of recreational vehicle storage. He added that if this is approved, it would not approve elsewhere in the township. A Special Land Use approval would be required.

The applicant, Jon Hutto/Country Storage, LLC, 21580 Griswold, stated he wasn't aware he was not compliant until he got the notice from the ordinance officer. He stated he stores 150 RV's and operates a U-Haul dealership now. The U-Haul portion aids with moving in and out for their customers, and they closely regulate this by only allowing 1-2 trucks in and out at a time. Without the truck rental portion, they take away the ability for people to move in and out.

Mr. O'Neil indicated that this is unique, and the township may not see a request like this again. He asked Ms. Gatti if it was more appropriate to do a Consent Judgment with the Board rather than a text amendment and public hearing. Ms. Gatti stated that option wouldn't necessarily be less costly and the township would have to sue on a Consent Judgment. With a text amendment in place, the township would have the recourse of seeing an injunction. Mr. O'Neil didn't think the

township should bear the cost of a public hearing, but Mr. Hutto stated he already paid several thousand dollars to the township for that purpose.

Mr. Chuck thanked Mr. Hutto for wanting to be in compliance with the township. He doesn't see U-Hauls as being an issue. He feels Mr. Hutto runs a good facility that is lighted and secure with cameras. He supports moving this forward.

**Motion by Towne, second by Enlow
To schedule a public hearing for AP-14-04.**

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

MOTION APPROVED

ADDITIONAL BUSINESS

1. Community Reports – Presented by Chris Doozan and Sean O'Neil.

Mr. O'Neil reported that the traffic committee met with MDOT and they will ask SEMCOG for a traffic study at the 10 Mile Road corridor. He will provide more information as it becomes available.

With regard to the paving of Chubb Road, there will be a full crowd on Monday. There was an agreement in place years ago when Tanglewood was put in, but he understands those time periods have lapsed.

Mr. Doozan read a report from the DDA, which discusses LEO (Lyon Events Organization), Inc. that has been set up in the township. This organization is primarily for recreational type activities and will be a 501-3c to be able to accept donations. He added that Mr. Chuck is the president of the organization.

The Township is moving forward in advertising for a replacement in DDA Administrator.

The Township will sponsor a Chamber of Commerce breakfast in April at the Township Hall.

Mr. Doozan distributed a residential development update.

ADJOURNMENT

**Motion by Towne, second by Sellis
To adjourn the meeting at 9:50 p.m.**

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

MOTION APPROVED

Respectfully Submitted,

Lynn Hinton
Recording Secretary