

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
March 10, 2014

Approved: March 24, 2014

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

Roll Call: Ed Campbell, arrived 7:03 p.m.
Jim Chuck
Michael Conflitti, Chairperson
Kris Enlow
Sean O'Neil, Board Liaison
Deborah Sellis, Secretary
Carl Towne, Vice-Chairperson

Guests: 11

Also Present: Jennifer Gatti, Township Attorney
Chris Doozan, McKenna Associates
Leslie Zawada, Civil Engineering Services

APPROVAL OF AGENDA

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. February 24, 2014 Meeting Minutes

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

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

MOTION APPROVED

COMMENTS FROM PUBLIC - None

PUBLIC HEARINGS

1. **AP-13-39, Rathmor Park PD. Property located on the northwest corner of 10 Mile and Napier Road. Public hearing to consider preliminary review of a proposed residential planned development consisting of 95 single family units on 77 acres.**

**Representing Rathmor Park: Andy Milia, Hunter Pasteur Homes
 Randy Wertheimer, Hunter Pasteur Homes
 Karen Brown, Franklin Construction Company
 Mike Powell, Powell Engineering & Associates**

Mr. Doozan reviewed the McKenna Associates memo dated 2/28/2014 and 3/5/14. He recommended approval of the preliminary plan subject to the following conditions:

1. The revisions noted in the memo dated 2/28/14 shall be addressed on revised plans prior to Township Board review of the preliminary plans.
2. The developer shall contribute \$185,000 to the Township Road Fund for the benefit of the Ten Mile and Napier road intersection improvements.
3. The wetland permit shall be submitted prior to final planned development review.
4. The developer shall contribute \$50,000 for tree preservation efforts in the Township.
5. The developer shall place funds in the Bicycle Path and Sidewalk Development Fund to cover the cost of constructing the bike path eastward to the corner of Ten Mile and Napier roads after the road improvements are completed at this intersection. The cost of construction shall be estimated by the Township Engineer.
6. The site plan must show the sidewalks extending to the curb, with barrier-free ramps, at all corners in the development.
7. The planned right of way of Napier Road shall be shown on all sheets, as appropriate.
8. An open space plan is needed that clearly delineates common open space. Reference is made to "park areas" in certain documents. Clarification is needed whether these are the same as common open space areas.
9. The cul-de-sac islands shown on the Powell Engineering plans must also be shown on the landscape plans. Landscaping must be proposed for these islands. A means of irrigating the island landscaping must also be proposed.

Ms. Zawada reviewed the CES memo dated 3/3/14. She stated that the right of ways for Napier and 10 Mile should be indicated on the plans and dedicated as part of the project. The water main will be extended into a 12" water main and it is not proposed to be looped with this system they are requesting that fire flow calculations be submitted prior to the submittal of final PD documents. The biggest concerns on the site are the numerous regulated wetlands and the DEQ permit that has recently been submitted and what the DEQ says about the site could have a major impact on the layout. If anything does change in the layout due to the DEQ permit she recommends that it comes back

to the Planning Commission.

Mr. Milia gave a presentation reiterating the public benefits of the project and the developers experience in the Township

Mr. Towne commented that with the change to the entrances on Napier he felt it is a better design. He confirmed that there are 95 lots and he liked the addition of the water feature at the entrance.

Mr. Wertheimer explained that the elevations have not changed. The 80' lots will be sold from the high \$300,000 to \$400,000 and will have 2500-3000 square feet. The 100' lots will be priced in the high \$400,000 to \$500,000 and have 3,000-4,000 square feet. Mr. Powell explained that the back property to the north is at a higher elevation.

Mr. O'Neil questioned the contribution to the pathway down Napier. Mr. Milia stated yes and that they will work through those numbers with Ms. Zawada. Mr. Towne confirmed that the bike path is a 10' pathway.

Mr. Chuck commented that he liked the community benefits and felt those items were important.

Mr. Towne stated that the Master Plan is at 1 acre and felt that there is a substantial amount of community benefits that are given back to the community such as the 4.5 acres of open land, 40% open space and the contribution of \$185,000 to the paving of Napier. He felt that the applicant has done a tremendous job and far exceeds the expectations.

Mr. O'Neil commented that one acre density doesn't belong on Ten Mile. While he appreciated this is a deviation from the Master Plan, he felt that they need to look at the Master Plan density's in areas where they are trying to serve future developments with water and sewer.

Mr. Enlow questioned the common space in between homes. Mr. Milia explained that the area Mr. Enlow is referring to is not a usable common area, and it will be heavily landscaped for homeowner privacy.

Mr. Campbell stated that the new entrance is awesome, and he felt it will get a lot of use. He also liked the Napier Road contribution.

Mr. Enlow questioned an area on the plans, and Mr. Milia explained that area is called a headlight lot so that the headlights from cars entering the site are not shining directly into a home.

**Motion by Chuck, second by Towne
To open the public hearing at 7:50 p.m.**

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

MOTION APPROVED

**Motion by Towne, second by Chuck
To close the public hearing at 7:51 p.m. due to no comments.**

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

MOTION APPROVED

Ms. Zawada stated that she is not concerned with moving the plan forward since they will look at it again before the Board preliminary. She stated she won't know for a few months regarding the DEQ permit. If there is a change with the layout, then that is at the applicant's risk.

**Motion by Towne, second by Chuck
To recommend approval of the preliminary PD for AP-13-39, Rathmor Park including the McKenna Associates memo dated 2/28/14 and 3/5/14 and the CES memo dated 3/3/14. The applicant needs to have the DEQ permit by the time this application goes before the Board including the water pressure information and if there is any change in the layout the plan will come back to the Planning Commission before going to the Board for final.**

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

MOTION APPROVED

OLD BUSINESS

- 1. AP-13-38, Parkside Village PD, Property located on the east side of Milford Road, south of Grand River Avenue. Continue 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 square feet of commercial/office space with 200-4000 attached residential units on 168 acres.**

Representing Parkside Village: Howard Fingerroot, Pinnacle Homes

Mr. Doozan reviewed the McKenna Associates memo dated 3/6/14. He explained that the Planning Commission must first decide if the modifications to front and side setbacks, as described on page 4 of the McKenna Associates memo dated 3/6/14 are acceptable. If the Commission concludes they are, then it is recommended that the Planning Commission recommend approval of the preliminary plan for Parkside Village to the Township Board, subject to the following conditions:

- 1. An irrigation system layout must be submitted prior to final plan review.**
- 2. Preliminary and final planned development 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.

3. Engineering approval shall be required.
4. Sidewalk crosswalks shall be provided as noted in item 6 on page 5 of the McKenna Associates memo dated 3/6/14.
5. Approval of work in the Huron Valley Trail right of way shall require the approval of the Western Oakland County Trailway Management Council and the Michigan Department of Natural Resources.
6. Issues related to the Oakland/Southwest Airport must be resolved prior to final approval.

Ms. Zawada reviewed the CES memo dated 3/10/14. She stated that the applicant has submitted revised plans which addressed a significant amount of their comments. She pointed out that the engineering calculations will have to be done on the water system because the first phase does not have a loop in the water main. The lot numbering needs to be consistent as well.

Mr. Towne commented that water sensors should also be installed to the irrigation system so when it rains the system turns off.

Mr. Campbell questioned if a meeting with Walbridge has occurred regarding the reconfiguring of the ring road. Mr. Doozan explained that he had a phone call with Mr. DeAngelis, and one alternative was to move the ring road so it comes out to Grand River farther to the east. However, that is really not feasible since when this project is built out, it would generate over 7,000 trips per day. The buffer alternative is also an option with a 200' setback.

Mr. Fingeroot stated that he had a conversation with Walbridge as well and if the ring road was extended through their property then they would consider rezoning. He also stated that he liked the concept of modifying the ordinance where residential abuts light industrial.

Mr. O'Neil stated that the current property is zoned research office/industrial which is a significant departure from residential. He stated that the odors, the airport, the property to the east and Continental Aluminum were all discussed previously. He understood that there are benefits that could impact the Township. He personally likes the development, but not at this location. He stated as long as Continental Aluminum is there and operates the way it is, building homes downwind from there isn't good planning. He is not comfortable rezoning it due to all of the concerns he sees going forward with the smells that come from Continental Aluminum.

Mr. Fingeroot stated that issue has been discussed, and they have had Continental Aluminum involved in the discussions. He stated they are very comfortable with the south side of the property. He stated that they are out there every day in order to judge the impact of this issue. Mr. Fingeroot stated that according to their environmental person, their property would be less impacted by odors than property farther away because the flue height was raised.

Mr. Towne stated he is very comfortable with this project and the concerns regarding

Continental Aluminum. He explained that the DEQ is checking on Continental Aluminum all the time. He is very comfortable due to the extensive ongoing testing that has gone on for years.

Ms. Sellis commented that they can't hamstring a certain area of the Township because of Continental Aluminum; her position is to do your homework as a future home buyer. She stated this wasn't something that was being hid; the information is out there. She questioned when they stop saying that Continental Aluminum is a concern for any subsequent development. Mr. O'Neil stated it's not only Continental Aluminum but the 400 acres to the east that is unknown as to what will be there.

Mr. Chuck also agreed with the safety of Continental Aluminum, and he felt that the environmentalist that Mr. Fingerroot referred to should have been present at this meeting to answer some very important questions. He stated that perception is reality, and the perception is that it's not safe, even though the research shows that it is safe. The building will be done in phases, and everything indicates that the first phase would be south of the predominant air flow. He stated that as far as the Master Plan goes the trend for manufacturing shows that it would be conducive to rezone based on the findings in McKenna Associates research. He stated if this was approved, he would like more pavement above and beyond what the County says.

Mr. Enlow stated his concern is also that the site is surrounded on three sides by industrial property. He is concerned with the sounds and the smells from Continental Aluminum. He appreciates the effort on the east side with the 4' high berm and additional trees.

Mr. Towne stated he had no issue with the buffer zone to the east; the issue he had were the setbacks. Mr. Fingerroot confirmed that the lots will be 90' with side entry garages with 30' of separation. He agreed to increase the separation to 20' on driveway to driveway units instead of 15'. Mr. Fingerroot explained that the 70' lots will have a 15' separation as well the empty nester product, The Villas.

Mr. Campbell stated that he still felt that they were trying to fit a square peg into a round hole. He likes the idea of high density there, but the problem is that it is surrounded by industrial. He stated he was disappointed that a representative from Walbridge was not present to answer questions. He agreed with Mr. O'Neil's concerns and stated he is struggling with this one. He stated he remembers the initial outrage with Mill River, and he did not want to put someone else in that position. Mr. Fingerroot stated that as the collector road finishes up, he thought they values within the collector road will make it desirable for different classifications. The ring road will make it more valuable. Mr. Campbell stated that this is such a significant change, and, again, Walbridge does not have a representative here. He didn't want to speculate on what could happen. Mr. Fingerroot stated that Walbridge did say if the ring road was changed and it was put through their property that they would consider rezoning.

Mr. Conflitti stated that he agreed with Mr. Towne and Ms. Sellis's comments. He felt the benefits outweighed the negatives.

Mr. Towne stated that the Commission has made a commitment to the new Form Based

Code, and this is a perfect transition to the future downtown area. He felt that the plan looks great and that the applicant has done a great job with the project.

Mr. O'Neil stated that he knew everyone involved has given every effort, but it's the things that they can't control that concern him, and there is nothing that they can do to alleviate that. He is not impressed by the buffer; he would like to see a transitional zoning district to the east, but we don't know what we're going to get. He stated that Walbridge could seriously have their own Master Plan, and he thought it would be a great idea to work with Walbridge and alleviate some of these concerns.

Motion by Chuck, second by Towne

To recommend preliminary approval to the Township Board of AP-13-38 Parkside Village onto the next phase contingent upon the comments in the McKenna Associates memo dated 3/6/14 and the CES memo dated 3/10/14.

**Roll Call Vote: Ayes: Towne, Sellis, Conflitti, Chuck
 Nays: Campbell, O'Neil, Enlow**

MOTION APPROVED

- 2. AP-13-30, Stoneleigh West PD. Property located at the southwest corner of 10 Mile and Milford Roads. Final review of a proposed planned development consisting of 52 single family homes on 43 acres.**

**Representing Stoneleigh West: Duane Bennett, D. Bennett Enterprises
 Andy Milia, Hunter Pasteur Homes
 Randy Werthemier, Hunter Pasteur Homes**

Mr. Doozan reviewed the McKenna Associates memo dated 3/3/14. He recommended that the Planning Commission recommend approval for the Final Planned Development Plan and Planned Development Agreement for Stoneleigh West to the Township Board, subject to any conditions the Township Engineer or Township Attorney may have.

Ms. Zawada reviewed the CES memo dated 3/5/14. All of the items mentioned are minor, and she asked that the plans be revised and resubmitted.

Ms. Gatti explained that Mr. Quinn reviewed the PD Agreement and suggested some changes; all of the changes have been addressed.

Mr. Milia explained that this is the 3rd phase of Stoneleigh. Phase 2 construction will begin as soon as the weather breaks. Mr. Werthemier explained that 24 out of 30 homes have been sold in Phase 1 and within Phase II there are 8 sold and 15 more that will be signed within the next month. The first closing will be at the end of this month.

Mr. Towne commented that it is a great product.

Motion by Chuck, second by O'Neil

To recommend final approval to the Board based on the recommendation in the McKenna Associates memo dated 3/3/14 and the CES memo dated

3/5/14.

Roll Call Vote: Ayes: Unanimous
 Nays: Nays

MOTION APPROVED

NEW BUSINESS - None

ADDITIONAL BUSINESS

1. Community Reports

Mr. O'Neil reported that there was a debate regarding Tanglewood/Greenbrier and the \$350,000 contribution the developer offered towards the paving of Chubb Road. After much discussion at the Board level, the Board decided to pave as much of Chubb Road as they can as far as the money will go. Greenbrier was also granted final approval. The Board also took action to approve litigation regarding two illegal home business uses. He also reported that there will be a special meeting tomorrow at 10:00 a.m. regarding the Clark property on the southeast corner of 9 Mile Road and Griswold.

Mr. Doozan handed out an article entitled Development Review as Economic Development.

ADJOURNMENT

**Motion by Towne, second by Enlow
To adjourn the meeting at 9:13 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:13 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary