

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
June 9, 2014

Approved: June 23, 2014

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

Roll Call: Ed Campbell
Jim Chuck
Michael Conflitti, Chairman
Kris Enlow
Sean O'Neil, Board Liaison (arrived 7:41 p.m.)
Deborah Sellis, Secretary
Carl Towne

Guests: 35+

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

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. May 12, 2014 Meeting Minutes

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

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

MOTION APPROVED

COMMENTS FROM PUBLIC - None

PUBLIC HEARINGS

1. **AP-14-20 Crystal Creek South – Elkow Farms PD Amendment.** Property located at the southwest corner of 11 Mile Road and Milford Road; 75 single-family homes on 80 acres. Public hearing to consider amending the approved planned development to modify the road layout, allow the PD to be governed by the current tree protection ordinance, allow farming on the property prior to development, and modify the landscaped greenbelt along 11 Mile Road.

Representing Crystal Creek South: Mark Roebuck, SE Michigan Land Holding
Pat Keast, Engineer

Mr. Doozan reviewed the McKenna Associates memo dated May 27, 2014. Mr. Doozan recommended that the Planning Commission recommend approval of the preliminary plan for Crystal Creek South planned development (AP-14-20) to the Township Board, subject to the following conditions:

1. Recommend that the Planning Commission recommend to the Township Board a waiver from the front and perimeter setback requirements, provided that the plans are modified to illustrate the 5-foot and 25-foot side setbacks on each lot.
2. Sheet 2 must be revised to illustrate the bike path in the proper location.
3. The landscape plans must be modified as noted above.
4. Typical façade elevations must be provided.
5. Notwithstanding what is permitted by ordinance, it is recommended that the applicant be judicious with tree cutting, as noted in the McKenna Associates memo dated May 27, 2014.
6. Township Engineer and Township Attorney approval shall be required.
7. The Second Amendment to Planned Development Agreement must be revised as noted.

Ms. Zawada reviewed the CES memo dated June 6, 2014. Ms. Zawada explained that in general the internal roadways will be dedicated to the Road Commission and will be public. The sanitary sewer and public water will be extended through the development. There are several concerns regarding the storm sewer, however the amendment to the Planned Development that is proposed actually significantly reduces the impact to the wetlands. There are some detailed items that will need to be addressed prior to the Planning Commission and Board taking any action on final. However, she has no objection to the Planning Commission taking action on preliminary.

Mr. Towne questioned the water that leaves the property and goes north. Ms. Zawada explained that this plan is not final, and this will allow time to get into the details of this project. She wants to take a closer look at this due to some of the flooding issues and work with the County. She explained that the detention basin will slow down the rate of discharge, but there is still concern and she wants more time to go over it in detail.

Mr. Towne questioned what improvements have been done to the Lyon/Novi drain so far. Ms. Zawada explained that the developer has done extensive work on the drain under Milford Road, to her understanding they put in a box culvert. Mr. Towne stated

that this is a big concern for him.

Ms. Zawada stated that she would expect everything to be addressed by the time this project comes back for final at the Planning Commission. Mr. Chuck stated that there is a list of about 25 items in the CES memo, and there is a lot of research and things that still have to be looked at.

Mr. Roebuck acknowledged that Mr. Doozan hit on all of the major points. He explained that they would not do any tree cutting until the project starts, which wouldn't be until 2015. He stated that they wouldn't need to touch the trees along the boundary. He explained that they would not touch anything in the 40' buffer or the boundary until 2015. He stated that they have approval for the connection; the site to the south was platted in 1994 with an approved connection to the north. They would close that connection off until building started or they would prohibit construction traffic.

Mr. Roebuck stated that they had no issues with the comments from CES. If the preliminary was approved, he could get out there and work and get the drainage better.

Mr. Towne stated that he was not sure the Commission would agree with the farming, and he felt if that was something that was going to be requested they needed to discuss the parameters tonight. Mr. Doozan reviewed the Crystal Creek Project Agricultural Use. Mr. Towne stated that he agreed with the farming use after the information was reviewed. Mr. Roebuck stated they would look at planting soy bean or something that would be most sufficient for the ground.

Mr. Doozan explained that the current ordinance allows them to cut trees in the road right-of-way Mr. Roebuck confirmed that the trees are in good condition. Mr. Conflitti asked if any of the trees can be saved. Mr. Roebuck stated that they will remove only what they have to as long as it does not affect the grading of the lot. Mr. Keast explained that a grading plan will be developed with each individual lot and they can tell with that what trees will be impacted. If the trees can be saved and still meet the requirements, then those trees will be kept.

Ms. Sellis questioned what the elimination is and reduction of on-site wooded wetlands and why was the previous project okay and now this project is better. Mr. Keast stated that if they looked at the old plan on 11 Mile, there is an existing approach which was built for a boulevard and it was going to be a road connection. In the travel of that roadway, there would be quite a bit of filling of wetland and tree removal. All of that has been taken out.

Ms. Sellis questioned what is so awful about building the original plan with respect to the wetlands that they would want to go with the new plan. Ms. Zawada stated that there were two main crossings over the wetlands that are now removed. The new PD would eliminate filling in the wetlands, and the DEQ would prefer there is, as there would be no impact on the wetlands. Ms. Zawada explained that removing the two major crossing is a better plan, and she felt that the DEQ would agree. Ms. Sellis questioned why it's okay to not impact the wetlands but cutting down trees is okay. She asked what was being accomplished since there is an improvement on the impact regarding the wetlands but clearing trees will be a big impact to habitat as well. Mr.

Doozan explained that there is no relationship between the wetlands impact and the trees. In the previous plan, the same number of trees are being impacted as the present plan. The difference is that in the previous plan under the old ordinance it was tree replacement and they don't have that with this plan. The replacement requirements are not required with the current plan.

Mr. Towne stated that they are actually taking out less trees on the current plan.

Mr. Enlow stated that with the submitted plan the agricultural limits are shown to extend all the way to the wetlands. He questioned if the limits of farming are just to the open area. Mr. Roebuck stated that they only farm what is open.

Mr. Conflitti questioned the impact of traffic. Mr. Doozan stated it would be about 750 trips per day. Mr. Chuck stated that sooner or later a traffic light will be needed at Milford Road and Eleven Mile.

Ms. Sellis stated that they would farm until the development started which Mr. Roebuck stated was 2015. Mr. Roebuck stated that he wanted preliminary so he could get in to farm it this year. Mr. Towne stated that if they wanted to farm it next year, they would have to come back to the Township in November.

Mr. Doozan stated that Elkow Farms which includes Crystal Creek South has already been approved. If they wanted to they could build the old plan today. It's important to understand that all of this was hashed out a long time ago. In terms of the traffic, Elkow Farms has done more with road construction than any other developer in the Township.

Mr. Towne stated that he thought the Township should ask the developer to put in a traffic signal at Eleven Mile and Milford Road. Mr. Doozan stated that would have to be approved by the Road Commission for Oakland County. Mr. Towne and Mr. Chuck agreed that a light is needed.

Mr. Towne stated that this project will connect with one of the finest subdivisions in Lyon Township, and he would like to see some compatibility with the elevations. He would like to see it evolve through Ironwood and match some elevations. Mr. Roebuck stated that he didn't include that originally, but it could be added.

**Motion by Towne, second by Enlow
To open the public hearing at 7:53**

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

MOTION APPROVED

Judy Roscoe, 25700 Milford Road – Ms. Roscoe stated that the drain along 11 Mile is caving in, and that needs to be replaced. She wants to know how it's draining. The swamp across the street from her has blue herons nesting there, and she asked that they be aware of what trees are being cut. She is really concerned with the drainage.

She has had no driveway this year. Her neighbor is under water from the Blackwood Drain. It is stopping the drain up and flooding their properties. She hoped the drainage is handled better on this one. She has no driveway at times and has mosquitoes. The Blackwood Drain gets stationary so it breeds more mosquitoes. She does respect nature; don't destroy wildlife that is federally protected. She is glad that they are saving the wetlands as much as they are. She asked that they find out how much will be backhoed into the wetlands before doing it. The traffic is awful, and a traffic light is needed. She questioned the aquifer and how much is left in it. She is sick of flooding.

Fred Roscoe, 25700 Milford Road – Mr. Roscoe stated that if they have problems now, how do they classify minimum runoff? If they are adding to the runoff every time it will be worse. He asked what can be done about the drainage. More has to be done.

Julia Labadie, 57251 Hidden Timbers – Ms. Labadie handed out a petition that was signed by the residents of Hidden Timbers. The petition states that the residents are opposed to the connection via Ironwood. The cut-through traffic is a major concern. The future traffic flow is also a concern due to an elementary school that is slated to be built on Eleven Mile. She commented that there are no sidewalks or safety paths in Hidden Timbers. There are many children that live in Hidden Timbers, and they all play in the streets. The residents of Hidden Timbers repair their own roads and they take care of the drains. The residents have paid to have the roads repaired twice. She explained that this plan is 15 years old and it was approved in 2004. The traffic patterns are different now and a new traffic study should be constructed. Hidden Timbers is one way in and one way out they have no crime and this connection will impact their property values. They request to deny Lomabardo Homes a connection to Hidden Timbers.

Bob Schram, 57562 Hidden Timbers – Mr. Schram explained that he is the President of the Homeowners Association for Hidden Timbers. He expressed his happiness with the quality of life in Lyon Township and Hidden Timbers. He is concerned with the following items:

1. Buffer between the two properties on the north side.
2. Trees along the south side of the property, as none are proposed.
3. Ironwood is a main concern. Hidden Timbers will bear the brunt of it, and they are concerned with the cut through traffic.

He asked if an emergency gate would be an option. He stated that the community has no problem with the farming and actually encourage it

Matt Lewandowski, 25500 Belladonna – Mr. Lewandowski stated that the pond backs up to his property, but it is less flooded than the east side. He stated that it still floods when there are heavy rains. If the developer is going to honor all current regulated wetlands, then they can't go through with farming and fix the drainage issues when the majority of those issues are regulated wetlands. More investigation needs to be done. This plan was approved in 2004, and those regulated wetlands have grown over the last two years alone. Drainage is a serious issue. Yes, the old plan was approved and if the developer wants to pay for a 2nd entrance and if the DEQ permits can be approved

again, then they can do the old plan. The new plan is not there yet, there are a lot of questions and issues that need to be resolved, but no one wants the old plan.

Ann Polan, 25000 Belladonna Drive – Ms. Polan explained that for 5 weeks she could not access her property. After following where the water was flowing from, she found that Carriage Club is dumping huge amounts of water, and it is also coming from the Pulte development and even Hidden Timbers. She has been experiencing this heavy amount of water for at least a year. She notified the Township and was told that they are looking into it, although nothing has been done to her knowledge. She is concerned with the water coming from the south, east and west and now this development is proposed, she questioned how the wetland will handle it. She commented that this water is ruining her property and is adding expenses due to damage to trees and landscaping that now has to be repaired.

Doug Brandow, 57311 Hidden Timbers – Mr. Brandow commented that he thought the Township has a daunting task since the Township is just growing and growing. He commented that this whole area is a watershed. He asked for a good reason why this connection between Hidden Timbers and this new sub should happen. He stated that their subdivision is the very last sub to get plowed during the winter. He asked that the Commission think long and hard.

Bob Schram, 57562 Hidden Timbers – Mr. Schram explained that their sub does not even wait for the snow plows but hire plows to clean their streets, which they did 12 times this winter. Their sub also pays to fill the cracks in the roads. They are concerned with the water, and he questioned how the developments impact the underground water.

Todd Perttula, 57263 Hidden Timbers – Mr. Perttula commented that he agreed with Julia, he felt this is all about safety. Their sub has no streetlights and no sidewalks and if the north section is opened, he would worry about his kids' safety due to the cut-through traffic.

Bob Schmitz, 57598 Hidden Timbers Dr. – Mr. Schmitz commented that he lives at the intersection of Hidden Timbers and Ironwood and is probably more impacted than anyone else. He is very concerned with Ironwood being open to this development, especially with only one entrance and exit onto 11 Mile Road. If it has to happen they have to be very careful; there are a lot of kids and dogs, and everything will be impacted.

Steve Jacobs, 57491 Hidden Timbers – Mr. Jacobs stated that he moved here one year ago, and they chose their home due to the small community and secluded neighborhood. If the new sub will generate 750 car trips per day and the connection is opened then, that is 325 vehicles that they will have to watch out for. There is no reason that connection needs to be made. He felt that a locked emergency gate would be a good option.

Jim Dickinson, 57443 Hidden Timbers – Mr. Dickinson commented that Milford Road is like the Indianapolis 500. He asked that the Township consider lowering the speed limit to 35 mph.

Judy Roscoe, 25700 Milford Road – Ms. Roscoe commented that this neighborhood has one entrance and exit onto Milford Road. She asked why the other sub can't have one onto Eleven Mile Road.

Shelly Skinner, 57322 Hidden Timbers – Ms. Skinner commented that she has 5 children, and there is a safety concern. She explained that there is a steep hill, and kids are sliding and riding their bikes down that hill all the time. She stated that if she lived in the proposed sub, she knows she would use this connection through Hidden Timbers to take another way out to Milford Road. She explained that there are no sidewalks in Hidden Timbers and that this connection would take away the value in their homes.

Michelle Lees, 57455 Hidden Timbers – Ms. Lees explained that she agrees with all of the previous speakers, she is concerned with the safety of the kids in the neighborhood and the traffic.

Paula Klawender, 58045 11 Mile – Ms. Klawender explained that she has lived here since 1977, and she had a pond dredged in the early 1980's that is at least 12 feet deep. She is concerned about the safety of kids and questioned if a barrier would be going up between her pond and the sub. She is also concerned with fertilizer and how that water should drain away from the wetland.

**Motion by Towne, second by Chuck
To close the public hearing at 8:52 p.m. due to no further speakers.**

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

MOTION APPROVED

Mr. Towne stated that the residents of Hidden Timbers knew of the possible connection at Ironwood when they bought their home. Mr. Towne stated that he drove the site before the meeting and it changed his mind. Going from a sidewalk on both sides of the street to a subdivision that doesn't have any sidewalks. It does not make sense. He suggested removing lot 66 in Crystal Creek Court and having another entrance out to Eleven Mile Road. This is a new day and a new plan. He is not comfortable after hearing more and more about the flooding; he is not comfortable sending it to the Board.

Mr. O'Neil stated that he agreed that removing Lot 66 would work. Ms. Sellis agreed. She is concerned with the traffic that will be encouraged to cut through. She agreed this is a new plan, and she liked the Lot 66 idea. She commented that if Ironwood is kept then she thought that a gate could be used for emergency purposes. The drainage is a huge issue and gives her a lot of pause. Mr. Towne stated that this issue cannot be resolved before going to the Board; he wanted to see more information before moving forward.

Mr. Campbell questioned if there are two entrances/exits onto Eleven Mile, can the stub be removed or is it Oakland County controlled? Mr. Doozan stated that the sub can be designed so the two don't connect. Mr. Doozan stated that connectivity is encouraged

because roads should be a network, and those connections reduce the traffic on the main roads. Mr. Towne stated normally he would agree with that, but he felt this was an error.

Mr. Chuck stated that he lives in Carriage Club with 251 homes, and Pinehurst is to the south. Any day, the roads will be connected, but there are sidewalks in both subs. We plow our streets, these are the things that we all sign up for when we move out here. He does believe we have great engineers and planners. He is confused as to why the agricultural piece is so important. He is concerned with the engineers' concerns; he believes that they can straighten out the water. There are too many issues that need to be resolved, so he can't support it.

Mr. O'Neil stated that he is concerned with the many neighbors that have water issues, and it has been ongoing for many years. He would like to hear more on that. He would like to see developments connect to one another but it is difficult. Fifteen years have gone by and thousands of more people live here and thousands go through that area, it's hard to make a subdivision with one connection to bear the brunt. He would like to see lot 66 removed and line up with Spaulding Road.

Mr. Campbell agreed with Mr. O'Neil. There have been lengthy conversations regarding connectivity of subdivisions. These are unique situations and the networking capabilities of that are limited. He agreed that a second entrance/exit would make sense but felt that more information is needed. He is also concerned with the flooding.

Mr. Enlow stated that as a Civil Engineer, he does think this plan is a good improvement over the previous plan as far as the impacts to the natural areas and wetlands. There is concern regarding the drainage. The outflow rate that this subdivision would have to meet is a lot more stringent than Oakland County's standards, which is a good sign. They will have to expand their detention basin as well. Regarding the connectivity, it is always good to connect between the subs but at a minimum there needs to be two connections for traffic flow. When there is only one access point, everyone funnels the same direction and there is no connectivity. He sympathized with the homeowner's and as a resident, he lives in a sub that only has once access point. He liked the compromise regarding making a second connection by removing Lot 66. It isn't the best solution but it may be a compromise.

Mr. Conflitti suggested if the plans go forward to the Board to have all of the residents attend that meeting.

Motion by Towne, second by Chuck

To deny the preliminary for AP-14-20 with all of the comments including the concerns with the drainage, flooding, connection to Ironwood and the suggestion of removing Lot 66 as a possible connection. Including all comments in the McKenna Associates memo dated May 27, 2014 and the CES memo dated June 6, 2014.

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

MOTION APPROVED

Motion by Enlow, second by Campbell

To recommend approval to allow farming for AP-14-20 this season according to the 2nd amendment.

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

MOTION APPROVED

- 2. AP-12-20, Tanglewood Greenbrier PD. Property located on the south side of 10 Mile Road, between Currie Road and Chubb Road.**

Mr. Doozan reviewed the McKenna Associates memo dated June 3, 2014. He explained that the issues raised in this letter are relatively minor in scope. Consequently, it is recommended that the Planning Commission recommend approval to the Township Board of AP-12-20, Tanglewood Greenbrier condominium Master Deed, Bylaws and Condominium Subdivision Plans, subject to the following conditions:

1. The documents shall be revised to address the concerns raised in the McKenna Associates memo dated June 3, 2014.
2. The documents shall be revised to address any concerns raised by the Township Engineer or Township Attorney.

Mr. Langan explained that they agree to all requirements and comments with no arguments.

Motion by O'Neil, second by Towne

To recommend approval of the Master Deed and Bylaws subject to the conditions listed in the McKenna Associates memo dated June 3, 2014, the CES memo dated June 6, 2014 and the memo from Seglund, Gabe, Quinn, Gatti & Pawlak law firm dated June 9, 2014 and the applicant agreed to these conditions.

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

MOTION APPROVED

Chairman Conflitti explained that the remainder of the meeting will be placed on the next Planning Commission meeting agenda since the Township Hall has experienced a power outage.

Motion by O'Neil, second by Campbell

To adjourn the meeting at 9:10 p.m. due to no power.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:10 p.m. due to no power.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary