

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
June 23, 2014

Approved: July 14, 2014

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

Roll Call: Ed Campbell, arrived 7:02 p.m.
Jim Chuck
Michael Conflitti, Chairman
Kris Enlow
Sean O'Neil, Board Liaison
Carl Towne, Vice-Chairman

Absent: Deborah Sellis, Secretary

Guests: 14

Also Present: Leann Kimberlin, Township Attorney
Chris Doozan, McKenna Associates

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. June 9, 2014 Meeting Minutes

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

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

MOTION APPROVED

COMMENTS FROM PUBLIC

Christina Archer – Ms. Archer introduced herself as the new DDA Administrator/Economic Development Coordinator.

Mr. Conflitti asked for dates in July that the Planning Commission could meet for a workshop meeting to discuss procedures. Mr. Chuck suggested starting the meetings earlier by 30 minutes in order to conference with one another and ask questions of the Township consultants if needed. The Commission decided on July 28, 2014 at 6:00 p.m. for a workshop.

OLD BUSINESS

- 1. AP-11-12, Asbury Hill Estates PD. Property located on the south side of Grand River Avenue, west of Martindale Road. Final review of a proposed 59-unit PD.**

Representing Asbury Hill Estates: Jack Healy, owner

Mr. Doozan reviewed the McKenna Associates memo dated June 23, 2014. He recommended that the Planning Commission recommend to the Township Board final approval of Asbury Hill Planned Development subject to the following:

1. Satisfactorily resolving the issues set forth in this letter no less than 14 days prior to the Township Board meeting.
2. Approval of the Township Engineer.
3. Approval of the Township Attorney.

Ms. Kimberlin stated that there were quite a few condominium documents submitted to bring it all together, but at this point there were only minor issues that will need to be addressed in the future.

Mr. Healy explained that it is better to go with single family homes vs. attached condos with the market. He stated he is trying to finish it up and get it going. He explained that there are a total of 59 units, and each person will pay 1/59th of the share for the roads and sewers, which will benefit the existing residents. He explained that there is a sidewalk on the north side of Grand River but the south side will never connect to anything. He agrees with all comments and that there are items to be worked out. He had no problem with the 25' setback on lots 44 and 48.

Mr. Towne confirmed that Mr. Healy had no issues with the comments in the McKenna Associates memo dated June 23, 2014 and the CES memo dated June 20, 2014.

Mr. Towne commented that the views are outstanding; he thought that the landscaping should be discussed and that smaller growing trees could be used so it does not choke out the view when the trees mature. Mr. Healy stated that was a good idea and that they are still working on the landscape plan; it could be changed very easily. Mr. Towne stated that he thought the sidewalk would be a good idea. He would lean towards spending the residual dollars to some sort of a crossing there.

Mr. Chuck stated that the sidewalk was important. Mr. Doozan explained that the Bike Path Committee set certain areas as priorities, and those are being looked at again. Mr. Chuck questioned when a bike path typically goes in. Mr. Healy stated it was up to the developer. Mr. Doozan explained that the Township Engineer establishes the amount

of money that would be contributed to the sidewalk fund. Mr. Chuck stated he would like to make sure the money is in present day dollars.

Mr. Enlow stated that he remembered discussing the bike path before; he thought it was a good idea to get a connection to the Huron Valley Trail. At the very least, he would like to see a connection that goes across the street. Mr. Healy stated that would be fine with them if they can obtain permission from the Road Commission for Oakland County. Mr. Towne stated that an answer should be obtained before going in front of the Township Board.

Mr. Healy confirmed there is irrigation in the development now. When this is all developed, the single family homes will have to have their own irrigation system. Mr. Healy stated that they can extend the irrigation to include the areas that are not covered.

Current residents of the development were in attendance and asked to speak even though a public hearing was not scheduled. They explained that they have tried numerous times to rectify their concerns through the Township, and nothing has been done. A packet listing their concerns was provided to the Planning Commissioners.

Genevieve Harvester, 30967 Asbury Hill Court – Ms. Harvester provided information to the Commission regarding the existing residents' concerns. She explained that Mr. Healy has no escrow account for future roof replacement or repairs for the existing 7 condos. She is concerned because routine maintenance on the 7 condos is not being done. She commented that Units 1, 2, 3 and 4 have no outside water faucet on the back of the units. She is concerned regarding bats that have been in her attic. The sign at the entrance to the property is in bad repair. She is also concerned that a sensor needs to be added to the sprinklers in order to regulate the timing.

Ms. Kimberlin explained that she has the new Master Deed and By-laws for Asbury Hills Estates. The Villas will remain the separate unit, but there will be shared maintenance responsibilities for the shared elements, such as private roads and detention basins.

Mr. Healy stated that the Homeowners' Association is only 7 units, and he owns two of them. He basically manages the Homeowners Association. With only 7 units, there is not a lot of money coming in. He stated that they did have a huge water issue in the beginning, and locks had to be placed on the sprinklers so that the homeowners could not turn them on. There is a reserve account now, which they didn't have at first. He stated that he is not aware of any roof leaks. He stated that no one ever saw a bat in the house. They had sent qualified people over to investigate that, and nothing was found. If any of them want to run the Homeowners' Association, they can have it. Some of the units were built in 2005. Some were partially finished and were completely finished in 2010. He stated that the bushes were just trimmed a couple of weeks ago. He is not aware of the sign needing repairs.

Mr. Towne asked if there is separation now going forward between the two projects. All of these concerns have nothing to do with what is going on regarding the new portion. Mr. Healy stated that was correct. Mr. Towne stated that this is a separate piece of pie. This is a project about the new buildings going in. All of these issues have to be taken

through the Homeowners' Association not the Planning Commission.

Motion by Chuck, second by Towne

To approve AP-11-12 Asbury Hills Estates PD for final review with the comments from the Attorney and the McKenna Associates memo dated June 23, 2014 and the CES memo dated June 20, 2014 along with the recommendation regarding the pedestrian crossing and irrigation of the east side.

Mr. O'Neil suggested the current residents send an email from the Homeowners' Association to the entire Township Board.

Mr. O'Neil explained that this is a civil matter.

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

MOTION APPROVED

NEW BUSINESS

- 2. AP-14-21, Stoneleigh East PD Size Waiver. Property located on the south side of 10 Mile Road. Consider allowing a Planned Development consisting of 33.8 acres, as opposed to the required minimum 40 acres.**

Representing Stoneleigh East PD: Whitney Findlay, Franklin Construction

Mr. Doozan reviewed the McKenna Associates memo dated May 21, 2014. Mr. Doozan recommended that the Planning Commission recommend a waiver from the 40 acre minimum parcel size for a planned development to the township Board in the case of Franklin Construction Company, LLC, a 33.8 acre parcel.

Mr. O'Neil asked how many acres will there be when all of these are connected. Mr. Milia stated close to 100 acres.

Ms. Findlay explained that their goal was continuity with Phase 1 and Phase 2. Their intention is 100' foot lots. The goal is to connect the frontage to Ten Mile. Mr. Towne stated that he saw no problem in granting the waiver.

Mr. Enlow stated that they still need to keep the sewer capacity in mind. Mr. Doozan stated at the present time there are no concerns with the sewer issue. Mr. O'Neil explained that the sewer issue was discussed at the board level, and the Sewer Master Plan needs to be updated.

Motion by Towne, second by Chuck

To approve AP-14-21 size waiver for Stoneleigh East from 40 acres to 33.8 acres.

Voice Vote: Ayes: Unanimous

Representing Kirkway Estates: Howard Fingerroot, Pinnacle Homes

Mr. Doozan reviewed the McKenna Associates memo dated June 16, 2014. Mr. Doozan recommended that the Planning Commission approve the site plan for Kirkway Estates Phases 3 and 4, subject to the following conditions:

- a. The site plan issues identified in this letter shall be addressed on revised site plans, and
- b. Approval shall be obtained from the Township Attorney and Township Engineer.

Also, it is recommended that the Planning Commission recommend to the Township Board approval for the First Amendment of Master Deed and related Condominium Subdivision plans, subject to Township Engineer and township Attorney approval.

Ms. Kimberlin, no comments regarding site plan.

Mr. Fingerroot stated that he agrees with all of the comments. He explained that the motivation behind this was to fix some storm drainage issues. He explained that the homeowner's are happy and have signed off on everything.

Mr. O'Neil appreciated the change on the sheets showing the wetland area out of the lot area. There is one sheet that shows it the old way. He asked that all of the sheets be consistent and show the new way with lot 109 and 110 out of the wetland buffer. Mr. Anderson stated he would update that sheet.

Mr. Fingerroot stated that he agrees to the nature paths being asphalt

Motion by Towne, second by O'Neil

To approve AP-14-25 final PD Kirkway Estates. Including the McKenna Associates memo dated June 16, 2014 and the CES memo dated June 20, 2014 and June 23, 2014 as well as Township Attorney comments. Also, all nature paths will be asphalt.

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

MOTION APPROVED

Motion by Towne, second by Chuck

To recommend condominium deeds 1st amendment of the Master Deed for Kirkway phases 3 and 4.

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

MOTION APPROVED

- 5. AP-14-26, Amendments to Article 15 of the Zoning Ordinance. Consider proposed amendments dealing with landscaping.**

Mr. Doozan explained the principal reason for the amendments is to make the distinction between “caliper” and “diameter of breast height (DBH).” Also, propose amendments to Section 15.06 B to eliminate conflicts with the Tree Protection Ordinance.

**Motion by O’Neil, second by Chuck
To schedule a public hearing for AP-14-26, Amendments to Article 15 of the Zoning Ordinance.**

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

MOTION APPROVED

5. AP-14-27, Amendments to Articles 31 and 32 of the Zoning Ordinance. Consider proposed amendments dealing with the business districts.

Mr. Doozan explained this amendment came about as a result of the adoption of the New Hudson Zoning District. Consequently, Articles 31 and 32 are revised to remove the references of Community Business District and General Business District.

**Motion by Chuck, second by Towne
To schedule a public hearing for AP-14-27, Amendments to Articles 31 and 32 of the Zoning Ordinance**

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

MOTION APPROVED

6. AP-14-28, Brewpubs and Microbreweries. Consider proposed amendments to the Zoning Ordinance regarding brewpubs and microbreweries.

Mr. Doozan explained the difference between a brewpub and microbreweries. He explained that the Township has had recent inquiries from individuals interested in opening facilities of this nature in the Township.

Mr. Towne stated he would like to look into an outdoor sale area. He will investigate it further and bring it to the public hearing.

Mr. Doozan confirmed that the interest has been for an independent business, not a chain.

Mr. Chuck commented this was big years ago, and now it’s coming back. Seize the moment, there is room for it.

Mr. Enlow questioned where the numbers were found, he didn’t want to set restrictions in a way that would prevent the intent of the ordinance from attracting these businesses.

Mr. Doozan stated he found the numbers by looking at other ordinances, but they did review them with the people that are considering the development.

Mr. Towne also commented that there are smells associated with this type of business, especially in larger microbreweries.

**Motion by Chuck, second by Enlow
To schedule a public hearing for AP-14-28, Brewpubs and Microbreweries.**

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

MOTION APPROVED

7. AP-14-29, Review of Condominium Documents. Consider proposed amendments to the Zoning Ordinance regarding the process of reviewing condominium documents.

Mr. Doozan explained that they have come to realize that review of condominium master deeds, bylaws, and Exhibit B drawings can best be handled administratively, rather than requiring Planning Commission and Township Board approval.

Mr. Towne commented that he wanted to make sure all of the comments are incorporated in the documents. Mr. O'Neil stated it is better to leave it to the consultants and staff to go over it and review it. Ms. Kimberlin suggested being very diligent to put their comments and concerns in the motions so it is part of the record.

**Motion by O'Neil, second by Campbell
To schedule a public hearing for AP-14-29 review of condominium documents.**

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

MOTION APPROVED

COMMUNITY REPORTS

Mr. O'Neil reported that the Tanglewood Master Deeds and Bylaws were approved at a special meeting on June 10, 2014.

The Board approved \$5,000.00 to contribute to a traffic control device at 10 and Napier this construction season.

Mr. O'Neil explained the need for a Capital Improvement Plan. The Planning Commission is charged to assemble the document and send it to the Board.

ADJOURNMENT

**Motion by Chuck, second by Towne
To adjourn the Planning Commission meeting at 8:42 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 8:42 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary