

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
April 27, 2015

Approved: May 11, 2015

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

Roll Call: Jim Chuck
Michael Conflitti, Chairman
Kris Enlow, Secretary
Stephan Hoffman
Carl Towne, Vice-Chairman

Absent: Ed Campbell
Patricia Carcone, Board Liaison

Guests: 14

Also Present: Leann Kimberlin, Township Attorney
Chris Doozan, McKenna Associates
Leslie Zawada, Civil Engineering Solutions

**Motion by Chuck, second by Enlow
To excuse the absence of Mr. Campbell and Mrs. Carcone.**

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

MOTION APPROVED

APPROVAL OF AGENDA

Mr. Enlow suggested moving up New Business Number 5, The Woodlands of Lyon PD, to number 1.

**Motion by Enlow, second by Towne
To approve the agenda as revised.**

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the April 13, 2015 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 - None

DDA REPORT – None

Building Department Expansion Report

Lannie Young, 55395 Lorals Way, Northville – Mr. Young explained that Lyon Township is one of the fastest growing areas in southeastern Michigan. Mr. Young briefly reviewed the proposed drawings for the expansion to the Building Department.

Mr. Towne questioned if the parking and bathrooms were sufficient. Mr. Young stated that there was enough parking provided, and the bathroom was done more for convenience than by code. Mr. Towne stated that he didn't know if this addition was big enough; he thought that passports and concealed pistol licenses will be passed on to the Townships, which will require more room. Mr. Young explained that his goal would be to own the property all the way to the Fire Station and have it be our Civic Center with a whole new Township Hall.

Ms. Zawada briefly reviewed the grading plan for the project.

PUBLIC HEARINGS – None

NEW BUSINESS

1. **AP-15-28, The Woodlands of Lyon PD – Preliminary Approval Extension. Property located on the north side of 9 Mile Road, east of Griswold Road. Consider request to extend the preliminary approval of 12 months.**

Mr. Doozan reviewed the McKenna Associates memo dated April 21, 2015. He explained that a request for the extension has been submitted by Duane Bennett, the developer's representative. In his letter, Mr. Bennett cites three impediments that have delayed the project, including:

1. The need to update the topography following installation of sanitary sewers.
2. The need to update the wetland delineation to comply with MDEQ requirements.
3. Design difficulties related to the paving of Nine Mile Road.

On the positive side, Mr. Bennett notes that engineering plans have been prepared and submitted to the Township.

The preparation of engineering plans is evidence of the progress that has been made in an effort to move on to the final phase of approval. The last remaining hurdle of

significance involves the presence of a Consumers Energy pipeline that crosses Nine Mile Road in an area where a road cut is proposed. Relocation of the pipeline may be necessary, at considerable cost.

Based on that it is recommended that the Planning Commission grant a 12-month extension of preliminary plan approval for the Woodlands of Lyon Planned Development.

Ms. Zawada explained that she has no issue.

Ms. Kimberlin referenced her April 23, 2015 memo where the ordinance requires to make determination that the conditions have not changed making the project no longer appropriate.

Mr. Bennett gave a brief history of the project and reviewed the issues that they are facing with paving Nine Mile Road. Mr. Towne commented that if the crest of the road has to be lowered to keep in mind that the bike path could go all the way down. Mr. Bennett stated it becomes a wetland issue though.

**Motion by Towne, second by Chuck
To approve the preliminary approval extension for 12 months since the
Engineering plans have been submitted and progress is being made.**

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

MOTION APPROVED

OLD BUSINESS

2. AP-14-55, Charlevoix Place PD – Conceptual Review (Revised). Property located on the northwest corner of 9 Mile Road and Napier road. Conceptual review of a proposed single-family residential development consisting of 34 homes on 26.1 acres.

Representing Charlevoix Place: Bruce Michael, Trowbridge Land Holdings

Mr. Doozan reviewed the McKenna Associates memo dated April 1, 2015. He concluded that the review letter identified issues that must be addressed before this proposal can move through the review process. It was recommended that the plans be revised to address the deficiencies identified in the review letter.

Mr. Enlow asked which lots are less than 40'. Mr. Doozan stated that the lots sizes are 30' on the front.

Ms. Zawada referenced the CES memo dated April 2, 2015. Ms. Zawada explained that this development is one of the 5 developments participating in an agreement to extend public sanitary sewer and water main throughout Section 36. The developers have been working on their agreement, and it is back in for final review. The agreement as

well as the plans for the off-site should be a submittal. She noted that it sounds like the applicant will address the regulated wetlands that are extending into the lots in the preliminary PD submittal. The majority of her comments will be addressed in the preliminary PD submittal, including the exact calculation and design for the storm water basins.

Ms. Kimberlin referenced her memo dated April 23, 2015 addresses some issues due to ownership that will require verification and conservancy

Mr. Micheal explained that he is confused by the setbacks as well. The Planning Commission should have the same as Mr. Doozan with 30' in the front and 35' in the rear.

Mr. Towne stated he would have an issue with it being 30' in the front. He did not want that changed, the zoning says 40' he would not be willing to go down to 30'. He questioned the side yard setback. Mr. Michael stated the way the turntable sets up the 8' accommodates it better. Mr. Towne would like to see some reasoning behind the 8'. Mr. Towne stated he did not see any side by side driveways so that is good.

Ms. Zawada asked if they have submitted for their wetland permit. Mr. Michael stated not yet.

Mr. Conflitti questioned the community benefits as far as the wetlands. Mr. Michael explained that there are 160,000 square feet of wetlands and they are proposing to fill 17,000 square feet.

Mr. Chuck stated he is excited about it but he agreed that 30' is not enough, he would like to see it at 35'.

Mr. Enlow questioned why go down to 30' from 40' setbacks. Mr. Michael stated it was really based on R-1.0 zoning. The backyards are more valuable to their customers than a front yard.

Mr. Hoffman stated that the design is unique, but on paper they are talking about allowing a development that should be twice as big with more usable space. Like it is, it's really tight. He hoped this didn't set a precedence for cutting down future PDs at the expense of proper sized lots and public useable space for the future. Mr. Michael stated that the space that is there is pretty much connected; it is a large concentration of open space.

Mr. Conflitti asked how many lots are challenged for decking. Ms. Zawada explained that when she reviews the paper copy, she notices that lots 14, 15, 16, 17, 19, and 20 will have a wetland constraint. She also explained that the 25' wetland buffer is a non-disturbed area.

Mr. Michael stated that the wetland area would go into the conservancy that were highlighted on the plan.

Mr. Enlow suggested adding a play structure or volleyball court in some of the smaller

open areas. Mr. Michael stated that they can consider that as they go along. He felt that the Township would be well-served to define “usable”.

Mr. Chuck commented that he would like to see a PowerPoint presentation the next time the applicant comes before the Planning Commission.

Mr. Michael commented that family with kids want the flat backyards that back up to each other, and empty nesters like the natural setting that back up to scenery.

Mr. Doozan stated that based on experience, the side yard setback of 10’ is probably inadequate. Going down to 8’ and 22’ is what is called for with a side entry garage. It may be necessary to amend the ordinance. They are seeing more and more requests to go down to that number.

Stephen Emsley, 51824 Eight Mile – Mr. Emsley commented that as it stands today, Section 36 is rural. They are going to hear these same things over and over. When the applicant is talking about things that the community is being given, it’s nothing but shenanigans. These are MDEQ protected wetlands that the applicant can’t touch anyway so putting them into a conservancy is not a benefit. He explained that the next project, Devonshire, is why he is really here. He commented that this will get repetitive.

3. AP-14-56, Devonshire PD – Conceptual Review (Revised). Conceptual Review (Revised). Property located on the north side of 8 Mile Road, west of Napier Road. Conceptual review of a proposed single-family residential development consisting of 89 homes on 69 acres.

Mr. Doozan reviewed the McKenna Associates memo dated April 16, 2015. In conclusion, the review letter has identified numerous issues that must be addressed before this proposal can move through the review process. He recommended that the plans be revised to address the deficiencies identified in the McKenna Associates memo.

Ms. Zawada referenced the CES memo dated April 13, 2015. She explained that the water main is currently proposed as a long dead end throughout the development, and the analysis will need to determine if the pressures and flows will be sufficient. Looping may be required. The wetland line as well as the 25’ wetland setback shall be shown on all relevant plans. They are proposing the use of Gabian walls in the detention basins, and she does not recommend the use of those. During the preliminary PD review, they will review in detail the limits of drainage areas as well as the calculations and size of the storm water managements, since that is a potential site constraint. They will need to verify that the capacity of the outlets of the detention basins. The wetland report was not available at the time of this review. The traffic signal at 8 Mile and Napier should also be included on the plans.

Ms. Kimberlin referenced her memo dated April 23, 2015. She explained that there are some clarification regarding the ownership and there was a purchase agreement submitted as part of the application and it appears that purchase agreement expired on March 21, 2015.

Mr. Towne explained the only issue he had is with the setbacks.

Mr. Enlow stated that if the applicant was going up to the 5% density bonus, some of the recognizable benefits, like the installation of the traffic signal, would probably have been required. Mr. Michael stated that the property does not front on the intersection, so they could not be forced to put in the traffic signal. They are doing it voluntarily. Mr. Enlow stated that the landscaping along the frontage is a community benefit. This plan is not as clear as the other one, but they should keep working on it to make sure they are hitting the 20%.

Ms. Zawada asked how the applicant is working to cross the ITC property. Mr. Michael stated that they will probably do it together, and a preliminary approval has been obtained that will be in the preliminary submittal. Mr. Enlow stated that basin #3 is very deep. Mr. LeClair stated that the detention basin will be governed by the depth along the east property line; there will be permanent water in there.

To address Ms. Kimberlin's question, Mr. Michael explained that the purchase agreement has been extended from Julie Mell.

Mr. Towne questioned if the condo docs are going to be separate. Mr. Michael stated that they will do separate documents and have two associations.

Mr. Hoffman asked if there are only two home types. Mr. Michael answered that there are 5 different floorplans, each with 4 to 5 elevations. Mr. Hoffman commented that there is not room for a big tree in the side yard due to the setbacks.

Mr. Enlow stated that he appreciated the fact that they aren't going through the big wetland area. Mr. Enlow also noted that there is landscape buffering on the west entrance but not on the east. Mr. Michael explained that they can't landscape on the existing property and wetland area. It would be hard to put trees in that area as well as it being the sanitary lift station. Mr. Enlow questioned if there is a possibility of connection with the other development. Mr. Michael stated it depended on whether or not they would have to take out any existing vegetation, but it can be discussed with the property owner.

Stephen Emsley, 51824 Eight Mile – Mr. Emsley commented that has not been approached by Mr. Michaels. The biggest fill is directly behind his property. He read a letter of his concerns to the Planning Commission. Some of his concerns were with the activity at his home by the surveyor and a land boring company. He is concerned that the wetland was clearly flagged previously and now the boundaries have been changed; the old flags were removed and replaced inward, and new flags have appeared. He was also very concerned that the surveyor was told that their land was sold.

4. AP-14-57, Shadow Wood PD – Conceptual Review (Revised). Property located on the northwest corner of 8 Mile Road and Chubb Road. Conceptual review of a proposed single-family residential development consisting of 143 homes on 76.92 acres.

Mr. Doozan reviewed the McKenna Associates memo dated April 5, 2015. In

conclusion, as noted in the memo there are deficiencies in the proposal. No action shall be taken by the Planning Commission at the conceptual stage.

Mr. Towne stated that he thought a stub road should be put in on the north section of the project on the east side. Mr. Enlow agreed.

Ms. Zawada referenced the CES memo dated April 24, 2015. This is another project that is assisting in extending the sanitary sewer. There is a conflict in the area where it is 48.3 acres and another where it is 58 acres; that should be corrected. The wetlands have not been delineated on the plans. The wetland should be delineated and inspected in the near future and reflected on the preliminary PD submittal.

Ms. Kimberlin referenced her April 23, 2015 memo various issues regarding ownership, the application, and signatures that are not correct. All comments regarding the ownership issues are required as part of the application process, per the ordinance.

Mr. Michael stated that regarding Mr. Khoury's signature, he did get it and it has been mailed.

Mr. Enlow stated that sheet 16 jumped out at him. It would be great if that north end was not clear cut. He would prefer a softer design in that area as opposed to packing it with houses. Mr. Michael agreed that treed lots are more desirable.

Mr. Towne asked that the front yard setbacks be revisited, nothing lower than 35'.

Mr. Michael explained that the buffer along 8 Mile and Chubb can't count with the open space requirement. It is wider than it needs to be and if there is nothing that would be recognized as a benefit then they would narrow it down and put that space somewhere else. Mr. Doozan stated that he looked at that as double dipping with landscaping. That is something that is required by the ordinance and what it's being used for, so counting it as open space to meet the open space requirement has never been allowed. They have never considered the buffer along the road as open space. Mr. Towne stated these are considered greenbelts, and he felt that 70' was significant. However, we don't want the lots that back up to it to think it is theirs.

Mr. Doozan stated he would like to see the sides decreased and increase it in the middle; that would make it totally usable.

Mr. Michael stated that with regard to the property owner that spoke, no one has been on his property that he is aware of. They were out there once to locate the crossings for the existing gas lines. They had to locate the pipe, and a second set of borings are traditional borings that the Road Commission for Oakland County requires. Mr. Chuck asked if Mr. Michael has not contacted him. Mr. Michael stated that he would look into it further with his subcontractor.

Chuck, resident, He reiterated that he has 10 acres that are vacant, and what makes sense is a stub road. The wetland areas is a summer time thing. He is on the landscape committee, and the commons areas are a pain from a homeowners association for all the upkeep. He commented on the north side, prime trees, designate

a wooded lot. 50% of the woodlands is ash so it is devastated.

NEW BUSINESS

- 5. AP-15-24, Windridge PD – Conceptual Review. Property located on the west side of Napier Road, south of 9 Mile Road. Conceptual review of a proposed single-family residential development consisting of 103 homes on 85 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated March 27, 2015. He recommended that the Planning Commission review the conceptual plan for Windridge and offer constructive comments so that the applicant can refine the plans before submitting them for preliminary plan review.

Ms. Zawada referenced the CES memo dated April 13, 2015. She explained that the layout and plans shall be included for the offsite water. The stub road should appear to be paved, and the coordination to the ITC property should be shown. There is a walking path throughout the site and the path is labeled, but she needed to know what materials are being proposed for the pathway. She asked that the applicant expand on what is being proposed in the Community Area.

Ms. Kimberlin referred to her memo dated April 23, 2015 with some administrative clarification regarding the owners and applicant.

Mr. Brent LeVanway gave a brief overview of the project. He explained that this project was approved preliminarily in the mid 2000's. This area was previously included in the original approval and is not excluded with this project.

Mr. LeVanway explained that the open space areas are extensive. The calculations that were provided did not mention that there are 15 acres of wetlands on the site. They are only allowed to use a percentage of those to reach 20 percent of open space. They have about 28 acres of open space. Clearly the benefits are that nearly every lot backs up to open space. There will be a pathway on Napier Road, and they have discussed turning that into a 10' wide pathway. They thought it would be a better alternative than the "Boardwalk" crossing the wetland.

Mr. Cousino, Diverse Real Estate. He explained that they do see this as a step up from an entry level. The product ranges from 2800 to 3500 sf at \$450,000 and up, capping at \$600,000. They have found that there is renewed demand in the area.

Mr. Chuck liked the pathway vs. the boardwalk. He thought the high end homes fit the needs out there and felt that the neighboring subs would be happy.

Mr. Towne stated he is concerned about the setbacks. Mr. LeVanway stated that realistically with side entry garages they won't be that close. People like the back yards more than their front yards.

Mr. Enlow agreed with the setbacks. He liked the pathway connection as long as it is connected across the frontage. He stated a connection across the street would be

beneficial. The usable open space around the perimeter non useable. They should make a larger area in the middle, like around lot 77.

Mr. Hoffman stated that he travels Napier often and is always amazed to see there are no sidewalks from the subdivision to the park. He is very interested in if that path could be extended to the entrance of the park. The park is a great selling feature, if it's accessible.

COMMUNITY REPORTS - None

ADJOURNMENT

**Motion by Towne, second by Chuck
To adjourn the meeting at 10:20 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 10:20 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary