

Charter Township of Lyon  
Planning Commission  
Special Meeting Minutes  
September 2, 2015

Approved: September 14, 2015

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

Roll Call: Patricia Carcone, Board Liaison  
Jim Chuck  
Michael Conflitti, Chairman  
Kris Enlow  
Stephan Hoffman  
Carl Towne, Vice-Chairman

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. Approval of the August 24, 2015 Minutes**

The Planning Commission did not take action on approval of the minutes because they were not included in the packet.

**COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS**

**Jim Hamilton, 24200 Martindale** – Mr. Hamilton questioned an item on the agenda. Mr. Doozan explained.

**PUBLIC HEARINGS - None**

**OLD BUSINESS**

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

Mr. Doozan reviewed the McKenna Associates memo dated August 28, 2015. It was recommended that the Planning Commission recommend approval to the Township Board of the preliminary planned development plan for Windridge Planned Development, subject to the following conditions and terms of approval:

1. A note must be added to Sheet C2 indicating that trails within the development will be 5 ft. wide and paved with asphalt.
2. The Township acknowledges and approves the following setbacks:
  - a. 35 ft. front setback.
  - b. Side setbacks consisting of 5 ft. on one side and 25 ft. on the other.
  - c. 35 ft. rear setback.
  - d. Zero setback for lots along the south property line.
3. The vegetative and construction and building setback line shall be labeled on Sheet C4.
4. The vegetative strip and construction and building setback shall be addressed in the condominium documents to alert prospective purchasers.
5. Trails and the bike path are allowed to encroach into the vegetative strip and construction and building setback subject to a future amendment to allow such encroachment.
6. The following landscape plan modifications must be made:
  - a. Plantings in the cul-de-sac detail must be labeled.
  - b. Intersection street lighting should be shown, with details.
  - c. Subdivision entryway signage must be addressed in greater detail, showing the setbacks, materials, dimensions, height, and method of lighting.
  - d. The landscape plans must be sealed by a landscape architect.
  - e. Zero setback for lots along the south property line.
7. A written agreement with the developer of Devonshire must be submitted to demonstrate the commitment of both developers to construct the connecting road.
8. Comments from the Township Engineer and Township Attorney shall be addressed.
9. The list of lots that are subject to the 25-foot setback must be updated based on the current lot configuration (note 7, Sheet C2).

Mr. Doozan noted that Ms. Zawada's CES memo dated August 31, 2015 lists a number of items of an engineering nature that would be addressed at final engineering or detailed engineering stage. There are 7 things that would apply at this stage as follows:

1. The proposed interior pathway needs to be 5 foot wide paved surface. Wood chip pathways will not be allowed.
2. The wetland impact at the rear of lot 102 needs to be shown.
3. In their 1<sup>st</sup> review it was requested that the 25 foot wetland buffer should be labeled on the plan. It has not been labeled and the buffer is no longer shown on this plan. It will need to be shown and labeled, and some building envelopes need to be adjusted accordingly.
4. The regulated wetlands need to be labeled on this plan.
5. The phase line needs to be adjusted where it cuts through a lot.
6. The gazebo and mailbox cluster in the central and westerly part of the site should

be labeled.

7. The legend has overlapping linework that will need to be clarified.

The CES memo noted that they are comfortable with the Planning Commission taking action on this project subject to the conditions of this letter, the Township Planner, and the Township Attorney.

Mr. LaVanway gave a brief power point presentation showing the updates of the plan. They modified several areas to increase the open space requirements. He recognized and acknowledged the conditions indicated in both the Township Engineer and Township Planner letters.

Mr. Enlow commented that the applicant will meet the 20% open space requirements and are at 25% right now which is higher than he anticipated that they could get with the reconfiguration. He felt it is an improvement.

Mr. Towne stated he felt it is a great plan. This is a great layout with unique items that haven't been in any other development. They are under what they can actually build and are at 25% open space. They meet the requirements of the zoning and he looks forward to seeing it.

Mr. Chuck stated he was disappointed that the applicant did not reconsider the traffic light, he felt it would have been the right thing to do for the community.

Ms. Carcone stated that the applicant did exactly what the Planning Commission asked. She thought they should reconsider the traffic light at the Township Board level.

Mr. Hoffman stated he agreed with Mr. Chuck regarding the traffic light. He thought the plan was great but that the architecture could be improved.

**Nancy Marcicki, 20941 Napier Road** – Ms. Marcicki has lived here for 45 years. It was nothing but farms when she moved here and the roads were fine, they worked. 45 years later and the subs are all around us, the subs are everywhere. Novi, Northville had previous problems and they went to the builders and managed to get goodies we can't get. She questioned why we don't have a traffic light or a left hand turn lane and 10 Mile and Napier. If everyone here called the Oakland County Road Commission and asked for a light, it works. The builder should put up a light. There have been so many accidents there she has lost count. She has a trucking firm and she will be these new residents backyard. She has been grandfathered already. She questioned what would happen when they complain about her business.

**Steven Emsley, 51824 Eight Mile Road** – Mr. Emsley stated that there is no public purpose here. He explained that he attended the Novi Planning Commission meeting last week and he said that they found it laughable that the developer claims a path to their park is a public benefit. A paved path across Napier Road is not going to protect children and is not a public benefit. His primary concern with Windridge is the way it leverages the idea of a planned development to shoe horn many more homes on this property than would fit if the developer was held to the standard underlying zoning. The property is impaired by wetlands and two natural gas pipelines. In this case entering

into a contract on behalf of the citizens to let Windridge move forward as a planned development as opposed to simply enforcing the underlying zoning brings the unit count to 103 which is a 40% bonus the developer receives via the PD. Planned Developments were supposed to bring the residents improvements, better lives and nicer communities. But, what they are getting are inappropriate high density, an overtaxed water system, overtaxed roads and thinly stretched resources across the board. He asked that they hold the developer to the underlying zoning and not approve the PD that has the primary outcome of 40% increase in density on this land. There is no public benefit that offsets that give away. He suggested looking at Mayberry Estates and Tuscany Reserves and he felt that those developments could easily be accomplished while observing the traditional zoning and no PD would be required.

**Andrew Mutch, 23740 Taft Road** – Mr. Mutch is a City Council member in Novi and he has served on the Planning Commission in Novi. He has been following the development in Lyon Township and he is growing more concerned with the traffic that is coming from the various developments. It is clear that this will have a significant traffic impact. It is also impacting the traffic in Novi. He consistently hears from residents that Eight Mile and Ten Mile Roads and Wixom and Beck Road are a disaster and they consistently point to the west as to where all the traffic is coming from. He thinks it is incumbent to think about how to address the traffic. He explained that paving Nine Mile Road in Novi would not be happening. The Road Commission also does not have the financial ability to maintain what they have let alone come in and widen the road. He is surprised to hear that even basic improvements like a traffic light are not being considered or required. He encouraged the Planning Commission as they are going forward with their Master Plan review to really have discussions about what kind of traffic improvements they would like to see happen. He noticed that the Master Plan does not have any provisions for a public park in the southeast portion of the Township. If the intent is to rely on parks in the City of Novi to provide parks and recreation opportunities for Lyon Township residents he thought they should have a discussion about how the Township and developers coming forward with plans could help the City of Novi meet that need or he would encourage the Township to look at what the future need of parks in the Township are. These are important issues and they are impacting residents in the City of Novi as well.

**Anthony Pilarz, 21650 Chubb Road** – Mr. Pilarz stated he has lived here 57 years. When he moved here everything was zoned R-1.0, he questioned if the whole township is now R.50 so they can do planned developments. Mr. Doozan stated the southeast corner of the Township has always been ½ acre zoning. Mr. Pilarz stated when he looks around the whole map, they are talking about 369 homes, 700 cars, where are all these people going to go. Chubb Road can't handle the existing traffic now. What are they going to do with 700 more cars up this road. They have to slow this development down. What they are doing to this Township breaks his heart.

**Robin Allen, 28500 Tindale Trail** – Mr. Allen stated this development does not meet the present zoning requirements. He is looking at 9 proposed planned developments in the future agendas. Why not make the developers build to the Master Plan? He didn't understand.

**Karen Gessler, 20927 Hunter Ridge** – Ms. Gessler stated she has lived here for two years and has loved the community. She questioned what rationale they are using to build the developments before they build the roads to sustain them. She is not opposed to the development however to have it come with the state of the roads it is incredibly premature. It is unsafe to even walk on the roads due to the amount of traffic and the speeds that they are traveling. She asked to be guided to help her understand the decision making process.

Mr. Doozan stated that people have property rights that are embedded in the Zoning Ordinance. The Zoning Ordinance allows a half acre density. Ms. Gessler asked what size the lots are and what the approximate value is. Mr. Doozan stated that people can develop their property in accordance with the Zoning Ordinance and the way the system has been set up in the State of Michigan is that they don't have concurrency. Mr. Doozan explained that residents can talk to their State legislature regarding the roads. Mr. LaVanway explained that they have not finished the market study yet but the homes will be priced at \$450,000 and on a ¼ acre.

**Theresa Danielson, 29465 Pine View** – Ms. Danielson commented that all of the roads were supposed to be safe for the community. She went on the SEMCOG site to try and find out how many accidents have been on Eight Mile, Ten Mile and Seven Mile due to the congestion of traffic and not enough traffic lights or proper lanes. On the SEMCOG site it said that "Oakland County roads have more congestion than any other county in Michigan, unfortunately there isn't enough money to widen the roads that are congested." She questioned how they can sleep at night knowing how many accidents there are.

Mr. Towne stated they have a job they are supposed to do according to the zoning, it is not their purview for the roads or lights; the Planning Commission is not in control of that. Their job is to make sure the developers follow all the rules of the zoning then they have no choice but to put the development through. He didn't want the additional traffic either but the owner of the property has a right to develop their property.

Ms. Danielson commented that this is nice to see people in the community attending this meeting. The Planning Commission is supposed to work with the residents. Mr. Conflitti stated that they do.

Mr. Hoffman commented that a PD is a give and take, if the developer is requesting to do something beyond the zoning then they have to give something that will benefit the community.

**Annamarie Emsley, 51824 Eight Mile Road** – Ms. Emsley commented that the Planning Commission is under no obligation by law to approve these Planned Developments. It's on the Planning Commission to stop this, people are getting killed getting their mail.

**Phil Mitchell, 27541 T.F. Hicks Court** – Mr. Mitchell understood the density based on the benefits but he hasn't seen any encouragement to help develop the roads. What kind of consideration do they have as far as some improvements? Mr. Doozan explained that each PD has their own considerations and they are looked at individually.

Mr. Ray Cousineau commented that prior to being involved in this organization he was with Robert Harris who owned this property for years. Mr. Harris also developed Park Place subdivision in Novi. When Mr. Harris developed Park Place he paved Napier Road from Eight Mile to Nine Mile as a developer improvement with the understanding it will benefit his development Park Place and this piece of property.

**Doug Moore, 27250 Sandy Hill Lane** – Mr. Moore took issue with Mr. Towne's comments, the Planning Commission represents existing residents and people don't want any more development. We are already over developed. They are affecting the quality of life for everyone. When does it stop? At some point, it has to stop.

Ms. Carcone commented that there is such a misunderstanding. This property is zoned for ½ acre lots; they really don't have a choice if the requirements in the zoning ordinance are met. She commented she is involved in the parks, and they are constantly working on that. The Fire millage was passed and they can help pave roads, improve the parks, and improve trails. We are so limited, we are in a State that doesn't allow us to say the developers have to put the roads in. In other states you can do that, in Michigan we can't. She doesn't like the traffic either. Whoever is selling the parcel to a developer has a right to do that, whether we like it or not. The Planning Commission does represent the residents. It's not that they don't care or don't listen; that is not true. They are sticking to the rules.

**Motion by Towne, second by Carcone**

**To recommend AP-15-24 Windridge PD, Preliminary review with the conditions listed in the McKenna Associates memo dated August 28, 2015 and the CES conditions memo dated August 31, 2015.**

Mr. Enlow stated he is glad to see this many people at this meeting because a lot of the time there is no one even here. The comments were intelligent, and good questions and he made notes on the comments. He explained that they have run into the issue with a business that abuts developments and he has been a dissenting vote in the past because of adjacent uses. We do take that into account, it shouldn't be put on the people that are there first with an industrial or commercial use that is adjacent to a property.

Mr. Enlow referred to the comments from Mr. Mitchell and explained that we have more park land than what is needed for the land area population, so much that there are parks that are sitting undeveloped. The number one complaint we get is traffic. He is a Civil Engineer in his professional life and the main problem is traffic, unfortunately the Road Commission does not have the money to keep up with the growth. He asked that the residents keep calling. The Township has gotten funding to pave Griswold Road and Napier is being partially funded between Nine and Ten Mile Road and a traffic signal and Ten Mile and Napier. There are things happening and the more people that call the better. As far as pushing PD's to pave roads or do other road improvements, PD's are required to be adjacent to paved roads, ones that are built on gravel roads are required to pave the gravel road unless the Township Board gives an exemption. Residential developments really don't increase the tax base, it is not a wind fall. The Township makes tax money from the commercial/industrial developments.

**Roll Call Vote:      Ayes: Chuck, Carcone, Towne, Conflitti**  
**Nays: Hoffman, Enlow**

**MOTION APPROVED**

**NEW BUSINESS - None**

**COMMUNITY REPORTS - None**

**ADJOURNMENT**

**Motion by Towne, second by Chuck**  
**To adjourn the meeting at 8:20 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 8:20 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary