

Charter Township of Lyon  
Planning Commission  
Regular Meeting Minutes  
September 14, 2015

Approved: September 28, 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, Secretary  
Stephan Hoffman  
Carl Towne, Vice-Chairman

Absent: Kurt Radke

Guests: 17

Also Present: Matthew Quinn, Township Attorney  
Chris Doozan, McKenna Associates  
Leslie Zawada, Civil Engineering Solutions

**APPROVAL OF AGENDA**

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

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

**MOTION APPROVED**

**APPROVAL OF CONSENT AGENDA**

**A. Approval of the August 10, 2015 and the September 2, 2015 minutes**

**Motion by Towne, second by Carcone  
To approve the August 24, 2015 minutes as presented.**

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

**MOTION APPROVED**

**Motion by Towne, second by Chuck  
To approve the September 2, 2015 minutes as presented.**

**Voice Vote: Ayes: Unanimous**

Nays: None

**MOTION APPROVED**

**COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS – None**

**DDA REPORT (2<sup>nd</sup> meeting of the month)**

**PUBLIC HEARINGS - NONE**

**OLD BUSINESS**

1. **AP-14-57, Shadow Wood PD – Preliminary Review. Property located on the northwest corner of 8Mile Road and Chubb Road. Continuation of the preliminary review of a proposed single family residential development consisting of 144 homes on 76.92 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated September 2, 2015. He explained that the review letter identifies a continuing concern about usable open space. If the Planning Commission is able to resolve the open space issue with the applicant, then he would recommend that the Planning Commission recommend preliminary planned development approval to the Township Board on the condition that all other issues identified in this letter are addressed satisfactorily prior to appearing on the Township Board agenda.

Ms. Zawada referenced the CES memo dated September 9, 2015. She explained that the biggest concern is the downstream effects of the storm water. Since writing the 9/9/15 letter a water shed analysis plan was received from the applicant. It was reviewed and the overall evaluation is that post development runoff will be less. Revisions need to be done on the calculations because a couple of acres were not included. Also, during the review they noticed that there may be a drainage district amendment from the Intercounty Drain Board because the sump drain is in both Oakland County and Washtenaw County. She is comfortable with the Planning Commission taking action, subject to the conditions in the 9/9/15 and 9/14/15 CES letters.

Mr. Michael gave a brief history of the 10' strip along the north side of the property. Originally they had a small strip of open space in the conceptual plans. They were advised to remove that because it wouldn't be open space. The public hearing that was held in July had neighbors that live in the adjacent sub say that they would like those trees to be saved in that strip. Currently, they have decided to keep the 10' strip. There is currently ¼ acre more open space than the 20% minimum. He stated that they would still exceed the 20% requirement even if 5' of the strip was taken away.

Mr. Enlow stated that he does have concern with the open space. If that open space area is not considered then the open space requirement is not being met. While he appreciates the buffer, it doesn't meet the open space criteria.

Mr. Towne stated that he agreed with Mr. Michael because the neighbors to the north

wanted that tree stand to stay. Now they are in a situation between saving the trees and calling it open space or not calling it open space. He would like to save some of those trees. He felt they need to come up with a solution on open space. They have agreed that open space has to be contiguous and he felt that this area is, it goes through and connects to area A. He would love to see as many trees saved as possible. He felt that sometimes they have to bend a little bit.

Mr. Enlow stated that he agreed with saving the trees but the open space has to be usable and contiguous. He commented if Lot 28 or 29 came out and have the open space and the buffer on the north side then everyone wins.

Ms. Carcone stated that she did not see how the open space was contiguous or usable. Until that happened, she would not be supporting this development.

Mr. Chuck stated that there are two issues that have not been met, and those need to be addressed before it moves any further.

Mr. Hoffman stated that the stipulations were given, and the applicant made it worse by adding another lot. The applicant did not even address the issues. The applicant spent time and money to make it worse, and he would not support that.

Mr. Healy explained what he thought contiguous area was. He felt that they can preserve the trees in the strip on the north side. He felt if it was a common area they had more chance of keeping the trees. They thought usable open area "A" was a very attractive area and he thought people would use that area. Mr. Conflitti stated that they made it clear at the last meeting regarding what the Township was looking for in regards to the open space.

Mr. Quinn asked if open area "F" was made into a conservation easement from Chubb Road to the open space "E" and they dropped off a lot would that give them enough open space and give protection to that buffer area that it would be a conservation easement so no one can cut the trees down. Mr. Doozan stated that the applicant would be very close to meeting the requirement if they did that. Mr. Healy stated that they didn't know which is better to have a conservation area or common area. Ms. Carcone stated that they need to conserve that back corner to buffer the neighbors to the north and the open space has to be contiguous to the entire site.

Mr. Healy confirmed that they will put 1-3 inches of gravel for the access road to the detention area as well as give access to the wooded area. They would be willing to drop lot 29 and do the conservation easement to preserve the trees. Mr. LeClair suggested that he would get rid of lot 100 instead of lot 29.

Mr. Doozan agreed that the strip should be turned into a conservation easement and reducing the development by one lot would get very close numerically in terms of the acreage needed for open space. In terms of the north part of the development, he thought the lots are packed in there tight and that usable open space "B" needs to be there to give some relief of the number of lots.

Mr. Towne commented that keeping the trees is a big plus.

Mr. LeClair stated with respect to the open space they proposed they talk about passive open space and active open space. This development has both types of open space. He is hearing that it will be tough to overcome the contiguous aspect. The connectivity thing solely to get from one area to the other, if that is truly what the Planning Commission is looking for then they need to know.

Ms. Carcone stated as a Planning Commissioner she has to follow the rules and it says that the open space has to be contiguous usable open space that is accessible to all residents.

Mr. Towne stated that the Planning Commission can also make recommendations to the Board and they always don't fit inside a little box. The water works here, it's engineered properly and they have a chance to keep some beautiful hardwoods. To keep the property contiguous would mean not keeping the hardwoods. Mr. Towne stated he is in favor of moving this applicant forward to the Board.

Mr. Enlow stated that he felt there needed to be more work on the open space before moving it forward.

**Motion by Chuck, second by Towne**

**AP-14-57 to recommend approval of the Shadow Wood PD contingent upon the CES letter dated September 9, 2015 and the September 14, 2015 as well as the McKenna Associates memo dated September 2, 2015.**

**Steve Emsley, 51824 Eight Mile Road** – Mr. Emsley commented that the contiguous open space argument is going to be oppressive and it will impact future developments. If this is approved based on how contiguous open space is defined then Devonshire shall be impacted too. He felt that they are setting a precedence. No one here is new, everyone knows the rules, they are counting things that are already green space, it seems absurd to him that someone buys property that is impaired by a gas easement and then count it as open space. We are dealing with people that are not new to this process and they go over the same information again and again. He hoped that they would vote no on this and everyone here knows the rules.

**Chet Olszewski, 24626 Jamestowne Rd.** (owns vacant parcel 21-35-400-004) – Mr. Olszewski commented that the trees on the north side of the property are wonderful. The contiguous open space will be an argument, a real benefit is with the wildlife and the trees there. He thought a variance would work.

**Carol Pancow, 53353 Martha Lane** – Ms. Pancow commented that they are most directed by this development. She stated that the trees area a big item for them, they would like some understanding with that.

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

**MOTION FAILED**

**Motion by Chuck, second by Hoffman**

**To send a negative recommendation to the Board as it relates to AP-14-57 Shadow Wood PD based on the information in terms of the open space and lack of contiguous spaces as it relates to the open space. Including the McKenna Associates memo dated September 2, 2015 and the CES Memo dated September 9 and September 14, 2015.**

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

**MOTION APPROVED**

**NEW BUSINESS**

**2.      AP-15-58 Design Standards for Self Storage.      Discussion regarding a possible amendment to the Zoning Ordinance.**

Mr. Doozan reviewed the McKenna Associates memo dated August 26, 2015. Mr. Hutto, Managing Member of Country Storage is requests that the design standards for self-storage buildings be amended. He is concerned about the provision that states: "Any side of a building facing a public street shall have a brick exterior."

Mr. Enlow commented that this was coming to the Planning Commission from a current owner of a storage facility who could possibly receive two competitors. Suggesting we take a look at standards that are 16-17 years old doesn't sit well with him. Is this something that is covered under Mr. Doozan's retainer? Mr. Doozan stated so far it is the retainer, but if something needed to be drafted then he would have to pay.

Mr. Chuck stated he was surprised Mr. Hutto wasn't here. He can't imagine the values of the property going up or down whether or not the building has a brick face on one side or not. He didn't think it needed to be redone, and he is not in favor of amending the standards.

Ms. Carcone stated that she also didn't see a reason to change the standards but she would like to verify that the standards had not changed since Mr. Hutto built his storage facility.

Mr. Hoffman stated he wouldn't mind upgrading the ordinance to suggest masonry because it would look nice for a long time.

Mr. Towne agreed with Mr. Hoffman. One of the sites is close to bordering 9 Mile Road. It will be a main thoroughfare through the Township, and he felt they should look at changing some of the standards.

Mr. Enlow thought it could be done on a site by site basis.

After deliberation, the Planning Commission felt that the standards can be left as they currently stand.

## **COMMUNITY REPORTS**

Ms. Carcone gave an update regarding the last Board meeting.

Mr. Doozan reported that there are funds available for training that the Commissioners should attend the Michigan Association of Planning annual conference October 7-9 at the Renaissance Center in Detroit. Mr. Doozan thought it would be beneficial.

## **ADJOURNMENT**

**Motion by Towne, second by Chuck  
To adjourn the meeting at 8:43 p.m.**

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

## **MOTION APPROVED**

The Planning Commission meeting was adjourned at 8:43 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary