

Charter Township of Lyon  
Planning Commission  
Special Meeting Minutes  
November 23, 2015

Approved: December 14, 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: Patricia Carcone, Board Liaison  
Kurt Radke

Guests: 28

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

**Motion by Chuck, second by Hoffman  
To excuse the absences of Patricia Carcone and Kurt Radke.**

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

**MOTION APPROVED**

**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 November 9, 2015 Minutes**

**Motion by Towne, second by Enlow  
To approve the November 9, 2015 minutes as presented.**

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

## **MOTION APPROVED**

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

## **PUBLIC HEARINGS**

### **1. 2012 Master Plan – 1<sup>st</sup> Amendment. Public hearing to consider the first amendment to the 2012 Master Plan.**

Mr. Doozan explained on April 9, 2012 the Planning Commission adopted the current Master Plan. This update considers the following five parts of the Township:

1. Study Area 1: Milford Road Corridor.
2. Study Area 2: Ten Mile Road Corridor.
3. Study Area 3: Southeast Corner of the Township
4. Study Area 4: Vicinity of Nine Mile and Griswold Roads
5. Study Area 5: Northwest Corner of the Township

There are 3 single family residential land use classifications on the Future Land Use Map as follows:

Low Density Single Family – up to 1.25 units/acre (corresponds to R-1.0 zoning, with utilities).

Moderate Density Single Family – 1.25 to 2.0 units/acre (corresponds to R-1.0, with utilities, and higher density).

High Density Single Family – greater than 2.0 units/acre (corresponds to R-0.3 and R-0.5, with utilities).

Mr. Conflitti confirmed that this is not a rezoning.

**Motion by Towne, second by Enlow  
To open public hearing at 7:27 p.m.**

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

## **MOTION APPROVED**

**Ann Marie Emsley, 51824 Eight Mile** – Ms. Emsley provided a petition that stated the Township is attempting to change the 2012 Master Plan to allow for more residential density where the roads and water systems are already overtaxed. Do not amend the Master Plan as adopted in 2012, when over 80% of the residents were in agreement that the Township should be developed as a low density, single family residential community. She asked that the Township doesn't enrich developers. 176 people signed the petition, and there are additional comments written by some who signed.

**Stephen Emsley, 51824 Eight Mile** – Mr. Emsley stated that land use trends are a self-fulfilling prophecy. They are hearing that the items that are being approved are a trend, and it's a trend that virtually no one in the Township agrees with. He questioned who wanted the trend and who supported the trend. He commented that no one in the room or on the petition wants what is going on. He felt that the Land Use Classifications are confusing. High density single family, greater than 2 units per acre corresponds to R-0.3 and R-0.5 with utilities; there are several problems with this wording. What the public reads is that most of them will assume the lots will be a half acre when it says 2 per acre. Now a planned development overlay will be brought in to bring the average lot size down to 12,000 square feet, which corresponds to 3.63 units per acre, which has become common place in Lyon Township. 3.63 lots per acre has been approved along his fence line. It should read that it corresponds to R-0.5 and R-0.3, except when we approve planned developments.

Making a new designation that corresponds to R-0.3 and R-0.5 allows a developer to come into Section 35 or 36 request a zoning change from R-0.5 to R-0.3 and not be in conflict with the Master Plan or the Future Land Use Map. R-0.5 is a common designation and R-0.3 is a not so common designation; they should not be combined because it opens up for developers to downsize to R-0.3 and gain density without even using a PD. There is no need for the new designations, as they only serve to confuse the public. These amendments shouldn't be approved.

The map Mr. Enlow provided shows places that are already built out. There is no reduction in homes; some state of approval in the PD pipeline. On the surface it looks like a lot of the increases are in the pipeline. The areas of increased density will be built out, and the decreases won't be. He focused on Study Area 3. He quoted some statements from the 2012 Master Plan where the residents stated that by and large they want to see the Township developed as a low density community, with 1 house per acre.

The Township up zoned the area Section 36 to R-1.0, now they are seeing the ability downzone to R. 3 with this new designation that has been created against the will of the public, no reason to change the area except for 5 developers that have pending plans to build 500 homes. The Michigan Planning Enabling Act expressly authorizes, cities, townships and villages to engage in planning and zoning, the act also requires the Planning Commission make careful and comprehensive surveys and study present conditions and growth. He doesn't feel this requirement has been met by the Township. He commented that these amendments will create hardships, risk the safety for the citizens and enrich the developers. He asked that they vote no on the developer driven amendments and preserve the quality of life for the Township.

**Sandra O'Brien, 52655 Nine Mile** – Ms. O'Brien commented that her property is currently zoned R-0.5. Some of that is wetlands that she would like to see preserved. She has 20 acres, and the taxes are eating them up on a fixed income. The bog lake in the middle of section 36 should be preserved. The golf course on Ten Mile is increasing the number of houses on Chubb Road, and there are all kinds of wildlife in that lake. They have to consider the wildlife. She went from 4 squirrels to 17, so the animals are moving. She is fine with ½ acre density. They bought this property as an investment, but she doesn't know if they can keep it. The wildlife needs to be considered. The

Township changed the 50' margin to 25' along the water areas, and it needs to go back to 50'. If they don't change it back, people will abuse it; it is a greenspace.

**Tony Moscone, 57737 Nine Mile Road** – Mr. Moscone bought the property for Cattails Golf Course in 1989 and opened it in 1991. He has seen the good times and the changes. For their property, he would hope that the Township would consider it as a transitional property with moderate density. He explained that their property is in between different land classifications with the mobile home park to the south and the natural gas to the east. To the north, a lower density parcel is being approved. Some of the benefits are not all to the developers. If they were able to go moderate density, they could carve out an outdoor space which would be a community benefit for everyone. They stand ready to support to see if their parcel fits the moderate density zoning.

**Jim Hamilton, 24200 Martindale Road** – Mr. Hamilton commented that the 2012 plan for density is fine. On this new plan, it is ambiguous at best. He has been a resident since 1959, and he has been to several meetings. The residents have expressed that the Township is growing too fast, and the infrastructure is not there to support that growth. He felt that the Township should follow the underlying zoning, which supports lower growth.

**Sandra O'Brien, 52655 Nine Mile** – Ms. O'Brien questioned what the capacity for the sewer and the water is with all of this increase in housing.

**Cindy Groene, 54808 Green Leaf Circle East** – Ms. Groene has been a resident for 15 years, and she sees no reason to change the Master Plan. The Township cannot support any greater density. She is not in favor of any change in the density in this Township. She is extremely disappointed to see the PDs coming in and the Township not adhering to the Master Plan. She said that she has never heard a word about water pressure or problems, but now they are being told that they need to be more aware of their water usage. That is a direct response from the increase in the number of houses that are in this Township now. Houses were built on larger lots when she moved in; she saw no reason for tiny lots and higher density. She can't get out onto Ten Mile Road now out of Tanglewood. When the subdivision entrances are planned, the entrances need to be thought out. Offsetting entrances are creating potential car wrecks. There is no benefit to the citizens of Lyon Township to have greater density.

**Elise Yost, 54085 Birchwood Drive** – Ms. Yost stated that she is not in favor of higher density. She commented that the study says that it is inappropriate to have moderate density at the Mulligans site. When they bought their house, the Master Plan said one acre lots. This is now changing, and this could very well change the comps on her house and the view behind her. She asked that this doesn't get changed on the Master Plan and to consider the plans as they come forward and rezone as necessary.

**Carol Levitte, 22350 Natasha Lane** – Ms. Levitte commented that she is not from a subdivision, and she cares about the Township as a whole. The Township needs to read and listen to the people. It is their responsibility to gather the information on land use in the township and around us. What are the road capabilities, where is the water coming from, what about the wildlife, what makes their township unique? That is what

they should look at. They have tremendous wetlands and should offer a separation of property. There is wildlife that you will not see in other areas. The owls have moved; one year she had 10 owls in her yard fighting because there was no food source. They had deer, they had fish coming into their pond, and the foxes are now in conflict with the coyotes. Build more houses, she will have the 3.5 acres with all the wildlife. There is a balance that is in the hands of the planner, and it just doesn't have to do with building houses or moving the industrial development. You have to look at this more comprehensively. This is a kneejerk reaction to developers. They are not looking at all the levels, where are the farmers? Developers have money, but that isn't their responsibility; the Township should slow down. All of you have great experience, so put it in play here. The library is going to come in for a millage. The school district is short one middle school, and we haven't paid the taxes for the one being built in our township. The Township is building a bigger building department, but she would like to see the fire department on Ten Mile being paid for being there.

**Stephen Emsley, 51824 Eight Mile** – Mr. Emsley commented that he used to have owls, and now he has none. Something this township lacks is protection for wetlands that are not MDEQ protected. They simply steamroll any wetland that is not meeting the requirement. The Township should consider that wetlands under 5 acres are significant. There are very crucial swamps that do bring value, and he suggested opening them up to the public. Regarding the Eight Mile Road corridor, they want to divert traffic down Napier and the Chubb Road. Paving will help to relieve Ten Mile Road traffic and help to push it down Eight Mile, but the bigger problem is that the shoulders are 3" wide and Washtenaw County does not care about Eight Mile Road. Once it's overburdened, it will never be widened.

**Mark Szerlag, 37000 Grand River** – Mr. Szerlag is serving on the DDA, and one of their biggest concerns is to develop some type of downtown. What is necessary to support the downtown is to have people to shop there, eat there, and visit the cafes. He is concerned with the study areas 1 and 5. There are two properties on the west and Mill River being changed to high density mixed use. There is a 200 acre parcel there that affords an opportunity to do planning within those 200 acres; mixed use or transitional zoning from high density to low density might be appropriate. In Zone 5, there is an opportunity to look at that section and look at how to better accommodate traffic in that area. It does make more sense in some areas of the township where they are trying to grow commercial development.

**Mark Guidobono, 47765, Bellagio Drive, Novi** – Mr. Guidobono commented that the township should focus on senior citizens and empty nesters. The first baby boomers are reaching retirement age now. By 2030, the seniors in Oakland county will double, and by 2020 it's projected that the 61 communities in Oakland County will have more seniors over 65 than school-aged children. The population is getting older, and Lyon Township should consider a plan for this. He asked that they plan ahead for these retirees. Average income of a retired senior citizen 65 and over is \$41,000, and they spend 92% of their money where they live. Different products and price ranges are needed.

**Robert, 59604 Sunridge** – Regarding the changes to the maps, he felt they should try to be transparent. There is a lot of potential for confusion regarding the land use

categories, so he felt there should be a nice distinction. He also felt that the Township's documents should follow standardized colors. It sounds like this is something they want to do fast and push through. It seems like there are things that haven't been delved into as much as they should have. From the comments he has been hearing, it seems like there is more work to be done on this.

**Motion by Towne, second by Chuck  
To close the public hearing at 8:11 p.m.**

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

**MOTION APPROVED**

Mr. Doozan confirmed that the Mulligans parcel should be low-density single-family. He explained that after reflecting on past Planning Commission meetings, an increase in density has never been a point of discussion. There is no change in zoning. There is no proposal to change zoning to R-0.3 in any place in the township. That is not part of the discussion or on the table. There is no increase in density that is proposed at this time.

Mr. Enlow explained that these amendments do not change what is currently proposed or anyone's development rights. The Master Plan is a tool to mold the future and try to get future developments to go in a certain direction. Anything that is currently coming before them that is pending their review will not change on the Future Land Use. It is still reviewed on the underlying zoning.

Ms. Kimberlin explained that the Master Plan is a future land use recommendation based on certain planning principles and not a change in zoning.

Mr. Towne stated a lot of the property that has come before them that has 1 acre lots were because the Township has held the applicant's feet to the fire. They had a lot of discussion for a long time working on this project. Their train of thought was that they didn't want to see PDs try to negotiate down below 35,000 square feet; that's why they have a minimum. He would have no problem if the Township residents wanted them to go back to the R-1.0, he would be fine with that. But they needed to be clear so the developers knew that up front.

Mr. Towne stated that they have listened to the public. There is development on the border line of South Lyon and Ten Mile. They tried to soften that and make sure they have housing there instead of industrial. Some of the density that is there was because they were allowed through the tough times in 2008. In order for the Township to get out from underneath going bankrupt and to get developers to buy property, the developer was granted higher density. Regarding the 8 and 9 Mile area, it was Master Planned for one acre but zoned ½ acre. That isn't changed; they are just adjusting to what it is. It has always been R-.05, and their job is to correct any mistakes and any future plans in there and make sure the Master Plan reflects that.

Ms. Kimberlin commented that the wetland setbacks are Zoning Ordinance issues that

are separate and distinct from this and can be changed but it is a different process from this.

Mr. Chuck stated its tough sitting up here. It is a balancing act. There is no rezoning going on here. Future plans are just that; there is nothing etched in stone. It is very difficult to tell the developer how to spend their money and when to spend their money. There are growing pains in every community and decisions have to be made. They want to bring people into areas where we want to develop the downtown area. The terminology is okay; they have done their due diligence.

Mr. Hoffman stated that he is saddened also with what is going on. They are on the front line of the development of Detroit, they can't stop the growth of the community. Historically it will happen, they can't stop it, but they can control it and they are trying to do that in a manageable way. The farmers that are choosing to sell their acreage are doing it on their own; it's not the Township. If there were no PDs, developers would use up every inch. The PDs allow more open space for natural resources. There is a give and take with a PD.

Mr. Chuck stated that the senior population needs to be addressed. Trends are based on historical data. They do have 515 acres that have been sitting there for how many years; it is not a self-fulfilling prophecy. Heavy industrial is downsizing, it's a smart move and it builds where we want to go east with the industrial piece and go west with the roof tops.

Mr. Enlow questioned the legalities of an online petition vs. a hand written petition. Ms. Kimberlin stated that the petition is just indicating public interest.

Mr. Enlow stated that they know they won't make everyone happy with the PDs. The benefit of the PDs is to have the 20% open space which leaves room for the wildlife. Developing to the underlying zoning leaves 0% open space while it does yield larger lots. The water system was mentioned. The water from the Township is all being treated, but there is just a lack of rust removal during peak hours. It is healthy.

Mr. Enlow questioned the right to farm and if that is specifically addressed in the Master Plan or if is there a specific zoning regulation. Mr. Doozan stated that the R-1.0 district allows farming as a permitted use. There is no change to that with the Master Plan amendment. The fate of farming in Lyon Township was sealed when most of the land was zoned to one acre zoning, and one acre zoning is not an effective way to preserve agricultural land.

Mr. Enlow stated that senior housing was also brought up and he wondered if there is any way to address that in the Master Plan. Mr. Doozan stated that is something that they would want to do in the future and look at that market and see how it can be incorporated into the overall plan. It should be addressed in the Master Plan and the Zoning Ordinance. Mr. Doozan continued that this amendment is not meant to take care of the obligation of 18 months to two years to do a comprehensive review. The comprehensive review will still take place, and that would be a good time to look at the senior housing and empty nester markets.

Mr. Enlow stated that there is a list of pending projects on the agenda, it is intimidating seeing those developments but anyone at anytime can present something to the Planning Commission but that does not mean it will be approved at this level or if it's a PD at the Board level.

Mr. Enlow stated that he liked the comment of the wetland setbacks going back to 50'. Mr. Enlow commented that it is nice to see more people in attendance than when they did this in 2012. He stated that they are doing their best to control the growth, he liked many of the public's comments and there is more to do as far as tweaking some of the areas.

Mr. Conflitti stated that he went to high school in South Lyon. People do have property rights. They try to control and shape the growth. They are not rezoning, they do put in a lot of time and effort and he appreciated everyone's input.

The Planning Commissioners felt that there should be clarification regarding the land designations. After discussion, Mr. Doozan provided ideas for further clarification of the density and land designations. He suggested separating those into 4 categories instead of 3.

**Motion by Towne, second by Chuck  
To table for two weeks and Mr. Doozan will revise and review it.**

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

### **MOTION APPROVED**

**Mark Szerlag, 37000 Grand River** – Mr. Szerlag suggested making the land designations as R1, R2, R3 and R4 and have the lot sizes listed at the maximum. That may make it less confusing.

**Stephen Emsley, 51824 Eight Mile** – Mr. Emsley commented that PDs should have a minimum square foot lot.

**OLD BUSINESS** - None

**NEW BUSINESS** - None

**COMMUNITY REPORTS** - None

### **ADJOURNMENT**

**Motion by Chuck, second by Towne  
To adjourn the meeting at 9:17 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 9:17 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary