

Charter Township of Lyon
Planning Commission
Meeting Minutes
December 14, 2015

Approved: _____

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
Kurt Radke
Carl Towne, Vice-Chairman

Guests: 48+

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

APPROVAL OF AGENDA

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the November 23, 2015 Minutes

Mr. Chuck made a minor revision.

**Motion by Towne, second by Enlow
To approve the November 23, 2015 minutes as revised.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

James, 20941 Napier – He has been a resident for 40 years, and his property he lives

on also has a trucking company. He asked that the Devonshire project be halted until there is a buyout of his property or land bought for the company because there will be nothing but headaches. It doesn't seem right that a developer can come in and wreck havoc for a company that has been there for 40 years.

PUBLIC HEARINGS

- 1. AP-14-36, Hasenclever Farms PD – Preliminary Review (formerly known as Lyon Trail South PD). Property located on the north side of 8 Mile Road, west of Griswold Road. Public hearing to consider the preliminary review of a proposed PD consisting of 50 single-family homes on 43 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated December 9, 2015. The review letter identified the following issues:

1. Although the proposed density is appropriate based on the Master Plan's Future Land Use Map, the development exceeds the density permitted on the underlying zoning.
2. The plan identifies 9.82 acres of open space, but it is questionable whether Parks A and D should be considered usable open space. If these two parks are deleted, the development would be deficient in open space by 1.09 acres.
3. The landscaping plan must be revised to provide street trees at 40 ft. on-center.
4. Barrier-free ramps must be at all intersections, which must be shown on plans.

Mr. Mancinelli explained this will be a 50 unit development. They will be preserving tree areas within the development in a conservation easement. He brought the lot size minimum to 17,556 square feet, with the average lot being 19,200 square feet. He attempted to rezone it first but was told they wanted the rezoning to be done in conjunction with this project. There would be approximately 150 trees additional trees that would be saved that are not in the conservation easement. He met with the homeowners of Lyon Trail East, and he will provide some buffering along the east side. He also enlarged the lots adjacent to Park Woods by about 300' square feet.

Brian Devlin from Nagy Devlin Land Design explained that there is a total open space of 9.82 acres; park /open space is 5.20 acres, and the woodland conservation easement is 4.62 acres.

Mr. Mancinelli explained that there would be a lot of trees coming out if they were to put in the sidewalk along the east side. Regarding open space "A," he felt there would be 1.6 acres of very usable open space where people could walk and not have any problems.

Mr. Mancinelli briefly reviewed the homes that are being proposed for the site.

**Motion by Towne, second by Chuck
To open the public hearing at 7:35 p.m.**

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

MOTION APPROVED

Mark Hannon, 59488 Eight Mile Road – Mr. Hannon lives in the 130 year old brick farm house next door to this project. He explained prior to the death of the land owner that the front portion was not going to be sold, and there would not be access to Eight Mile Road. He is concerned with that. The traffic is already dangerous and excessive. Adding another point of entry will make it even more hazardous. It is also in sharp contrast to the neighboring Salem Township, where two acre minimum lots are required. He asked that they not approve the preliminary review until the drawings are updated. The main thing is the correct location of the fire hydrant. He did not see the manhole cover that is part of the new water main system on the drawings. He did not see the AT&T access shown on the drawings. He did not see the underground DTE easement. He questioned if the current overhead power lines that cross the proposed Eight Mile entrance will be moved or remain as they are. He asked if this would impact the current home owners served by these lines. These items should be done in order to be reviewed by the Road Commission.

Jeff Schonder, 21218 Greenbrier Lane – Mr. Schonder was under the impression that this sub would be connected to Park Woods. It seems the Township is always putting the cart in front of the horse. The infrastructure is not there. No substantial repairs have ever been done to Eight Mile Road. It's a dangerous road, and the increased traffic will beat it up even more. He has repeatedly written and called the Road Commission to ask when work will be done. If they continue to build homes before the conditions of Eight Mile have been addressed, it will be a nightmare. Why doesn't the township lobby Washtenaw County to do something to this road? Ten Mile Road is also a nightmare, and the houses are still going up. The South Lyon area can't support the traffic that is there now. He is against all of the building and congestion. He stated it seems like the Township Supervisor is intent on making Lyon Township another Canton.

Ray Bisio, 22563 Indianwood Drive – Mr. Bisio has been a resident for 23 years, and he felt that talking to the County about the roads is useless. He asked why the Township Board would go for a library millage when the priority is roads. He felt they are going in the wrong direction. He questioned the percentage of brick used in these developments. He questioned how many ranches and how many 2600 sq. foot houses there will be.

Anna Schlaff, 59891 Mulberry Lane – She commented that Park Woods has no stop signs and no sidewalks, and they don't need an additional 50 houses of traffic coming through their sub. They don't have a common area. She reviewed the map and felt that there was not a single house that will need to cut through Steadman Drive. She provided a petition signed by 91 homeowners who are proposing that there is no need to cut through their sub via Steadman Drive. She questioned where the construction traffic would be going through. The traffic study was done in 2014 and since then Griswold was paved so it's changed and she felt a new study is needed.

Thomas Reedy, 59875 Mulberry Lane – Mr. Reedy questioned if the developer has to do a wildlife survey. He pointed out that in the woods there are two nesting sites for

great northern owls and a pack of coyotes. The wetlands have a breed of peeper frogs. He wondered if that has been featured into the plan. He felt that the wildlife is important to the environmental nature of the site.

Terry Ward, 59585 Foxpointe Lane - Mr. Ward lives off of Griswold Road. He stated that the water does come from east to west, and there is a lot in the spring. He is worried that will be a problem. Mr. Mancinelli stated that they are not allowed to run water off of their land.

Jim Petersen, 59411 Deer Haven Drive – Mr. Petersen is also concerned with the water issue. He was told that the north side was a wetland. Now there will be a road there, and the water may back up onto his property.

Stephen Emsley, 51824 Eight Mile – Mr. Emsley stated that the minimum lot size is for R-1.0 is 35,000 square feet. On the flip side, he is looking at 16% average lot size increase over R-0.5 but a 40% decrease in R-1.0. This isn't the time to approve the PD. A development should be built to the underlying zoning. There will be 450 vehicles out of that entrance. Someone has an existing driveway, and they will use this tiny crevice, so those two homeowners are stuck. There is no reason to approve a PD here. He did not see a parallel plan and feels this case should be tabled.

Eric Stidham, 20908 Oak Tree Drive – Mr. Stidham stated he has huge water concerns. When he bought the house in 2011, there was a significant catch basin where all the water from Park Woods runs to his lot. Water will come towards his house, sometimes from 15-20 feet away. The drainage pond at Eight Mile is substantially higher than his lot. He did not see how houses could be built there and remain the same with the drainage. He thought it was great that the developer approached Lyon Trail, but they haven't heard from him. Mr. Mancinelli stated he would save as many trees as he could; the vacant area would allow him to save as much as possible. Mr. Stidham stated he is also concerned with the Stedmann entrance since there is an excessive amount of small children in the sub that ride their bikes and play in the streets. Adding an entrance for another 50 homes is not a responsible thing to do. Since this project is essentially Lyon Trail IV, it should be connected to Lyon Trail. Why allow it to be put in when it can cause so many problems? He asked that it be redone or tabled for now.

Mr. Mancinelli stated that his original plan had no access to the sub through Stedmann Drive. The Planning Commission and the Board had stated that the County would probably require the entrance. He would be more than happy to not connect to Stedmann Drive.

Carol Thostenson, 59830 Mulberry Lane – Ms. Thostenson lives in the cul-de-sac on lot 79. She has small children. Eight Mile Road is hazardous. The sub is not well lit, it doesn't have sidewalks, and kids are outside playing. The current bus stop is also a concern and could be very dangerous. At Mulberry Lane and Oak Tree Drive, there is only a yield sign; they have no stop signs. Her son was almost hit by a truck while riding his bike, he was missed by 20 feet. She has lived here 12.5 years. To create more traffic pulling out from Stedmann by the bus stop does not make sense.

Lori Petersen, 59411 Deer Haven Drive – Ms. Petersen commented that they bought land 12 years ago to leave Canton, and they are starting to build in the spring. They bought the land because the land that was full of trees. She would like to see fewer homes and she has children as well, and they need to consider this development being smaller, they bought the land for R-1.0. She doesn't understand why she's moving to a city that is just like Canton.

Jessica Strane, 28091 Galien Drive – Ms. Strane is concerned about the trees. She thought it would be great if the two owl nesting sites could be incorporated into the conservation easement. Mr. Mancinelli confirmed that 40-50% of the tree conservation easement would be preserved inside, plus an additional 150-200 trees that won't be cut down in the open space. He stated some of the lots will be completely cleared but not all of them. She appreciated the effort of the easement and wished more developers would do that

John Lemke, 21047 Greenbrier Lane – Mr. Lemke stated that the Stedmann connection is uncalled for; there needs to be another objective to that. He has 4 buses that do pick-ups and drop-offs in the sub. It's a bad move. He predicts traffic going well beyond the speed limits, and there are no sidewalks.

Robert Kliza, 21095 Greenbrier Lane – Mr. Kliza has been here 5 years, and he supports all of his neighbors. He wondered what rights the residents have. Mr. Conflitti stated that they have property rights. Mr. Kliza asked if they can decide on their own to keep people out. Mr. Doozan stated that Stedmann Drive is a public road, and that link was provided to the east to connect with future development. It took a few years for that development to occur, but that was the intent of the stub road. Mr. Doozan stated that one of the biggest reasons for traffic congestion is not having a network of roads. If that was available, people would have more ways to get to places. There has to be multiple ways for getting to a residence for safety reasons. Mr. Doozan stated that the Township does not ask for developers to come in here or encourage them. The developers have property rights, and at any point in time they can develop a plan and bring it forward.

Mr. Kliza stated the safety for children should be the priority, along with the roads. He stated it seems like the cart is before the horse.

Mr. Doozan stated that the roads are not under the jurisdiction of the Township but the Road Commission for Oakland County. That has not stopped the Township for working on solutions, and all the roads that have been paved have been at the Township's efforts. The Township is working on road improvement and trying to obtain funding for the roads every day. The Township competes with all communities in Oakland County, including Farmington Hills and Novi. The traffic is worse on Orchard Lake Road or Northwestern Highway. No matter how bad it is on Ten Mile, the money flows to those roads before it comes here. It is a real battle to get funding for our roads, but we battle every day for it.

Stephen Emsley, 51824 Eight Mile – Mr. Emsley stated he always hears that these developers have land rights. Their current land right is to build 35,000 sq. foot lots. The developer does not have a right to PD they are asking for. He thinks it's confusing for the new people. The PD is not a right; they are supposed to give things to the

residents. At the end of the day, this needs to be held to the underlying zoning. Giving these PDs away is so tiring. Ms. Kimberlin stated it is a legally enacted ordinance. The Township enacted this ordinance, and they do have the right to apply. Mr. Emsley stated it sounds like a bunch of double talk.

Thomas Reedy, 59875 Mulberry Lane - He appreciated Mr. Doozan's explanation regarding the network of roads to spread traffic. He stated that since Griswold Road has been paved, his own observation is that there has been a tenfold increase of traffic. It's very dangerous. There are side swipes happening, and it's out of control.

Andrew Feldkamp, 60587 Gary Court – Mr. Feldkamp stated that he totally understood all the concerns that have been raised by the Park Woods families. Oakland County would probably require Stedmann Court though. From the Gary Court perspective, they like that because it does add an extra access point. No matter what, we all recognize the risk due to the traffic concerns; it is a major risk. We don't want to force the traffic through Park Woods, but it could help to have an alternative route.

Chris Schaecher, 59878 Mulberry Lane – Mr. Schaecher's main concerns are water, the Stedmann cut through, and the tree barrier. Don't we need the approval of Washtenaw County? If so, have they given any indication? Ms. Zawada stated that after this preliminary review, there are at least 3 more meetings. If the PC takes action, then detailed engineering plans will be required. Then approval from permitting agencies will be required. Mr. Schaecher stated there are no sidewalks in Lyon Trail and Park Woods, so why require the sidewalks in this development? Mr. Doozan stated that sidewalks have been required for quite some time now. Mr. Schaecher stated the DEQ governs the wetlands, and he understood that they have not been called to look at this property. Mr. Mancinelli stated that they have been out there. Mr. Schaecher stated that a detention pond cannot be on open space, but it is. It would help to save more trees and land than what is being proposed.

Craig Whipple, 20967 Oak Tree Drive – Mr. Whipple stated that regarding Stedmann Drive, they get the sense that the connection to the subs is to decrease the traffic on Eight Mile. He found it hard to understand why anyone would come through Hasenclever Farms and go through Stedmann to get to Eight Mile. He didn't understand the logic. He didn't see how that connection would be a viable solution.

**Motion by Chuck, second by Towne
To close the public hearing at 8:42 p.m.**

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

MOTION APPROVED

Mr. Mancinelli explained that the owner did not want the land that now goes out to Eight Mile Road, which is why they used Stedmann to connect. But they were able to buy that land and can now have a boulevard entrance. He has the right to develop his property. He would like to not provide the connection, but it will be the Road Commission's decision. The wetlands have already been flagged. The MDEQ came

out, saw the flagging, and agreed with it. As far as the coyotes, go he can't do anything about those. He will take a look at the water from Foxpointe Lane. He commented that the lots in Park Woods are all 17,000-18,000 sq. foot lots. His sub has lots larger than 60-80% of the subs built in Lyon Township. He saw no reason why he didn't have the right to rezone his property into the Master Plan zoning.

Ms. Carcone stated that the Board has asked that the parallel plans be reinstated. At the last meeting, the Board stuck with the parallel plan and reduced a project by 8 lots.

Ms. Zawada reviewed the CES memo dated December 11, 2015. She has no issues at the present time.

Ms. Kimberlin referenced her memo dated December 11, 2015.

Ms. Carcone stated that she understood the road connections and referenced Timber Trail not requiring sidewalks. She commented that the roads are not their jurisdiction, and they don't have control. She did not think it was unreasonable to find out if the stub road can be removed. She also felt that a parallel plan should be seen.

Mr. Chuck asked if the developer had an issue with the comments in the McKenna Associates memo. Mr. Chuck explained that he lives in Carriage Club, and his sub will be connected to Pinehurst with a buildout of over 500 homes. Traffic seems to be working their way through; people do have a way of figuring it out. Mr. Mancinelli stated that if a rezoning is done in conjunction with this plan, there are 49 lots that they could build. He felt that the rezoning should be allowed. As far as the open space, he didn't agree with Mr. Doozan but had no issue with items 3 and 4.

Mr. Enlow felt that the traffic study should be updated since Griswold was paved; it may change what is required at Eight Mile Road. He likes the PD option due to the woodlands. If this was done without a PD, he could clear cut to the limits. Also, the wildlife is a concern and saving some trees by utilizing the PD option is a benefit. He questioned the bike path connection if the Township could obtain the easement; he would really like that to be pursued. The water issues that the residents spoke about should be taken care of according to the plans. He did question Deer Haven Drive. The Road Commission was making them put in an approach and he questioned if that was resolved. Mr. Mancinelli state it is a private road, and the Road commission doesn't want to connect private roads to public roads. He will also find out about the traffic study.

Mr. Hoffman stated if they were to do the underlying zoning, then everything is wiped up. The PDs take into account the open space, and people forget that. The PDs are a better option. In terms of access points, they can't stop something that has been planned, and the residents can't live in their neighborhood thinking that the stub street will never be used. They can guarantee that there will be no more water added to anyone's property. If there is a problem now, it may get worked out in a better way. He wished that the township had a brick requirement and he felt brick is better and praised anyone who added more brick.

Mr. Towne stated he thought a waiver should be granted for the sidewalk requirement

on the east side due to the trees that would be lost. There was talk about building an island in the northern section. The developer listened to the PC and the Board and has blended and mirrored the developments that will be connected. This development has the larger lots, he also likes the way the smallest lot was moved to 18,000 square feet. The developer is saving all the wetlands, and that justifies the small density bonus because it will save the ecosystem there. The open space is contiguous, and the deer will be able to run through there which is what you want. Mr. Mancinelli has done a great job. Stedmann Drive is a tough call. He didn't think there would much cut through traffic; the advantage will be being able to go to each other's homes for the kids, which is so important. It's great that Salem is over there; he hoped they stayed 5 acres. He stated that a 17,000 sq. foot lot is not Canton. He would recommend approval.

Mr. Radke agreed with the PC. He moved here 7 years ago, and there will be 200 homes in his sub. The traffic safety is an issue, and he appreciates that. He also appreciated the comments from Mr. Doozan articulating the fire and safety issues.

Mr. Devlin stated they will be leaving 47% of trees but that does not include what could be preserved on the lots.

Mr. Mancinelli stated there was never anything said about a parallel plan.

Mr. Enlow questioned the open space on A and D. The Commission was in agreement that both A and D were considered open space.

Motion by Towne, second by Chuck

To recommend approval of AP-14-36 Hasenclever Farms PD – Preliminary Review. The plan meets the 8 criteria for PD's and he believed the saving of the land conservancy and the water shed and the hardwoods on the property warrant the bonus density. He recommended waiving the sidewalk requirement on the east side of the project from lots 21-32.

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

MOTION APPROVED

Mr. Conflitti called for a 5 minute recess at 9:46 p.m. and called the meeting back to order at 9:51 p.m.

- 2. AP-15-60, Legacy of Lyon – Conditional Rezoning. Property located at on the north side of 10 Mile Road, west of Chubb Road. Public hearing to consider a conditional rezoning of 26.7 acres from R-1.0 (Residential Agricultural) to R-0.3 (Single-Family Residential) to allow for the development of 58 single family homes.**

Mr. Doozan reviewed the McKenna Associates memo dated November 17, 2015. As described in the letter, it is their opinion that the applicant has not provided sufficient information to demonstrate that this project would meet the review and approval criteria for conditional rezoning. They believe that, to be approvable, this development would

have to have an equal or lesser impact than a conventional R-1.0 single family detached development. Insufficient information has been provided to make this finding.

If the Planning Commission concurs with this opinion, then it can take one of two actions:

1. If the applicant voluntarily offers to revise and resubmit his application, the Commission can table the case or
2. The Commission can recommend denial to the Township Board.

Ms. Zawada referenced the CES memo dated November 17, 2015.

1. Per the Township's Zoning Ordinance for R-1.0 zoning, when sewer is available lots maybe 35,000 sf. The Township's sewer sizes have been designed using the Zoning Ordinance to determine ultimate flow. There are at least an additional 23 units that the sewer would not have been designed for. There has not been a capacity study in this area to determine if there is "extra" capacity in the sanitary sewer. She explained The Township's relatively simple fixes to direct the sewer to the treatment plant. They are not meeting until the first week of January. As of right now, she is concerned. Her recommendation will be to look at this section and direct one section directly to the sewer committee.
2. The storm sewer downstream capacity, through Woodwind Village, has not been provided. Therefore, we cannot comment on whether or not this storm sewer basin has any negative downstream impacts. A storm sewer analysis shall be provided by the applicant.
3. A parallel plan was not included in the application materials.

She noted that items 4-10 in the CES memo dated December 2, 2015 are related to preliminary plans. This information is necessary and was requested in July. Until all items are provided, it was Ms. Zawada's opinion that these items should be revised and resubmitted.

Ms. Kimberlin referenced her memo dated December 4, 2015. The setback issue is her main concern; there can't be any deviations from the requirements of the zoning they are requesting. They would need to comply with R-0.3 zoning. As the plan stands now, that is not being done.

Mr. Fingerroot gave a brief summary of the proposed project. He explained the need for the empty nester product.

**Motion by Chuck, second by Enlow
To open public hearing at 10:18 p.m.**

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

MOTION APPROVED

Bob Freund, 651 Woodland Drive – Mr. Freund stated he has been a land owner in the Township since the late 80's. He has been looking for a home to move into since he wants a smaller home with two first floor masters and would like it to be a ranch. This product is not offered in Lyon Township. He has looked at small houses, but he found the neighbors would be young families. He didn't feel he would fit in. He would like to be in an empty nester community among his peers. He could see himself living there. He could utilize the schools and their track or gym and the golf course across the street. He doesn't know the builder, but he would like to stay in Lyon Township.

Amy Allen, 54055 Birchwood Drive – Ms. Allen is sure there are a lot of empty nesters that would like to have a place like this, but Mr. Freund also said he doesn't want to be around a lot of children. The surrounding neighborhood has a lot of children. She found it hard to believe they would want to back up closely to their sub or the elementary school. She can hear the school announcements and the bell ringing. Unless this will be a 55+ community, she finds it hard to believe. Trying to shove 53 houses in this small plot of land seems ridiculous. They all bought their houses knowing this land would be developed, and she is in support of that. However, she didn't think this many condos should be allowed. She would also like to see the tree line maintained. She has a detailed petition as well.

Elise Yost, 54085 Birchwood Drive – Ms. Yost asked how close the northern border is. Some of these trees are 70 years old, and to get an extra 20-30 feet away from the tree line would be better. The developer wants to take the tree line down and replace it with a berm. She stated these are irreplaceable trees. She suggested bringing the homes along the tree line closer to the center in order get rid of some of the open space in the middle and provide a bigger buffer to the homes along the tree line.

Bill Knudsen, 24690 Wedgwood Drive – Mr. Knudsen stated preserving the tree line is critical. The neighborhood is full of kids. He is concerned with the retention ponds for safety reasons. The elementary school is right next door. He sees merit for this type of housing but not in this location.

Steve Estabrook, 54365 Birchwood Drive – Mr. Estabrook appreciates the need for this type of housing and would like to see his parents live in a community like this. But it is incompatible with a community that made up of 80% young kids. He is concerned with the detention ponds for the kids. It will bring animals and mosquitos. Also, anytime there is a malfunction, 26 acres would drain into his back yard. He suggested making the drainage more central instead of on a lot line.

The Marginets, 24630, Wedgewood Drive – When they moved to South Lyon, they looked at the Master Plan for the type of housing that could be built. Suddenly they are finding out this is no longer the case. Now the houses are piling up more than what the original plans were. Who will guarantee this community is just for empty nesters? The developer has a great sales pitch, but it will affect his home value.

David Gatt, 24750 Wedgewood Drive – Mr. Gatt stated he lives on lot 80 in Woodwind Village. He has two small children, and his concern concern is having a hazard there with the retention pond. He was told they would not rezone. It seems like they keep

having to fight this battle. Why allow a petition to go down to 26 acres? It seems like a drastic change and seems to be a continuous issue. How do we allow someone to submit an application that says this is an empty nester community? Ms. Kimberlin stated that the developer can market it as they want to; they are not guaranteeing at this point that will happen. Mr. Gatt stated that is very deceiving. This is a community that should be 55+. They will have mosquitoes to deal with, due to the ponds. They already have pest control coming in to try to keep the mosquitoes down in the existing ponds. These homes are substantially different and at a cheaper price point. The existing tree line is also problematic. Wildlife will be impacted. There will be more of a negative impact than there will be a benefit.

Karen Gatt, 24750 Wedgewood Drive – Ms. Gatt questioned the setbacks. Mr. Doozan stated a 35' setback in the front is required, and they are proposing a 30'. On the sides, they are proposing 15' between homes; the requirement is 30' feet. Ms. Kimberlin stated this differs from a PD because it's a conditional rezoning. Ms. Gatt questioned the traffic information. Mr. Fingerroot explained he used planning guidelines from two notable traffic consultants in the area. Ms. Gatt stated that some empty nesters continue to work, so the traffic will continue to go up. The casualties that have happened on Ten Mile should be considered. She did not agree with the traffic study, and the new middle school will also add more traffic. She hoped they would work with the developer. She disagrees with the amount of homes, not the concept. They can't guarantee it will be an empty nesters community. The tree line is important for the existing homeowners. Mr. Doozan explained that the township does have a tree preservation ordinance.

Stephen Emsley, 51824 Eight Mile – Mr. Emsley stated he would call this a double down zoning. He thought they should find some middle ground and maintain the tree line. Everything that comes through is another loop hole for density. Give the developer the R-0.5 zoning. He stated that they all know millennials stay at home, this is reality; they live in the basement. Older people continue to work because they don't have pensions. He also stated that studies should be updated if they are from 2002.

Steve Estabrook, 54365 Birchwood Drive – Mr. Estabrook asked if there would be a deed restriction on the age of the owner.

David Gatt, 24750 Wedgewood Drive – Mr. Gatt asked if there is a reason the ponds are located by the residents instead of in the middle of the site.

Amy Allen, 54055 Birchwood Drive – Ms. Allen asked why they don't reduce the center of the site where all of the open space is and provide more of a buffer. Mr. Fingerroot stated they would happily sit down with the neighbors and take input. Ms. Allen felt there were a lot of ways they could be happy.

Motion by Chuck, second by Enlow

To close the public hearing at 10:53 p.m. due to no further comments.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

Mr. Towne stated the residents should be prepared to replace those trees in the tree line because those types of trees are dying at great rates throughout this region. This project can't even be approved tonight because it doesn't meet the criteria. They have to decide to recommend denial or table it. The property is zoned R-1.0, and he will vote to keep it that way.

Ms. Kimberlin stated that the Fair Housing Act does allow exemption for restrictions for housing for older persons.

Mr. Fingerroot stated there is a federal law to age restrict to 55 years. The rule is that one of two people have to be 55 years old. He explained that they do age target the residents. The homes are not great family floor plans; they don't offer a lot of different rooms, and they target the product to this buyer type. The reason why they don't age restrict it is because they don't want the perspective buyers to feel old. They build the product and lifestyle, and this is the buyer that comes there.

Ms. Carcone stated she has been in the Township for about 25 years. The Township has been sued about 6 times over developments. They lost their insurance due to those lawsuits. They had to go to a new policy where they had to pay \$100,000 up front. It is a touchy subject. It takes up a lot of their money, it is expensive, and they don't have endless pockets. This property has seen multiple plans come in, and we've said don't even think about it. We haven't heard this plan yet so we have to have our opportunity to make up their minds. She thought the product is beautiful. She is not sure this is the right place for it but hoped it was developed somewhere in Lyon Township because it is needed.

Mr. Chuck stated that this type of development is needed. People still want to have their own brick and mortar, but this may not be the best spot.

Mr. Enlow stated that more information is needed to see if this will fit. There is no solid age restriction on this, and that in itself worries him. There is a need for this type of product, and it appears to be a very nice product.

Mr. Hoffman stated that the trees are on the Mulligan's side of the property so whatever goes in there will most likely wipe the trees out. The product is superior. He could live in it or next to it. An age restriction can be done. He would be worried to what could abuts this property if this doesn't go through. He stated that they do listen, but they have to look at the whole community.

Mr. Doozan stated that home values are not an issue here.

Mr. Towne stated that Section 37-03 requires that the condition be equal or more restrictive than the zoning ordinance, and this doesn't meet that criteria. That would be a reason to recommend denial to the Board. Mr. Conflitti agreed with Mr. Towne.

Mr. Fingerroot stated that if the Planning Commission generally likes the product, he would want to work with the Township and the neighbors and table it. Mr. Chuck stated

that the applicant took direction, and he would like to see him come back and see if it can be worked out.

**Motion by Chuck, second by Carcone
To table AP-15-60, Legacy of Lyon.**

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

MOTION APPROVED

**Motion by Towne, second by Carcone
To amend the agenda to remove the Medical Marijuana item.**

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

MOTION APPROVED

- 3. AP-15-62, Saddle Creek PD Amendment – Minor Modifications. Public hearing to consider an amendment to the PD agreement to allow for administrative review and approval of minor modification requests.**

Mr. Doozan reviewed the McKenna Associates memo dated December 12, 2015. He recommended that the Planning Commission recommend approval of the proposed Third Amendment to the Planned Development Agreement for Saddle Creek, to give authority to the Township Planner to approve minor modifications to the approved Planned Development plans.

Mr. Towne asked what would be bad about approving this. Mr. Doozan stated he didn't see any bad. It would be a necessary relief valve, like they have in several other developments. It primarily deals with setbacks or landscaping. Mr. Radke asked if it is documented so there is accountability. Mr. Doozan stated yes.

Ms. Carcone stated she had no problem with it. People want to live in their yards and have decks or patios.

Mr. Enlow felt if they had abided by the original setbacks then this wouldn't have happened. Mr. Doozan stated he didn't think that was true because in every development there are unique situations that come up that can't be foreseen.

Mr. Radke stated he thought it was okay for minor changes.

Mark Roebuck from Lombardo Homes is representing the applicant. He stated these are 90' wide lots, so they aren't squeezing anything in. The applicant wants to put a 4' deck along the side and the one corner of the deck intrudes into the side yard setback, As the deck corners around he is back in the setback.

Kevin Mason, 26912 Bluegrass Court, stated that his neighbor does not have an issue

and is willing to email that letter that states that. The surrounding homes do not have the similar setback issues that he does. The adjacent homes have 4' adjacent to their homes, but he only has 2' worth of setback. He did not see a plot plan until 3 months after a good faith deposit was made. He has approximately 18" that goes beyond the setback, which is a diagonal portion of the home and he is asking for that relief to accommodate his Dad's physical condition. He would not like this to be used for changing property lines, or anything that would be significant but be restrictive in nature and provide a legitimate need for it. He will email letters of support.

**Motion by Towne, second by Chuck
To open the public hearing at 11:46 p.m.**

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

MOTION APPROVED

Stephen Emsley, 51824 Eight Mile Road – Mr. Emsley stated that this should be defined clearly and define what "minor" is.

Randy Saie, 27483 Pontiac Trail – Mr. Saie thought this request should be granted.

Rich, 61233 Mustang Drive – He thought this was a good idea.

**Motion by Towne, second by Chuck
To close the public hearing at 11:49 p.m.**

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

MOTION APPROVED

**Motion by Chuck, second by Carcone
To recommend approval of AP-15-62 to the Township Board to approve minor modifications as stated contingent upon receiving the letter of support from the applicants neighbor.**

Mr. Mason commented that Steve Adams, Board member came out to his home and viewed exactly what he was asking for. It was his understanding that Mr. Adams made a petition at the meeting regarding this variance or at least writing a note for the record. Mr. Adams did not raise any objection to this, and he could follow up with him if they wanted him to.

**Voice Vote: Ayes: 5
Nays: Enlow, Hoffman**

MOTION APPROVED

4. **AP-15-63, Parallel Plans – Zoning Ordinance Amendment. Public hearing to consider an amendment to the Zoning Ordinance to require the submission of a parallel plan with a planned development application.**

Mr. Doozan explained that they want to introduce Parallel Plans back into the Zoning Ordinance. He briefly reviewed the proposed language.

**Motion by Towne, second by Chuck
To open the public hearing at 11:59 p.m.**

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

MOTION APPROVED

Stephen Emsley, 51824 Eight Mile Road – Mr. Emsley stated it reads as if it was not required previously, and it was. There are people who have passed conceptual already. Ms. Kimberlin stated that people that are in the preliminary stage would also be required to provide one. Mr. Emsley stated that there are PDs that are coming before them where the geometry of the lots is very special, and parallel plans could make or break a very large number of lots. He questioned if Devonshire will have to produce a parallel plan. Ms. Kimberlin stated if they haven't provided one, then the Board is requiring it anyway. Mr. Doozan stated that Devonshire has been told that they need to provide a parallel plan.

Dan LeClair – Mr. LeClair requested clarification on regarding the parallel review and wondered if they can make it an optional process instead of being mandatory. He asked this on behalf of the developers. .

**Motion by Towne, second by Chuck
To close the public hearing at 12:06 a.m.**

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

MOTION APPROVED

Mr. LeClair stated that time is money. When some recent projects came through, they found when they went through the conceptual review process and put plans together, the criteria is not real in depth. They went through the Planning Commission and then the Board, and there seemed to be a lot of confusion that there weren't a lot of details. They went through the conceptual process a few times and that took almost 7 months. He felt having things defined will help.

**Motion by Enlow, second by Carcone
To recommend approval of AP-15-63 Parallel Plans Zoning Ordinance Amendment as presented.**

Roll Call Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

OLD BUSINESS

5. **AP-13-31, The Meadows of Lyon – Preliminary PD Review. Property located on the south side of 9 Mile Road, east of Griswold Road. Continue the preliminary review of a proposed planned development consisting of 47 single family home son 74 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated 12/2/15. He explained that preliminary plan review is perhaps the most important step in planned development review because it is at this stage that the layout and essential design details are decided upon. In this letter, we have identified a number of issues that require further discussion and review by the Planning Commission.

Ms. Zawada referenced the CES memo dated 12/2/15. For there to be a positive opinion that a development is going to work, the information listed in the memo was requested in July. She is recommending that the Planning Commission table this item until items 1-10 of her memo are addressed.

Ms. Carcone commented that she has no plans for this project.

Mr. Bennett explained that this is their 2nd submittal, and information has been added. He stated that they will do a parallel plan. In the original review from the Fire Marshall, it was stated that there were no issues. One of the problems has always been the length of the road and the stub road. They have a real problem here because they were under the impression that everything was fine, which is why they moved on and wanted to be on this agenda.

Ms. Zawada commented that she is so disappointed because none of her major concerns have been addressed. They have had 5 months.

Mr. Bennett stated he felt this was all hashed out at the Board level regarding the stub road. If the Planning Commission will not approve this plan because of the long road and especially since the Fire Marshall has said he has concerns, then they may need to do a new plan.

Mr. Chuck stated that Ms. Zawada's letter is very discouraging. Mr. Enlow stated that he wouldn't approve it with the long cul-de-sac. Mr. Bennett stated if the cul-de-sac is not approved then they would have to start a new plan.

Ms. Carcone stated that she is not hearing anyone at the Planning Commission saying they are in favor of the road and the two entrances.

**Motion by Towne, second by Chuck
To Table AP-13-31 Meadows of Lyon.**

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

MOTION APPROVED

6. **AP-15-59, Medical Marijuana Regulations. Consider revisions to the Zoning Ordinance to allow cultivation and use of medical marijuana on a limited basis. –REMOVED FROM AGENDA**
7. **2012 Master Plan – 1st Amendment. Consider the first amendment to the 2012 Master Plan.**

Mr. Doozan reviewed the McKenna Associates memo dated 12/11/15.

The revised document now provides four single family residential classifications, to achieve closer coordination with comparable zoning districts.

Mr. Enlow questioned what the upper limit is regarding the single family residential. Mr. Doozan stated the upper limit is determined by Riverwood. Mr. Enlow stated he would be comfortable with 3.5 units per acre.

Stephen Emsley, 51824 Eight Mile Road – Mr. Emsley thanked the Commission for removing the ambiguity.

**Motion by Towne, second by Chuck
To adopt the 2012 Master Plan – 1st Amendment.**

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

MOTION APPROVED

NEW BUSINESS - None

COMMUNITY REPORTS - None

ADJOURNMENT

**Motion by Enlow, second by Chuck
To adjourn the meeting at 1:03 a.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 1:03 a.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary