

Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
January 25, 2016

Approved: February 8, 2016

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

Roll Call: Patricia Carcone, Board Liaison  
Jim Chuck  
Michael Conflitti, Chairperson  
Kris Enlow, Secretary  
Stephan Hoffman  
Kurt Radke  
Carl Towne, Vice-Chair

Guests: 19

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 January 11, 2016 Minutes**

**Motion by Towne, second by Chuck  
To approve the January 11, 2016 minutes as presented.**

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

**MOTION APPROVED**

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

**Paul Desoza and Francisco Conte-Grande, 25300 Johns Road, South Lyon -**  
They explained they thought the last meeting was the Rathmor Park III public hearing but now understood it was tonight.

**Steven Emsley, 51824 Eight Mile** – Mr. Emsley commented that the Devonshire project is in violation of the sign ordinance. He has attempted to address this in multiple ways. They are not in compliance, and it was chosen not to be corrected. He requested the public hearing be re-held. He even went to the developer and explained that the sign was in violation, and they did nothing. He requested that it comes back to the Planning Commission. It needs to be understood that they were in violation of the Sign Ordinance since day one and it is not being enforced by the authority in the Township. He explained since it was not addressed, his only other route is to go through Civil Court. The sign was on the wrong property. He is giving the opportunity to have it corrected again before going to court. The sign also had the wrong zoning and acreage on it. All of this has been recorded. Hold them to the ordinance and tell them to put their signs up correctly. They have gone through every route to correct it.

## **PUBLIC HEARINGS**

- 1. AP-15-61, Rathmor Park PD, Phase III – Preliminary Review. Property located on the west side of Napier Road, north of 10 Mile Road. Public hearing to consider the preliminary review of a proposed planned development consisting of 51 single-family homes on 41 acres.**

**Representing Rathmor Park: Randy Wertheimer  
Whitney Findlay  
Andy Milia**

Mr. Doozan reviewed the McKenna Associates memo dated December 23, 2015. He concluded that one of the most important considerations in any Planned Development is the permitted density. To determine the number of units that should be permitted, review of an accurate parallel plan is essential. As noted above, the parallel plan submitted for Rathmor Park III conflicts with several ordinance requirements, so it is impossible to tell if it accurately portrays the number of units that could be developed under conventional zoning. The parallel plan must be revised to address these conflicts.

A tree survey, plan, and architectural guidelines are still required. The landscaping plan is incomplete. A few additional deficiencies of a lesser significance were noted. It was recommended that the Planning Commission not take action until a new parallel plan is submitted and other deficiencies are properly addressed.

Ms. Zawada referenced the CES memo dated January 5, 2016. She highlighted the following areas from the memo.

1. Noted that at the previous Planning Commission meeting the developer offered a financial contribution to the Township in the amount of \$150,000; however the package submitted lists a contribution of \$125,000.
2. Information needs to be provided regarding the storm water impact on the downstream wetland system where capacity should be evaluated during detailed engineering review.
3. An offsite extension of public water main will be required for this project to loop the system.

4. Easements will be needed across an adjacent parcel(s) to extend to Johns Road.
5. An offsite extension of public gravity sanitary sewer will be required to serve the westerly half of this project.
6. A pump station and force main are proposed to continue south along Johns Road, and the pump station will need to be designed to handle the entire district including the parcel north of lots 1-9 in accordance with the Sewer Master Plan. The Township sewer operator shall review the plans during detailed engineering which will be coordinated through CES.
7. We recommended a 10 foot wide path rather than the 5 foot sidewalk shown connecting the site westerly to Johns Road.
8. The site lies within the Blackwood Drain District, and therefore the allowable discharge rate is 0.03 cfs/acre. The outlet restrictor calculations for basin "B" must be reviewed for the lower discharge rate.

Ms. Kimberlin explained that the Planning Commission has expressed concerns related to the ongoing issues with the volume of traffic in the vicinity of the development. At that time the applicant indicated that the timing of construction and occupancy would be fashioned to minimize any additional negative impacts. If the application were to agree to that it would be considered a recognizable benefit to the community. Those conditions would be included as part of the final plan agreement.

Mr. Milia stated that they were before the Planning Commission last October. He provided a brief review with a PowerPoint presentation. The density was reduced from 54 lots to 51 lots with added open space areas. The financial contribution was reduced due to the reduction in lots. He explained the community benefits are as follows:

1. Installation of a pathway from Rathmor Park Phase 3 going west to Johns Road.
2. The additional entrance off of Napier Road.
3. Exceeds the minimum open space.
4. Phase III will be managed by the same HOA as phases one and two.
5. Water main loop to improve the overall water pressure of the Township Residents.
6. The continuousness of phases I and II.

Mr. Wertheimer explained this is the first time where it was recommended that the Planning Commission not approve their plans. If they went with the parallel plan, it would look like another plan was plopped into this; it doesn't fit. Phase III should be consistent with phases I and II. Based on the comments at the conceptual review, they made changes. It fits very nicely. If compared with the parallel plan, every single person would say this plan is better.

Mr. Towne questioned if the applicant would agree to the 10' path. Mr. Wertheimer stated yes. Mr. Towne commented that he thought the layout was awesome. He has loved what has been done in the Township and felt this is a continuation of Phases I and II. He agreed the applicant should wait until the intersection is built by December 2017 to start on phase III.

Mr. Hoffman stated that the parallel plan shows what they can do in a PD. This is a beautiful plan, but the density is an issue. He hoped they could look at something more realistic.

**Motion by Towne, second by Enlow  
To open the public hearing at 7:46 p.m.**

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

**MOTION APPROVED**

**Vicki Laplante** – Ms. Laplante has the property that is north of phase III. Her property is currently a tree farm. She is concerned with the stub road and what will happen with that. She asked what kind of berm will be placed there or barrier to keep kids out. She has 49 acres.

**Paul Desoza, 25300 Johns Road** – Mr. Desoza questioned what type of privacy will be to the north of the wetlands and their house. He asked if there will be any buffer. There will be more movement in the area with construction traffic, and they are concerned with security. They have a family center and recently they had someone throw a landscaping lamp into their window. They also saw cans of beer on their property. They are concerned with the silt that has been coming to the pond. They are also concerned with kids cutting through their property to get to the high school.

**Stephen Emsley, 51824 8 Mile Road** – Mr. Emsley stated that the applicant knows that parallel plans are historical and it's not an unknown game changer to provide a parallel plan. It's time for a rezoning. Why offer a 34% bonus? The applicant should go through the proper channels. He didn't know how cash became a public benefit; it sounds like a buy-off. \$125,000 is an arbitrary amount. The other benefits seem to benefit the developer. If you want the density, ask for the down zone and go through the process.

**Rodney Burrell, 25025 Napier Road** – Mr. Burrell commented that he owns the property and he has lived there for 25 years and his sons and daughter have houses there. He felt this is a beautiful development. He looked at this quite a bit before it got to this point. He plans on staying there and he has no objection to it at all.

**Motion by Enlow, second by Towne  
To close the public hearing at 7:56 p.m. due to no further comments.**

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

**MOTION APPROVED**

Mr. Milia stated that the stub road to the north would be barricaded with a metal barricade. Mr. Towne stated that they needed to think about this and need a continuation of it somehow since this is the resident's livelihood. This area should also be maintained by the HOA. Mr. Milia stated they are willing to meet with the resident.

Mr. Milia stated they are in agreement with keeping the 200' of buffer. A very significant

buffer will be built and maintained. The more it gets developed the less people will trespass, although the concern is noted. The silt fencing will be placed by the pond and it will be checked weekly. All the concerns are well-noted and they will take whatever safeguards are necessary.

Mr. Wertheimer asked for more feedback regarding the density.

Treasurer Carcone explained that the Township does not want to give away too much density. She commented that the Township can't control when the road will be done. She expressed her disappointment that the financial contribution was lowered as well. She loves Rathmor I and II, but density is a huge thing with her. Mr. Wertheimer stated that things changed, and the pump station was now going to be for the entire community. That is a huge difference in the cost, and they lowered their lots from 54 to 51. That is why the financial contribution was changed.

Mr. Enlow stated that with the first two phases there was a significant density bonus. Now in phase III, the Township is requiring a parallel plan, he felt 40-45 units would be a good level. Regarding the layout, he would have preferred the wooded areas as open space, with the development concentrated more in the center.

Mr. Radke stated he agreed with the Commissioners and did feel that the density is an issue.

Mr. Towne stated it is consistent with phase I and phase II, but he didn't agree with rezoning. He is happy with 51 lots, but others are not. The addition of the open space, we have to worry about the wetlands, make the property better than that is a benefit to the whole community. The homeowner that is selling the property likes it and his property will rise. It is a benefit, it's a nice community.

Mr. Conflitti stated that good points were made. It is a nice project, but he asked that they come back with something different. They do build beautiful homes.

**Motion by Towne, second by Chuck**

**To table AP-15-61 as recommended by the Planner as documented by the McKenna Associates memo dated 12/23/15 and the CES memo dated January 5, 2016 and the Attorney letter dated, including the agreement that no building permits shall be pulled until December 2017.**

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

**MOTION APPROVED**

- 2. AP-15-66b, All American Storage – Special Land Use. Property located on the west side of Griswold Road, north of 9 Mile Road. Public hearing to consider a special land use request to allow a proposed self-storage facility in the I-1 (Light Industrial) District.**

Mr. Doozan reviewed the McKenna Associates memo dated December 31, 2015. The

findings presented in the memo indicate that the proposed self-storage facility meets most of the special land use criteria, except the one related to compatibility with the natural environment. An evaluation of the site has not been completed to determine if there are natural characteristics of the site that are worth preserving.

**Motion by Towne, second by Carcone  
To open the public hearing at 8:29 p.m.**

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

**MOTION APPROVED**

**Motion by Towne, second by Hoffman  
To close the public hearing at 8:30 p.m. due to no comments.**

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

**MOTION APPROVED**

Mr. Doozan stated that even if the Planning Commission concludes that compatibility with the natural environment is not a sufficient enough concern to deny this special land use application, then it is recommended that the case be tabled at this time. The reason for this recommendation is that the site plan is an essential element in special land use review and approval. As noted in a separate letter, numerous site plan revisions are required, some of which will considerably alter the layout. The special land use should not be recommended to the Township Board until the site plan is in approvable form.

**Motion by Towne, second by Chuck  
To table AP-16-66b special land use because the site plan is not in order.**

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

**MOTION APPROVED**

- 3. AP-15-66a, All American Storage – Site Plan. Property located on the west side of Griswold Road, north of 9 Mile Road. Site plan review of a proposed 40,200 square foot self-storage facility.**

Mr. Doozan reviewed the McKenna Associates memo dated December 31, 2015. The review letter has identified numerous site plan deficiencies. It was recommended that the applicant revise and resubmit the plan for further consideration. In the meantime, it was recommended that the Planning Commission table the case.

Ms. Zawada referenced the CES memo dated December 30, 2015. She highlighted the following items from the memo:

1. An auto turn analysis shall be required for all of the buildings which will require a more detailed review by the Township Fire Department if the analysis is acceptable.
2. It appears that an off-site grading easement will be required for the proposed basin construction at the Southwest property corner.
3. Preliminary storm water calculations for the detention basin must be provided.
4. All exterior points of the buildings must be within 250 feet of a hydrant. The 250 feet is measured by the laying length of hose not a 250 foot radius.
5. Bore and jack will be required for the Griswold Road water main crossing.
6. A sanitary sewer monitoring manhole will be required.
7. Project revised and resubmitted.

Brent Hensley, 20124 Six Mile Road, Northville, 48168. Mr. Hensley stated he is the property owner and business owner. He wants to get the best plan that works for him and the Township and he is not trying to rush through anything. There is not much natural environment compatibility in that area, it used to be a junk yard, any potential that was ever there is long gone. The area next to him is a natural gas area and the bus garage is there. It is not a nature preserve.

Mr. Hensley expressed his confusion regarding the zoning manual and setbacks.

He reviewed the parking regulations and commented that industrial is not specified and he felt there was a discrepancy.

Mr. Conflitti commented that the information was available and on the website concerning the zoning manual and the setback information.

Mr. Hensley stated that he understood if he has to meet the setback it will change the quality of the development, in the first building he was going to spend a lot of money. . By changing the setback requirement he felt he is working against the standard.

He has no problem with the other issues listed in the McKenna Associates memo. He will locate the trash respectable in the back of the building. Mr. Doozan commented it would need to be paved all the way to the back. He asked if he can have exterior lighting between the buildings. He will provide a rendering of the sign the next time. The bike path he had no problem donating to the fund. He will install an irrigation system. He will relocate the trees so they don't grow up under the power lines.

Mr. Enlow stated that there is confusion in almost all ordinances. This one, if you move 27 feet back you would shrink building #9 and he didn't think you would lose it unless the detention pond gets bigger. He thought this is a good spot for this if they can get it to work with the setbacks. He would like to see the nicer looking building for building one.

**Motion by Town, second by Chuck  
To table AP-15-66a site plan with all comments in the CES memo dated  
12/30/15 and the McKenna Associates memo dated 12/31/15.**

**Voice Vote: Ayes: Unanimous**

**Nays: None**

**MOTION APPROVED**

**OLD BUSINESS - None**

**NEW BUSINESS**

- 4. AP-16-02, Legacy of Lyon – PD Size Waiver. Property located on the north side of 10 Mile Road, west of Chubb road. Consider a PD size waiver request to allow for application of PD on 26.7 acres of land, which does not meet the minimum size requirement of 40 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated January 19, 2016. He recommended that the Planning Commission recommend approval of the parcel size waiver to allow Legacy of Lyon to be reviewed as a Planned Development.

Mr. Towne questioned if the applicant needed to withdraw the conditional rezoning. Mr. Doozan confirmed this was done by the applicant.

Mr. Botham spoke on behalf of Pinnacle Homes. Mr. Botham explained that they did meet with the neighbors to address their concerns. They agreed to pull the site from the south to the east and decreased the unit count to 48. He officially requested a size waiver.

Mr. Towne stated they have granted PDs less than forty acres, but there is criteria that has to be met. It is a product that is needed. He confirmed with the applicant that if the size waiver is granted, it does not mean a PD will be approved. Ms. Carcone agreed

**Karen Gatt, 27450 Wedgewood Drive** – Ms. Gatt would like to understand the provision. Keep in mind the amount of traffic we continue to add to the Ten Mile Corridor. They would be placing that community in an area where there is an elementary, a future middle school and a high school. She questioned if that is the right area for that type of community.

**Motion by Radke, second by Chuck**

**To approve AP-16-02, Legacy of Lyon – PD Size Waiver based on the McKenna Associates memo dated January 19, 2016.**

**Voice Vote: Ayes: 6**

**Nays: 1 (Towne)**

**MOTION APPROVED**

**ADDITIONAL BUSINESS**

**Community Reports**

Treasurer Carcone reported that she attended several classes at the MTA Conference.

**ADJOURNMENT**

**Motion by Towne, second by Chuck  
To adjourn the meeting at 9:35 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 9:35 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary