

Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
June 27, 2016

Approved: July 11, 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, Chairman  
Kris Enlow, Secretary  
Stephan Hoffman  
Kurt Radke  
Carl Towne, Vice-Chairman

Guests: 10

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

**APPROVAL OF AGENDA**

Mr. Doozan explained there is one addition under New Business for a minor amendment to Stoneleigh West.

**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 May 23, 2016 Minutes**

**Motion by Towne, second by Enlow  
To approve the May 23, 2016 minutes as presented**

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

**MOTION APPROVED**

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

**DDA REPORT** – Ms. Archer provided a status report regarding new businesses in the Township and general updates.

## **PUBLIC HEARINGS**

1. **AP-16-21, Mixed Use Zoning District – Rezoning.** Property located on the west side of Milford Road, north of Abbey Park and south of Bonne Terre Street. Public hearing to consider a proposed rezoning of 20 parcels of land (totaling 84.33 acres) from various zonings (I-1, Light Industrial; R-1.0, Residential-Agriculture; and RM-1, Suburban Townhouse) to MU (Mixed Use);

Mr. Doozan reviewed the McKenna Associates memo dated June 14, 2016. The analysis presented above revealed the following:

1. Subject to compliance with zoning regulations, the proposed rezoning would:
  - a. Result in land use that is compatible with surrounding land use.
  - b. Further implementation of the Future Land Use Map.
2. The evaluation based on the nine criteria in Section 9.03(#) favors rezoning.
3. The rezoning would expand the development opportunities on the subject property.
4. The rezoning would facilitate a transition toward more residential development in the corridor, consistent with current trends.
5. The amendment will help correct an inequitable situation resulting from the juxtaposition of incompatible land uses.

Based on the above findings, Mr. Doozan recommended that the Planning Commission recommend to the Township Board approval of the proposed rezoning from various residential and industrial classifications to MU, Mixed Use District (AP-16-21).

**Motion by Towne, second by Chuck  
To open the public hearing at 7:12 p.m.**

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

## **MOTION APPROVED**

**Michael Hindelang**, from Honigman, Miller, Schwartz and Cohn, LLP. Mr. Hindelang explained that his firm represents Continental Aluminum, and that they submitted a letter earlier this afternoon in opposition to the rezoning. This is one in a series of changes that apply to the entire Township that targets Continental Aluminum. There have been expressed requests to have Continental Aluminum move from their location, and these are part of impermissible efforts to use zoning to force this move. Originally, the property was zoned as I-2 and was rezoned from I-2 to I-1 by the Township. Continental Aluminum did not support this change, and it was undertaken by the Township without involving or communicating with Continental Aluminum. There was a fire a few years ago where the Township tried to prevent them from rebuilding. They believe this is an exclusionary zoning effort.

Recently, the Township began sending notices of violation, alleging that outdoor storage breached the ordinance. In the interest of being a good neighbor, Continental Aluminum indicated it would comply with the outdoor storage ordinance and offered to add other features that would soften, if not eliminate, any impacts. Continental Aluminum must wait 5-15 days for FOIA documents. The property has been used for years. Now they are told that special land use approval for the outdoor storage cannot be granted because outdoor storage will be prohibited. Every time they try to satisfy the standards, the standards are changed. The roads and infrastructure are here for industrial users, and the property immediately across the street remains zoned I-2. They believe this is exclusionary zoning in an attempt to exclude the smelter. The Continental Aluminum facility has been here for 20 years on a parcel that was originally zoned heavy industrial. It's been rezoned in the past without their consent and now potentially again, with their objection. Any inequities are against Continental Aluminum that merit permitting it to continue its operations in a Township where they were invited to operate and work as good citizens for the last 20 years. They oppose the proposed rezoning and ask that the Planning Commission not recommend the rezoning.

**Robert Allen, 28550 Tindale Trail** – Mr. Allen owns property with his brother that is within this rezoning. He questioned if the rezoning occurs, will his property be grandfathered? Ms. Kimberlin explained if there is currently a legal use on the property that doesn't meet the standards of the new zoning ordinance, then it would be considered a legal non-conforming use.

**Patrick Allen** – Mr. Allen questioned the part that says no outdoor storage, no camper trailers, no utility trailers. Mr. Doozan stated that the issue with the storage pertains to industrial use. Mr. Allen would be held to restrictions that apply in residential property. Mr. Allen questioned if there can there be multiple housing now and what the density would be. Mr. Doozan stated the maximum density is 12 units per acre. Mr. Allen stated that the setbacks are too tight.

**Stephen Emsley, 51824 Eight Mile** – Mr. Emsley cautioned the Planning Commission on legal non-conforming uses and felt this all needs to be in writing.

**Paul Lavoie, 58180 Travis Road** – Mr. Lavoie commented that now he can see why for the first time in 30 years, Travis Road got gravel; the request came from Township to appease the people for more traffic. He can't go out due to traffic in the morning, now they are talking multiple housing. It's already gridlocked now. Mr. Doozan explained nothing will happen tomorrow; it will be developed over time. Mr. Lavoie voiced concerns that the commercial portion could run 24/7 and that they need to determine that now before rezoning the property. He asked if this means sewer and water will be added. He questioned what residential agriculture is. Mr. Doozan stated it is a zoning district that has been in place for decades and allows farms and single-family housing with a minimum lot size of 1 acre. Mr. Lavoie asked how much is being set aside for that type of zoning. Mr. Doozan stated there is no plan yet as to how to partition it. Mr. Lavoie is very concerned with the additional traffic and felt that the horse was going before the cart, since the bypass lane is not in yet. He felt strongly that the bypass lane should be in first before any more traffic is added. He is very concerned that another business like Continental Aluminum would come in.

**Robert Allen** – Mr. Allen stated that Paul made a few good points regarding the ring road and questioned if there is any timeframe. He stated that they really do need that to be finished; the traffic is horrible. You cannot get out from Travis Road. We really do need that ring road.

Ms. Carcone stated the property values went down in 2010. The DDA took the biggest hit, along with the school district. The DDA has \$800,000 in debt, so they have to be very careful what they spend because they also have to pay their debt. They are finally getting to have some money to continue negotiations for the ring road, and the property owners have to be willing to sell.

**Stephen Emsley, 51824 Eight Mile** – Mr. Emsley stated he is hearing that when this property is rezoned, they are giving a lot of rights away. Before those rights are given away the residents are asking if they can resolve the ring road first. They would like to see the ring road resolution before the property is rezoned. Today, they have the ability to say no to the rezoning. The order of operations should be to find the resolution for the ring road first before awarding that right, if they choose to vote yes. It seems out of order.

**Ken Ross** – Mr. Ross stated he owns the building behind Continental Aluminum. His concern is the property between him and Milford Road. If that becomes residential, he is only there 8-10 hours a day. But when the wind comes around from Continental Aluminum, it's not pleasant. If they are doing residential with apartments, it won't fly. He stated this is the wrong decision. Traffic is an issue, and he felt that they might want to reconsider the rezoning.

**Motion by Chuck, second by Towne  
To close the public hearing at 7:38 p.m.**

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

### **MOTION APPROVED**

Mr. Enlow stated it sounded like the ring road is still in the works. Ms. Archer stated that when looking at the Walbridge property there are a lot of pieces they need to pull together. They need to know what the users are and have a tax base to draw from; then they can look at the ring road. It's up to the property owners. The traffic light at Milford Road will also provide windows and help to alleviate the traffic. The roundabouts that were installed were highly effective. There are some things they can do short term to help with the traffic.

Mr. Enlow questioned where the Parkside Development on the I-2 property sits since it made it through the Planning Commission. Mr. Doozan stated that the option has expired on that development but there is still interest in developing the westerly portion of Walbridge as residential, with industrial on the remaining portion.

Mr. Towne stated that the nine criteria all make sense. He liked the idea of 3 stories instead of two and felt that it matched the area with Abbey Park. Mixed Use is a

transition area. They talked a lot about the Master Plan, and the Township does have a lot of industrial. He stated that Mixed Use makes perfect sense, going north on Milford Road.

Mr. Radke also commented that Mr. Doozan did a great job with the criteria.

Mr. Hoffman stated that there is a perspective of problems, and the Planning Commission is here to react. They can't stop growth, they can only control it. They are just reacting to your neighbor selling his land. This is what Master Plans are all about, trying to react to all the people coming in. The best way is to have a Master Plan, to have a city center; they can't control the traffic. It takes him twice as long to get home from work, they are all experiencing that. It's just bad. They have to wait for people to come in to pay taxes to build roads; they can't build roads with no money.

Mr. Enlow commented the property is zoned I-1 south of Travis Road right now. The property owners could sell and build something somewhat as intense as Continental Aluminum that fits in the I-1 zoning. If the rezoning takes place to a mixed use, then they could sell and have something that is a mixed use development. Today it could be truck traffic as an industrial use, or a it could be a mixed use. That would mean more cars, that type of traffic.

Mr. Lavoie asked if any of the people working at the Township own the property. Ms. Carcone stated no.

Ms. Carcone stated that the Master Plan is a living document and changes. They created a DDA in 1999, and it needs to be supported by heavier residential. Heavier density around your downtown is how you support your businesses. Mixed use would be great.

**Motion by Towne, second by Radke**

**To recommend approval to the Board for AP-16-21, Mixed Use Zoning District, the zoning change meets all 9 criteria in section 9.03E of the Zoning Ordinance. It's a great transition into the south end down to the north end and expands the range of use. Including the memo from McKenna Associates dated 6/14/16.**

**Robert Allen, 28550 Tindale Trail** – Mr. Allen suggested putting residential further east instead of right by Continental Aluminum.

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

**MOTION APPROVED**

**OLD BUSINESS- None**

## **NEW BUSINESS**

- 1. AP-16-23, Stoneleigh East PD – Minor PD Amendment. Property located on the south side of 10 Mile Road, east of Milford Road. Review proposed minor PD amendment to allow bike path construction funds to be placed in escrow if easements are not obtained by a certain date.**

Representing AP-16-23: Randy Wertheimer  
Whitney Findlay

Mr. Doozan reviewed the McKenna Associates memo dated June 20, 2016. The recommendation is that the Planning Commission recommends approval of the minor amendments to the Stoneleigh East Planned Development as addressed in the memo dated June 20, 2016.

Mr. Wertheimer stated that they have been unable to get an easement from the church, and they want to start the development. The church has not said no; they just have not responded. Treasurer Carcone confirmed with Mr. Wertheimer that they have been in contact with the church.

### **Motion by Chuck, second by Towne**

**To move AP-16-23 forward based on the McKenna Associates memo dated June 20, 2016 and the CES memo dated June 27, 2016**

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

## **MOTION APPROVED**

- 2. AP-16-24, Stoneleigh West PD – Minor PD Amendment. Property located on the south side of 10 Mile Road, east of Milford Road. Review proposed minor PD amendment regarding lot 41 and lot 42 setbacks.**

Mr. Doozan reviewed the McKenna Associates memo dated June 24, 2016. He explained based on the background information, he recommends that item 4.b of the Planned Development Agreement for Stoneleigh West be revised to read as follows (new language is underlined):

- b. Setbacks shall be as set forth on the approved Plans. Houses may be offset to one side to accommodate side entry garages, provided that a minimum of thirty (30) feet shall be provided between houses and provided further that the right and left setbacks shall be specified for each unit prior to condominium approval. Once side setbacks have been established and home construction started there shall be absolutely no modifications to side setbacks, with the exception of units 41 and 42, as follows:

### Unit 41

Minimum side setback – left: 10 ft.

Minimum side setback – right: 25 ft.

## Unit 42

Minimum side setback – left: 25 ft.

Minimum side setback – right: 20 ft.

The modifications to side setbacks on units 41 and 42 is due to extenuating circumstances related to an existing lateral sanitary sewer lead on unit 41, that otherwise would have to be relocated and reconstructed with considerable effort because of the need or dewatering to lower the water table 3 to 4 feet.

The modifications to side setbacks on units 41 and 42 are made subject to the following conditions:

1. The minimum distance between homes shall be 30 feet.
2. A plot plan for unit 42 shall be submitted prior to approval of the plot plan for unit 41.

Mr. Enlow stated he had no issue with it.

### **Motion by Chuck, second by Towne**

**To approve AP-16-24 forward based on the information provided in the McKenna dated June 24, 2016.**

**Voice Vote: Ayes: Unanimous**

**Nays: None**

## **MOTION APPROVED**

**COMMUNITY REPORTS** - Treasurer Carcone gave a brief update regarding the last Board meeting.

## **ADJOURNMENT**

### **Motion by Towne, second by Chuck**

**To adjourn the meeting at 8:26 p.m.**

**Voice Vote: Ayes: Unanimous**

**Nays: None**

## **MOTION APPROVED**

The Planning Commission meeting was adjourned at 8:26 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary