

Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
August 22, 2016

Approved: September 12, 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: 12

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

**APPROVAL OF AGENDA**

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

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

**MOTION APPROVED**

**APPROVAL OF CONSENT AGENDA**

**A. Approval of the August 8, 2016 Minutes**

**Motion by Towne, second by Carcone  
To approve the August 8, 2016 minutes as presented.**

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

**MOTION APPROVED**

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

**Barb Furlong, Asbury Hill Village, 30892 Asbury Hill Ct.** – Ms. Furlong explained that the water running all summer long has been an issue. They received a letter from

the Township asking residents to help conserve the water. Across the street there are 4 condos and all summer long on Tuesday, Thursday, Saturday, and Sunday, the sprinklers are on from 4 am to 4 pm. Last night the sprinkler system went on all night long. It has been on for at least 30 minutes every single day and they are paying for it. They have asked several times for it to be fixed. One time the water was shooting straight up in the air and no one came out till 3 days later. Also, they have not received a financial report in 3 years. According to the Condo Act, that is something that should be done every year. She contacted the association office and has sent two letters by registered mail to Jack Healy. Mr. Doozan stated it really isn't a Township issue. They can contact Mr. Healy and let him know that the residents have contacted the Township, but the end result is that it's between Mr. Healy and the condominium.

She questioned how many residents/homes it takes for a street entrance and exit before they put a street in. Mr. Conflitti answered that there is no set number. This condo has one entrance and exit and there are going to be 64 homes, and she wondered if that is enough exits and entrances for the amount of homes. Mr. Doozan stated it is sufficient. She questioned what the law is or zoning about the maintenance of vacant fields. Mr. Doozan stated that they would investigate that issue. Ms. Kimberlin explained there is a noxious weed ordinance.

**DDA REPORT** – Ms. Archer provided status updates from the activities going on in the DDA area.

### **PUBLIC HEARINGS**

None

### **OLD BUSINESS**

1. **AP-15-61, Rathmor Park III PD – Preliminary Review. Property located on the west side of Napier Road, north of 10 Mile Road. Preliminary review of a proposed planned development consisting of 50 single-family homes on 41 acres.**

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

Mr. Doozan reviewed the August 18, 2016 McKenna Associates memo. The memo concluded that a maximum of 33 units could be developed on the subject parcel under conventional zoning. The plan calls for 50 units, a 17 unit increase over this base density (+51.5%).

Ms. Zawada reviewed the CES memo dated August 17, 2016. She commented on the following items listed in the letter.

1. If the project is to be constructed in phases then each phase must be self-supporting. The water main loop may be required during phase 1.
2. An offsite extension of public gravity sanitary sewer will be required to serve the

westerly half of this project. 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. This is a public benefit, I've included a map showing the Rathmor 3 site in relation to the pump station district.

3. There is an existing DTE Easement shown to be vacated. Currently, this easement affects lots 17, 18 and 19. This easement will be required to be vacated prior to detailed engineering plans or final PD whichever occurs first.
4. A sign needs to be provided stating that the stub road is to be extended in the future. Also, at the public hearing held in Feb of 2016 the applicant stated they would provide a barricade at this stub road (proposed Nadine Drive).

Ms. Kimberlin referenced her memo dated August 18, 2016. She explained concerns related to the volume of traffic in the vicinity of the proposed development may be addressed in the Planned Development Agreement. Specifically, timing requirements may be included in the PD Agreement in order to coordinate the timing of construction and occupancy of the residences with the anticipated improvements to Napier Road.

Mr. Milia explained this is the 3<sup>rd</sup> time this has been before the Planning Commission. He provided a brief PowerPoint presentation that incorporated the comments of the previous meetings. He pointed out that all of the lots are all 100'. The elimination of 4 lots was done and \$150,000 is to be applied to the Township's discretion for roadway, pathway, or recreation/park uses. Installation of a 10' wide pathway from Rathmor Park Phase 3 going west to Johns Road will be done. An additional entrance off of Napier Road is also proposed. The plan exceeds the open space requirement and Phase 3 will be managed by the same HOA as phases 1 and 2. The water main loop to improve the overall water pressure for the Township residents is another community benefit and the continuation of phases 1 and 2 as the new 'gateway' subdivision will enhance the community.

Mr. Werthemier commented that they built their first home in the Township in 2008 and have since built over 200 homes. He felt the residents spoke loud and clear at the recent vote earlier this month and what makes this township great is to promote development with the right developers. This is a continuation of phase 1 and 2. They are requesting a 21% density bonus. They contributed financially and raised their contribution to \$150,000 for this 50 lot development. As Mr. Doozan indicated, there is tremendous benefit to the schools and the township's tax base. At the end of the day, it doesn't impact the developer if they get less lots, it impacts Mr. Burrrell who owns the land. What's made this township great is development. He commented there would be no consistency if there were only 30 lots.

Mr. Towne stated this whole phase 1 and 2 flowing into phase 3 works really well. The benefits to having a 21% bonus are tremendous. The water pump is a big advantage. The number of homes dropped to 50, there is also a 10' path to Johns Road and that can be continued in the future. The \$150,000 contribution and it is a quality product. This master plan was reworked after the first plan had come in and he thought there was a little leeway and because it's a quality development and the benefits are great for this community and he didn't have single problem with the 21% bonus density. Also, leaving the wetlands is a huge positive gain.

Mr. Enlow stated his major concern is the density bonus.

Mr. Werthemier stated that the Master Plan called for 41 lots, and now it's changed. Mr. Doozan stated that the Township Board implemented the parallel plan method of calculation of base density. Mr. Werthemier stated that logically no one would want to change things in the middle of a development.

Mr. Chuck stated he agreed with Mr. Towne. The traffic situation will be taken care of in 2017, the owner of the land has no issue, and it is a gateway development. This is exactly what the election was all about. We are talking about 6 or 7 additional homes, and when you add up everything that has come to the Township through this developer, he had no issue. He felt that the developer has done it the right way, and they deserve the extra homes. He will be supporting it.

Mr. Hoffman stated as a lot of communities do, design by numbers is not to his liking. What he sees here is a great product. It's a contiguous development, and he is in support of it. It meets all the requirements of a quality development.

Ms. Carcone stated it is probably one of the few developments that she would agree with the density. They are 100' lots, and she appreciated the \$150,000. She is willing because it's an extended phase and the water is being looped, which is a big bonus.

**Motion by Towne, second by Chuck**

**To approve AP-15-61 Rathmor Park III phase to the Board for approval, with 50 single family homes based on a larger bonus density than the 5% allowed due to the many benefits to the Township such as open space, the wetlands staying intact, offsite extension and the pump station, 10' path to Johns Road, \$150,000 that may be used for the park at Eleven Mile Road. Including the McKenna Associates memo dated July 29, 2016 and the CES memo dated August 17, 2016.**

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

**MOTION APPROVED**

**NEW BUSINESS**

2.      **AP-16-26, Estates at Hutsfield PD – Conceptual Review. Property located on the northeast corner of 8 Mile Road and Griswold Road. Conceptual review of a proposed planned development consisting of 215 single-family homes on 74.69 acres.**

**Representing Hutsfield PD:      Ray Cousineau  
   Chris Cousino  
   Nick Mancinelli  
   Rick Hofsess  
   Steve Deak**

Mr. Doozan reviewed the McKenna Associates memo dated August 10, 2016. He concluded that no action shall be taken by the Planning Commission at the conceptual review stage. Instead, it was recommended that the Commission offer advice to the applicant on the issues presented in this memo.

Ms. Zawada reviewed the CES memo dated August 17, 2016. She reviewed the following main items:

1. Sanitary Sewer shall be extended along the Griswold frontage as required by the Township Utility Ordinance or an acceptable alternative so that parcels on the west side of Griswold may be serviced by sewer in the future; please show this on the preliminary PD submittal.
2. 16" water main shall be provided along 8 Mile to the east boundary line of the project for future extension. This shall be shown on the Preliminary PD submittal.
3. A sewer stub shall be provided to the east and sized appropriately for future extension to service the district. This shall be shown on the preliminary PD submittal.
4. The Traffic Study referenced traffic counts from Mary of 2015, prior to Griswold Road being paved. I recommend that these traffic counts be revised since the conditions have changed.
5. Please note that this parcel was part of the Southwest Sewer SAD which was established in 2006. During the downturn in the economy this parcel became under the ownership of the Township. The Township sold this parcel to the current owners in 2013. Part of the purchase agreement was the requirement of payment of approximately \$400,000 per year until 2026.

Mr. Cousino provided an introduction and Mr. Deak provided a brief power point presentation reviewing the proposed development. PD Benefits would include:

- \*extending the water and sewer to the east property line along Eight Mile Road.
- \*assume the SAD and abatement of Township's debt for the subject property
- \*purchased a tax foreclosure property in the township
- \*major financial participation in paving of Griswold road
- \*proposing a single family PD development rather than multi-family rental units
- \*proposing 65 lots less under the Purchase Agreement.

Mr. Cousino confirmed that the tot lot would be constructed within the phasing of the development and they can look at having a long cul-de-sac for garbage trucks to have room to turn around. Mr. Deak stated they are calling for 4 phases, and they are not looking to do 20 phases.

Mr. Cousino stated that there will be a front entrance garage and very comparable with the homes at Mill River. They can provide elevations at formal approval. Mr. Towne questioned if they can put one car in the driveway without going over the sidewalk. Mr. Cousino stated yes. Mr. Towne stated he gets the whole conceptual idea, the hardest thing is the setbacks. The setbacks are so slight, 10' between houses. Mr. Towne confirmed there will be no back to back garages.

Mr. Chuck stated that the setbacks need to be looked at, there are a lot of variances and they need to take a look at that.

Mr. Hoffman stated that he was in a similar sub at 13 and Meadowbrook, and the quality of home is outstanding in there. He stated its homeownership. He could live with the setbacks; he would like to have more wiggle room but he liked it. He also liked the several entrances into the development.

Ms. Carcone provided a history of the parcel. She would like to see play areas and fix the long road. She could sacrifice open space to get the setbacks further apart. She would like to see a little more space between houses.

Mr. Enlow commented that the setbacks is the most important, 10' between won't accommodate a fire truck. As close as they can get to the setbacks the better and maintain the open space. Updating the traffic study would be needed. He would like to see more of the open space on the wooded side and save some more of those trees. He questioned the parallel plan for R-0.3 district and wondered if it had any bearing. The way Mr. Doozan calculated it showed a modest density increase but he didn't know if there is an impact based on the purchase agreement. Ms. Carcone stated according to Mr. Quinn the purchase agreement would take precedence. Ms. Kimberlin agreed that the agreement would take precedence.

Mr. Enlow commented that he would like to see more preservation and expand the buffers where people are living along the east side of the site.

Mr. Radke stated that in regard to the question about the safety issue with the fire department, there was a subdivision in Canton where they built the homes really tight. Those houses were on top of each other, so he questioned if there is a requirement with the fire department. Mr. Doozan stated he didn't think there is, he didn't think they take the fire engines between the homes but he will have the fire department comment on it.

Mr. Mancinelli stated this was a 6 million dollar deal and they've already spent a million to two already. One of the critical points was 280 units, had they known at the time they were going to get 215 units they would not have made a deal. They thought they could get 280 units, put when they started putting it on paper, they had to get the open space but the setbacks can't be changed. Mr. Mancinelli stated they are paying \$400,000 every single year through 2026 and they wouldn't have done it if they didn't have the 280 unit clause in the agreement, unfortunately they couldn't get it, they are at the lowest they can go at 215 homes.

Ms. Zawada commented doing a rough count they would lose 2 acres of open space to get 5 extra feet per house. After discussion the Commissioners were in agreement that they would like to see a little less open space to gain the extra space between homes.

Mr. Conflitti commented that he would like to see quality homes built for the south side of the Township.

**Rick Elkow** – Mr. Elkow commented if the developer expands the lots out, they are going to lose a significant wood stand area. He wondered if it's worth the 5 extra feet of

space.

Mr. Enlow commented that a stub-street to the north would be beneficial since it is master planned residential and to buffer the north side as well.

### **COMMUNITY REPORTS**

Treasurer Carcone provided an update from the last Township Board meeting.

**Rick Elkow 2334 Yazmin Dr.** – Mr. Elkow commented that when they went away from the calculated density to a parallel plan, they are getting artificially high. The bonus looks enormous but in comparison the bonuses would be smaller. The mathematical way worked for ten years beautifully and easily. The parallel plan is not a way to calculate density.

### **ADJOURNMENT**

**Motion by Towne, second by Chuck  
To adjourn the meeting at 9:42 p.m.**

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

### **MOTION APPROVED**

The Planning Commission meeting was adjourned at 9:42 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary