

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
May 2, 2016

Approved: **JUNE 6, 2016**

The meeting was called to order by Supervisor Young at 7:00 p.m.

Roll Call: Patricia Carcone
Michele Cash
John Dolan
John Hicks
Sean O'Neil
Lannie Young

Absent: Steven Adams

Guests: 28

Also Present: Chris Doozan, McKenna Associates
Jennifer Elowsky, Township Attorney
Leslie Zawada, Civil Engineering Solutions, Inc.

APPROVAL OF CONSENT AGENDA

Approval of Regular Meeting Minutes of April 4, 2016
Approval of Special Meeting Minutes of April 21, 2016
Approval of Disbursements
Building Department Report for March 2016
Engineering Report May 2016
Fire Report March 2016
Zoning Reports for April 2016

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

**Roll Call Vote: Ayes: Hicks, Carcone, Young, O'Neil, Dolan, Cash
Nays: None**

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS - None

CALL TO THE PUBLIC

Jacklyn Jenosky, 23892 Copperwood Drive East – She thanked the Board on behalf of Copperwood residents and the 136 people that signed a petition to keep the Kroger fuel center from going in. She appreciated them voicing the concerns of the Copperwood residents and appreciated them voicing their desire to keep the original design concept. She commented that this issue sparked an interesting debate in the community about the over development. A lot of people wanted the fuel center and she felt the anger that was expressed really came out due to the over development. She hoped there wouldn't be anymore density bonuses given to builders.

Dennis White, 26383 Darius Circle West – Mr. White stated he represented the Hornbrook HOA and the continuing problem with Martindale, the traffic and lack of dust control. When they first moved in 7-8 years ago they believe there was a 35 mph speed limit, which was removed and now its 55 mph. He believed 5 grading's or dust control per year were agreed to. He explained that on the Fourth of July no one can use their yards due to the dust. Supervisor Young stated that they had a huge dust problem, and it happened all over the township and he was promised it wouldn't happen again. He explained the Township pays for the dust control and there is a schedule. He stated they can stay on the Road Commission regarding the dust control. There are no plans for any immediate improvement to Martindale road other than gravelling. He explained the State Police is in charge of the speed limit.

REPORTS

DDA – None

Fire Chief – Fire Marshall Collick reported that Chief Berry's mother passed away. On April 27 there was a vehicle fire that Lyon Township crews handled and they had South Lyon on stand-by

Sherriff – Sargent Whitfield reported on the stabbing that took place on April 19 and they did apprehend the individual and he was placed in custody. On April 26 there was a home invasion and they were able to catch the responsible party and he is in custody.

Planning Commission – Treasurer Carcone gave an update regarding the Planning Commission meetings.

ZBA – Trustee Hicks reported that there was no meeting.

Park Advisory Board – Mr. Doozan reported that the Park Advisory Board is looking at the area west of the fire station to find out what can fit there. They are recommending two bronco size ball fields, 200' foul line and one football practice field with parking enhancements. Also, they see the need to acquire additional land for recreational purposes.

APPROVAL OF AGENDA

Intergovernmental Agreement for the Library Services added by Cash

**Motion by Cash, second by Carcone
To approve the agenda as revised.**

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

UNFINISHED BUSINESS

A. Enclaves of Lyon First Amendment to the Planned Development Agreement – Minor Amendment; AP-16-12 Second Reading

Mr. Doozan explained it is a simple amendment, ready for 2nd reading.

Motion by Cash, second by Hicks

To approve the Zoning Map Amendment No. 172-16 known as First Amendment to the Planned Development Agreement Enclaves of Lyon Planned Development. The applicant must send their amended master deed.

**Roll Call Vote: Ayes: Cash, Hicks, Dolan, Carcone, Young
Nays: O’Neil**

MOTION APPROVED

NEW BUSINESS

A. Appointment of Park Advisory Board Members

Trustee Hicks explained the recommendation is for both applicants.

Motion by Hicks, second by O’Neil

To appoint Robert Swain to the Parks Advisory Board.

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

MOTION APPROVED

Motion by Hicks, second by O’Neil

To appoint Heather Dashner to the Parks Advisory Board.

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

MOTION APPROVED

B. Request to Grant Permit for Fireworks Display to Walnut Creek Country Club

Ms. Elowsky explained this was reviewed at the Administrative Committee and it was recommended to approve.

**Motion by Cash, second by Carcone
To grant the permit for the fireworks display at Walnut Creek Country Club.**

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

MOTION APPROVED

C. Request to grant Permit for Fireworks Display to Michigan Fireworks Company at Cattails Golf Course

Ms. Elowsky explained this was also reviewed at the Administrative Committee and it was recommended to approve.

**Motion by O'Neil, second by Carcone
To grant the permit for fireworks display to Michigan Fireworks Company at Cattails Golf Course.**

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

MOTION APPROVED

D. Annexation Petition by LV Holdings, LLC

Ms. Elowsky explained an annexation petition was filed with the Township.

Robert Langan – 370 Orchard Drive, Northville, MI. Mr. Langan explained this is property at the southeast corner of 10 Mile and Dixboro Rd. It is a small parcel of land, with a single family resident and this annexation will bring it into the City. The Township has no desire to attempt to provide municipal services to this parcel, makes sense to let it go. Favorably view this petition. The Board members were in support of moving this item to the next step and had a favorable view of this petition.

Treasurer Carcone, Clerk Cash and Trustee Hicks agreed to meet and bring this request back at the June meeting.

E. Legacy of Lyon Planned Development – Preliminary Review; AP-16-03

Mr. Doozan reviewed the McKenna Associates memo dated April 26, 2016. In conclusion the review revealed that Legacy of Lyon would achieve the following:

- Fill an unmet housing need in the community.
- Provide high quality housing construction
- Generate less traffic than if the property was developed as single-family detached development.
- Generate less traffic during the warm weather months than the exiting driving range.
- Provide abundant landscaping along the perimeter, consistent with the Master Plan's plans for Ten Mile Road.
- Provide a positive fiscal impact for the Township.
- Provide substantially more open space than required

On the other hand, Legacy of Lyon would result in 24 more units than if the property was developed as a single family detached development. As noted in the setback analysis, the units will be closer together than in a single family detached development.

Mr. Fingerroot provided a brief power point presentation on the site.

Trustee O'Neil stated that he did speak with Mr. Fingerroot and Mr. Botham. With the number of homes there should be more public benefit and he is concerned about deed restriction by age. Trustee O'Neil stated that he would not be able to support this project without age restricting it.

Trustee Dolan stated that the plan is congested. He is concerned that it is not age restricted and the traffic is a problem. It needs to be thinned out and agreed the product is needed.

Trustee Hicks agreed the product is needed. He did not believe a family will be interested in these due to the price point. He has toured these homes and they are gorgeous. The traffic count could go down with these homes vs. a driving range. Some people retire earlier than 55 and he would hate to see those people not be able to get it. He did not think \$2000 per unit is adequate.

Clerk Cash commented that the product is very pretty but she did not think having 2 bedrooms would deter children. It's a lot of houses and a lot of trips. There is a lot of concern with Ten Mile. Before she could support it she would want to see it deed restricted by age.

Treasurer Carcone stated that the first time this project appeared, the residents that surrounded this development came out in force. There were 39 people at the public hearing and 38 were in support of the Legacy of Lyon. There were also numerous letters provided by the residents. The product is upscale; she likes the open space that is being preserved. She did think there needed to be another public benefit. She is in support of this product. In the Master Plan, if providing an empty nester product, 2 per acre are allowed which equals 48 homes.

Supervisor Young stated he did not agree with the deed restrictions. Any family that will spend \$400,000 on a house aren't going to buy this product. He would also like to buy a product like this when it's his time so he can stay in the Township. He would like to hear more on what the contribution will be and the deed restriction concerns. He also commented that the neighbors are in support of the project.

Mr. Fingerroot explained Washington Township is their largest development with 60 homes, 94% of the people that bought in there had one person of the household was over 55. The other 6% had one that was 54 and one was 52. There are zero children. The Legacy of Farmington Hills has 31 units and there are two families where there is no one over 55. There is not value for a family.

Trustee O'Neil stated he understood but the applicant is asking them to take action on the data proposed. The reduced impact, but the only way to make sure is to restrict it to the folks that they are targeting. The loop needs to be closed and that should be the easiest thing to do and deed restrict it so they are going to get what they say they are going to get. Some of the rooftops need to go away and more than 15' between homes. They need to have an impactful community benefit as well.

Mr. Fingerroot stated he did have phone conversations with Trustee O'Neil and Trustee Adams. The first call, they laid out a handful of potential public benefits. They threw out some concepts; everything came back to building a traffic light at their entryway. He felt that would improve the conditions that are there today. Assuming they can get it approved by the County they will contribute \$150,000. Supervisor Young stated he would rather not have the money earmarked for a specific item.

Mr. Fingerroot explained the den area is not set up to be a bedroom. The 15' setback is the same in the other existing communities like these; it also does not give kids a lot of room to play. The use of the property is not family friendly. He is concerned with age restricting.

Amy, 24315 Brentwood Court – She was sad to hear another parcel of land was being sold. Also confused why people were ok with 48 units compared to 24. The 48 homes keep the trees, it's a must. The tree line is a buffer and there should be a common space. Happy to learn price point is \$400,000. She is struggling with the amount of homes. The traffic studies should be thrown out. More homes equal more cars. Sub next to elementary, day care and middle school. Not sure retirees would flock to that area. If they could afford it, it would be Florida or Arizona. What if development does not sell out? Consider a revision to lower the numbers.

Bob Freund, 651 Woodland Drive – He is an empty nester, and in favor of it. He has been looking for a smaller house that is easier to maintain. His golf group have their own golf carts and these people have said they have an interest in this community. Having country club drive matched up would be great they could take golf carts across. He hoped they would earmark the traffic light. Great entertainment to take grandkids on a golf cart ride. Fabulous to have it in this community. Five of the 7 golfers he golfs with are in Florida. They drive less, they travel a lot. He is not concerned with the age restrictions.

Trent, 24322 Glenwood Drive – He personally did not believe the traffic would be less. He also knows a lot of older people that drive around all day and don't travel. He questioned the location, why put an empty nester product by a middle school, elementary and day care. Better for homes with families so they can walk to school that is a better use for the land. Supply and demand, over development, real problem, doubling homes is making problem worse. The condo's right next door, there are 8 units open and they aren't selling at \$280,000 to 350,000 price point. This could be aimed at empty nesters but they aren't selling. He respects the neighbor's comments but he didn't think they should let 2 rows of trees dictate double the houses. There are 3 new subs in progress on Ten Mile. He asked the Board to force it to be developed as zoned.

John, 54646 Villagewood Drive – He felt it is a very nice product but not the best spot for it. Something will go in there. He felt there should be more consistency otherwise it starts to look like a runaway development. He knows there is a Master Plan for the Township, and he would like to see the consistency with the appearance and use of the homes. There is a demand for this product but not in this location.

Mike, 54839 Brentwood Drive – He stated something will be developed here and it is a very nice product. The proximity to the schools and there is no age control. If it's a custom home then the buyers could alter the plans if they wanted to change the den then they could. Without formal control he would be worried about it.

Lise Blades, 29885 Glennly Court – She stated a PD is a contract, when a developer comes to the township and says trust me, it makes her nervous. We have had many developers come to the Township and change their mind, sometimes it changes hands. She suggested putting the 55+ requirement in the Master Deed. This product does fill a need but a \$2,000 per home is embarrassing. The setbacks are a benefit to the surrounding community but it is a not a township benefit. They can't guarantee that a ranch style home won't be desirable to a family, these homes are bigger than her house at 1200 sq. feet and she has a family and two dogs. She agreed it is a beautiful product and fills a need but they are basing traffic counts and 100% density bonus on this being an empty nester community and they have done nothing to guarantee it will be an empty nester community. The requirement of 55+ should be put it in the Master Deed and that it is an empty nester community.

Steven Emsley 51824 Eight Mile – He stated that LEO came up as a public benefit but that can't be used but they would love a sponsorship.

Mr. Fingerroot stated he is most worried about the unintended consequences of a deed restriction to age. Trustee O'Neil stated he would want it to be a condition of the PD and the deed restrictions.

Motion by O'Neil, second by Cash

To approve AP-16-03 subject to a reduction to 40 homes, a contribution of \$150,000 toward traffic improvements on Ten Mile and age restrict if as discussed for residents 55 and over at 80/20. He recognizes that the master plan allows for an additional density bonus for an empty nester product.

Mr. Fingerroot stated he wouldn't be interested in building this product the way the motion was stated.

Roll Call Vote: Ayes: Dolan, O'Neil, Cash
Nays: Carcone, Hicks, Young

MOTION FAILED

Trustee Dolan stated he didn't understand how the 80/20 formula wouldn't work if it was restricted. Mr. Fingerroot stated it is the risk of the unknown.

There was brief discussion regarding further compromises.

Motion by Young, second by Carcone
To approve AP-16-03 with a reduction to 44 lots, age restriction of 80/20 for over 55 and a contribution of \$150,000 for Ten Mile Road improvements.

Roll Call: Ayes: Dolan, Cash, Carcone, Hicks, Young
Nays: O'Neil

MOTION APPROVED

F. Rainbow Child Care Center – Special Land Use; AP-16-08b

Mr. Doozan reviewed the McKenna Associates memo dated April 27, 2016. He explained following the public hearing and deliberation, the Planning Commission approved a motion to recommend approval of Rainbow Rascals Child Care Facility, subject to 1). Dedication of the planned right-of-way for Ten Mile Road, and 2) the conditions of final site plan approval.

Consistent with the Planning Commission's recommendation, it was recommended to approve the Rainbow Rascals Child Care Facility, subject to: 1). Dedication of the planned right of way for Ten Mile Road, and 2) the conditions of final site plan approval.

Mr. Blight provided a power point presentation to the Board. They are anxious to be a part of the community. They use grade A building materials with a full brick façade. Creative curriculum, serve 6 weeks to 6 years old, and offer an after school program. He confirmed they do have summer programs as well. They purchased 2.3 acres to accommodate storm water and the right of way for future improvements on Ten Mile Road.

Trustee O'Neil stated there is a need and he appreciated the residential look of the building.

Motion by Hicks, second by Cash
To approve the special land use for AP-16-08b Rainbow Rascals Child Care Center.

**Roll Call Vote: Ayes: Dolan, Hicks, O'Neil, Cash, Young, Cacone
Nays: None**

MOTION APPROVED

G. Proposed Mixed Use Zoning District; AP-16-11

Mr. Doozan reviewed the McKenna Associates memo dated April 28, 2016. He explained that the Planning Commission conducted a public hearing on this case on April 25, 2016, and there were no public comments. Following brief deliberation, the Commission approved a motion to recommend approval of the Mixed Use District on regulations in Article 43.00 and Section 36.02 to the Township Board.

**Motion by O'Neil, second by Carcone
To move Mixed Use Zoning District AP-16-11 to second reading.**

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

MOTION APPROVED

H. Proposed Groundwater Well Ordinance No. 04-16

Ms. Elowsky explained this will regulate wells within the vicinity of the groundwater discharge beds. This ordinance is being proactive in putting some mechanisms in place should contamination happen.

Ms. Zawada provided background information.

**Motion by Cash, second by O'Neil
To approve Ordinance 04-16 Ground Water Well Ordinance, first reading.**

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

MOTION APPROVED

I. Rental of Lower Level to Chamber of Commerce for the South Lyon Area Chamber of Commerce

Supervisor Young explained the South Lyon Area Chamber of Commerce is interested in renting the office in the basement of the Township Hall. This type of use meshes well with the Township's desire as many of the Chamber businesses reside in Lyon Township.

**Motion by O'Neil, second by Carcone
To approve the rental of the lower level to the Chamber of Commerce
pending agreement.**

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

MOTION APPROVED

J. Intergovernmental Agreement for Library Services

Ms. Tisdale explained the purpose of the agreement.

**Motion by Cash, second by Carcone
To enter into the Intergovernmental Agreement for Library Services.**

**Roll Call Vote: Ayes: Carcone, Young, Dolan, Cash, Hicks, O'Neil
Nays: None**

MOTION APPROVED

ADJOURNMENT

**Motion by Carcone, second by O'Neil
To adjourn the regular meeting at 9:55 p.m.**

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

MOTION APPROVED

The Board of Trustees meeting was adjourned at 9:55 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Michele Cash

Kellie Angelosanto
Recording Secretary

Michele Cash
Lyon Township Clerk