

Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
March 27, 2017

Approved: April 10, 2017

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

Roll Call: Patricia Carcone, Board Liaison  
Jim Chuck, Secretary  
Michael Conflitti, Chairman  
Stephan Hoffman  
Ron Pennington  
Kurt Radke  
Carl Towne, Vice-Chairman

Guests: 9

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

**Motion by Chuck, second by Hoffman  
To excuse Kurt Radke's absence.**

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

**MOTION APPROVED**

**APPROVAL OF AGENDA**

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

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

**MOTION APPROVED**

**APPROVAL OF CONSENT AGENDA**

**A. Approval of the March 13, 2017 Minutes**

**Motion by Towne, second by Chuck  
To approve the minutes of March 13, 2017 as presented.**

**Voice Vote: Ayes: Unanimous**

**Nays: None**

**MOTION APPROVED**

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

**Frank Tsapatoris, 24233 Tara Drive** - Mr. Tsapatoris commented that the Dandy Acres Facebook page shows where they are boarding 16 large dogs. There is no parking lot, cars scattered all the way around, and the lights are on all night. Mr. Doozan explained if they didn't get a site plan then the next step would be to cite them and get with the Township Attorney and give them a deadline. It was suggested to visit a Board meeting and contact the Zoning Enforcement Officer. The resident explained that on Dandy Acres Facebook page, they posted a grand opening of a dog boarding lounge. That was back in 2014, which is when everything took place with the parking lot and when they started boarding dogs. He wanted to express that there is a lot of noise, there are issues with parking, the dumpsters are wide open, and they bring all of their brush up to his property line. They have pictures of everything as well.

**DDA REPORT** – None

**PUBLIC HEARINGS**

- 1. AP-17-03, Hutto Rezoning. Property located on the east side of Griswold Road, south of 9 Mile Road. Continue public hearing to consider a proposed rezoning of 28.96 acres from the I-1 (light Industrial) District to the R-0.3 (Single-Family Residential) District;**

Mr. Doozan reviewed the McKenna Associates memo dated February 22, 2017. The analysis revealed the following:

1. The proposed rezoning would not further the comprehensive goals of the Township because it would permit development at a density greater than specified on the Future Land Use Map.
2. Industrial development is no longer appropriate south of Nine Mile Road.
3. The rezoning would grant special privileges, allowing a density of development not available to other properties designated Single Family Residential B.
4. In consideration of the fact that the parcel to the north is undevelopable at an R-0.3 density, the proposed rezoning is not consistent with the surrounding zoning.
5. The proposed rezoning is consistent with trends toward more single family development in the vicinity. The key concern is the density of development being proposed.

Based on the findings reviewed in the memo he recommended that the Planning Commission recommend denial of the rezoning proposed by the Hutto Family LLC from I-1, Light Industrial, to R-0.3, Single Family residential.

Ms. Zawada referenced the CES memo dated March 6, 2017. She explained there are not any engineering concerns regarding rezoning.

Mr. Hutto apologized for not being present at the March 13, 2017 Planning Commission meeting. He explained the history of the property. Typically, zoning follows a transitional trend where you start out high and make a transition to low. The only property to the east that touches his 30 acres is a land locked triangle under the power lines that is zoned R-1 and will never be built on. To the south is the Hutsfield project. When looking at this from a land planning perspective, R-0.3 seems to make sense. There were no public comments for our request at the public hearing. There is no one here contesting this, and his guess is that they want to see the industrial go away. He was asked to join the rezoning when the Clark property was rezoned. At the time, they did not join in because they had a use dependent upon their organization. He didn't just come up with this idea of R-0.3; it was designed for 3 units per acre and good planning practices. It makes sense. He has spoken to many brokers about this property and there is a hurdle with the railroad, power lines and mobile home parks. Larger lots don't correspond with these hurdles, not to mention the wetlands. The reality is that folks that want larger lots and big houses won't want this location.

Mr. Towne stated that in 2011, they recommended 2 houses per acre to the Board on the property that is north of the applicant. The Board chose to rezone it at R-0.3. He recalled how wet the land is, and the property in his opinion does not follow suit with R-0.3 and is against the Master Plan. He didn't think it made sense unless it was contiguous.

**Motion by Towne, second by Chuck  
To reopen the public hearing at 7:29 p.m.**

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

**MOTION APPROVED**

**Motion by Towne, second by Chuck  
To close the public hearing at 7:29 p.m. due to no comments.**

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

**MOTION APPROVED**

Treasurer Carcone stated she does not recall the Township asking them to rezone. She does recall the Township begging them for the property. They are still stuck with the Clark parcel no matter what it's zoned at, and they can't sell it due to the gas lines, wetlands, etc. They make about a \$150,000 payment on it every year. She supported Mr. Doozan's conclusion.

Mr. Hoffman agreed that no one would want to buy a single family home there, but multi-family would be a good fit.

Mr. Hutto stated that no one is here raising an outcry to this for two meetings in a row. He felt R-0.3 makes sense to them. They were part of the sewer and water SAD, and

that was a bad situation. Their 30 acres was not part of the SAD, and they lost a lot of money and investments. It was a bad situation. No one is pointing fingers, and he hoped there were no hard feelings. Treasurer Carcone stated not at all; it affected both of them. He thought it was a win to put residential there instead of industrial

**Motion by Chuck, second by Towne**

**To recommend to the Board approval of AP-17-03, Hutto Rezoning based on the McKenna Associates dated February 22, 2017.**

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

**MOTION TO APPROVE IS DENIED**

**OLD BUSINESS - None**

**NEW BUSINESS**

- 2. AP-15-42 Lightening Lawn & Landscape – Revised Site Plan. Property located at 23655 Griswold Road. Revised site plan review of an existing 2380 square foot landscaping business. An addition of 6,000 square feet is also proposed.**

Mr. Doozan reviewed the McKenna Associates memo dated March 22, 2017. He recommended approval of the site plan for Lightening Lawn and Landscape, subject to the following conditions:

1. A 15-foot setback variance must be obtained from the Zoning Board of Appeals.
2. Unshielded wall pack light fixtures shall be shielded or replaced.
3. The applicant shall submit an amount of money equal to the cost of the bike path to the Sidewalk and Bike Path Development Fund.
4. Review and approval by the Township Engineer and Township Attorney shall be required.

Ms. Zawada reviewed the CES memo dated March 22, 2017. The site plan can be approved as noted below:

1. An executed storm water and surface drainage easement will be required on the two offsite parcels prior to scheduling a pre-construction meeting.
2. Sheet 2 of the site plan showing the detention basin outlet is required in the final sets of site planes.
3. There is a gas line near the proposed pond and an overhead power line near the proposed building and any easement must be shown on the final site plans submitted to the Township. There could be conflict with the electrical easement and the proposed building. They have had quite a bit correspondence trying to work the applicant regarding DTE.
4. The developer shall submit funds equal to the cost of a 10 foot bike path along the Griswold Road frontage to the Sidewalk and Bike Path development fund in an amount determined by the CES during detailed engineering review. She

explained that if the applicant has an issue with her cost price they can build the path.

Mr. Towne commented that they didn't get the fire department letter again. Mr. Doozan presented the letter dated November 2016. Mr. Towne stated that was from the original design, and it has changed and is now changing again. He has brought this up before, and he would like to see an updated note from the Fire Department. Treasurer Carcone stated that she would find out why the letter is not in the packet tomorrow. They will be moving the building 6' closer to meet the DTE requirements.

Mr. Towne asked how close to the buildings need to be in order to require a fire wall. Mr. Hoffman stated it is only required if it's a different tenant.

Mr. Langan stated he understood that the choice is to build the sidewalk or deposit the money. They field measured based on the information from DTE and the specific exact location of the existing building and it is 85'6" away from the center of the pole. They can comply with the rear yard setback and the DTE requirements of separation of the line with a whopping 6" to spare. They will only go to the ZBA for the same variance. They are not going further or closer to Griswold Court. This is the same plan that was approved aside from the building shift.

Ms. Kimberlin explained the ZBA felt adamant about doing this in the proper form and sending them back to the Planning Commission to obtain their approval.

Mr. Pennington stated that he had no issues; he felt it is a good fit for the property. Mr. Conflitti agreed and felt it should move forward.

Mr. Hoffman stated considering what's there now, this is a big improvement. Mr. Chuck stated this is a nice piece of property, his biggest concern is to keep it looking neat and he is in favor of it. Treasurer Carcone is also in favor.

**Motion by Chuck, second by Pennington**

**To approve the revised site plan AP-15-42 with the provision that there is only 10' between the proposed storage building and the existing building, so instead of 16' it will be 10' and contingent upon obtaining the variance for 15' from the ZBA.**

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

**MOTION APPROVED**

**ADDITIONAL BUSINESS**

There was brief discussion regarding multi-family housing and residential housing and the location of where people buy their homes.

**3. Community Reports**

Jim Chuck explained he fulfilled his obligation on the Parks and Recreation Commission and is looking for someone to take April, May, and June. Michael Conflitti volunteered to take the next quarter.

**ADJOURNMENT**

**Motion by Chuck, second by Pennington  
To adjourn the meeting at 8:14 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 8:14 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary