

Charter Township of Lyon
Planning Commission
Meeting Minutes
April 10, 2017

Approved: April 24, 2017

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

Roll Call: Jim Chuck, Secretary
Michael Conflitti, Chairman
Stephan Hoffman
Ron Pennington
Carl Towne, Vice-Chairman

Absent: Patricia Carcone, Board Liaison
Kurt Radke

Guests: 18

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

**Motion by Towne, second by Chuck
To excuse the absences of Mr. Radke and Treasurer Carcone.**

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

MOTION APPROVED

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 March 27, 2017 Minutes

**Motion by Towne, second by Pennington
To approve the minutes of March 27, 2017 as presented.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

Frank Sakorafos, 24233 Tara Drive – Mr. Sakorafos commented on the noise coming from Dandy Acres and that there are always at least 10-15 dogs every day. He did some research, and the DBA was filed on July 2015 for Dandy Acres. The kennel license was issued March of 2015; this is not an existing business. He believed permits should have been provided. A land occupancy permit should have also been pulled. The kennel license was not a renewal. Next week, they are going to the Board meeting. He complained about the noise from the dogs.

DDA REPORT – None

PUBLIC HEARINGS

- 1. AP-17-06b, Rosey's Romper room – Special Land Use. Property located on the west side of Pontiac Trail, north of the Saddle Creek PD. Public hearing to consider a special land use request to allow a childcare center in the RM-2 (Multiple Family Residential) District.**

Mr. Doozan reviewed the McKenna Associates memo dated March 22, 2017. The analysis presented above indicates that Rosey's Romper Room is in compliance with the special land use criteria set forth in Section 6.03 Consequently, we recommended that the Planning Commission recommend approval to the Township Board of the special land use for Rosey's Romper Room, case no. AP-17-06b, subject to final site plan approval.

At this time Mr. Doozan reviewed the Site Plan information for Rosey's Romper Room.

- 2. AP-17-06a, Rosey's Romper Room – Site Plan. Property located on the west side of Pontiac Trail, north of the Saddle Creek PD. Site plan review of a proposed 14,036 square foot childcare center, located on 3.56 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated April 5, 2017. He recommended approval of Rosey's Romper Room site plan subject to the following conditions:

1. Approval of the Special Land Use.
2. A waiver is granted from the screening requirement along the north lot line by the Planning Commission, as note din item 4.
3. The landscaping plan is revised, as noted in item 5 d.
4. Composite material is specified for the dumpster screening gates.
5. A variance must be obtained from the outdoor play area requirements, as not in item 10.
6. Receive site plan approval form the Township Engineer.

7. Receive all applicable permits and approvals from other agencies.

Ms. Zawada's CES letter dated April 3, 2017 was referenced, and it was recommended that the site plan be tabled until the plans are revised to address their concerns.

Joseph Guido from Guido Architects, Inc. provided a PowerPoint presentation. This plan is identical to the one that was presented in 2008. Due to the outlook in the economy at that time, they had decided to put the project on hold. Now they would like to move forward.

Rosey Alberty, owner, explained there will be 220 kids. Not all of the kids would go outside at the same time; they would go out by age group. There would never be more than 50 kids outside at one time, and there could be as few as 12 kids. Even the age groups are split, it just depends on the amount of kids in the groups. She explained if a child is not walking, then they don't go out on the playground. They have a 4-6 tandem stroller, and those children would be placed in the stroller and walked around.

Mr. Guido committed to installing vinyl for the dumpster enclosure.

Mr. Towne questioned how the building could be repurposed if needed. Mr. Guido stated it could be converted to office space with virtually no work. Mr. Towne questioned the need for a daycare. Ms. Alberty stated there is a lot of growth, and a lot of the centers are on waitlists; good quality day care is hard to find. There will always be a need with people having children, and the area is booming. Mr. Towne asked about the landscaping on the north side. He would like to forego the landscaping on that side, but he would like to get some residuals for that and get the material price and have it donated to the recreation department. Mr. Guido stated that they can fit some dollars in for that.

Mr. Pennington questioned if a traffic study has been done. Mr. Doozan explained that one is not required for this use. Mr. Pennington questioned if the buses will be stored in the parking lot. Ms. Alberty confirmed they have four 14 passenger vans in Canton, but right now she didn't know if they would be needed for this facility. They would need to determine later on if it was needed.

Mr. Towne questioned if Mr. Doozan could explain what can be built on RM-2. Mr. Doozan gave examples from the ordinance as to what could be built on that land designation.

Mr. Chuck stated 85,000 people live in Canton, and we have 35,000 in the Township with only 3 to 4 daycares. He thought the need was there.

**Motion by Chuck, second by Towne
To open the public hearing at 7:53 p.m.**

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

MOTION APPROVED

Mr. Conflitti read a letter that was received from a homeowners Robert and Lindsey Weber, 61161 Palomino Court, Saddle Creek. Their concerns are with the additional traffic. They felt it was too large of an operation at this location.

Tom Poole, 27500 Pontiac Trail – Mr. Poole commented that he lives directly east of this proposed site and has been there 20 years. He moved here because it was country and for the schools. He is against it due to the traffic it will bring.

Randy Saie, 27483 Pontiac Trail – Mr. Saie lives directly behind the proposed site. He bought his house in 1982, and the site property was zoned B-1 at one time. He was told by Jim Atchison that they would get rid of this building and change it to RM-2. They have suffered through all the stuff with that building, and he is glad it's gone. Their bedrooms are right there. He understood it is good for the community. At one time when making the Master Plan, they were getting business away from the residential and towards New Hudson. Now they are changing this. He understood it was a good facility, but a playground is a playground. It will be hard to get any rest with the cars coming in 2 times a day. It's hard to get out of their driveway now. He is opposed because he thought it should be moved to New Hudson. He questioned the business hours and days that it will be open.

Ms. Alberty explained they are open 6:30 a.m - 6:30 p.m. Monday through Friday with no weekends.

**Motion by Chuck, second by Towne
To close the public hearing at 8:00 p.m. due to no further comments.**

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

MOTION APPROVED

Mr. Hoffman commented on the long walk from the parking lot. The other issue is that he didn't see any handicap accommodations, so they may want to look into that. Mr. Guido stated there will be handicap accommodation.

Mr. Chuck stated there are two proposals before them, as was noted by the engineer. He can't approve the site plan tonight, however, he can and will support a special land use.

Mr. Towne stated they go hand in hand, and he would not be willing to give one without the other.

Mr. Doozan questioned if they contacted the Road Commission yet. Mr. Guido stated he didn't think contact has been made yet. Mr. Doozan felt that would be important to find out what would be required at their entrances.

Mr. Towne commented that it's hard to sit there and toil with traffic issues in this Township. There was a reason to find out what can be built in RM-2; it could be worse.

He didn't want to see apartments or duplexes there. He felt with it being zoned RM-2 there wouldn't be any issues.

Mr. Conflitti asked for a breakdown of how many children are brought in during peak hours. Ms. Alberty stated she could provide that.

Mr. Chuck stated every project that comes before the Planning Commission has traffic as the main concern.

**Motion by Towne, second by Chuck
To table AP-17-06a Site Plan.**

**Voice Vote: Ayes: 4
Nays: Hoffman**

MOTION APPROVED

**Motion by Towne, second by Pennington
To table AP-17-06b special land use.**

**Voice Vote: Ayes: 4
Nays: Hoffman**

MOTION APPROVED

- 3. AP-17-05, Zoning Ordinance and Subdivision Amendment's Public hearing to consider proposed amendments to the Zoning Ordinance (Sections 12.08, 18.03, and 36.02) and the Subdivision Ordinance. Miscellaneous items outside of the above sections include illuminated street address numbers, LED lighting, off-street parking, massage establishments, and signs in the New Hudson Zoning District.**

Mr. Doozan referenced the McKenna Associates memo dated February 22, 2017.

He explained the following Zoning Ordinance and Subdivision Ordinance revisions:

1. Revisions to the zoning Ordinance and Subdivision Ordinance are recommended to require illuminated street address numbers, in the interest of public safety.
2. Some housekeeping revisions are recommended in Section 36.02, the Schedule of Regulations, involving primarily the rear setback in the O-1, B-2, and B-3 districts.
3. Revisions are recommended in Section 18.03 to regulate temporary accessory buildings and structures.
4. Revisions are recommended in Section 12.08 to address certain types of building or site features that are allowed to project into required yards. Ms. Kimberlin commented that the proposed zoning amendments dealing with projections into required yards (Section 12.08, subsection A.3) and accessory buildings, structures and uses (Section 18.03).

5. A number of miscellaneous revisions are recommended dealing with LED lighting, location of off-street parking, massage establishments, and number of signs in the New Hudson Zoning District.

After discussion minor verbiage changes were made.

**Motion by Towne, second by Chuck
To open the public hearing at 8:21 p.m.**

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

MOTION APPROVED

**Motion by Chuck, second by Towne
To close the public hearing at 8:22 p.m. due to no comments.**

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

MOTION APPROVED

**Motion by Chuck, second by Towne
To recommend approval to the Township Board AP-17-05 with the changes that were made.**

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

MOTION APPROVED

Shirley Baker, 27239 Stancrest – Ms. Baker questioned if the next item on the agenda would be a gated community because she thought those weren't allowed in the Township.

OLD BUSINESS

4. **AP-16-36, The Cottages at Turtle Creek – Preliminary PD. Property located on the east side of Kent Lake Road, north of Silver Lake Road. Continue preliminary review of a proposed planned development consisting of 50 single family “empty nester” homes and 4 single family homes on 56 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated March 24, 2017. He explained all of the concerns cited in their previous review letter have been addressed, so the plans are in a form that are ready for the Planning Commissioners consideration and action. The key issues are density and the recognizable benefits and whether those meet their standard.

Mr. Conflitti questioned how far it is from the access to the homes. Mr. Doozan stated it

would be about $\frac{3}{4}$ of a mile.

Mr. Pennington questioned if the sanitary sewer will handle this development. Mr. Doozan stated that Ms. Zawada's letter stated that she is comfortable with the Planning Commission moving forward contingent on the CES review dated April 5, 2017 as well as a downstream sanitary sewer analysis to be paid for by the applicant.

Mr. Guidobono provided a PowerPoint presentation providing an overview of the project. The density was reduced from 62 units to 50 units on the empty nesters. They also increased their public benefit from \$100,000 to \$150,000 to use as the Township sees fit. They have also changed the distance between the homes from 18' to 20'. They agreed to age restrict the Cottages of Turtle Creek. They tried to be sensitive to the residents and proposed a plan that has only 4 single family sites at the end of the stub street. Under the current zoning, there could be 9. They are under 600 feet with the cul de sac. They have also proposed 25' of open space where the 4 home sites are and would donate it to the homeowners around there.

Mr. Chuck commented the four homes would be accessed through Cobblestone. If this was to go through, how would Cobblestone be compensated for two different subdivisions using that road? Is there any way that those 4 homeowners would be required to compensate that usage to Cobblestone? Mr. Guidobono stated that Cobblestone doesn't have an association and doesn't charge association dues. They have offered to Cobblestone to redo their entrance, and they never really got an answer. They wanted to compensate them by sprucing up their entrance. Mr. Chuck stated if the County is doing their snow removal, he wanted to know how.

Mr. Towne confirmed the applicant took away the paving to Grand River. Mr. Guidobono stated they would prefer that the money be used to pave the sidewalk. Mr. Towne commented on the 8 criteria and stated the density should be 38 homes, maybe 40. They are at 50, and he didn't get it; the criteria is not met. Also, they don't meet the public benefit. There are still a lot of issues even if they don't accept the revised master plan. His vote would be to deny. Mr. Guidobono stated that the parallel plan shows 28 sites. If they go with the empty nester housing, they can double that density. That would total 56, and they are at 54.

Mr. Guidobono explained that at one time the Cobblestone residents requested a boardwalk to connect the two projects. Once it was investigated, it was found to be too expensive.

Mr. Hoffman stated that he felt this meets the same parameters as Legacy of Lyon. It's a good transition between the mobile home park and housing. He has no problem with this. You can't limit this project, which is very similar to the one that was approved last year.

Mr. Chuck stated they started with 62 units, came back with 56 units, and now we are down to 50 units for the empty nesters. He is concerned with the residents of Cobblestone. He thinks there has been a lot of work put into this and questioned what else could go there; it could be worse. He felt there is a need for this, and he liked the traffic light at Kent Lake and Silver Lake Road. He felt the \$150,000 was substantial.

He likes what has been done and he would support it.

Mr. Chuck questioned the gates. Mr. Guidobono stated it would not be an issue.

Jim Crews, 30000 Cobblestone Lane – Mr. Crews stated that they keep coming back with the same proposal and same problems. There should be 30' between homes. It's 40' in the front yard, and he only shows 30'. They are trying to compare it to Legacy of Lyon, where there are 44 units, with 12.9 acres of open space. That is what Legacy is. This is an apple and an orange, not even close to each other. He didn't hear that the side yard setback and front yard setbacks were changed so he would guess they are still 30' and 40'. He would expect any time a resident comes in to get a variance that they could. He felt that they would be setting precedence. The Master Plan amendment says they don't have to do it. It gets aggravating. As far as the proposal to benefit Cobblestone, the applicant proposed \$50,000 with a descending amount of \$10,000 each time a unit was lost. There was never any real significant offering made to Cobblestone. There are 5 subdivisions within Cobblestone, and there is an association. They do not collect dues, and they have no rules, but to say there is no association is wrong. When you look at Legacy of Lyon, 47% of that area is open space. Here it just hits the 11.19 acres of open space, but included in that is a 1.5 acre of wetland. On the strip along the side proposing to give 25' to the homeowners, you can't have it be open space and give it to the homeowners. Open space is disconnected. The 4 units can't get to most of the open space, and the 50 units can't get to the other half. It should be contiguous open space.

Mr. Hoffman stated they did get front yard and side yard setbacks reconsidered.

Motion by Chuck, second by Hoffman

To recommend approval to the Township Board of AP-16-36 The Cottages at Turtle Creek based on the McKenna Associates memo dated and CES and attorney.

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

MOTION DENIED

NEW BUSINESS- None

ADDITIONAL BUSINESS

5. Community reports

Mr. Towne commented he wants to make sure Elkow is going to put sidewalks in front of the houses. Mr. Doozan will talk to the Building Department.

ADJOURNMENT

**Motion by Chuck, second by Pennington
To adjourn the meeting at 9:24 p.m.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:24 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary