

Charter Township of Lyon
Planning Commission
Meeting Minutes
August 14, 2017

Approved: August 28, 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: 31+

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

APPROVAL OF AGENDA

**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 July 24, 2017 Minutes

**Motion by Towne, second by Chuck
To approve the minutes of July 24, 2017 as presented.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

Rick Elkow – Mr. Elkow explained he would like to set up a group of 3 Planning Commission members to have a focus group regarding the projects he has coming up.

Ms. Kimberlin explained that guidance is provided by the Zoning Ordinance. Mr. Towne commented he was all for having a committee, since it is conceptual. Mr. Doozan suggested coordinating it through the administration and getting 2-3 people to serve on the committee.

DDA REPORT - None

PUBLIC HEARINGS

- 1. AP-17-26b, Oakland SWA – Pineview – Special Land Use. Property located south of Pontiac Trail, east of Martindale Road. Public hearing to consider a Special Land Use request for an Average Lot Size development in the R-0.3 Single Family Residential Zoning District.**

Mr. Doozan reviewed the McKenna Associate's memo dated July 23, 2017. He explained the review letter revealed that the plan for Oakland SWA – Pineview fails to satisfy several of the standards for granting special land use approval. Consequently, the recommendation is that the Planning Commission recommend denial to the Township Board.

At the same time consider:

- 2. AP-17-26a. Oakland SWA – Pineview – Site Plan – Property located south of Pontiac Trail, east of Martindale Road. Site plan review of a proposed single-family development consisting of 17 homes on 10.88 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated July 21, 2017. He explained this review has found that the proposed development is not consistent with the Master Plan, does not satisfy the Average Lot Size criteria, and is in conflict with several zoning requirements. Therefore, it was recommended that the Planning Commission recommend to the Township Board that Oakland SWA Pineview Average Lot Size Development be denied.

Ms. Zawada referenced the CES memo dated July 26, 2017. She noted the following concerns:

Topographic Survey

1. The existing New Hudson Drain No. 1 and easement must be shown and labeled on the plan.
2. The property limits shown do not match property description provided with the application. This must be corrected for it has a major impact on site layout.

Site Layout Plan Sheet 3.0

1. Proposed private road does not line up with the existing private road easement at the northerly project property line.

Schematic Engineering Plan Sheet 4.0

1. A separate forebay is required prior to storm water entering the detention basin.
2. Existing wetland and flood plain limits, especially along the New Hudson Drain, must be added to the plans. Lots are not allowed to extend into the wetlands.
3. The following preliminary engineering items must be added to the plans.

- a. Road and lot grading.
 - b. 100 year overland overflow routes.
 - c. Storm water management calculations for a required forebay and detention basin sizing.
 - d. Drainage district map showing limits of areas contributing to basin.
 - e. Water source
 - f. Sanitary sewer source
 - g. Existing soils data.
4. Project is adjacent to the New Hudson Airport with the westerly end of the runway only 70+ or – feet from the easterly project limits. The F.A.A. will have strict guidelines to follow. Copies of all correspondence with the F.A.A. must be provided to their office.
 5. There appears to be a high pressure natural gas line crossing the project. Approvals from the gas company will be required. Copies of all correspondence with the gas company must be provided to their office. If gas company comments/concerns affect site layout, plans will need to go back to the planning commission for re-approval.

Ms. Zawada explained she is recommending a denial or table until these items can be addressed.

Mr. Schultz explained they have owned this property for about 14 years now. They have met with various staff as to what to do with this property, since it is adjacent to the runway. A lot of options have been explored on their end, and building single family is one of the most successful uses at this time. They came up with the average lot size and tried to utilize the parameters that were established within the ordinance to start this dialog again. The plan is not whole and certainly needs revisions, and they have started that process. With regard to the special land use and public hearing they would like to wave off the special land use and possibly table the site plan and they would like to move forward with the public hearing to receive public input.

Due to there being no presentation made by the applicant and given the fact that most of the residents in attendance did not have any information regarding the plan, there was discussion in regards to holding the public hearing. Mr. Chuck stated this is the worst he has seen, and he will be making a motion to deny it.

**Motion by Chuck, second by Pennington
To open the public hearing at 7:27 p.m.**

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

MOTION APPROVED

Claude Phifer, 59101 Albert Lane – Mr. Phifer explained that his neighborhood backed up to the vacant lot next to the subject site. He is confused because he was looking for a site plan, and there was nothing provided. He questioned if this is a done a deal. Mr. Doozan stated it's not a done deal.

Treasurer Carcone explained this is a public hearing, and she questioned if they can request another public hearing so the public can see what's being presented; it's not fair to anyone setting here in the audience. Ms. Kimberlin explained that they can hold the public hearing open with the plan that was submitted. If it's a new plan, then that is something different.

Mr. Doozan reviewed the site plan for the benefit of the public in attendance.

Russ Danielson, 29465 Pineview Court – Mr. Danielson explained there is a lot that is 7 yards from a County drain. He took sound decibels. A normal level should be about 75 megahertz. When a plane took off, it was 83 decibels, and that was every 15-20 minutes. He explained that does not count the helicopters that come in or the big turbo props that take off. His house is on the easement, and the road would take about 6" off his garage for the road they want to put there. There is a gas line behind their house as well. He didn't know if this would be a good idea. There is another gas main on the east side; there are 2 that run there. He is concerned about their property value declining as well.

Melissa Garcia, 58535 Pontiac Trail – Ms. Garcia explained right now they have Russ and Terry Danielson that live behind them, so there are only 2 vehicles that go behind them. If a subdivision goes in, there would be 40-45 vehicles going up and down their road. That would really affect them.

Chris Chytry, 58521 Pontiac Trail – Mr. Chytry has two small children, and the road is 15' from his house. He has a row of pine trees, and half of those would be taken out for the road to go in. All three bedrooms of his home are on the east side of the road. Not only is high traffic with about 170 vehicles going by a concern, but how will his family sleep? He is concerned for the safety of his children and how his property value will decline. He was not aware this land was even for sale. He mentioned the Pulte subdivision that isn't even full yet. The curve is also a safety hazard. There have been planes that crash back there. If there are homes back there and that happens, he didn't see how this was a feasible project. It sounds like it it was a poor business deal.

Scott Rettmann, 29280 Roediger Court - Mr. Roediger explained he is not against building, but he is concerned because he got the notice in his mailbox today and it was dated July 20, 2017. Mr. Doozan explained by law the Township is required to notify people within 300'. Ms. Kimberlin explained the notice procedure is State law and applies to every community in the State. Mr. Doozan noted it's also advertised in the newspaper and listed on the website.

William Hanson, 29360 Roediger Court – Mr. Hanson explained he has lived here 35 years, right behind the airport. He knew it was there when he bought his home. When homes go in closer to that airport, it is very rough for the people that live in that area. If there are any mistakes made, it's dangerous. He has had planes fly 35 feet over his home. When the engine is cut and you can hear the prop whirring, that is close. Putting homes closer is too close. We don't need another accident. They are at too much of a risk.

Steven Purvis, 58545 Pontiac Trail – Mr. Purvis is concerned with how this could

affect their wells and if it will affect them when public utilities are added. He noted a hot air balloon made an emergency landing once. If there are houses back there, it could be dangerous. On top of the planes and the hot air balloons, the traffic on Pontiac Trail at 6 and 7 in the morning is rough.

Mr. Towne questioned what this could do to the wells in that area. Ms. Zawada stated it really depends on the depth of the wells.

Chris Chytry, 58521 Pontiac Trail – Mr. Chytry questioned if this affect his drinking water and if this would be a concern over time. Does he have to have it checked every year? His well will be 20' from the road. Will the road salts and oil affect his well?

Ms. Zawada stated the road salts probably wouldn't affect his well, but that is a difficult thing to predict since there are so many unknowns.

Duane Linder, 58695 Pontiac Trail – Mr. Linder explained he has lived here since 1993. When a sub was put in to the west of them, their well went dry. There will be an effect on the wells. Whatever development happens behind his house, there is a natural swale that runs behind his house. When it rains hard, his front yard floods. He wants to make sure the natural swale is not disrupted once they start digging.

Cheryl Bush, behalf of Oakland County – Ms. Bush is the new airport manager and here to support Karl Randall's comments. They really want to encourage the Commission to consider the recommendations by the State of Michigan and the approach protection plan and consider the guidelines for density, population and use of the space adjacent to the airport. They would highly recommend they don't have any type of subdivision in this area, as it is not a safe approach. If it were to be adopted, they would highly recommend using waivers that must be signed with realtors to forewarn what the considerations would be if they buy a home so close to the airport.

Treasurer Carcone questioned if the County has considered purchasing this property. Ms. Bush stated that she was not aware of that, but she could investigate.

Elizabeth Trantham, 58530 Travis Road – Ms. Trantham noted that Travis Road will be affected as well. Their property of 5 acres is located directly south and adjoins their property where they have lived 41 years. She respectfully asked it to be denied and for the zoning remain as it is. Their roads are already overloaded with traffic. The Planning Commission could benefit by focusing on improved roads instead of this proposal that would benefit only a few people.

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

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

MOTION APPROVED

Ms. Zawada requested the offsite easement paperwork because that gives the rights to

the properties.

Motion by Chuck, second by Radke

To recommend denial to the Township Board of AP-17-26b, special land use be denied based on the information in the McKenna Associates memo dated July 23, 2017 and the CES memo dated July 26, 2017 and input from their attorney. Also including the airport authority letter which speaks to the sites in zone 7 to prohibit all special land uses.

Mr. Chuck stated that there is so much that needs to be done. He found it very difficult to have someone come here with this many conditions and try to move a project forward. He is glad they took the time to hear from the public.

Roll Call Vote: Ayes: Pennington, Hoffman, Conflitti, Chuck, Carcone, Radke, Towne
Nays: None

MOTION APPROVED TO DENY

Motion by Chuck, second by Radke

To recommend denial to the Township Board of AP-17-26a site plan, based on the information in the McKenna Associates memo dated July 21, 2017 and the CES memo dated July 26, 2017 and input from their attorney.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED TO DENY

- 3. AP-17-27, Woodwind PD Amendment – Property located on the north side of 10 Mile Road, east of Currie Road. Public hearing to consider a proposed amendment to the Woodwind Planned Development to allow for minor modifications to be approved by the Township Planner.**

Mr. Doozan reviewed the McKenna Associates memo dated August 4, 2017. He explained the recommendation is that the Planning Commission select one of the two approaches outlined in the memo and make a recommendation to the Board.

Motion by Towne, second by Pennington

To open the public hearing at 8:11 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Chuck, second by Towne

To close the public hearing at 8:11 p.m. due to no one wishing to comment.

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

MOTION APPROVED

Treasure Carcone explained the history on the project. She explained the Township does make mistakes from time to time, and they need to fix it.

After brief discussion, the Board felt it should be moved forward.

Motion by Chuck, second by Radke

To recommend to the Township Board that 24518 Brompton Way, Anthony Abbate, is moved forward to consider a 5' side yard setback to expand the deck.

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

MOTION APPROVED

OLD BUSINESS - None

NEW BUSINESS

- 4. AP-17-28, Lyon Grill Expansion – Site Plan. Property located on the west side of Pontiac Trail, north of 8 Mile Road. Site plan review of proposed additions to an existing restaurant.**

Representing Lyon Grill: Matt Diffin
Valentino Palushaj, owner

Mr. Doozan reviewed the McKenna Associates memo dated July 31, 2017. The recommendation is that the Planning Commission complete an initial review of the site plan for Lyon Grill and then table the case. This would allow the applicant to seek required variances from the Zoning Board of Appeals and revise the plans appropriately.

Mr. Towne confirmed with Mr. Doozan that 3 handicap parking spaces are sufficient. Mr. Towne thought there were not enough handicap parking spaces. Mr. Doozan stated this is the State and Federal requirement.

Ms. Zawada referenced the CES memo dated August 3, 2017. An addition of a fire hydrant may be required, and all parts of the building must be within 250 feet of a hydrant. She recommended revisions to the plan, especially with regard to storm sewer calculations. They really want to make sure the site works and that the basin is sized appropriately.

Ms. Zawada stated if the applicant is seeking variances, maybe there is a co-op

agreement that can be reached with Bader and Sons.

Ms. Kimberlin referenced her memo dated August 8, 2017. She explained on Sheet 1, the information provided under “required waivers and variances” regarding parking and front building setbacks is not correct and should be reviewed per the information provide in Mr. Doozan’s letter. Likewise, the front setback information provide on Sheet 4 must be revised.

Mr. Diffin explained this is a successful business in the Township, and it’s due for some upgrades. The older facilities don’t meet the newest regulations in play today. He asked that the Commission consider the variance because 17’ is all they need to be in full compliance. As far as the building goes, it is already not in the front setback. The patio is there already and that is where the addition would go, newer facade, brought into compliance with 98% of what they can do. It’s his understanding about the Township owned land and they did investigate purchasing that land but was told they didn’t want to break it up into smaller chunks.

Treasure Carcone stated they do own the parcel to the north and it is up for sale. They might be willing to work with everyone with regard to the storm water. But until they know what’s going to go there, there they really can’t sell it because they don’t know what will be needed.

Mr. Diffin provided a PowerPoint presentation. He noted the parcel is only 140’ wide, and that is a hardship.

Mr. Towne didn’t know if they could address the parking with these setbacks, and he is concerned with setting precedence.

Mr. Chuck noted he was glad to see the expansion of a business in the Township. This is an opportunity for the Township. Every case is an individual case, and he felt the ZBA should grant the variance. Expanding the business makes the Township better. He did agree the lot coverage is a tough one.

Mr. Radke agreed but felt it would set a precedence.

Mr. Towne asked if they could lease space from Bader & Sons. Mr. Palushaj stated he has not spoken with them regarding that. He thanked the Commission for taking this under consideration. He knew it is a challenging site. This puts them in a difficult place. They would rather keep investing in the Township instead of having the residents go elsewhere. They want to keep the business here locally, and they want to do it the right way.

Mr. Hoffman asked if they have considered rebuilding it on the same site. Mr. Diffin stated it wouldn’t help the narrowness of the site. Mr. Hoffman stated he didn’t have any huge issues with the site, but he had issues with the architecture of the building. He liked what they were doing, but it needed to be completed on all four sides of the building.

Mr. Pennington stated he appreciated them keeping the business in the Township and

he didn't have a big issue with the site. He felt they should consider projects on a case by case basis and try to make it work.

Motion by Radke, second by Towne

To table AP-17-28 Lyon Grill Expansion based on the McKenna Associates memo dated July 31, 2017 and the CES memo dated August 3, 2017, the Attorney memo dated August 8, 2017 and the Fire Department memo dated August 7, 2017.

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

MOTION APPROVED

5. AP-17-29 Zoning Amendments – New Hudson Zoning District. Review proposed amendments to the Zoning Ordinance that deal with outdoor seating and signage in the New Hudson Zoning District.

Mr. Doozan reviewed the McKenna Associates memo dated July 27, 2017. He explained the first set of revisions involves outdoor dining in the New Hudson Zoning District and the second one is regarding permitting elevated ground signs.

After discussion, most of the Commissioners were in agreement. There was some concerns expressed regarding outdoor dining so close to the road.

6. Community reports

Treasurer Carcone brought the Planning Commission up to date regarding the last Board meeting.

Mr. Doozan provided information regarding the landscaping at Magna. Mr. Towne stated they discussed the size of the berm and it was to be completed. Ms. Zawada and Mr. Doozan agreed. Ms. Zawada noted they have a bond from Magna and questioned if a deadline should be given to have the work completed. The Planning Commission felt a deadline should be given. Mr. Towne commented that they said it would be done by the first of May and they weren't putting in the irrigation until June. Mr. Hoffman noted it does not say future landscaping on the plans and this was the plan that was approved.

Regarding a committee for Mr. Elkow, Mr. Conflitti, Mr. Pennington and Mr. Chuck will work with Mr. Doozan to set up a committee.

ADJOURNMENT

**Motion by Towne, second by Chuck
To adjourn the meeting at 9:41 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:41 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary