

Charter Township of Lyon
Planning Commission
Meeting Minutes
August 28, 2017

Approved: September 11, 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: 15

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

**Motion by Chuck, second by Towne
To excuse the absence of Kurt Radke.**

**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 August 14, 2017 Minutes

**Motion by Towne, second by Pennington
To approve the minutes of August 14, 2017 as presented.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - None

DDA REPORT

Ms. Archer provided status updates regarding the DDA business district.

PUBLIC HEARINGS - None

OLD BUSINESS - None

NEW BUSINESS

1. **AP-17-30, Rathmor Park III – Minor PD Amendment. Property located on the west side of Napier Road, north of 10 Mile Road. Review a proposed minor amendment to the Rathmor Park III PD to change the lot numbers.**

Representing AP-17-30: Whitney Findlay

Mr. Doozan reviewed the McKenna Associates memo dated August 8, 2017. He explained the proposed amendment does not affect the essential character of the Rathmor Park III Planned Development, so he recommended that the Planning Commission recommend approval to the Township Board.

Mr. Towne explained when Pulte took over the second phase they thought they would have to start the numbers over again in the 3rd phase. Ms. Findlay explained at the time Pulte took over phase II, phase III wasn't approved yet so it made sense to make it one cohesive development.

Motion by Chuck, second by Hoffman

To move AP-17-30, Rathmor Park III – Minor PD Amendment to change the lot numbers forward to the Township Board for approval based on the Attorney memo dated August 22, 2017 and the McKenna Associates memo dated August 8, 2017.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

2. **AP-17-32, Aspen Gate – PD Size Waiver. Property located on the west side of Martindale Road, between Grand River Avenue and Pontiac Trail. Consider a Planned Development size waiver request to allow for application of a PD on 33.6 acres, which does not meet the minimum size requirement of 40 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated August 21, 2017. He

explained he believed the Township could benefit from Planned Development on this site in a number of ways; preservation of woodlands and open space, the opportunity to provide open space buffers along the perimeter, and the opportunity to blend the two zoning districts resulting in a cohesive development. Another anticipated benefit to be achieved through Planned Development is the paving of a segment of Martindale Road. Based on these findings, he would recommend that the Planning Commission recommend to the Township Board that the waiver be granted.

Rick Elkow explained they have been working for the last year to put the parcels together and save a significant number of trees on the site. Mr. Elkow stated he would pave to the end of the property line on Martindale, roughly ¼ of a mile.

Mr. Towne stated for full disclosure, they had a committee that met with Mr. Elkow and looked at plans on this property as well as another property. They did not talk about the 40 acre minimum.

Mr. Elkow stated he felt this was the best way to preserve this property. If he was to develop it in a traditional site plan, pretty much clear from edge of lot to edge of lot. He is looking at leaving close to 25% open space on this plan, it's a significant amount of wooded open space. The number of lots will be between conventional zoning and the PD.

Mr. Chuck stated there was a lot of due diligence. He respects the views of the engineer and planner, and it sounds like an amicable way to utilize the property. He is excited because ¼ of mile of pavement is fantastic.

Mr. Towne stated he would recommend granting the size waiver on this piece of property. He confirmed it will connect to Twin Pines.

Mr. Elkow explained that Cobblestone is concerned with drive thru traffic. In their preliminary work, they haven't held any organized meetings.

Treasurer Carcone explained the PD is the way to go to protect the residents and their concerns.

Motion by Pennington, second by Chuck

To recommend AP-17-32 to approve the PD size waiver including the McKenna Associates memo dated August 21, 2017 and the Attorney's memo of August 22, 2017.

Jim Crews, 30000 Cobblstone Lane – Mr. Crews doesn't disagree with the PD being better than the townhouses, but he questioned what the zoning density is for the PD. Mr. Doozan explained it would be a combo of R-0.3 and R-0.5.

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

MOTION APPROVED

- 3. AP-17-33, Hutto Property – PD Size Waiver. Property located on the east side of Griswold Road, south of 9 Mile Road. Consider a Planned Development size waiver request to allow for application of a PD on 28.96 acres, which does not meet the minimum size requirement of 40 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated August 23, 2017. He believed the Township could benefit from Planned Development on this site because it would allow creative residential development in accordance with the density specified on the future Land Use Map, in spite of the site's many constraints. In addition, Planned Development would result in the preservation of wooded wetlands and open space, the opportunity to provide open space buffers along the perimeter, thereby mitigating the negative impacts of the railroad tracks and electric transmission line. Based on these findings, he recommended that the Planning Commission recommend to the Township Board that the waiver be granted.

Ms. Kimberlin referenced August 23, 2017 memo in agreement that there would not be any need to rezone if this was to move forward.

Mr. Elkow explained they were in front of the Board previously and met some opposition. It is the last light industrial piece of property south of 9 Mile Road. The constraints are the railroad tracks, the high transmission tower at the southeast border, and the mobile home park. It provides a transition from Hutsfield Estates to a lower density. It will meet the future land use map classification. The wetlands will be subtracted out of the density calculations when they come forward.

Mr. Towne stated he can't see going forward that it would be denser than R- 0.5. He would anticipate a fabulous product coming back and had no issue. He would vote for the PD size waiver but hold the applicant to the future plan.

Mr. Towne stated he agreed with Mr. Doozan's letter and the options on that property. He thought it was a great idea to do the waiver and get rid of the light industrial. Mr. Chuck stated he agreed, it's a unique piece of property and liked that the homes would be more entry level construction.

Treasurer Carcone agreed with the waiver as well.

**Motion by Pennington, second by Towne
To move forward AP-17-33 Hutto Property – PD size waiver including the
McKenna Associates memo dated 8/23/17 and the attorney memo dated
8/23/17.**

Scott Poet – Mr. Poet stated that these two properties are not even close to the 40-acre minimum. He questioned what criteria they consider when looking at the infrastructure in the Township. Mr. Towne explained they could put in 110 duplexes, and the density will be lower with single family. With a PD, they have to come back and make sure it meets the criteria of the Township and the residents.

Treasurer Carcone explained the size is more of a tool, and they have even talked about removing that. With a PD, it's a contract between the Township and the

developer, which means they have more control.

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

MOTION APPROVED

- 4. AP-17-34, Medical Marijuana - Zoning Ordinance Revisions. Review potential revisions to the Zoning Ordinance pertaining to medical marijuana.**

Mr. Doozan reviewed the McKenna Associates memo dated August 21, 2017. He briefly explained that Governor Snyder signed into law Michigan State Act 281 of 2016, the Medical Marijuana Facilities Licensing Act (MMFLA), which took effect December 20, 2016. Among other things, this law expanded the types of medical marijuana facilities permitted under state law, and established a licensing approach similar to the approach used for liquor licenses. The law created a Medical Marijuana Licensing Board within the Department of Licensing and Regulatory Affairs to issue licenses for five types of facilities.

As noted in the memo, the Administrative Team concluded it would not be in the best interest of the Township to allow such facilities in Lyon Township. Accordingly, he prepared ordinance amendments that would prohibit the five medical marijuana facilities as follows:

1. Growers
2. Processors
3. Provisioning Centers
4. Secure Transporters
5. Safety Compliance Facilities

Motion by Pennington, second by Towne

To set a public hearing to do an ordinance revision including McKenna Associates memo dated August 21, 2017 and the Attorney memo dated August 22, 2017.

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

MOTION APPROVED

- 5. Community reports**

Treasurer Carcone gave an explanation regarding lot numbers and parcel ID numbers.

ADJOURNMENT

**Motion by Chuck, second by Pennington
To adjourn the meeting at 8:17 p.m.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Planning Commission meeting was adjourned at 8:17 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary