

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
April 11, 2005**

Approved as corrected May 9, 2005.

DATE: April 11, 2005
TIME: 7:00 PM
PLACE: 58800 Grand River

Call to Order: Chairman Barber called the meeting to order at 7:01 pm.

Roll Call: Present: Michael Barber, Chairman
Ted Soper, Vice Chair
Laura James, Secretary
John Hicks, Trustee
Jim Dome
Jim Hamilton
Laura Williams

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Michelle Aniol, Township Planner
Chris Olson, Township Superintendent

Guests: 17

1. APPROVAL OF AGENDA

Mr. Hamilton made a motion to approve the agenda for Monday, April 11, 2005, as submitted. Mr. Soper supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA

- March 14, 2005 Meeting Minutes
- March 28, 2005 Meeting Minutes

Ms. Williams made a motion to approve the Consent Agenda consisting of the March 14, 2005 meeting minutes and the March 28, 2005 meeting minutes with the change noted. Mr. Soper supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS: NONE

5. OLD BUSINESS:

AP-04-38, Tanglewood Final Phase, Chubb Road West, Preliminary PD plan review (Public hearing suspended (held open) on February 14, 2005 for 60 days; Recommendation: Table additional 60 days)

Mr. Doozan reviewed the comments indicated in his memorandum dated April 8, 2005 regarding a meeting between Township an applicant on Thursday, April 7, 2005. He explained that a general consensus was and still is the Township's intention to permit 460 units on the current 511 acre site zoned PD, Planned Development. He pointed out that 352 units have been constructed to date and 118 more units are permitted. He recommended the Planning Commission take the following actions:

1. Close the public hearing for AP-04-28 Tanglewood Planned Development Chubb Road Phase Amendment, temporarily withdrawing the application;
2. Set public hearing date for new application to amend the Tanglewood Planned Development (in its entirety). The Township Attorney and applicant will prepare new development agreements to include all original provisions of the various agreements and amendments, specifically stating that 460 units on 511 acres are permitted. This "curative" document is simply intended to restate what the Township believes has already been approved but was and is not reflected in the various documents. The amendment is not intended to increase the number of units approved, further expand the development or change the mix of unit types allowed.
3. After the "curative" amendment is approved by the Board, and executed and recorded, the applicant may re-submit case AP-04-38 for review but now in comparison to the restated development agreement. The applicant may re-submit AP-04-38 in its current form or request

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amendment to readjust the types and/or number of units permitted. If an amendment is proposed, a public hearing is required.

Mr. Olson corrected the difference between 460 and 352 units is 108 and not 118.

Ms. Williams questioned how to prevent this type of situation in the future. Mr. Doozan explained that since Matt Quinn's office has been the Township Attorney, they have put mechanisms in place to prevent this type of situation.

Mr. Soper made a motion to close the public hearing for AP-04-38, Tanglewood Final Phase, Chubb Road. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

Mr. Soper made a motion to schedule a public hearing on May 9, 2005 for the amendment to the Tanglewood Planned Development. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved.

AP-03-07, Meadowcreek of Lyon (Aspen Group) Planned Development, South of Ten Mile Road between Milford and Griswold Roads, Preliminary Planned Development (Tabled up to 30 days on March 28, 2005).

Mr. Doozan explained that this issue is back on the agenda for the Planning Commission's review and consideration. He briefly discussed the Southwest Sanitary Sewer and Water SAD and emphasized the importance of this development to the SAD.

Mr. Soper stated that this is important to the entire Township utility system.

Ms. Williams asked Mr. Hicks whether or not the Township is willing to take responsibility of the park. Mr. Hicks responded that the Board is not interested in having Oakland Land Conservancy take any part of the park for conservation.

Mr. Soper questioned deed restriction of the parkland. MR Doozan reminded the Planning Commission that the Master Plan needs to be updated to reflect the donation of parkland. He also mentioned the Elkow site.

Ms. James stated that the Planning Commission hasn't seen any plans or paperwork regarding any changes.

Mr. Hicks made a motion to approve AP-03-07, Meadowcreek Of Lyon (Aspen Group), as follows:

1. A density of 206 units.
2. The donation of the proposed 68.3 acre park parcel.
3. Paving of Nine Mile Road from Griswold Road to the eastern property line.
4. The Ten Mile Road view shed will comply with the Ten Mile Road corridor plan.
5. Provide a 200' view shed along Nine Mile Road with native vegetation.
6. Remove the rubbish from the 68+ acre proposed park parcel.
7. Clean out the Yerkes Drain.
8. Keep a hedgerow along the Raney property line.

Mr. Hamilton supported the motion.

There was brief discussion with regard to the transfer of development rights. Mr. Seymour note that the transfer of development rights has not been approved in Michigan yet. He stated that there would be a deed that would restrict the use of the property to park land.

David Goldberg, Aspen Group, stated that at the February 28, 2005 meeting they submitted a plan that had 224 lots. He stated that they then met in a sub-committee session and on March 28, 2005 they re-submitted their plan with 213 lots. He further discussed the process that they have been through.

Mr. Goldberg presented a plan this evening with 206 units. He stated that based on this plan they would prefer not to do the full amount of paving, but are prepared to do what they are asked. He stated that this plan was created based on the motion that Mr. Hicks made at the last meeting

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failed. He explained the changes that they made to the plan in order to get to 206 units.

Mr. Goldberg discussed the property donation. He stated that they are going to donate the property to the Township. He stated that the Township of Lyon can put a conservancy agreement on it or mandate that they put a conservancy agreement on it before it is dedicated to the Township or the Township can keep it and do what ever they wish with it. He stated that he does not really want to get into the land conservancy issue, he would rather just give it to the Township, but will do whatever the Township wishes.

Ms. James questioned why 14% instead of 10%. She felt that this is an odd number. She noted that the neighbors were not in agreement with the plan and wondered if this would set a precedent. There was discussion with regard to the density.

Mr. Goldberg briefly discussed some of the issues that they addressed. He stated that they appreciate the Commission's consideration and would request approval of this plan.

Voice Vote: Ayes: Barber, Soper, Dome, Hamilton, Hicks, Williams
 Nays: James

Motion approved.

AP-04-32, Lyon Professional Centre, 58560 Grand River Avenue, west of Township Hall, Site Plan Review (Item tabled up to 60 days on January 24, 2005 to allow applicant time to secure variances from ZBA. Item tabled an additional 30 days on March 28, 2005.)

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 4, 2005 regarding this issue.

Bob Langan, Jr. addressed the fence issue. He stated that he will be happy to provide any style that the Township wishes. He noted that he really does not have any agenda for style. Mr. Doozan asked Mr. Langan to give him a call to discuss further.

Ms. James discussed the black locust trees and felt that they should be permanently placed on the protected tree listing. Mr. Langan stated that if black locust trees were protected this site would not have been acquired by him. Mr. Doozan read a section of the Tree Replacement Ordinance that deals with protected trees.

Mr. Olson stated that with regard to the building easement situation, this is a Township Board issue and cannot be dealt with administratively. Mr. Doozan noted that this is correct. Mr. Seymour stated that this issue would also be subject to Township Board approval.

Mr. James made a motion to approve the site plan for AP-04-32, Lyon Professional Centre, subject to the following conditions:

1. Any medical office use must be reviewed by the Township Planner.
2. Approval of the temporary grading easements shall be required following the issuance of any construction or grading permits.
3. A contribution to the Bicycle and Sidewalk Development Fund, per the McKenna Associates, Inc. letter dated April 5, 2005.
4. Wrought iron fence must match the fence at the New Hudson Cemetery.
5. Grading easements are subject to final approval by the Township Engineers.
6. All requirements set forth in the April 5, 2005 McKenna Associates, Inc. letter.

Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

6. NEW BUSINESS

AP-05-10, Leduc Inc. (Coyote Golf Course), East side of Milford Road, south of Twelve Mile Road, Schedule a public hearing to consider a conditional rezoning request from R-1.0, Residential-Agricultural District to R-03, Single Family Residential District.

Mr. Doozan noted that this is on the agenda to schedule a public hearing. He briefly reviewed the proposed project which proposed 379 units where 186 units would be allowed under the current zoning.

Mr. Soper made a motion to schedule a public hearing for AP-05-10, Leduc, Inc., for June 13, 2005. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

AP-05-11, Abbeys of Lyon Township, North side of Grand River, west of Martindale Road, Schedule a public hearing to consider a conditional rezoning request from R-1.0, Residential-Agricultural to RM-1, Suburban Townhouse District.

Mr. Soper made a motion to schedule a public hearing for AP-05-11, Abbeys of Lyon Township, for June 13, 2005. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

AP-04-42, Walnut Creek Estates at Woodward Condominium, Ten Mile Road, east of Chubb Road, Schedule a public hearing to consider a request to amend the approved Woodward Planned Development Plan to allow a breakaway barrier gate at Ten Mile Road and a private security gate at the Johns Road access to Walnut Creek Estates.

Ms. Aniol briefly reviewed this issue. She noted that this is on the agenda to schedule a public hearing for an amendment to the approved Woodward Planned Development Plan.

Mr. Olson stated that in conjunction with the possibility of a plan for the 90 acres of property currently owned by the Walnut Creek Golf Course and adjacent to this parcel, felt that it is worth working toward a connection so that both developments can benefit from this.

Ray Cousineau stated that they have already had a meeting with the other developer and indicated that it is not likely to work out. He stated that the reason for their request is that they would like to make this a private estate development. He stated that the breakaway gate at Ten Mile Road would satisfy the emergency access issue.

Mr. Soper made a motion to schedule a public hearing for AP-04-42, Walnut Creek Estates at Woodward Condominium for May 9, 2005. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

AP-04-30, Heights at Elkow Farms, Eleven Mile Road between Spaulding and Stancrest Roads, Condominium Document Review.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. review letter

