

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
June 13, 2005**

Approved as corrected June 27, 2005.

DATE: June 13, 2005
TIME: 7:00 PM
PLACE: 58800 Grand River

Call to Order: Chairman Barber called the meeting to order at 7:00 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
Michelle Aniol, Township Planner
Alexis Marcarello, Township Planner
Chris Olson, Township Superintendent

Guests: 22

1. APPROVAL OF AGENDA

Mr. Soper made a motion to approve the agenda for Monday, June 13, 2005, as written. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA
- May 9, 2005 Meeting Minutes**

Mr. Barber noted a typographical error for the Recording Secretary to correct.

Mr. Soper made a motion to approve the Consent Agenda consisting of the May 9, 2005 meeting minutes with the changes noted. Ms. Williams supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS:

AP-05-15, Tanglewood Planned Development, South side of Ten Mile Road, between Currie and Chubb Roads, Continue Public hearing to consider a curative amendment to the approved Planned Development Agreement for Tanglewood.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated June 7, 2005 regarding this issue. In addition to the information cited in the McKenna Associates, Inc. letter, Ms. Marcarello stated that three more changes were proposed for the revised and restated PD agreement:

- rewording the last "whereas" paragraph to state that it was just unclear about how many units were authorized,
- confirming that five feet was the maximum side yard encroachment allowed per Section II, Paragraph 15a, and
- allowing more flexibility for the size of multiple family buildings per Section II, Paragraph 22.

Dean Gould, Attorney for Freund Associates, stated that he would like to add a few things to what Ms. Marcarello stated. He stated that what they are really trying to do is to put into writing what has occurred over the last fifteen years. He stated that in 1991 the original PD Agreement was created with the number of unit as 440. He stated that in 1992 three acres were added to this development and then in 1997 ten more acres were added. He stated that the confusion arose because of the way that the amendments were done when the additional acreage was added. He noted that there were also minor amendments done to reflect changes here and there.

Mr. Gould stated that when it came time to do the final phase, which is where they are now, they were encouraged to come up with a document that would show the total number of units that everyone believes to be the correct number. He stated that the 1997 plan shows the addition of twenty units, which was approved.

Mr. Gould stated that there was a meeting at the beginning of April, 2005 with the Township and their consultants to discuss this development. He stated that at that meeting Chris Doozan, Matt Quinn and Alexis Marcarello agreed with them that 460 units is the correct number. He pointed out that they have never exceeded more than one unit per acre even with the additional units added over the years.

Mr. Gould stated that when they left the meeting Chris Doozan and Matt Quinn were in agreement. He stated that he then prepared, what he thought he was asked to do, was a curative amendment which was intended to be a very simple short amendment stating the correct number of units for the total acreage. He noted that Mr. Quinn signed off on this indicating that legally, he was okay with it. He stated that when Ms. Marcarello and Mr. Doozan looked at this, they felt that everything should be put into one document so that if they needed to refer back to it, they won't have to look at several documents. He noted that they are not changing substance, they are not adding anything, all they are doing is reflecting what has occurred over the last fifteen years.

Mr. Gould stated that McKenna Associates, Inc. has recommended approval of this and that Mr. Quinn has indicated to him that he has approved the curative amendment. He noted that Ms. Marcarello did incorporate the curative amendment into the new document, and that he is comfortable with this. He stated that based on this, he would ask the Planning Commission to recommend approval of this to the Township Board so that they can get re-stated PD Agreement executed.

Mr. Barber opened the public hearing at 7:19 PM. There were no comments. He then closed the public hearing at 7:20 PM.

Mr. Hicks questioned if there is a plan for the final phase. Mr. Olson responded that a conceptual final phase plan that was shown to the Commission in January or February. He noted that this is something that occurred before Mr. Hicks joined the Planning Commission. Ms. Marcarello noted that the conceptual plan was temporarily withdrawn.

Ms. James questioned if this would be the last amendment. Mr. Gould responded that he would think so unless there is some change that the Freund's want to bring forth as part of the final phase. He stated that the difference between that amendment and what they are doing here tonight would be discretionary. He stated that the Planning Commission is not obligated to amend that.

Ms. Marcarello indicated that with this the applicant can construct 108 more units. She stated that anything over that would require an amendment.

Mr. Hicks stated that for clarification, what he is hearing tonight is that the developer has agreed to the text changes that Ms. Marcarello discussed. Mr. Gould responded that he actually proposed the changes. Ms. Marcarello concurred.

Originally there was a second wing proposed for the clubhouse. Mr. Hicks asked Mr. Freund if there are still plans for this. Mr. Freund responded that it is not something that they are considering now.

Mr. Olson stated that there is one clarification, Item 2, Section 21, as it relates to the water softeners. He stated that Tanglewood is on its own sewage treatment facility and does have its own State Certification and requirements. He stated that he does not believe that there is any anticipation, with the amount of money invested, that they would be connecting to the Township sanitary sewer plant, which has a higher discharge regulation. He stated that this would not necessarily be in conflict with current policy, but it would not go far enough, if it were to be connected to the Township sanitary sewer facility.

Mr. Hamilton questioned if this document would have to be amended if they were to connect to the Township sanitary sewer system. Mr. Olson responded that they would have to comply with the policies in place, which he briefly discussed.

Mr. Gould noted that the Freund's just put on an expansion of the plant, which was permitted and approved by the MDEQ. He stated that the plant, as it sits today, meets all the MDEQ standards. He stated that he is not aware of any intention to hook into the Township's system. He stated that this plant does have sufficient capacity for this entire development.

In regard to the paving issue, Mr. Hicks questioned if there is there anything that the Township has to do to initiate the paving contract. Mr. Olson responded that the key paragraph on page 7, the middle one indicates, "1999 or completion of all housing phases". He stated that as this relates to Chubb, not all the driveways are in. He further briefly discussed this. He felt that paragraph 6 is unrealistic and that it should probably be re-thought.

Mr. Hicks asked Mr. Freund if he accepts that there is some responsibility on his part for the paving. Mr. Freund responded that he does. He stated that at all the meetings he has always acknowledged that he would participate.

Mr. Hamilton made a motion to recommend approval of the revised and restated Planned Development Agreement for AP-05-15, Tanglewood Planned Development with the changes

recommended by McKenna Associates, Inc. in their letter dated June 7, 2005. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Gould questioned if the changes that were discussed this evening were also included.

Mr. Hamilton amended his motion to include the changes Ms. Marcarello discussed this evening. Ms. James supported the amendment to the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

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

It was noted that the applicant was not present.

Mr. Olson stated that the Commission is probably aware that the Board did not approve the Conditional Rezoning Ordinance at their meeting last week. He stated that information was sent to RBS in regard to possibly going to a PD. He noted that RBS would have to ask the Commission for a waiver from the 40 acre minimum size requirement. He stated that he talked with Ralph Stoy today, who was still considering this but wanted to talk to his Attorney.

Mr. Barber questioned if they should still conduct the public hearing. Mr. Seymour stated that they can still go ahead with the conditional rezoning under State Law because it does not say that the Township has to have an ordinance in place. He stated that as long as it was not communicated to the public that this matter was to be tabled or taken off the agenda, the Planning Commission should go ahead with the public hearing this evening. He stated that the public hearing can be held open and that the information could be conveyed to RBS. He felt that this would be the best way to proceed.

Ms. Aniol questioned that if they are doing this under State Statute, will it require a public hearing. Mr. Olson noted that any rezoning would require a public hearing.

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 8, 2005 regarding this issue.

Mr. Barber opened the public hearing at 7:54 PM.

Conrad Trapp, President of the Bramley Hills Homeowners Association, questioned what has changed from when they went through this whole scenario months ago. He stated that at the last public hearing there was considerable support against the proposal then. He noted that he did not receive any notification of this being on the agenda again. Mr. Olson noted that they only send notification out to properties within 300 feet of this parcel. Ms. Marcarello clarified what has changed with this proposal.

Mr. Trapp stated that the only difference now would be the promises that they made before are

now in writing. Ms. Marcarello responded that this is correct. Ms. Aniol stated that the Township can accept the conditions and they become binding, whereas, before there was no mechanism to accept conditions nor where they binding.

Mr. Trapp stated that it was suggested to the developer to meet with the residents of Bramely Circle and try to work with them. He stated that this has never happened.

Mr. Trapp stated that they do realize that they can't hold up development. He stated that all they can hope for is a development that is accomplished with some sense of ownership in the Township and making sure that it remains a very nice and rural place.

Marty Brown, 31001 Bramley Circle, stated that she left her son's tied baseball game in the last inning to be here and felt that the developer should have been here also to answer questions. She stated that she is not in agreement that this would be a good use. She discussed the traffic that is in the area now and that there will be a lot more generated with not only this development, but the others in process in the area. She stated that she is not impressed with the proposed Township entry feature because it is planned to be placed in a swampy area of the property. She questioned what appropriate natural buffer means.

Ms. Brown stated that in the past two years with all the development along Grand River, the crime rate has gone up in her development. She stated that she does not believe that this development will enhance her property values. She stated that the resident of New Hudson prefer the land as it is.

Steve Zigman, 31090 Martindale Road, questioned the size of the proposed buildings. It was noted that the proposed buildings are a 1-1/2 story. He also questioned what the 40 acre minimum is. Mr. Olson explained what the 40 acre minimum is.

Mr. Trapp questioned if the developer has given any indication as to what their next step would be, if this is denied. Mr. Barber responded that they have not.

Mr. Barber closed the public hearing.

Mr. Hicks noted that all the agendas for the Boards are posted on the website.

Mr. Barber indicated that he is not excited about this plan. He felt that it will add to the traffic.

Ms. James stated that there are a lot of hard feelings about the sale of this parcel. She stated that she would not like to see it rezoned to higher density but is not sure that the one acre zoning that is on this parcel will stick because of the surrounding areas. Mr. Seymour stated that he would share the same concerns. He felt that R-1.0 is not an appropriate zoning for this parcel. He felt that they would have difficulty convincing a court that R-1.0 is appropriate. Ms. James felt that there is some room to work here. She stated that she would vote "No" on a conditional rezoning but would work with the developer on a planned development. She briefly discussed some suggestions.

Mr. Hamilton concurred with Ms. James' comments. He noted that he would also vote "No" on the conditional rezoning but is willing to work with the developer on a planned development.

Mr. Dome echoed the comments that have already been made. He stated that he doesn't feel that there will be anybody that would propose a residential R-1.0 development on this property. He stated that the question is "What should it be?". He stated that he is struggling with the location and felt that it has some commercial value, but knows how the residents would react to this. He felt that the public is probably not going to be happy with whatever the outcome is.

6. **NEW BUSINESS:**

AP-05-24, Hornbrook Estates Building Company, Schedule a public hearing to consider a request to amend Hornbrook Planned Development Plan to allow an additional 1.6 acres of land and five additional residential units to the development project.

There was brief discussion as to when the next available date for a public hearing is.

Ms. James made motion to schedule a public hearing for AP-05-24, Hornbrook Estates Building Company, for July 11, 2005. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

7. **MISCELLANEOUS DISCUSSION**

8. **ADJOURNMENT:**

Mr. Barber adjourned the meeting at 8:54 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary