

**CHARTER TOWNSHIP OF LYON  
PLANNING COMMISSION  
MEETING MINUTES  
October 10, 2005**

Approved as modified November 14, 2005

DATE: October 10, 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, Chair  
Ted Soper, Vice Chair  
Laura James, Secretary  
Jim Dome  
Jim Hamilton  
John Hicks, Trustee  
Laura Williams

Also Present: Philip Seymour, Township Attorney  
Chris Doozan, Township Planner  
Michelle Aniol, Township Planner  
Leslie Zawada, Township Engineer  
Al Hogan, Building Official

Guests: 17

**APPROVAL OF AGENDA**

Old Business number 3, AP-05-21, ADCO Group, was moved to the end of the agenda per a request from the applicant.

Mr. Hamilton noted that item 5 should be AP-04-42 in lieu of AP-05-28.

Mr. Hamilton stated that he has a conflict of interest with Applied Instruments Company and would like to excuse himself from the discussions. He noted that he is on their payroll.

Ms. Williams made a motion to approve the agenda for Monday, October 10, 2005 with the changes noted. Mr. Soper supported the motion.

Voice Vote: Ayes: All  
Nays: None

Motion approved unanimously.

**APPROVAL OF CONSENT AGENDA:  
- September 12, 2005 Meeting Minutes**

There were some blanks in a motion that was made by Ms. James that need to be filled in. It was determined that the approval of these minutes would be held until next month so that Ms. James

could fill in the blanks.

Mr. Hamilton noted a couple typographical errors for the Recording Secretary to fix.

**PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE**

**PUBLIC HEARINGS: NONE**

**OLD BUSINESS:**

on **1. AP-05-36, Carriage Trace Phase V**, Site plan review of Average Lot Size Development located the east side of Pontiac Trail on Coach House Lane, between the City of South Lyon and Trebor Drive.

Mr. Doozan stated that this issue was tabled at the September 12, 2005 meeting because there were the following three issues that needed to be addressed:

1. Request for a written opinion from Township Engineer regarding the drainage and flooding issues on the site.
2. Issue of the irrevocable conveyance of the open space.
3. Revised condominium documents including the bylaws.

Mr. Doozan felt that the position of the applicant is that they would like get approval for the plan subject to the Master Deed and Bylaws, which would have to be approved at a future meeting. He stated that the Master Deed and Bylaws would also include the irrevocable conveyance of the open space. He noted that this will take care of item 2 and 3. He stated that with regard to item 1, the Township Engineer has provided a letter dated October 4, 2005.

Ms. Zawada reviewed the comments indicated in the Giffels-Webster Engineers letter dated October 4, 2005 regarding this issue. She noted that she also contacted the Oakland County Drain Commission and spoke with Joe Kozma regarding this issue. She stated that she was told that the project only went 1,200' north of Trebor Lane and since the time of the clean-out, there has only been one complaint recorded of flooding in this area. She noted that she did attach a copy of the area from the Storm Water Master Plan for the Commissioners review.

Ms. James asked Ms. Zawada if she read Mr. Olson's analysis. Ms. Zawada responded that she did. Ms. James asked if Ms. Zawada had any comments regarding this. Ms. James noted that her understanding of Mr. Olson's primary concern is that the developer did not sufficiently clean out the

drain. Ms. Zawada responded that her understanding, from talking with Joe Kozma, is that the part that was completed was the only part that was ever proposed. She stated that in the Storm Water Master Plan they actually go though to determine if the drains should be cleaned out. She noted that they are actually recommending that the drains not be cleaned out because they would be basically moving the situation. She felt that it would be a massive undertaking to clean out all of the drains.

Mr. Dome questioned if Giffels-Webster investigated change in water elevation aside from the flood plain issues. Ms. Zawada responded that the site plan does not change the flood plain elevation. Mr. Dome stated that there is standing water all along there that never used to be there. He noted that it is even worse since the strip center on the corner was built. Ms. Zawada stated that the did not specifically look into this, they just reviewed the flood plain issue.

There was further discussion regarding the comments expressed by Mr. Olson in his notes to the Commission.

Roy Russell, Engineer, gave some background information regarding the clean out of the drain. He noted that work was done all the way to the Davis Drain and the plans do show this. The work was stopped at the Chicorel parcel because of a lot of wetlands in the area. He stated that the reason it is backing up again is that in the past five years since the clean out was done there is a lot of sediment in there again. He stated that Giffels-Webster has reviewed the drain and determined that this project will not affect the flood plain. He stated that the drain on their site is working completely.

Mr. Hicks stated that it was indicated that there is a lot of sediment in the drain since the clean out. He questioned if Carriage Trace is responsible for some of the sediment that is there now. Mr. Russell responded that Carriage Trace collects their sediment on site and none of it is in the drain. Mr. Hicks stated that what he has heard is that a clean out would help but the big question is who is going to pay for it. Mr. Russell stated that they wouldn't notice any difference from their property north. He stated that the plans have been submitted to Giffels-Webster and that they have been approved.

Mr. Doozan questioned if the detention basins would affect the standing water. Ms. Zawada responded that the detention basins are designed to collect the on-site drainage. She stated that they are not draining through the wetlands.

Ron Hughes, General Partner of Carriage Trace, noted that they do comply across the board for the lot averaging. He briefly discussed some of the comments indicated in the report prepared by Chris Olson dated September 9, 2005. He stated that they are asking for approval of a lot that they added internally. He stated that they are removing a lot from Trebor Lane because of the concerns expressed by the neighbors. He stated that they basically have an approved five lot development already. He stated that they are asking for tonight is approval of an internal lot which does comply with the Township ordinances.

Mr. Barber stated that he would have to go with what the Township Engineers have reported.

Ms. James questioned if it would be reasonable to impose a restriction in an event that the plan, as designed is now sufficiently draining the property or should they just go with the opinion of the Township Engineers. Mr. Doozan responded that is not sure if the Commission has the ability to come back on the developer at this point to get the drain cleaned out. Ms. Zawada stated that there may be one possible solution to alleviate the Planning Commission's concerns, and that is to have the developer provide a performance bond for a certain number of years. Ms. James asked the developer if they would be in agreement with providing a bond. Mr. Hughes responded that they would not agree to a bond. He stated that the their engineering has been approved as it exists and as it is proposed. He stated that they would ask for the Commission to vote on this and if they are not in favor of this, then they should vote accordingly. He stated that they would also ask for the Commission's support of this because they do comply.

Mr. Soper reminded the Commission that the developer already has an approval to build five homes. He stated that they could go ahead and build five homes whether or not the Planning Commission approves this or not. He stated that he personally likes the six home plan better because it pulls one house off Trebor Lane.

Ms. Zawada stated that she tried to answer all the questions that were posed the last time that this issue was before the Planning Commission. She stated that she went through the minutes and noticed that there were a lot of concerns from residents about flooding but there wasn't anything specific. She stated that for further research she reviewed the Giffels-Webster review and checked it with the engineering design standards, then compared it with the Storm Water Master Plan and contacted the Drain Commission. She stated that she is not sure if there are any specific flooding



Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 29, 2005 regarding this issue.

Mr. Seymour stated that Mr. Quinn added two more things on the bylaws. One issue is that they need to indicate that water softeners cannot discharge into the sanitary sewer lines. He asked Ray Cousineau if at one time there was some sort of agreement between his company and the golf course with regard to planting some landscaping around some ponds on the golf course so that the lot owner would not have to look at the sanitary ponds on the golf course.

Ray Cousineau, representing Robert Harris and Walnut Creek, stated that he does not know if there was a specific agreement. He stated that the sanitary ponds existed on the golf course property. He stated that their landscape screening on their rear property should screen the ponds, but there is no agreement between them and the golf course. He stated that with respect to the revisions requested, they have made all the changes and the documents have been submitted back to the Planner's office.

Ms. Aniol stated that in the June 17, 2005 Engineer's letter there were a couple of issues that need to be addressed. She stated that any recommendation for approval should also cite the issues in this letter. Mr. Cousineau noted that they also had this letter and have made the necessary changes.

Ms. James questioned if a ban on off-site lead-in signs would be appropriate. Ms. Aniol responded that this would be consistent with the conditions that have been imposed on other developers.

Mr. Dome briefly discussed an issue that happened in Northville with the High School and the surrounding residential area. He noted that the homes were put in before the High School and there were issues with the High School having events on their fields. Mr. Cousineau stated that they got together with the school and have constructed a huge berm around the perimeter of the development and the High School property. He noted that the High School will be done before the residential. He also noted that the condominium documents disclose that there is a school there. He stated that they will probably begin construction of the homes after the first of the year with occupancy sometime the end of next summer.

There was brief discussion with regard to the landscaping of the sanitary ponds on the golf course. Mr. Cousineau stated that he does not recall an agreement between Mr. Harris and the golf course. He stated that they will be landscaping along their property line so that anybody who purchases property there does not have to look directly into the ponds.

Mr. Soper made a motion to recommend approval of AP-04-42, Walnut Creek Estates at Woodwind Condominium Master Deed and Bylaws, to the Township Board subject to the following conditions:

1. Comments cited in the McKenna Associates, Inc. letter dated September 29, 2005.
2. Language added indicating that no water softeners can discharge into the sanitary sewer.
3. Comments cited in the Giffels-Webster Engineer letter dated June 17, 2005.
4. No off-site lead-in signage will be allowed.

Ms. Williams supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

**6. AP-05-35, Applied Instruments Co., 51760 Grand River Avenue, Industrial Site Plan Review.**

Mr. Hamilton excused himself from the discussion of this issue.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 22, 2005 regarding this issue.

Ms. Zawada reviewed the comments indicated in the Giffels-Webster Engineers letter dated October 7, 2005 regarding this issue.

There was discussion with regard to the side slopes of the pond. It was noted that if the Planning Commission were to approve the site plan they could put an condition on this that the applicant needs to go to the ZBA for a variance for a fence around the pond. Mr. Dome questioned how deep the water will be in the pond. Ms. Zawada responded that there is standing water in the pond right now, but is not sure if that will be increased.

David Maloney, Steward Contracting Corp., gave a brief history of this property and what they are proposing.

Robert Limbright, owner, stated that they have been in the community for many years now and that they take care of their property. He noted that they would like to stay in the community and be good citizens.

Mr. Barber stated that the industrial statement indicates that this is a clean operation, which is something that they like.

Mr. Soper asked Ms. Zawada if from an engineering standpoint, do they have any problem with the slopes being made steeper. Ms. Zawada responded that they do not. She noted that it will hold the same amount of water. She stated that it is not typical to have fencing around the ponds, but functionally it works.

Mr. Dome stated that the drawings show a block wall and a boulder wall. Ted Taylor, Steward Contracting, indicated that he does have some pictures, if the Commission would like to see them.

Mr. Barber questioned if someone was to fall in, how would they get out. Mr. Taylor responded that there is a rock wall that someone could climb out of the pond, if necessary. He gave the pictures to the Commission.

Mr. Barber stated that according to the drawing the light fixtures on the existing building will remain unchanged. He noted that there are only two fixtures indicated. He questioned if the fixtures could be replaced. Mr. Limbright responded that if the Commission would like the two light fixtures changed, he would do so.

Mr. Soper made a motion to approve AP-05-35, Applied Instruments Co., site plan with the following conditions:

1. All items in the McKenna Associates, Inc. letter dated September 22, 2005 are met.
2. The two existing light fixtures are replaced.
3. ZBA approval for the fence around the detention pond.
4. Approval by the Township Engineer.

Mr. Hicks supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None  
                              Abstained: Hamilton

Motion approved unanimously.

The Commission took a five minute break.

**7. AP-05-42, Schuster Construction Co., 28807 Reilly Road, south of Grand River Avenue, Industrial Site Plan Review.**

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 5, 2005 regarding this issue.

Brian O'Toole, Schuster Construction, stated that they have lifting equipment for the construction trade. He stated that they feel that the height issue is not an issue. He stated that with an eight foot fence, enclosed as solid wood at the Township's request, would more than take care of the height problem.

Mr. Hamilton questioned if the equipment is normally extended in the yard. Mr. O'Toole responded that he would love to do this, but they only extend them if someone is interested in buying them and would like to see how high they go.

Mr. Barber questioned the business hours. Mr. O'Toole responded that they usually work 5-1/2 days a week from 7:00 AM to 5:00 PM. They are not open on Sunday.

Mr. Barber discussed the lighting. He noted that they like to keep lighting contained on the site so that it does not shine on adjacent properties. Ms. Aniol stated that on the landscape plan there is the detail for the lighting. She noted that the lights are shielded.

Mr. Soper made a motion to approve AP-05-42, Schuster Construction Co., subject to all the conditions stated in the McKenna Associates, Inc. letter dated October 5, 2005, that they waive the paving requirements for the property and that the owner submit a lighting plan for administrative approval making sure that they comply with the current standards. Mr. Hamilton supported the motion.

Voice Vote:                      Ayes: All  
   Nays: None

Motion approved unanimously.

**OLD BUSINESS:**

**3. AP-05-21, ADCO Group (Walnut Creek Golf Club), north side of Ten Mile Road, west of Johns Road. Revised Conceptual Planned Development Plan.**

Mr. Seymour stated that his firm has a conflict because they represent ADCO in Novi. He stated that if a legal opinion is needed they would get one from Mr. Gillam.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 4, 2005 regarding this issue.

Adorno Piccinini, ADCO Group, stated that they have had several meetings with Chris Doozan, Alexis Marcarello and Chris Olson. He noted that they discussed what the Township would like to see here and what they were originally proposing to do on this site. He briefly reviewed the conditions of the site. He noted that the concept that they are proposing is a transfer of development rights allowing a large parcel to be saved as open space. He noted that they have deed restrictions with regard to buffering along Johns Road to maintain a rural look. He stated that they have also allowed for a view shed along Ten Mile Road. The condominiums that they are proposing will be a lot like the ones that are currently being built. He stated that they are

proposing a type of golf villa product for the single family section of approximately 2,200 square feet with high-end finishes.

Steve Cross, ADCO Group, noted a correction in the numbering system on the parallel plan. He noted that they are only proposing 144 units.

Mr. Piccinni stated that they will be hooking into the sanitary at the club. With regard to the discussion of the screening of the lagoons that are currently on the property, he noted that the lagoons will be eliminated. He stated that they will be providing all the necessary right-of-way improvements, such as lane widening on Ten Mile Road and the bike path along Johns Road.

Mr. Barber questioned the size of the lagoons. Mr. Piccinni responded that they are less than two acres and that they are manmade sewage lagoons so that they would not fall under the MDEQ wetlands.

Mr. Barber questioned the transfer of development rights issue. Mr. Piccinni responded that the buyers will become individual land owners and that they would be transferring to them.

Mr. Hicks questioned the separate parcels. Mr. Cross responded that the parcels do have separate Sidwell numbers. He noted that the golf course is made up of several Sidwell numbers, with the 90 acre parcel being one of several. He believed that there are four or five Sidwell numbers that make up the golf course property.

Mr. Piccinni stated that the golf course wants to stay in the community. He noted that the selling of some of their property is an investment that the golf course will use to maintain the golf course. There was brief discussion regarding the other acreage that is owned by the golf course.

Mr. Hicks stated that they are transferring the development rights from the 128 acres in order to get their density on the 90 acres. He stated that if the golf course ever decided to give the golf course up, then they could not sell or build on the land. Mr. Piccinni noted that the golf course could sell the other 53 acre or the 60 acre parcels which could be built on.

Mr. Hicks stated that the biggest issue is the length of the road with single access. Mr. Cross stated that they have approached Mr. Cousineau and Mr. Harris and were told "No". Mr. Soper noted that these are two totally different types of developments. Mr. Piccinni stated that it has been proven nationally that mixed uses work so much better than those developments that don't have them.

Ms. James stated that if there is anyway that a second access in the back could be provided, it would help. Mr. Piccinni stated that they have provided for an access point. He noted that there is no place else to put one right now.

not  
Ms. James noted that open space is generally pristine, natural area and felt that a golf course is really a natural feature, especially if it is private. She noted that a golf course typically has heavy use of pesticides and fertilizers. She noted that there is a golf course in Dearborn that has received a lot of awards for stopping the use of the chemicals.

Mr. James felt that the installation of a traffic light would help control traffic safety. She briefly discussed the traffic study that was provided.

Ms. Williams felt that it would be a lot nicer if the additional 62 acres was part of this proposal even if it were a second phase. Mr. Piccinni noted that the golf course is not ready to sell the 62 acres, it may be twenty years from now.

Mr. Soper questioned how many holes are on the golf course. Mr. Cross responded that there are currently 27 holes. Mr. Piccinini noted that when the golf course bought all the property the idea was to add an additional 9 holes to make 36 holes, but the golf course felt it was more prudent to sell off part of the land now and put the money back into the club. Mr. Soper stated that it is nice to leave open space, but it really is not a benefit to the Township because it is a private course and not a public course. He stated that personally he would prefer to see the 62 acres added with an access to Johns Road because it would be a much safer situation.

Ms. Zawada reviewed the comments indicated in the Giffels-Webster Engineers letter dated August 8, 2005 regarding this issue.

Mr. Barber felt that this is very crowded and that it needs bigger lots. He discussed the traffic issue along Ten Mile Road and felt that this development will significantly impact it.

Ms. James felt that the people on the east side of Johns Road would benefit from this substantially because they won't have to look at a subdivision across from them.

Mr. Hicks questioned if the boulevard could go all the way back to the single family. Mr. Piccinini noted that they are proposing to bring the boulevard back 300'.

Ms. James felt that the developer should talk to the Fire Chief. Mr. Piccinini stated that they will work with the Fire Chief.

Mr. Soper felt that they need an entrance on Johns Road, but for whatever reason the owner is not willing to do this. He stated that there needs to be an entrance on Johns Road for safety reasons. Mr. Piccinini stated that it would be nice to have an entrance off Johns Road, but this is something that he cannot do.

Ms. James questioned the next steps. Mr. Doozan explained what the next steps are in the process. Joe Galvin stated that they will be proceeding to the next step in the Township's procedures. He noted that they will take the Commission's comments into consideration.

This was a conceptual review, therefore, there was no formal action taken by the Commission.

**7. GENERAL DISCUSSION: NONE**

**9. ADJOURNMENT:**

Mr. Barber adjourned the meeting at 9:25 PM.

Respectfully Submitted,

*Deby Cothery / Catherine Culver*  
Recording Secretary