

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
November 28, 2005**

Approved as submitted January 23, 2006

DATE: November 28, 2005
TIME: 7:00 PM
PLACE: 5800 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 Anoil, Planner
Al Hogan, Building Official

Guests: 16

APPROVAL OF AGENDA

Mr. Barber stated item number 5, (Quadrants) has requested to be tabled. Item number 6 (American Tower) has been tabled. Number 7 AP-04-39 was tabled. The item of canceling the Planning Commission Meeting on December 27, 2005 was added to the agenda.

Mr. Soper motioned that "We make the changes to the agenda for Monday November 28th as noted. Ms. Williams supported the motion.

Voice Vote:

Ayes: All
Nays: None
Motion approved.

APPROVAL OF CONSENT AGENDA:

- September 12, 2005 Meeting Minutes
- September 26, 2005 Meeting Minutes
- October 24, 2005

It was discovered that some of the board members did not receive the minutes in their packet.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

PUBLIC HEARINGS:

1. AP-05-41, Canzano/Lyon Trail Building Co., LLC. Public hearing and action to consider an Average Lot Size Development proposal located east of Pontiac Trail between Eight and Nine Mile Roads; discussion and action on site plan to follow public hearing.

Ms. Aniol and Mr. Doozan reviewed the comments indicated in McKenna Associates, Inc. letter dated November 23, 2005.

Domenic Mancinelli, Canzano Building Co. 38113 Plymouth Road agreed with everything that Ms. Aniol and Mr. Doozan said in their letter. It is about 54 acres. The lots are at 30,000 square feet and 110 foot wide. He is requesting to move about 200 trees to Hornbrook, which has more open space. He thinks that it will make both sites look better.

Ms. James asked if it was possible to make the shape of the retention pond more of a natural oval shape and not a square shape. Bill Donnan 36937 Schoolcraft said that it might be possible. "We can try a little more curvature." He also thinks that with the amount of trees there, you will not get to see the pond from Eight-Mile road.

Mr. Mancinelli also commented that they also placed Evergreens around the pond as part of their tree replacement program. He will also be working with McKenna on placing and staggering them correctly. He suggested that he take some of the trees from Hornbrook and place another 20 or 30 of them around the pond.

Ms. James also suggested that there is about 75 feet to work with between the retention pond and Eight Mile. "I am really hoping to see you screen that. If you have the trees. Also there is no law that says you have to put in three-inch trees, you can put in bigger trees. In my opinion it looks more natural when you put in some 8 and 12 foot trees." Mr. Mancinelli agreed that he could look into that.

Mr. Mancinelli said that he can more heavily tree the retention pond and can put a little curve on the sides.

Mr. Hamilton asked if he had a building date on the project. Mr. Mancinelli said that it depends on the economy, but he wants to build next summer and have the lots ready next fall.

Mr. Barber opened the public hearing at 7:24 P.M.

Craig Carlson 5960 Eight Mile Road - Does not have an objection to the area being built, but is concerned with the retention pond. He is worried that his property will be flooded. He is also concerned with the quality of water. He is concerned with what the development will do to his property value. He also thinks that the pond should look more natural and some wet plants should be put in. He also asked, "Who is going to keep it clean?"

Mr. Mancinelli commented that this is nothing that he should be concerned about. The pond is designed by township engineers and designed to retain the water and keep it from flooding. "We can design the pond so that it has more of a curvature."

Mr. Soper asked, "How would you get equipment in there if trees surrounded the pond." Mr. Mancinelli answered that equipment would get to the pond by removing a tree. "The sub division that I have been living in now is 11 years old and we have not had any problems with the pond."

Ms. Williams asked how deep the pond was. Bill said approximately 3 1/2 feet with a 100-year storm. "There is an overflow channel that is provided so if we do have a 100-year storm and the water reaches its maximum storage level, it will run out into the ditch going toward Washtenaw County." It will need to be cleaned every 10-20 years. Mr. Mancinelli also commented that there is permission in the master deed that the township does have the option to go in and clean the pond and then bill the association.

Mr. Soper asked if the water was released into a drain or into the ground. Mr. Mancinelli answered that it goes into the drain that is Washtenaw County.

Jim Hill 20940 Oak Tree Drive – He has two concerns. One is the Construction traffic. He lives at the corner of Oak Tree Drive and Stedman. Stedman will probably be the main entrance into this new development. “As far as construction goes, the main equipment in the summer time, for the most part, will the heavy equipment be stationary within the development or is it going to come in and out daily?” Mr. Mancinelli answered that it will be stationary within the development. They will move in one time, get all of their work done and then move back out.

Mr. Hill also asked about the trees. There is a natural tree line that separates the Park Wood development and the Lyon Trails Development. “Are the tree lines going to remain or do you plan on adding additional trees to this development to separate the two developments?” Mr. Mancinelli answered that the tree line in the back will be maintained. Mr. Hill asked if there was any plan to beef it up after that? Mr. Mancinelli answered no. He thought that the development was far enough away from the homes that they would not have to do that. This is because the lots are 245 feet plus there is open space. “From house to house you are probably looking at 300 feet.”

Tom Marino 59695 Wood Farms and Susan Empke 59600 Wood Farms - Mr. Marino’s property (50 and 51) is adjacent to the park area. Their first concern is that right now the plan does not include the use of Wood Farm and they were looking for some reassurance that it would stay that way. They do not want Wood Farm to be used for emergency purposes.

Ms. James said that the board approved and denied that so it is a done deal.

Mr. Marino and Ms. Empke’s second issue was that when they bought the property they knew that it was a low area and a wetland and their understanding was that it was not going to be developed. Prior to this being sent to Planning Commission a year or two ago, someone purposely cleared the major trees off that property. He does not know why. Now the wind that comes through sheers the trees on Mr. Marino and Ms. Empke’s property. It has damaged many of their trees. There are trees that are on the boundary line that need attention. They are not safe. The third concern is that lots 50 and 51. Although they are displayed with a greenbelt between Mr. Marino’s property and the development, the plans do not call for a set back. He would like to see some type of set back or restriction so that the green belt would remain. Mr. Soper commented that there is a building envelope that would restrict how far a house can go back.

Mr. Marino said the fourth issue is the removal of trees that they are taking to Hornbrook. They would prefer that the trees stay in this development.

Mr. Soper commented that the reason that the Planning Commission allows for this to happen is if you put trees in to close of a proximity to one another, they will actually die. “He would rather see them live somewhere than not at all.” Mr. Marino said that there is an example of a wooded area by his home where you can see trees 10 and 12 foot apart, very thick forest, and they are living and growing successfully.

Ms. James commented that they were going through the issues very quickly and she thought that they should slow down and address the issues. The off site tree replacement is a valid point. She suggested that they talk with the developer and see if they can keep some of the trees at Lyon Trail. Mr. Barber thought that they would not fit. Ms. James disagreed. She said that they have allowed off site tree replacement in two circumstances. One was for a tree farm, where they physically did not have the room to put any more trees there. The second was for the office building that is going in next door. They also could not put any more trees in. She pointed out that in this development there is 75 feet by 150 feet along Eight Mile with only two trees. She also thinks that putting trees to close together is an issue when you have existing trees. If you are putting trees in all together at the same time, there is no reason they cannot be closely spaced.

Mr. Soper asked Mr. Doozan if he has evaluated if more trees could be placed. Mr. Doozan answered no and said that they would have to take a closer look at it.

Ms. James also commented that you do not have to only put in three-inch trees. They can be big trees.

Mr. Mancinelli commented that on lot 50 and 51 they have a note in the engineer plan that the lots are going to drain to the wetland area and they are going to be doing some minor ditching in there so that they do not disturb any of the trees. He has not taken any trees down on that land. So, someone else must have taken them down before he bought the land. He has had the land about a year and a half. He will be doing a minimal amount of ditching, most of it by hand. They do not want to disturb any trees.

Ms. James suggested that whoever buys that lot with more trees is going to pay extra for it and it is going to be in their interest to keep them because it will make their lot more valuable.

Mr. Mancinelli said that they are of the development mode to not take trees down if they do not have too. Lyon Trail East, the lots on the end, they requested with the engineers to allow them to all natural drainage. They did some handwork and let everything drain into the wetlands.

Mr. Marino commented that he appreciated the setback. If there was a sparse area, they would like to see something done with trees that looked natural. A tree line so they do not have to look at people's yards. His concerns were the trees, the Wood Farm issue, and the damaged trees. "There are trees that are 80 or 90 foot tall and the top 20 or 30 foot has broken away from the tree and the limbs are hanging."

Ms. Empke said that related to the access of Wood Farms. "Is there any agreement with other road that shows on the plan to go through, has that been approved? Is there an agreement with Deer Haven private road?" Mr. Barber said that he did not think so. Ms. Aniol commented that the road is a stop right now; it does not go through.

Ms. Williams said that right now it does not show and there would have to be a change of planning and they would have to come back.

Mr. Marino said they just wanted to make sure there were not trying to access the private road. Susan's concern is that Deer Haven is the property behind her and they do not want the developer to utilize that and develop it into a phase four.

Tim Luke 21586 Nathan Court lot 13 – He has two main concerns. One is that there is no direct rout to any major roads. All construction traffic is going to go through the subdivision. His concern with that is the general maintenance of the road (street sweeping and dirt). His subdivision has the final topping on the road, he was looking for assurance that any damage would taken care of.

Ms. James said that they can sympathize, but there is not a lot that they can do.

Mr. Luke said that there is really nothing that the Planning Commission can do it's just that the main problem is it would have to come from the developer (keeping the street clean). Mr. Luke said that he has spoke with the developer and is fine with the developer. He just wants the assurance that the roads are going to be maintained.

Mr. Barber said that all of the roads are built to Oakland County standards. They are public roads.

Mr. Mancinelli said that the county has control over the roads. However, the association will have control of the roads in Lyon Trail III until the streets are dedicated to the county. That will happen when they put the topcoat on and they will go through the dedication process and the county takes over maintenance of the streets and snow removal.

Mr. Luke asked what happens if a cement truck comes through and splits the pavement? Mr. Doozan answered that it would be the counties responsibility to fix it. Mr. Luke asked if the township has any pull on that?

Mr. Mancinelli commented that they are aware that people in the subdivision are customers and they want them as future customers. They will do everything they can to keep the subdivision clean. In Hornbrook they have a professional sweeper come in every Friday night.

Mr. Soper suggested that they already went through this once and did not have any trouble. "That says a lot." Ms. James said that this developer has been before the planning commission a lot and they have never heard any complaints and should be in good shape. Mr. Soper also said that any time they have called this developer for anything "we have gotten it taken care of."

Mr. Dome commented that the road was built to the county standards and if it does not hold up the county is responsible. Mr. Mancinelli can't be forced to do anything but the honorable thing, which is, sweep it and keep it clean.

Mr. Luke said that is what he is asking for. His other question was in regards to the retention pond. There are two retention ponds proposed. Retention pond A will not lead into the east retention pond. However, retention pond B will go into the Lyon Trail East retention pond. The concern is that there was an issue with Phase one a couple years ago and the water level increased and the wetland area and the retention ponds were too high. To change that the retention pond in Lyon Trail East (behind his house) was changed so that the water level was increased. He does not believe that the pond in Lyon Trail East is at the 100 year level any longer. His main concern is that the development will further increase the water level of the retention pond in Lyon Trail East. The pond currently puts water on his lawn now. If the level goes up another 6 inches he will have a pond in his back yard.

Mr. Barber said it is hard to believe that he would flood you out; you are a previous customer.

Mr. Donnan said that neither retention pond leads into the existing ones.

Mr. Mancinelli said that the engineers are handling all of that and right now he is not submitting an engineering plan, but a site plan. They are not going to build a pond to go into another. The reason that the retention pond in Lyon Trail I went up was because it rained a lot that year. The water level went up naturally and over the course of time if it went back down.

Mr. Barber said that there will be more meetings on this and they will have it posted in the paper.

Jeff Parko 59843 Mulberry Circle lot 80 – Right now he has 6 inches of water on the back of his property and if they raise the grade through the development it is going to push all that water back into his lot. When Park Wood developed, they were required to put a 20 foot buffer around the property line. He wants to know how they are going to prevent the water from the two ponds from coming onto his lot and flooding him out.

Mr. Barber said that the ordinance says that no water can leave Mr. Mancinelli's property. That is the purpose of the retention pond.

Mr. Parko said that there is an existing pond there already. "Have you in the past required developers to put a 20-foot buffer around the property? There is a 20-foot easement between the actual property line of the development and my property line." Ms. James commented that there is a generous amount of space between his property and the development. She told him to count his blessing. Mr. Dome pointed out that there is space between his property and the development. There seems to be over 50 feet.

Mr. Parko said that he is concerned that they are using his buffer zone as their buffer zone.

Ms. James said that they cannot ask for more.

Mr. Barber said that now it is in the records that he has 6 inches of water and there cannot be any more.

Terry Ward 59589 Fox Point - He is concerned about another water flow that goes through his property to the property that is being developed. He wants to know what will happen to that water. There is a lot of water that moves

through. Ms. Williams said, “according to the draining plan the area behind you is going to drain into the one-acre pond of 8 mile.” Mr. Ward asked how it was going to get there. It is a long way off of 8 mile.

Mr. Soper said no one knows that yet. “Once we approve the plan the engineer has to come in and tell them how to build it.”

Mr. Ward confirmed that everything would be looked at and he should not worry about flooding. Ms. James said that is what we have engineers for.

Mr. Barber suggested that Mr. Ward show the Planning Commission where the water is so they know and it goes on record.

Mr. Ward said he dug the creek so it would not flood into his backyard. It moves on to the other property. It is at Fox Point and he lives on the cul-de-sac on the end.

Mr. Doozan commented that with all the concerns expressed here, he would recommend that the township engineers look at it before it goes to the board.

Ms. James called for a motion that “we recommend approval of this site plan subject to the four conditions set forth on Mr. Doozan’s letter dated November 23rd with the following additions. E: the developer will revise the plans to build a retention pond along 8 Mile Road to a more natural shape. F: the developer will replace the Norway, Maple, and Bradford Pear with a more appropriate species. G: the developer will submit a revised landscape plan to better secrete the 8 Mile Landscape plan and or purchase larger trees to satisfy the tree replacement plan on site if practical. The revised tree replacement plan can be approved administratively by the township planner. H: the township engineers will review the grating and drainage plan and issue a written report before this site plan is brought to the township board for final action. I: evaluate any existing tree hazard that may presently exist and correct any unsafe situations. Mr. Soper supported the motion.

Voice votes:

Ayes: all

Nays: None

Motion approved.

Public hearing closed at 8:10 P.M.

New Business:

2. Meeting for December 27, 2005 Canceled.

Mr. Soper motioned “to cancel the meeting because time between Christmas and the New Year is a time for family.”

Mr. Dome supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

3. Schedule public hearing for Ap-05-53 Allor Rezoning, a proposal to rezone 1.9 acres at the northeast corner of W.K. Smith Drive and Grand River Avenue from B-3 General Business District to I-1 Light Industrial District. Suggested public hearing date: January 16, 2006.

Mr. Soper made the motion “to schedule a public hearing for AP-05-53 for the second Monday meeting in January.”

Mr. Hicks supported the motion.

Voice Votes:

Ayes: all

Nays: none
Motion approved.

4. Schedule public hearing for AP-05-54 Pinehurst Planned Development Amendment, a proposal to change conservation/historic easement responsibilities as currently specified in the PD Agreement. Suggested public hearing date: December 12, 2005.

The board discussed the issue that the meeting was written in the paper before the Planning Commission knew about it.

Mr. Soper asked if there were many items on the agenda for that day and asked if adding this would be an issue.

Mr. Soper made the motion "to schedule a public hearing for AP-05-54 the Pinehurst Planned development for December 12, 2005." Mr. Hamilton supported the motion.

Voice vote:

Ayes: all
Nays: none
Motion approved.

5. Schedule a public hearing for AP-05-47, Pulte Land Development, to consider an amendment to Pinehurst Planned Development plan to allow the relocation of lots #1 and #2 in order to construct a pool, clubhouse, tot lot and parking area. Suggested public hearing date: January 16, 2006.

Mr. Soper made the motion "To schedule the public hearing for AP-05-47, Pulte Development for the second Monday meeting in January." Mr. Hicks supported the meeting. Mr. Soper revised his motion "For AP-05-47 for the first meeting in January" Mr. Hicks supported.

Voice vote:

Ayes: all
Nays: none
Motion approved.

6. Ms. James made the motion "To table AP-05-48 Quadrants to December 12, 2005." Mr. Soper supported the motion. Ms. James also commented that this is the tree inventory. There are 1,100 trees on this lot and according to this "tree inventory" 85% of the trees are dead or junk trees but as we know there is a validity issue and I was going to ask to table it anyways until we get the real inventory. I am bringing that up to so that maybe Mr. Doozan can bring it up to them.

Voice vote:

Ayes: all
Nays: none
Motion approved.

7. Ms. James made the motion " to table AP-05-45 to a date to be set by the planner." Mr. Hicks supported the motion.

Voice votes:

Ayes: all
Nays: none
Motion approved.

8. Ms. James motioned "that we table AP-04-39 New Hudson Plaza to a date to be set by the planner." Mr. Hamilton supported the motion.

Vote voice:

Ayes: all
Nays: none
Motion approved.

- 9.** AP-05-50, Hornbrook Estates Master Deed, bylaws and condominium plan (exhibit B). Proposal to amend the condominium documents as a result of the previously approved amendment to the Hornbrook Estates Planned Development.

Ms. Aniol reviewed the comments indicated in McKenna Associates, Inc. letter dated November 23, 2005.

Ms. James asked that “A sentence be added to paragraph 23, which appears on page 9 so that it says no off site sale signs may be posted. Every developer that has appeared before us has had that added.”

Ms. Aniol said she did not see a problem with that.

Mr. Soper made a motion “that we recommend approval to the township board on AP-05-50 Hornbrook Estates amendment to master deed and also include the item that Ms. James brought up.” Ms. Williams supported the motion.

Voice vote:

Ayes: all
Nays: none
Motion approved.

- 10.** AP-05-51 Collis Equipment Site Plan. A proposal to reuse an existing building at the northeast corner of Grand River Avenue and Old Plank Road.

Mr. Doozan reviewed the comments indicated in McKenna Associates, Inc letter dated November 21, 2005.

Jim Montgomery One Towne Square, Suite 1200, Southfield – He was there because Mr. Collis was not able to come because of flight delays. He is very excited to be here and excited about the opportunity. A lot of time and effort has gone into this. With the demise of manufacturing state wide, countywide and in Lyon Township this is usually a trend that you wont see. Collis Equipment is looking forward to being apart of the town and community. They are not asking for tax incentives or other handouts. They will make an investment in the building and the community. This property has been on the market for three years. He says that Collis Equipment is ready to step up. This would be an expansion of there are sites in Texas and Kansas City.

Mr. Dome asked what they did. Mr. Montgomery answered that they manufacture rears of truck to accommodate cranes and other equipment.

Mr. Barber asked if there would be any toxins or anything on site. Mr. Montgomery answered that there would be welding gas on site and they would change to a gated area.

Mr. Dome asked how many employers they would have and what their hours were. Mr. Montgomery answered 8 – 5 Monday through Friday. They would have about 30 employees.

Mr. Barber asked if there would be any fumes. Mr. Montgomery answered no.

Mr. Hamilton asked how many trucks would be on site at one time. Mr. Montgomery replied about 10 trucks. Mr. Hamilton asked how long it would take to get a truck off site. Mr. Montgomery was not sure, but guessed 3 weeks. Mr. Hamilton asked how big the trucks were. Mr. Montgomery said about 30 feet long.

Ms. James reviewed the activity report and said that it seemed like a clean operation.

Mr. Barber reminded them that during the summer they had to keep all windows closed. Mr. Montgomery said that the building is air-conditioned.

Ms. James suggested that they cut them a break with the sidewalk.

Mr. Dome asked Mr. Doozan why this does not have to go to the ZBA. Mr. Doozan answered that it is in use right now.

Mr. Dome asked who their neighbors were and they said Tyco Titanium and Phoenix Trailer. He also asked if the carcasses were brought in on a truck or driven in. Mr. Montgomery said that they put three or four together.

Dorothy Carlson member of Wixom Associates they are the owner of the building. Since purchasing the building they have had a difficult time finding a buyer. It is a large building and there are not many people who have a need for the building. The current tenants and Collis will be sharing the building for a short time.

Mr. Hicks asked about the bike trail.

Mr. Soper said that he agreed with Ms. James and he never sees any bikes going down Old Plank Road.

Ms. James asked what their frontage is on Old Plank. Mr. Montgomery said 1,000 feet. Ms. James commented that that is \$20,000. She explained that there is an ordinance in the township that requires that everybody who lives on a public road to put in a 10-foot asphalt bicycle path in their front yard of property. When people are not willing to build the bike path they are required to make a contribution of \$20 per linier foot. A lot of developers chose to make the \$20 contribution because it is cheaper than building the bike path.

Mr. Montgomery said that is a big number and he would ask them to take into consideration what Old Plank Road is. The road is a horrible dirt road. He cannot imagine someone riding a bike or walking along the side of the road.

Ms. James asked if there are any trees in this easement. Mr. Montgomery said that there were many trees and no residential properties to the south of the freeway. Across Old Plank is the Blue Cross Property.

Ms. Williams commented that they “are trying to make a bike network and there are residential properties on the other side of 96 as well as Lyon Oaks.”

Mr. Dome asked, “Since the building already exists, does this even apply to it?”

Ms. Carlson said that \$20,000 dollars could make or break the deal and she cannot afford to keep the building. She does not see Mr. Collis putting \$20,000 into a bike path when he could put it into the building.

Mr. Soper said that he would rather see a taxpayer in there.

Mr. Soper made “the motion to approve AP-05-51 with the condition that we will not be approving a sign at this time and that no bike path is required along Old Plank Road and a cement sidewalk in the front is sufficient.” Mr. Hicks supported the motion.

Voice vote:

Ayes: Barber, Dome, Hicks, James, Soper, and Williams

Nays: Hamilton

Motion approved.

General Discussion: None

Adjournment:

Mr. Barber adjourned the meeting at 8:59 P.M.

Respectfully submitted,

Catherine Culver

Catherine Culver, Recording Secretary