

**CHARTER TOWNSHIP OF LYON  
PLANNING COMMISSION  
MEETING MINUTES  
March 10, 2003**

Approved as submitted April 28, 2003.

DATE: March 10, 2003  
TIME: 7:00 PM  
PLACE: 58000 Grand River

Call to Order: Secretary James called the meeting to order at 7:03 pm.

Roll Call: Present: Michael Barber, Vice Chair (arrived @ 7:20)  
Laura James, Secretary  
Ray Bisio, Trustee  
Richard Crook  
Ted Soper  
Laura Williams

Absent: Brent Hemker, Chairman

Also Present: Dave Gillam, Assistant Township Attorney  
Chris Doozan, Township Planner  
Matt Wetli, Township Planner  
Tracy Balint, Township Engineer

Guests: 9

**1. APPROVAL OF AGENDA**

The following was added to the agenda under New Business:  
- Giffels-Webster Presentation

Mr. Bisio made a motion to approve the agenda as modified. Mr. Soper supported the motion.

Voice Vote: Ayes: All  
Nays: None  
Absent: Hemker

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA:  
- February 10, 2003 Regular Meeting Minutes**

Mr. Soper made a motion to approve the February 10, 2003 meeting minutes as written.  
Mr. Crook supported the motion.

Voice Vote: Ayes: All  
Nays: None  
Absent: Hemker

Motion approved unanimously.

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

**4. PUBLIC HEARINGS: NONE**

5. **OLD BUSINESS:**

**Giffels-Webster Presentation**

Tracy Balint stated that they have provided the Board and the Planning Commission with a draft of the Storm Water Master Plan. She stated that they would like input from the Board and the Planning Commission. Once they have received comments they will compile the comments and then schedule a presentation to the Board and the Planning Commission. It should be sometime in the next couple of weeks.

**AP-01-32, Windridge Planned Development, R&J Development** (tabled until this meeting; no new information)

Mr. Doozan stated that he has not received any new information and recommended that this be tabled for another sixty days.

Mr. Crook made a motion to table AP-01-32, Windridge Planned Development, up to 60 days. Ms. Williams supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None  
                              Absent: Hemker

Motion approved unanimously.

**AP-01-02, New Hudson BP Gas Station and Convenience Store**, site plan review, intersection of Grand River Avenue and New Hudson Road

The owner of the BP station stated that they are still waiting for the information from the lighting company. He asked that the Planning Commission give him another thirty days.

Ms. James stated that there was conversation at a past meeting with regard to a roundabout in that area and the abandonment of the dirt road. She stated that the gentleman indicated that he would be interested in putting off the remodeling of the gas station until this issue has been resolved. Mr. Bisio noted that this issue might be months or years away. The owner of the BP station stated that it might be better for him to wait rather than do all the renovations only to have to take some of them out because of the road.

There was brief discussion with regard to where they are in the process of this. Mr. Doozan stated that this is nothing that will happen this year, it will probably be a couple of years before a roundabout would be constructed.

Mr. Crook questioned if they were to give the applicant sixty days, would the applicant be ready to come back and either move forward or take it completely off the agenda. The owner of the BP station responded that this would be okay.

Ms. James questioned if the abandonment of the dirt road absolutely tied to the roundabout or can it be pursued separately. Mr. Doozan stated that there are a couple houses north of the gas station that use this road. He stated that there would have to be some way to provide access to these houses.

Mr. Doozan stated that with regard to the lighting issue, he is sort of mystified. He stated that every month they have plans come in with the photometrics included. The owner of the BP station stated that he talked with the contractor who has told him that this is what they are waiting for. He agreed that it doesn't make sense to be taking so long.

Mr. Crook made a motion to table AP-01-02, New Hudson BP Gas Station and Convenience Store, for up to 60 days per the applicant's request. Mr. Soper supported the motion.

Voice Vote:           Ayes: All

Nays: None  
Absent: Hemker

Motion approved unanimously.

**AP-03-01, Lord Corporation**, site plan review, industrial building, 28655 Automation Boulevard, Grand River and Napier Roads.

Mr. Wetli reviewed the comments indicated in the March 6, 2003 McKenna Associates, Inc. letter. He stated that their recommendation would be approval subject to the conditions cited in the review letter.

Andy Kivari, Quadrants, stated that with regard to the recorded easements, the paperwork has been given to the County for recordation. As of today, they have not received the official liber and page back. He stated that with regard to the parking issue, the owner has submitted a letter voicing their desires for 75 parking spots. He stated that as of this afternoon, this is still the desire. If the Planning Commission does not want this many parking spaces, then this will be a problem with the owner.

Mr. Bisio stated that they reduced 2,700 square feet of asphalt. Mr. Kivari stated that in the southwest portion of the site there is an area that they looked at to see if some of the pavement that wasn't needed for truck turns could be reduced. The Commissioners concurred that they appreciated the decrease in pavement.

Mr. Doozan stated that with regard to the parking issue, he asked Mr. Kivari to explain why they needed that many parking spots. Ms. James stated that the reasons for the additional parking is outlined in the letter from Lord Corporation.

Mr. Barber stated that he is concerned with the wetlands in the top right corner.

Mr. Kivari noted that with respect to the dumpster, it has been moved closer to the building. It will be located ten feet away from the building.

Ms. James stated that with regard to the wetland issue that Mr. Barber brought up, the improvements are set back less than 50'. She stated that the loading area still encroaches on the wetland area, it is only 30' away. The landscaping also appears to encroach on the wetland setback. She stated that the Wetland Ordinance states a 25' natural vegetative barrier, but she did not feel that anything should be planted within the wetland setback. She stated that she takes issue with both the loading area and the landscaping encroaching into the 50'.

Mr. Kivari questioned if the Wetland Ordinance is in effect. Ms. James responded that it has been passed by the Township Board. Mr. Doozan noted that this is part of the Zoning Ordinance. It is a setback requirement in the Zoning Ordinance. Ms. James asked Mr. Gillam if the Wetlands Ordinance passed by the Township Board apply to this site plan. Mr. Gillam responded that it does.

Mr. Kivari stated that he would hope that there could be some workability since they are sort of caught between stages. He stated that if there is a buffer there that they can work with and still allow the project to go forward, then they are certainly willing to work with the Township.

Ms. James stated that she would like to see the corner of the loading area cut off. She stated that the Ordinance was just passed and she would hate to see them start making exceptions already. There was further discussion with regard the corner of pavement in the loading area that encroaches into the wetland. It was agreed upon by Quadrants that the corner of pavement would be cut off in the loading area.

Mr. Crook questioned the utilities. Mr. Kivari responded that the utilities are shown on the plan. What isn't shown are the private utilities, Edison and Consumers. He stated that the utility companies will pick where they are going. He stated that they do show something on the drawing indicating where they would like the utilities placed, but ultimately it is the decision of the utility

company.

Mr. Crook stated that personally with the agreement to cut off the extra concrete and the removal of the 2,700 square feet of pavement, he does not have a problem with the parking spaces.

Mr. Barber made a motion to approve the site plan for AP-03-01, Lord Corporation, subject to conditions 1, 2 and 4 indicated in the March 6, 2003 McKenna Associates, Inc. letter and that the changes to the corner in the rear of the building to comply with wetland ordinance setbacks. Mr. Soper supported the motion.

Ms. James asked Mr. Barber to amend his motion to include that they move the plants and shrubs planned within the wetland setback to an area that does not encroach on the wetland setback. Mr. Barber agreed to the amendment to his motion. Mr. Soper supported the amendment to the motion.

Voice Vote:           Ayes: All  
                              Nays: None  
                              Absent: Hemker

Motion approved.

**6. NEW BUSINESS:**

**AP-01-10, Precision Vinyl**, Request for extension of approved site plan.

Mr. Wetli stated that Precision Vinyl Corporation, which was approved around this time last year, would like to request an extension of their site plan approval. He stated that the applicant has not yet begun construction. He stated that there were three conditions of approval when site plan approval was granted, which would still be in effect. He stated that they would recommend the approval of the extension.

Wayne Shores, Engineer, stated that the main reason for the hold up is the sanitary sewer that is proposed to begin construction in March of this year. He stated the site is not what Oakland County considers perkable, therefore, they are requiring an engineered field. The owner decided to hold off on construction until this year.

Ms. James noted that the plans they have shows a septic field. Mr. Shores stated that it is a temporary septic field that would only be used until sanitary sewer was installed. The Township Engineer would not approve this.

Mr. Shores noted that they have not made any changes to the plans. He stated that they tabled the plans until the owner contacted them to indicate that he was ready to proceed.

Mr. Doozan stated that another condition of approval should be removal of the temporary septic field from the plans. He stated that the plans should show the permanent connection to the sewer.

Mr. Crook made a motion to approve a 12 month extension for AP-01-10, Precision Vinyl, subject to Mr. Doozan's comments with regard to removal of the temporary septic field. Mr. Barber supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None  
                              Absent: Hemker

Motion approved unanimously.

**Report by Erwin Committee**

Mr. Doozan stated that he did submit an memorandum summarizing the February 25, 2003 meeting held by the Sub-committee. He stated that he also attached a copy of the minutes from this meeting. He stated that on the minutes he underlined some of the key comments that were made. He reviewed the comments indicated in his memorandum dated March 10, 2003.

Mr. Doozan reviewed the dates that they have scheduled for the next meetings and what issues will be discussed.

Mr. Bisio questioned if Wednesday, April 30, 2003, would be a special meeting with the whole Planning Commission. Mr. Doozan responded that this is correct. He noted that the cost for the special meetings will be covered by the applicant.

There was brief discussion as to what was talked about at the Sub-committee meeting. The other Commissioners indicated that they are comfortable with the process and the Sub-committee handling the meetings and then reporting back to them.

### **Discussion on Policy Regarding Site Plan Review for Proposed Industrial Developments**

Mr. Doozan reviewed a the policy regarding site plan review which is indicated in the February 26, 2003 McKenna Associates, Inc. letter. He noted that Mr. Olson suggested that they add Superintendent and Building Official as people to assist the Township Planner in making these contacts because they also have contacts in some of the other communities as well. He stated that he felt that this makes a lot of sense.

Mr. Doozan asked Mr. Gillam the following: "Say they made a contact and found out that a particular industry is not been a particularly good neighbor and has a history of violations and so forth, can they use this information to turn down a site plan?" Mr. Gillam responded that they are talking about a policy as opposed to something that is included within the Zoning Ordinance. He stated that he didn't know if it would be a basis to necessarily turn down an application. It might be a basis to put additional conditions upon an application. If the conditions were not met, then there would be a basis to either deny or possibly revoke approval.

Mr. Bisio briefly discussed the Continental situation. He noted that history tells a lot about it. There was discussion about Lord Corporation and what they do. Mr. Bisio stated that they could probably still set up a tour of Lord's Novi facility. He suggested that they look into the background of Lord Corporation.

Mr. Doozan stated that the Planning Commission should adopt this policy. He noted that he will add the changes discussed. Mr. Bisio questioned how they would get feedback on this. There was discussion as to who would be asking the questions. Mr. Bisio stated that he would feel better if the questions came from the Planning Commission. Mr. Doozan stated that they already require an Industrial Activity Statement, which collects a lot of information. He noted that they did collect this information from Lord Corporation.

Mr. Crook stated that he would feel comfortable if they received a written report from McKenna Associates regardless of who did the research on it. He stated that otherwise they may be putting in a policy that the Planning Commission may not ever reap the benefits from. He stated that this way it would guarantee the Planning Commission a brief written report.

Mr. Soper questioned if it is possible to research residential developers as well. Mr. Doozan responded that in this case, this information is available on the State's web site for licensing. There was brief discussion with regard to this.

John Hicks, 29393 Tonester Circle, stated that he believes that the Planning Commission has a lot of power to control things. Even tonight final site plan approval was given tonight with conditions. This has always been the case. He questioned why the Planning Commission should be in as big a hurry as the developer. He stated that in time he felt that the developers would get the message that if they don't have it right, then they don't get approval. He stated that when things are done administratively, they generally never come back before the Planning Commission. He stated that too often site plans, people get certificate of occupancy and they have not lived up to what they are supposed to do. He felt that this has been a long standing

problem.

Mr. Doozan stated that he would add the comments and then come back with a revised policy.

Mr. Barber made a motion to table the policy regarding site plan review for proposed industrial developments. Mr. Crook supported the motion.

Voice Vote:	Ayes: All
	Nays: None
	Absent: Hemker

Motion approved unanimously.

**7. DISCUSSION AND COMMUNICATIONS: NONE**

**8. ADJOURNMENT:**

Ms. James adjourned the meeting at 8:14 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery  
Recording Secretary