

**CHARTER TOWNSHIP OF LYON  
PLANNING COMMISSION  
MEETING MINUTES  
July 14, 2003**

Approved as corrected August 11, 2003.

DATE: July 14, 2003  
TIME: 7:00 PM  
PLACE: 58000 Grand River

Call to Order: Chairman Hemker called the meeting to order at 7:00 pm.

Roll Call: Present: Brent Hemker, Chairman  
Laura James, Secretary  
Ray Bisio, Trustee  
Richard Crook  
Ted Soper  
Laura Williams

Absent: Michael Barber, Vice Chair

Also Present: Dave Gillam, Assistant Township Attorney  
Chris Doozan, Township Planner  
Megan Masson-Minock, Planner  
Chris Olson, Township Superintendent

Guests: 42

**1. APPROVAL OF AGENDA**

Mr. Soper made a motion to approve the agenda as written. Mr. Crook supported the motion.

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

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA:  
- June 9, 2003**

Ms. Williams made a motion to approve the June 9, 2003 Planning Commission meeting minutes as submitted. Mr. Crook supported the motion.

Voice Vote: Ayes: All

Nays: None  
Absent: Barber

Motion approved.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS:

AP-03-14, Community Business Rezoning proposal, Hartford Equities, southwest corner of Napier Road and Ten Mile Road.

Mr. Doozan reviewed the comments indicated in the April 28, 2003 McKenna Associates, Inc. letter regarding this issue.

Sandy Green, Hartford Equities, gave a brief introduction of the commercial development they are proposing for the corner of Ten Mile and Napier Roads. He explained why he believed that this location is a better location for a commercial node than the Ten Mile and Johns Road location.

Chuck Fossee, Architect, gave a brief presentation of the commercial development.

Mr. Hemker opened the public hearing at 7:32 PM.

John Hicks, 29393 Tonester Circle, discussed the traffic that is existing on Ten Mile Road. He stated that Ten Mile Road cannot handle the amount of traffic that it already has and felt that it would be irresponsible to rezone this to commercial. He felt that the best way to preserve the rural atmosphere is not to rezone this commercial.

Ed DeGeorgio, 23071 Napier Road, also discussed the traffic issue. He stated that he does not feel that this property should be rezoned to commercial.

Barbara Broadly, 5483 Greenlefe, stated that she does not agree that they need commercial at all on Ten Mile Road.

Darcy Hollon, 24300 Martindale Road, stated that there is sufficient commercial land available in downtown New Hudson. She felt that when commercial development occurs outside of the downtown area it acts as a magnet. She noted that they are working very hard to build up the downtown area. She stated that they should stick to the current zoning and recommend denial of this proposal. She questioned what type of sanitary system would be used at this development.

Andrew Much, 24541 Hampton Court, Novi, expressed the objections of the City of Novi Planning Commission to this proposal. He briefly discussed some of the comments indicated in a letter

received from the City of Novi dated July 7, 2003.

Tom and Tricia Sayles, 23920 Napier Road, discussed the traffic on Napier Road. He noted that Napier Road cannot handle the current traffic now. They were also concerned with the amount of lighting that this development would generate. They requested that the Planning Commission deny the request to rezone this property.

Mr. Hemker closed the public hearing at 7:41 PM.

Mr. Hemker asked Mr. Green to explain the type of sanitary system that would be used.

Mr. Green

responded that they are proposing to use the municipal system.

Mr. Hemker noted that they have received letters from Eileen Foley and the City of Novi expressing their objections to this rezoning.

Ms. James made a motion to recommend denial to the Township Board of the rezoning request for the following reasons:

1. It is incompatible to the surrounding uses, which is residential.
2. It is inconsistent with the Zoning Ordinance.
3. It is inconsistent with the Master Plan, which clearly states no strip malls.
4. It would be a poor precedent to make an exception for a strip mall without substantial justification.
5. It would add to the very serious traffic problems that they already have on Ten Mile.
6. The City of Novi has formally issued an opinion against this. The Novi Planning Commission has requested that this be denied. The City of Novi has denied commercial in this area before.
7. The residents are clearly opposed to this.
8. The vacant retail land, developed and undeveloped, in the Township and the City of South Lyon raise serious concerns.
9. It would change the character in the immediate area from rural to urban.
10. Twenty acres seems to be much more than what is needed for convenience commercial.

Mr. Crook supported the motion.

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

Motion approved unanimously.

### **Amendments dealing with performance guarantees**

Mr. Doozan reviewed the proposed amendments to the Zoning Ordinance dealing with performance guarantees.

Mr. Hemker opened the public hearing at 7:47 PM. There were no public comments. He

then

closed the public hearing at 7:48 PM.

Ms. Williams made a motion to recommend approval of the proposed amendments to the Zoning Ordinance dealing with performance guarantees. Mr. Soper supported the motion.

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

Motion approved unanimously.

**5. OLD BUSINESS:**

**Planned Development Amendments**

Mr. Doozan reviewed the comments indicated in the June 25, 2003 McKenna Associates, Inc. letter regarding this issue.

Ms. Williams discussed some issues in the Planned Development Agreement that she has some concerns with, specifically when an amendment to the Township's Future Land Use Map is necessary.

Mr. Soper made a motion to schedule a public hearing for the proposed Planned Development Amendments for September 15, 2003. Ms. James supported the motion.

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

Motion approved unanimously.

**AP-00-32, Woodwind Planned Development (Bob Harris and South Lyon Schools, co-applicants),**

north side of Ten Mile Road, west of Johns Road, final PD review.

Mr. Doozan stated that he does not have anything new on this issue.

Ray Cusineau, South Hill Construction, stated that they do not have anything ready at this time.

He stated that they are going to resubmit the package to Mr. Doozan tomorrow. There was discussion as to when this issue could be on the agenda again. Mr. Doozan stated that it would

probably be on the agenda for the September 11, 2003 meeting. Mr. Cusineau stated that they would be willing to pay for a special meeting, if the Planning Commission agreed.

There was brief discussion as to when a special meeting could be held. Ms. Masson-Minock noted that later on the agenda is two requests for special meetings and maybe these could be all incorporated into one.

Mr. Soper made a motion to table AP-00-32, Woodwind Planned Development, for up to 60 days. Ms. Williams supported the motion.

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

Motion approved unanimously.

**AP-03-02, Lyon Oaks Industrial Center**, site plan review, Lyon Oaks Drive, Industrial building, Grand River west of Napier Road.

Ms. Masson-Minock reviewed the comments indicated in the July 1, 2003 McKenna Associates, Inc. letter regarding this issue.

Martin Daniels, owner/applicant, stated that they did address the architectural issues and did use the recommendation of the Planning Commission for the front elevation.

Scott Morrison, Architect, briefly summarized the changes that they have made with regard to the landscaping and the front façade of the building. He displayed a color rendering of the building.

There was discussion with regard to issues with the other buildings in this development.

Ms. James discussed the bike path issue. Mr. Morrison stated that they intend to continue the 5' concrete sidewalk and contribute to the bike path fund.

Mr. Soper made a motion to approve the site plan for AP-03-02, Lyon Oaks Industrial Center, subject to the applicant constructing the bike path or contribute to the bike path fund as noted by the Township Planner. Mr. Crook supported the motion.

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

Motion approved unanimously.

**AP-02-23, Sunoco Gas Station and Convenience Store**, Lyon Towne Center, review of architecture per condition of site plan approval.

Mr. Hemker stated that a letter was received from the applicant requesting that this issue be tabled for an additional thirty days.

Ms. James made a motion to table AP-02-23, Sunoco Gas Station and Convenience Store, be tabled for up to 30 days. Mr. Crook supported the motion.

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

Motion approved unanimously.

**6. NEW BUSINESS:**

**AP-03-22, Jerry Tyrell Commercial Development**, site plan review, commercial building Grand River and Milford Road.

Ms. James questioned if it would be considered a conflict of interest if Jerry Tyrell re-wired her house. She noted that she did pay for the work done. It was determined that there would not be a conflict of interest.

Ms. Masson-Minock reviewed the comments indicated in the July 8, 2003 McKenna Associates, Inc. letter regarding this issue.

Jerry Tyrell, 29841 Tyrell Lane, stated that with regard to the clean-up of the lot, they do have a dumpster there.

Hugh Tyrell, 58221 Pontiac Trail, briefly discussed the five recommendations indicated in the McKenna review letter. He stated that with regard to number 4, the materials in question have

been removed from the lot. With regard to number 1, they have revised the shared parking agreement with Cheaney's, which he submitted to the Planner. With regard to number 2, they have ordered the shields for the wall mounted lights and will install them as soon as they receive them. With regard to number 5, he submitted a copy of the property tax bill to the Township Attorney as proof of ownership.

Hugh Tyrell stated that they are asking the Planning Commission to waive the requirement of the bushes along the side as well as the ornamental tree at this time. He noted that the site is not very big. There was discussion with regard to the landscaping that is required. Ms. Masson-Minock stated that the Planning Commission does have the power to waive some requirements, if they feel that what the applicant does have is in the spirit of the ordinance.

After further discussion with regard to the landscaping, it was determined that the applicant can decrease the amount of required landscaping.

Mr. Olson questioned how many employees will be employed at the Dental Lab. Hugh Tyrell responded that they will be starting off with three employees. When the business grows, there is a possibility of maybe one or two more employees.

Mr. Crook made a motion to approve the site plan for AP-03-22, Dental Lab, provided the recommendations outlined in the July 8, 2003 McKenna Associates, Inc. letter are met with the one note on number 3, that a revised landscaping plan indicating lesser trees and shrubs be submitted for administrative review. Mr. Soper supported the motion.

Mr. Gillam noted that with regard to the proof of ownership condition, the information submitted this evening is sufficient.

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

Motion approved unanimously.

**AP-03-23, Standard Federal Bank**, site plan review, commercial building, Lyon Towne

Center Drive and Milford Road.

Mr. Doozan reviewed the comments indicated in the July 8, 2003 McKenna Associates, Inc. letter regarding this issue.

Michael Boggio, Architect, gave a brief presentation of the proposed project. He explained the features of the building and the types of materials that will be used.

There was discussion with regard to the number of drive through windows that are proposed. The architect noted that there are actually four drive up windows and the fifth one is the ATM.

Mr. Crook made a motion to approve the site plan for AP-03-23, Standard Federal Bank, provided the recommendations in the July 8, 2003 McKenna Associates, Inc. letter are met. Mr. Soper supported the motion.

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

Motion approved unanimously.

The Planning Commission took a five minute break.

**AP-03-27, Pinehurst Planned Development**, Ten Mile and Martindale Road, Conceptual Review.

Mr. Doozan reviewed the comments indicated in the July 14, 2003 McKenna Associates, Inc. letter.

Steve Schaefer, Pinehurst Development Company, introduced the Consultants that are present and will be available to answer any questions that may come up. He gave a brief introduction of the project. He noted that he spent some time with the residents on Douglas Drive discussing what they are proposing. He stated that he felt that the discussions went very well and that he left the discussions with a positive feeling.

Mr. Schaefer briefly discussed the types of houses that they propose to build. He felt that this development will attract new families and empty nesters.

Ms. James questioned what the route is for getting sewers to this area. Mr. Schaefer responded that currently there is an existing manhole at the end of the Carriage Club Development. He stated that it is their goal to extend the sewers from this area.

Ms. James stated that for clarification, this development would not extend the sewer or water to any of the neighbors. Mr. Schaefer stated that this is not exactly true. He stated that there is a SAD pending to extend the water and sewer across Ten Mile Road. Ms. James stated that the residents along Ten Mile Road oppose this. Mr. Olson stated that the project is being re-designed. Using a map, he explained how it will be extended. Ms. James stated that for the purpose of this, none of the neighbors are going to be getting sewers. Mr. Schaefer responded that none of the people who are in the SAD will, but the people on Douglas Drive will have the availability, if their septic fields should fail. He explained that they will extend easements for the utility lines to the property lines of the residents on Douglas Drive.

Ms. James stated that the reason she questioned this is because the Planner's letter states that there will be no negative impact to the surrounding properties. She noted that it also states that there may be a positive impact because of the extension of the sewer lines. Mr. Schaefer stated that they could research further to see if there are other properties on the other side of Douglas and there could be a possibility to obtain an easement. He noted that he would be happy to do this in the future so that everybody is covered.

Ms. Williams questioned if the developer is paying for the extension of the water and sewer to this development. Mr. Schaefer responded that this is correct. He stated that they would not be charging any tap in fees or pay back to any of the residents that they extend to. He stated that it would be at their option to connect. The lines would be at their property line. Mr. Olson stated that there would be the standard tap fee for the Township. There was further discussion with regard to the route that the sewers would take when extended. Ms. James questioned why there is an annexation issue, if there is water and sewer at the property line.

Bruce Michael gave a brief presentation of the proposed planned development. He displayed several charts which displayed the layout of the development as well as where the natural features and open space are located. He explained the amenities that they are proposing, (pocket park, swimming pool and clubhouse, children's play area).

Mr. Hemker stated that they have not yet seen the traffic report. He questioned the level of service at Ten Mile and Martindale Road. Mr. Labadie, Traffic Engineer, responded that the Road Commission plans to install a traffic signal at this intersection next year. He briefly went over some of the improvements that may be necessary.

Mr. Soper questioned the price and size of the proposed homes. Mr. Schaefer responded that the prices would be in the \$200,000 range and the sizes would range from 1,800 to 2,500 square feet.

Ms. James stated that she is not going to bother with comments even though she could go on and on. She pointed out as part of the attachments with the planned development application there is a Firm Resume. She stated that on the last page of this resume it indicates future developments, one being 150 acres at Ten Mile Road and Martindale Road in Lyon Township. It also indicates that there will be approximately 290 home sites, it is in the preliminary plan stage and that they will begin in the Spring of 2004.

Ms. James stated that she feels that this means the following:

1. The applicant originally planned to develop within the current zoning.
2. If construction is not supposed to begin until next year, then why is the Planning Commission being asked to rush this through?

She stated that the bottom line for her is that 402 houses is a gift that they weren't even expecting at the preliminary site layout stage.

Mr. Schaefer stated that the resume does need to be updated. He noted that eight or nine months ago this is the date that they were targeting. It was put together basically for financial institutions.

He noted that when they realized that it would be difficult to get utilities to the site they did have substantial discussions with the City of South Lyon.

Mr. Soper questioned why there is such a rush on this. Mr. Schaefer responded that there is the

pending election and they would like to get this settled before that date. He stated that he believed that this really transpired because of the pending annexation.

Mr. Olson stated that for clarification, the City was the one who set the annexation election date.

He stated that the Township still has not received adequate information from the County Clerk's office as to language, notices, etc., even though this accelerated schedule was put into play.

Mr. Bisio questioned if the City accelerated the schedule. Mr. Olson responded that it is his understanding that under the Statute such elections are normally set for the next regularly scheduled general election, which would have been in November of this year. He further explained how this election was accelerated.

Darcy Hollon, 24300 Martindale Road, questioned the length of the bike path that is being proposed, is it going to be just in front of this development or is it going to link to the Rails to Trails?

Mr. Doozan responded that is going to be just in front of the subdivision. She discussed the wetlands

that the developer has indicated that they are going to fill in. She questioned how this development will impact the horse farm and the residents in Carriage Club. She questioned if they

would still be allowed to have their animals. Mr. Olson responded that they would.

Ms. Hollon noted that the developer did a traffic count last week, which was a holiday week and

there were a lot of people out of town. She discussed the traffic on Martindale Road. She also

discussed the development as it relates to the Master Plan.

After further discussion, there was no formal action taken by the Planning Commission on this issue this evening.

### **Lyon Towne Center, Planned Development Amendments**

Mr. Doozan reviewed the comments indicated in the July 8, 2003 McKenna Associates, Inc. letter regarding this issue.

Tony Antone, Kojaian, stated that originally there was two buildings and now there are three. He

stated that this has changed because the users they have been talking to did not need that big

of a building. He stated that this is extremely similar to the conceptual plan that was approved in

May, 2002. He stated that their marketing plan has changed over 100 times.

Mr. Antone stated that they would like to not have to come back each time to amend the plan if they move a line slightly. He stated that they would like to only amend if the use is different than what the PD calls for.

Norman Hyman, Attorney, stated that everybody agrees that everything that is done here has to be approved. This is not the issue. The issue is that does everything that is done require an amendment to the plan. He stated that Mr. Doozan felt that because there were curb cuts added that an amendment should be done to the plan.

Mr. Hyman discussed the marketing plans that Mr. Antone uses. He felt that these plans should not be a springboard for amendments. He stated that the point is that the Planning Commission still maintains control.

Mr. Olson stated that it is really at what point discretion ends. Mr. Antone read a couple points of the planned development agreement. He briefly discussed these points.

Ms. Masson-Minock stated that the question is, at what point are these changes, which are inevitable in a long term development like this, impact the harmony of the PD. She noted that one of the main concerns is the addition of lots.

Mr. Hyman stated that they are not asking the Commission to vote on the latest marketing plan.

After further discussion, there was no formal action taken on this agenda issue.

**AP-03-13, Flagstar Bank**, review of architecture per condition of site plan approval commercial building, Lyon Crossing, Milford Road, south of Interstate 96.

Mr. Doozan reviewed the comments indicated in the July 14, 2003 McKenna Associates, Inc. letter regarding this issue.

Shiloh Winiarski, Atwell Hicks, displayed two color renderings. She explained the differences between the renderings.

There was discussion about the renderings. The Commissioners concurred that they preferred the coloring of photo number two.

Mr. Crook made a motion to approve drawing number 2 and the revised layout for AP-03-13, Flagstar Bank. Mr. Soper supported the motion.

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

Motion approved unanimously.

**AP-03-28, T-Mobile**, Cellular Device Location on Existing Utility Pole, 25060 Milford Road, Special Land Use, call for public hearing.

Mr. Soper made a motion to schedule a public hearing for the special land use for AP-03-28, T-Mobile, for August 11, 2003. Mr. Bisio supported the motion.

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

Motion approved unanimously.

**Request for a Special Meeting by the Aspen Group for review of revised PD concept plan**

Mr. Hemker stated that they have received a request from the Aspen Group for a special meeting to review the revised conceptual plan. He noted that they have also received a letter from Beztak requesting a special meeting for the Arbors of Lyon.

There was discussion as to what would be the best date to have a special meeting. It was determined that Thursday, August 7, 2003 at 7:00 PM would be the first available date for this meeting.

**7. DISCUSSION AND COMMUNICATIONS: NONE**

**8. ADJOURNMENT:**

Mr. Hemker adjourned the meeting at 11:04 PM.

Respectfully Submitted,

# Deby Cothery

Deby Cothery  
Recording Secretary