

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
August 11, 2003**

Approved as corrected September 15, 2003.

DATE: August 11, 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
Michael Barber, Vice Chair
Ray Bisio, Trustee
Richard Crook
Ted Soper
Laura Williams

Absent: Laura James, Secretary

Also Present: Dave Gillam, Assistant Township Attorney
Chris Doozan, Township Planner
Megan Masson-Minock, Planner
Chris Olson, Township Superintendent
Loren Crandell, Township Engineer
Les Cash, Fire Chief

Guests: 15

1. APPROVAL OF AGENDA

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

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

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA:
- July 14, 2003**

Ms. Williams noted a typographical error on page 5, line 237 for the Recording Secretary to correct.

Mr. Soper made a motion to approve the July 14, 2003 Planning Commission meeting minutes as corrected. Mr. Barber supported the motion.

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

Motion approved unanimously.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS:

AP-03-28, T-Mobile Location on Existing Utility Tower, Special Land Use and Site Plan

Review, Ten Mile Road and Milford Road.

Ms. Masson-Minock reviewed the comments in the August 11, 2003 McKenna Associates, Inc. letter regarding the site plan review. She also reviewed the comments indicated in the August 8, 2003 McKenna Associates, Inc. letter regarding the special land use.

Mike Schira, NSI Construction & Development, Inc., displayed propagation maps indicating the gap in coverage that this site will serve. He explained that when T-Mobile looks for a site, they begin by looking for existing tall structures. He noted that there is already a cell tower across the street from this site, but there is no more room on the tower for co-locating.

Mr. Schira stated that the equipment box that T-Mobile uses is approximately 64" tall and 60" wide. He stated that it is not usually visible once the screening is in place. He addressed some of the concerns that were cited in the review letters. He noted that they will be happy to remove the barb wire from their site plan.

There was discussion with regard to what would happen to this if T-Mobile ever stopped using the tower. It was noted that when a cell tower is constructed there is language inserted into the agreement for removal of the tower if it is ever abandoned.

Mr. Bisio questioned the average coverage of the tower is. Mr. Schira responded that it is a radius of approximately three miles. He stated that it does vary when there are taller sites.

Mr. Olson questioned the type of structure that would be on top of the tower. Mr. Schira responded that it would be what is called a "top hat mounted platform". The coaxial coil would be run down

the towers leg to the shelter.

Mr. Hemker opened the public hearing at 7:18 PM.

Jim Breechfield, 56770 McKenzi Lane, stated that there are three towers along the area, he questioned which tower is being discussed. He stated that he is concerned with the visibility of the site. After brief discussion, it was determined that the site is the first tower east of Milford Road.

Mr. Schira stated that there would be approximately eight feet added to the tower, two feet for the platform and six feet for the antenna.

Mr. Hemker closed the public hearing at 7:23 PM.

Mr. Crook made a motion to table AP-03-28, T-Mobile co-location site plan for up to sixty (60) days to allow the applicant to address the comments and recommendations indicated in the McKenna Associates, Inc. letter dated August 11, 2003. Mr. Bisio supported the motion.

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

Motion approved unanimously.

Mr. Crook made a motion to table AP-03-28, T-Mobile co-location special land use for up to sixty (60) days to allow the applicant to address the comments and recommendations indicated in the McKenna Associates, Inc. letter dated August 6, 2003. Mr. Bisio supported the motion.

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

Motion approved unanimously.

5. OLD BUSINESS:

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

north side of Ten Mile Road, west of Johns Road, wetland setback discussion.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. August 6, 2003 letter regarding this issue.

Ray Cusineau, Bob Harris Group, stated that with regard to the wetland setbacks, they just found out that this issue cannot be settled with the planned development agreement. This issue has to go before the ZBA for variances to be issued. Mr. Gillam stated that this is his interpretation of the Ordinance. Mr. Cusineau stated that they are not going to challenge this. He noted that this now creates another step in the process for them.

Mr. Cusineau discussed the necessary meetings that they still need, one before the ZBA and then another before the Planning Commission. He questioned if they could receive a conditional approval this evening conditioned on receiving the variances from the ZBA. He noted that this would allow them to go to the ZBA and then directly to the Board.

Mr. Crook stated that speaking for himself, he would prefer that this issue go the ZBA and then come back before the Planning Commission with nothing on the list of open issues.

Mr. Hemker stated that he feels that there are still too many open issues to grant a conditional approval.

Mr. Cusineau stated that the wetland setbacks were approved after they had received their PD approval. There was brief discussion as to what the setbacks were before the new wetland setbacks were approved.

Mr. Cusineau stated that with regard to the issues indicated in Mr. Doozan's letter:

- Setback They are aware of these and know that they need to go to the ZBA
- Floodplain The floodplain impacts the westerly portion of the site only. He stated that what they are asking for is final PD approval as well as final site plan approval for the middle section only. The floodplain area is not in this area. He stated that the final floodplain has not yet been determined by DEQ. They expect to have this determination within the next 30 to 60 days.
- Traffic They are proposing to put money in escrow for the installation of a traffic signal, if they are required by the Oakland County Road Commission. He stated that based on their traffic study, they cannot commit to anything that is not approved by the Road Commission.
- Interior He stated that this is a moot issue that they were not aware of. These one acre plus Sidewalks lots are intended to be estate size lots. He stated that they do not feel that, from a marketing standpoint, the owners of these lots are not going to want sidewalks in their front yards.
- Landscaping He stated that Dr. Pearson is here tonight to discuss this issue.
- Entry Signs He stated that they will need a waiver from the ZBA. He stated that the

Curtis

that is

because

- Recreation
open or

Equipment
leave the

Company has proposed signs that are much larger than the 48 square feet allowed by Ordinance. He stated that these signs were designed this way of the level of landscaping that is being proposed.

He stated that they have no plans to put recreational equipment in the common spaces because of the liability. He stated that they prefer to leave the open spaces as they are and passive.

has

landscaping

Doozan noted

that this issue needs to be addressed in the planned development agreement.

two

waiting
for.

negotiated by

is that

they have resolved all their issues with DEQ with regard to this particular item.

light

school

that they

will not be providing landscaping documents to the Township.

that they

frame

of the school opening next August.

they are

able to get to the ZBA. He noted that they may need to have a special meeting of the ZBA.

Mr. Doozan stated that he believed that they would need a special meeting of the ZBA because of the publications that need to be done for a meeting.

Mr. Cusineau questioned if they could get a rejection from the Planning Commission so that they could continue onto the Board. He noted that this is not his preferred option. Mr. Hemker stated that he would rather see a special meeting held than to deny this.

There was discussion with regard to a possible date for a special meeting. Mr. Cusineau stated that he was looking at possibly meeting with the ZBA for a special meeting on August 25th and then they could be back in front of the Planning Commission on September 2nd for a special meeting. It was noted that Mr. Crook would be out of town, but everyone else would be available on September 2nd.

Mr. Barber made a motion to table AP-00-32, Woodwind Planned Development, for up to sixty (60) days to allow the applicant time to go before the ZBA and address the issues cited in the McKenna Associates, Inc. August 6, 2003 letter. Mr. Soper supported the motion.

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

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 fax was received today requesting that this issue be tabled.

Mr. Crook made a motion to table AP-02-23, Sunoco Gas Station and Convenience Store, Lyon Towne Center, for up to sixty (60) days per request of the applicant. Mr. Soper supported the motion.

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

Motion approved unanimously.

6. NEW BUSINESS:

AP-03-21, Malsia Private Road, private road review, Napier and Nine Mile Road.

Ms. Masson-Minock reviewed the comments indicated in the McKenna Associates, Inc. letter dated August 7, 2003 regarding this issue.

Tom Palushaj, owner, stated that he felt that the outstanding items are pretty minor and will be easily taken care of.

There was discussion with regard to cross easements. Ms. Masson-Minock pointed out the areas where the cross easements will be located.

There was discussion with regard to the length of the road. Ms. Masson-Minock noted that they do not have a problem with the length. She stated that there are only four splits.

Mr. Soper made a motion to recommend approval of AP-03-21, Malsia Private Road, to the Board subject to the conditions cited in the McKenna Associates, Inc. letter dated August 7, 2003. Ms. Williams supported the motion.

Voice Vote:	Ayes:	Bisio, Crook, Hemker, Soper, Williams
	Nays:	Barber
	Absent:	James

Motion approved unanimously.

AP-03-25, Tanglewood Estates – Greenelefe Subdivision, Tanglewood PD, site plan review.

The applicant was not present.

Mr. Barber made a motion to table AP-03-25, Tanglewood Estates, Greenelefe Subdivision, for up to sixty (60) days. Mr. Soper supported the motion.

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

Motion approved unanimously.

7. DISCUSSION AND COMMUNICATIONS: NONE

8. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 8:24 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary