

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

Approved as corrected December 8, 2003

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

Call to Order: Chairman Hemker called the meeting to order at 7:01 pm.

Roll Call: Present: Brent Hemker, Chairman
Michael Barber, Vice Chair
Laura James, Secretary
Ray Bisio, Trustee
Jim Hamilton
Ted Soper
Laura Williams

Also Present: Dave Gillam, Assistant Township Attorney
Chris Doozan, Township Planner
Megan Masson-Minock, Township Planner
Greg Milliken, Township Planner
Les Cash, Fire Chief

Guests: 19

1. APPROVAL OF AGENDA

Mr. Hemker added the following to the agenda:
- Appoint a Liaison to the Zoning Board of Appeals

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

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

- 2. APPROVAL OF CONSENT AGENDA**
- September 2, 2003 Meeting Minutes
 - September 29, 2003 Meeting Minutes
 - October 13, 2003 Meeting Minutes

A typographical error was noted for the Recording Secretary to correct on the October 13, 2003 meeting minutes.

Mr. Soper made a motion to approve the September 2, and September 29, 2003 minutes as submitted and the October 13, 2003 minutes as corrected. Ms. Williams supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved unanimously.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Kevin Banham, Sunoco, explained that they need to come back before the Planning Commission due to a problem with the canopy lights. He requested that the Board schedule a special meeting to discuss this issue. After brief discussion, the Commission scheduled a special meeting for Monday, November 17, 2003 at 6:30 PM.

4. PUBLIC HEARINGS

AP-03-31, BMB Ventures, L.L.C. Rezoning request from R-0.3 to O-1 for part of 58560 Grand River, west of Milford Road, adjacent to west side of Township Hall property.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 17, 2003 regarding this issue.

Bob Langan, one of the principals of BMB Ventures, stated that Mr. Doozan did a wonderful job of presenting this and that he is present to answer any questions the Commissioners might have.

Mr. Soper noted that a 25,000 square foot office building could be built. He questioned if the applicant had any idea as to what is going to go into this building yet. Mr. Langan responded that their site plan is very conceptual at this time. The building that they are proposing is 12,400 square feet. He stated that he did not feel that the building would be any larger than this.

Mr. Soper questioned that if this gets approved, what is the time frame for beginning construction on this site. Mr. Langan responded that they would like to schedule construction as soon as possible, which would probably be a year from now.

Ms. James questioned the number of REU's that this building will require. Mr. Langan responded that he does not know. Mr. Doozan stated that it would probably be comparable to residential, possibly 5 REU's.

Mr. Hemker opened the public hearing at 7:21 PM. There were no public comments. He then closed the public hearing at 7:21 PM.

Ms. James made a motion to recommend approval of the rezoning request for AP-03-31, BMB Ventures, LLC, for the following reasons:

1. The proximity of the landfill and the traffic on Grand River with regard to traffic make residential development less feasible at this location.
2. The very small parcel size makes the Future Land Use Map designation proposed use unlikely since there is only 1-1/2 acres.
3. This use is consistent with surrounding land uses to the north, east and south.
4. Buffering and good site design can properly screen a small office development from the adjacent residential to the west.
5. There is demonstrated need for land zoned for this use in the Township.
6. Grand River can accommodate the increase in traffic that an office use would cause.
7. It would not do violence to the spirit or intent of the Master Plan.
8. There was no public objection to this.

Mr. Soper supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved unanimously.

AP-03-20, New Hudson Plaza, Special Land Use proposal to construct a car wash, automobile filling, oil change facility, and retail facility on the west side of Milford Road, north of Grand River Avenue; automobile filling and oil changes uses special uses in the B-2 Zoning District.

Mr. Milliken reviewed the comments indicated in the November 3, 2003 McKenna Associates, Inc. letter regarding the site plan. Ms. Masson-Minock reviewed the comments indicated in the November 3, 2003 McKenna Associates, Inc. letter regarding the special land use.

Representing New Hudson Plaza this evening were:

- Joe Galvin
- Frank Pellerito, Owner
- Clif Sieber, Engineer
- Brian Wiggins, Architect

Mr. Galvin gave a presentation of the proposed development. He also gave comments on the issues identified in the Planner's letters. He stated that they do understand that the Township wishes to have a traffic impact study done, and that they will comply with this and supply it to the Township. He felt that the comments in the letters are negative in their purport. He stated that they

will also provide the information regarding the storage and removal of oil at the oil change facility.

Mr. Galvin displayed a color rendering of the proposed structures.

During his presentation, Mr. Galvin felt that the first question that is being asked of the Planning Commission is whether or not a car wash is an incidental, customary subordinate use to a filling station. He stated that on a common sense basis that it is absolutely the case that a car wash is an incidental use. He stated that they are economically related and are customarily found together in society on the same parcel. He stated that each of the particular criteria for an automobile filling station has been met. He felt that this development meets all of the Ordinance requirements.

Mr. Galvin briefly discussed the surrounding planned development and stated that this proposal is not as intense as the planned development. He discussed access to the site. He noted that the agency with jurisdiction has issued permits for two curb cuts out onto Milford Road.

Mr. Galvin stated that the standards for special use charts indicated in the McKenna Associates, Inc. letters state that they are in compliance. He stated that it is appropriate for this Commission to

focus on the issue whether or not the car wash use is incidental to the automobile filling station, bearing in mind that the Township's Ordinance assumes that it is by saying that the car wash equipment has to be inside the building. He stated that this would seem to him to indicate that the

Township has made the decision already that it is incidental. He stated that they are less intense than the development directly across the street on a comparable use, slightly different but pretty close. He stated that these are things that the Commission should look at. The Commission should

also look at the curb cuts which the agency with jurisdiction has already approved.

Mr. Galvin briefly discussed the retention/detention ponds for this site.

Mr. Galvin stated that they are willing to do the following:

- provide a detailed traffic impact study;
- provide the information regarding the handling of the oils on the site;
- prevail on Mr. Pellerito to work with the Township with regard to a sign similar to the "Northville Township" sign, which was displayed earlier.

Mr. Galvin stated that he knows that it would be inappropriate to ask the Commission to approve the special use permit tonight. He stated that he would like to ask the Commission first to make a finding that this use is incidental to a gasoline filling station. Second, listen to the arguments that he has made and go back through the McKenna

letter with regard to the special use permit and look at the specific criteria.

Mr. Galvin stated that their landscaping and architecture meets and exceeds the Ordinance requirements. He stated that this is an appropriate, economical use of this land within the Township's Ordinance requirements. On this basis, he stated that the Commission needs

to
determine that the use is incidental.

Mr. Hemker opened the public hearing at 8:07 PM.

Tony Antone, Milford Road West Development Associates, LLC, stated that they reserve the right in the future to talk about the intensity of the site and the uses. He stated that an issue that was not in Mr. Galvin's homework is the fact that Lyon Center Drive is a private road today. A curb cut on Lyon Center Drive is not acceptable to the owners of Lyon Center Drive. He stated that they have spent a lot of money on this road and the intention is to one day make it a public road. It is designed to be a public road. He stated that he really has no intentions of allowing a curb cut unless they are compensated for that share of the road, especially since this is competition for them.

Ms. James stated that it would seem to be fundamentally safer to have this exit onto Lyon Center Road. Mr. Antone stated that he doesn't have any doubt about this. He stated that if the owner wants to compensate them with a pro-rata share, he will not be unreasonable. He stated that they would do this because it would probably be in the best interest of everybody, but he is not willing to just hand it over.

Mr. Antone stated that he has never been approached about this. He stated that he believes that the land owner just assumed that they would have access to Lyon Center Road. He noted that this is a bad assumption. He stated that it would be a very poor business decision for him if they allowed the land owner to just access the road.

Mr. Hemker closed the public hearing at 8:12 PM.

Mr. Soper questioned if there is something in the Ordinance that talks about the percentage of cement/blacktop over an area. Ms. Masson-Minock responded that there is not a limitation on impervious surface. She noted that some other communities have, what is called, impervious surface coverage, which would limit the amount of impervious surface. She stated that the Township has building coverage limitations.

There was brief discussion with regard to what is surrounding this property. Mr. Antone stated that

he is not objecting to this use, he is just objecting to the use of their private road. Mr. Gillam stated

that as owners of the private road, Kojaian cannot be forced to give a curb cut to this developer.

The private road ordinance does not address access for a commercial development. He stated

that they may need to look at the planned development agreement to see if there is anything indicated in there.

Ms. Masson-Minock discussed a conversation that she had with the Road Commission for Oakland

County with regard to the curb cuts.

Mr. Soper stated that with all the development that is going on across the street, he questioned if

the applicant feels that they will be able to lease their retail space. Mr. Galvin responded that the

applicant does feel that he can lease the space, but he does not know who the tenants will be at

this time. He stated that between now and the next meeting, he will try and find out who the

possible tenants will be.

Mr. Galvin stated that for the record, they had been told that this is a private road that will be

dedicated. He stated that they believed it to be the case. He stated that he understands what

Mr. Antone is saying and why he is saying it.

Mr. Hemker stated that at this point, he did not believe that they could move forward because

they don't know if this is going to be the plan.

Mr. Galvin stated that as he understood where they are procedurally tonight, they have presented

to the Commission the request for special use permit and site plan approval. He stated that the

Commission has been advised by the Planning Consultant that a required traffic study has not been

supplied. He stated that they will provide a traffic study. He stated that what they are asking is that

the Commission determine if the car wash use is incidental to the filling station. He felt that the

Commission could do this irrespective of how the ultimate site plan may look.

Mr. Bisio questioned what significance it would be if they said to put a car wash at this location. He stated that the problem is, and they are skirting around it, is the traffic. He questioned how cars would turn left and head north. Mr. Galvin responded that at this point, they have not asked the Commission to do this.

Mr. Hemker stated that the entire use is determined on traffic. He stated that the layout may change based on the traffic information. He stated that they don't know what type of traffic is going to be generated especially without having a traffic study. He stated that in his opinion it should not have been on the agenda without a traffic report.

Mr. Galvin stated that the car wash issue was one impediment of them moving forward. He stated that if he can relieve one impediment tonight, then he would like to do so.

Mr. Hemker stated that the gas station, itself, is a special land use. He stated that they don't know if they can look at the special land use with a gas station there without a traffic report. He stated that a gas station creates a lot of traffic.

Ms. Masson-Minock stated that the gas station and the oil change are special land uses. She said that Mr. Galvin is asking whether or not the car wash is an accessory incidental use to the gas station. She stated that if the Commission finds that the gas station is not an appropriate use for the site as a special land use, then the Commission would also be denying that the car wash at the same time.

After further discussion, it was determined that this issue should be tabled to allow the applicant time to provide a traffic study.

Mr. Soper made a motion to table AP-03-20, New Hudson Plaza, both the special land use and the site plan review for up to 60 days to allow the applicant time to provide a traffic study, time to get a resolution to the curb cuts on the private road and provide information regarding the oil storage and disposal. Ms. Williams supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

5. OLD BUSINESS

AP-03-09, Elkow Planned Development, 11 Mile and Milford Road, Preliminary Plan – set a date for public hearing.

Ms. Masson-Minock stated that they have received plans for this last Friday. She noted that they have looked at them and they do seem to comply with all the standards for preliminary planned development review. She stated that in her memorandum dated November 10, 2003 there are a number of inconsistencies. She noted that these are things that are appropriate to take up during a preliminary review.

Ms. Masson-Minock stated that the next available date for a public hearing would be December 8, 2003.

Mr. Soper made a motion to schedule a public hearing for the preliminary plan for AP-03-09, Elkow Planned Development, for December 8, 2003. Ms. Williams supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

6. NEW BUSINESS

AP-03-15, CVS Pharmacy, Commercial building, Pontiac Trail and Silver Lake Road, site plan review.

Mr. Hemker stated that sort of in a round about way he did some leg work for an agent who represented the owner of Velmier Companies, who is the developer of this project. He stated that he has never met the developer and does not have a conflict of interest.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 24, 2003.

Brent Barringer, RC Engineering, stated that this is pretty straight forward and is available for any questions that the Commission may have. He displayed a color rendering of the proposed CVS Pharmacy.

Mr. Barringer stated that the sign has been reduced to eliminate the digital read-out board. He stated that the sign indicated on the color rendering is the exact sign that they will be using.

Ms. James questioned the landscaping. Mr. Doozan responded that the landscaping complies with the ordinance requirements. Ms. James noted that she was really disappointed with the landscaping that is indicated. She noted that this is a very sensitive piece of property that is going to largely define the entranceway into not only Lyon Township but to the City of South Lyon as well. She stated that she felt that the landscaping was unimaginative.

Mr. Barringer stated that they have spent a great deal of time on the landscaping. There was further discussion with regard to the landscaping. Mr. Barringer stated that compared to what is there now, they believe that this is a great enhancement to this corner, in terms of landscaping.

Mr. Bisio questioned if the applicant is opposed to upgrading the landscaping. Mr. Barringer responded that he would have to leave this decision up to his client.

John Kauppila, Velmier Companies, questioned what the Commission has in mind with regard to upgrading the landscaping. Mr. Bisio stated that the proposed landscaping is just average and just meets the basic requirements. He questioned if they are opposed to upgrading. Mr. Kauppila responded that it depends on what is meant by upgrading. He noted that they have gained great strides from where they were at in the beginning with the landscaping to where they are now with the landscaping. He noted that they have to keep in mind that there is a great deal of storm water detention that is required on this site. He stated that they will using some underground detention on this site.

Mr. Kauppila stated that they do want to work with the Township. He stated that they would entertain additional landscaping, but the scope of how much more is what they would need to find out. Mr. Doozan stated that he has an idea of what the Commission is looking for and would be able to provide guidance to the applicant.

Mr. Barringer briefly discussed the retention ponds that are proposed for the site. He explained that they will also detain storm water in underground pipes. He explained how the pipes work with retaining and releasing the water.

Mr. Hemker questioned the hours of operation at this location. Mr. Kauppila responded that he is not sure for this location, but other locations are generally open from 8:00 AM to 9:00 PM. He noted that there are 24 hour stores around this area, but he did not believe that this would be a 24 hour location.

Ms. James stated that there is a 2' berm on the site, she questioned if this could be done away with and the money put into more plantings on the site. Mr. Doozan stated that the berm is probably costing the applicant very little. It would be part of their site clearing. Mr. Barringer stated that if the berm is removed this site would be flooded out because the property behind this site is higher.

Mr. Barber questioned the lighting and if it would be left on all night. Mr. Barringer responded that there will be some lights left on all night for security reasons, but most of the lights would be turned off. Ms. James questioned if the light fixtures that are proposed have a flat lens. Mr. Barringer responded that they do have a flat lens and the light bulb is recessed. Mr. Doozan stated that the Ordinance does require that the applicant identify the security lighting on the plan.

Ms. Williams questioned if the applicant is using well and septic at this site. Mr. Barringer responded that this is correct.

Mr. Soper questioned the time frame of this development. Mr. Barringer responded that assuming

that they get approval tonight they would apply for their permits and possibly begin building sometime in January.

Mr. Doozan questioned what will happen to the existing building on the site. Mr. Barringer responded that it will be demolished. Mr. Doozan questioned if it is the type of building that could be salvageable and possibly moved someplace. Mr. Barringer responded that he believed that it would be expensive to move the building, but if anyone is interested they can contact them.

Mr. Soper questioned if there is historical value in the building. Tom Erwin responded that the building was built in 1984. He noted that the building construction is metal and wood, kind of like a pole barn structure.

Mr. Soper made a motion to approve the site plan review for AP-03-15, CVS Pharmacy, with the following conditions:

1. the applicant identifies the security lighting on the site plan;
2. there is administrative discussions with the McKenna Associates, Inc. on the landscaping;
3. the conditions cited in the McKenna Associates, Inc. letter dated October 24,

2003.

Mr. Bisio supported the motion.

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

Motion approved unanimously.

AP-03-33, Discount Tire, Commercial building located on Outlot E, Lyon Town Center, conceptual site plan review.

Mr. Doozan reviewed the comments indicated in the November 5, 2003 McKenna Associates, Inc. letter regarding this issue.

Mike Dyer, Fitzgerald Henne & Associates, stated that with him tonight is Jim Galloway from Discount Tire Corporation to answer any operational questions the Commission might have. He stated that Mr. Doozan's report pretty much covers everything. He stated that their plan does not show a lot of things right now. He stated that they are here tonight mainly to find out if

the use
 is something that is going to be acceptable to the Township and if their layout will also
 work.

Mr. Dyer stated that the big issue seems to be with parking. He stated that he went back
 and
 looked at the last thirteen Discount Tire stores that have been built in Michigan and noted
 that the
 average number of parking spaces, as required by the communities, is 32. The average
 number of
 spaces that they have used is 48. He stated that Discount Tire anticipates more usage
 than what
 the average ordinance requires. He stated that in his conversation with Discount Tire
 today, they
 are willing to reduce the number of spaces, but once they get below 40 spaces, the site
 really
 won't work for them.

Mr. Hemker stated that his office is right next door to Discount Tire and that location has a
 very
 similar layout to this one. He stated that across from the bays there are about five or six
 parking
 spots and then way in the back there are maybe another 15 parking spots. This location
 does not
 have anywhere near the 40 spots that are being requested here. He stated that the
 location next
 to his work is that they have trouble with trucks flowing through the site.

Tim Galloway, Discount Tire, questioned where Mr. Hemker's office is. Mr. Hemker
 responded that it
 is at Twelve Mile Road and Orchard Lake Road. Mr. Galloway noted that this is one of the
 original
 stores. He stated that one of the constraints with parking today is the number of
 employees that
 they have. At any one time, there can be ten to fifteen employees at one store.

Mr. Soper questioned how many parking spaces are at the Novi store. He noted that
 there seems
 to be approximately 20 spaces. Mr. Galloway stated that they use the back area for
 employee
 parking and also drive customer's cars back there.

Mr. Dyer stated that the middle row of parking could probably be eliminated without too
 much
 trouble. He stated that parking spaces could be shifted to the west toward the center of
 the site.
 He stated that the building could be moved a little more toward the center of the site also.

Mr. Hemker stated that if the center row of parking is removed and the spaces on the left are moved more toward the center the green space could be widened.

Mr. Soper questioned how the trucks would be accommodated on the site. Mr. Dyer responded that trucks would pull in on the north end of the site. He stated that the used tire storage area is a room on the far north end of the building.

Mr. Bisio questioned how often do trucks deliver. Mr. Galloway responded that they receive approximately two loads of new tires per week and the old tires are picked up once per week.

Mr. Barber questioned if Discount Tire does any other type of work other than tires. Mr. Galloway responded that they only do tires and custom wheel service. Mr. Barber questioned if there is some type of sprinkler system that would put out a fire, if one should happen. Mr. Galloway responded that normally they do what is required by the specific community.

Mr. Dyer questioned if forty parking spaces would be acceptable. Mr. Doozan stated that if forty spaces is the number that Discount Tire needs, then he felt that this is reasonable. The Commission concurred with Mr. Doozan.

There was no formal action taken on this issue by the Planning Commission tonight.

Appoint a Liaison to the Zoning Board of Appeals

Mr. Hemker stated that they need to appoint a Planning Commission Liaison to the Zoning Board of Appeals. He asked for volunteers. Mr. Barber stated that he would like to remain as the liaison to the Zoning Board of Appeals.

Mr. Soper made a motion to re-appoint Mike Barber as the Planning Commission Liaison to the Zoning Board of Appeals.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved unanimously.

7. MISCELLANEOUS DISCUSSION

The Commissioners briefly discussed the possibility of limiting the time allowed for

presentations,

updating the Planning Commission by-laws and amending the Zoning Ordinance to limit impervious surface on sites. The Commissioners agreed to review the by-laws and discuss

limiting

time allowed for presentations at their second meeting in December, 2003.

8. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 9:27 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary