

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
January 12, 2004**

Approved as corrected February 9, 2004.

DATE: January 12, 2004
TIME: 7:00 PM
PLACE: 58000 Grand River

Call to Order: Chairman Hemker called the meeting to order at 7:02 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: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Megan Masson-Minock, Township Planner
Chris Olson, Township Superintendent

Guests: 100+

1. APPROVAL OF AGENDA

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

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA
- December 8, 2003 Meeting Minutes
- December 22, 2003 Meeting Minutes

Ms. James made a motion to approve the Consent Agenda consisting of the minutes from the December 8, 2003 and the December 22, 2003 meetings as submitted. Mr. Bisio supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Ray Cousineau requested a special meeting for Woodwind, Curfis Homes and AM Construction to

approve the condominium and master deed documents. The development is called Woodwind Glens Condominiums. He stated that he was told that the first available meeting would be in February. Mr. Doozan stated that he has spoken with the Chairman about using the second meeting this month for business items as well as Master Plan update discussions.

There was discussion with regard to whether or not the documents will be reviewed in time for the next meeting. Mr. Seymour stated that he did not believe that they have received the documents yet. Mr. Hemker stated that if the documents are done and complete with nothing outstanding then the Planning Commission can look at them at the next meeting otherwise it will have to wait.

James Huffman, 58560 Grand River, asked the Planning Commission if any of them had anything to do or are associated with a newsletter that he found on his mailbox. The Commissioners indicated that they had nothing to do with the newsletter.

4. PUBLIC HEARINGS:

AP-03-31, BMB Ventures, L.L.C., public hearing to consider a request to rezone from R-0.3 to O-1 for part of 58560 Grand River, west of Milford Road.

Mr. Hemker stated that it is his understanding that the required signage was not posted on the site in time for the public hearing. He stated that they will probably start the public hearing tonight and then table it until the next meeting.

Bob Langan, BMB Ventures, apologized for not installing the sign in time.

Mr. Doozan stated that they can give an overview of the project and then the public hearing can be started. The public hearing would then have to be tabled until the February meeting in order to allow enough time for the sign have been posted.

Ms. Masson-Minock briefly summarized the McKenna Associates, Inc. review letter dated October 17, 2003.

Mr. Hemker opened the public hearing at 7:21 PM. There were no public comments. He then closed the public hearing at 7:22 PM.

Mr. Barber made a motion to table AP-03-31, BMB Ventures, L.L.C., until February 9, 2004 and continue the public hearing at that time. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

AP-03-10, Copperwood Planned Development, 10 Mile and Johns Road, Public Hearing to consider Preliminary Plan.

Mr. Doozan reviewed the comments indicated in the January 7, 2004 McKenna Associates, Inc. letter regarding this issue.

Robert Carson, Attorney, 300 E. Maple, Birmingham, MI, began the presentation of the proposed development. He stated that they have a brief Power Point presentation of the project. He gave a brief introduction of the developer, Victor International. He briefly summarized the numerous awards that Victor International has won for their developments. He reviewed the Lyon Township Future Land Use map for this area and the visual and noise impacts of the FAA Tower on the

adjacent property to the west of the site.

Mr. Hemker opened the public hearing at 7:50 PM.

Greg Dobson, 54829 Grenelefe East, stated that Bay Harbor is a beautiful place. He stated that he does have some opposition to this development, primarily the commercial portion of it. He stated that 106 homes on 95 acres with a density bonus of 17% is too much. He quoted comments made regarding annexation by the City by Trustee Dan Cash in the South Lyon Herald. He noted that this has nothing to do with annexation into the City and in his opinion, density bonuses should not be given. He stated that the zoning was done for a certain rate and should be adhered to. With regard to the commercial, he read a statement that was in the Detroit News on January 7, 2004. He felt that a commercial center in this location would destroy any concept of rural nature or characteristic that currently exists and is hoped to be maintained for the future. He read a quote by Mr. Doozan from the Detroit News on January 7, 2004. He stated that in his opinion a community shopping center certainly defeats the rural characteristics of this. He felt that this type of shopping center with offices would be considered an eyesore in a rural community.

Mr. Dobson stated that he moved to a rural community and does not expect to have his shopping needs right next door. He stated that in his opinion this shopping center would do nothing but cater to Island Lake, Links of Novi and west Novi. He briefly discussed the shopping center at Ten Mile Road and Beck Road and noted that there are always vacancies in there. He stated that he did not feel that this is the type of look that Lyon Township would subscribe to.

Mr. Dobson discussed the traffic issue on Ten Mile Road, which in his opinion is a nightmare. He stated that this shopping center will add another 9,300 trips per day on Ten Mile Road, which would bring the total to 25,300 trips per day. He stated that road improvements at Ten Mile Road and Johns Road would definitely help the situation, but would not have a big affect on the traffic up and down Ten Mile Road. He stated that Lyon Township does not have any paved north/south roads that would alleviate some of the traffic along Ten Mile Road. He read a quote by Joe Shigley that was in the South Lyon Herald on January 1, 2004 with regard to traffic.

Mr. Dobson stated that as far as the Master Plan is concerned, the current Master Plan is a tool and is subject to change as times change. He stated that the approved Master Plan of September, 1999 does not take into consideration the schools that are being built at Ten Mile and Johns Roads. He stated that there should be no question as to whether or not the Master Plan needs to be refined because of the addition of the schools. He stated that prior to September, 1999 if the Planning Commission had known that the schools would be located in this area, he is sure that they would have never put a commercial node in this location.

Mr. Dobson further discussed the Master Plan, traffic and other issues and noted that he is not in favor of this development. He felt that there should be a moratorium on all development along Ten Mile Road until the following has occurred:

- a revised Master Plan is completed and approved that takes into account the schools along Ten Mile Road and the need for an appropriate location for commercial development;
- a revised Future Land Use Map is completed that takes into account the schools and the Links of Novi development.

Mr. Dobson stated that the Planning Commission and the Board of Trustees have the capability and the responsibility for what Lyon Township will become in the future. He stated that Copperwood definitely goes against what has been stated by several Township officials with regard to rural characteristics.

Lawrence Dolan, 54338 Royal Troon, stated that he travels up and down Ten Mile Road which is a multi-elevation, double lane, fairly undeveloped highway that has no north and south egress

past Wixom to Milford. He stated that there is a plan right now for putting commercial at Ten Mile Road and Milford Road. He stated that to put a commercial development at Ten Mile and Johns Road would exasperate any traffic conditions that are already there and will go with the school development. He stated that he says "No" to any commercial development at Johns Road.

Bob Percha, 23360 Spy Glass Hill, stated that he agrees that Bay Harbor is a beautiful development. He stated that the residential part of this proposed development sounds beautiful to him but the commercial portion he does not see any need for and does not feel that this is an appropriate location for it. He stated that it his understanding that there are places in the Township that are designated for commercial developments. He stated that he does not feel that Ten Mile Road is an appropriate place for commercial because it is primarily residential. He stated that the traffic is a situation and what Novi is doing will certainly affect the Township. He stated that personally he has big reservations about the commercial portion of this development. He stated that he likes the residential portion.

Todd Boer, 22866 Indianwood Drive, stated that they should be looking at smart planning. He stated that smart planning is not putting a school across from a commercial development. He felt that the commercial across the street from the High School would create a deterrent and become a place where the kids will hang out. He stated that this is not in the best interest of the community. He briefly discussed the traffic problems that this would bring. He stated that if people who live in this rural community wanted to live by stores, they would have moved to an area where there are stores.

Pat Rothermill, 22760 Indianwood, concurred with the comments made by Mr. Boer. She stated that she is very concerned about the kids from the High School crossing Ten Mile Road to hang out at the stores. She stated that her other concern is with the traffic. She noted that it is very difficult to get out onto Ten Mile Road now and extra traffic would make it worse. She stated that she hopes that the Planning Commission will not approve the commercial portion of this development.

Dan Bywallach, 23670 Spy Glass Hill Drive N., stated that he does not have anything against development because he makes his livelihood off development. He stated that he has been here a couple of times regarding this development and that he actually agrees with his neighbors and dittos almost everything that has been stated. He stated that as a resident of Lyon Township who moved from Canton almost seven years ago, he would not like to see Lyon Township turn into a Canton. He stated that in his opinion he is against the commercial portion of this development. He stated that he drives Ten Mile Road every morning and it is a disaster.

Paul Vanderhead, 23727 Point o' Woods, echoed what many of the previous speakers stated. He stated that the Master Plan was approved in 1999 but the nature of Lyon Township and the surrounding communities has drastically changed in the past four or five years. He stated that in order to maximize the most beneficial land use and preservation of the beauty of this area, he urged the Planning Commission and Township Board to take a very patient, thoughtful approach toward development. He stated that Lyon Township has so much natural beauty and they have the opportunity to make this a really beautiful place to live. He stated that it would be worse than irresponsible to let mass rapid development take place just for the sake of development. He stated that the developers did a wonderful presentation and the houses look beautiful, but he would argue that putting a commercial or office center along Ten Mile Road makes no sense considering how the Township and the surrounding areas have developed since 1999.

Tom Swiatlowski, 52485 Ten Mile Road, stated that one of his parcels borders this development. He stated that you would think that if someone is going to develop the property they would call the adjacent residents and tell them what they are planning. He noted that this has not been done. He stated that all the great things that this developer has done in other areas is

really good but there are a lot of questions that he still has with regard to this development.

Ron Dowdy, 55545 Woody Lane, stated that he is not going to say anything about commercial because it has already been stated by everyone else and he does concur with the comments made. He stated that he would like to discuss the density situation. He stated that Ten Mile Road will not handle the increased traffic. He stated that the planned development is fine, but they still need to hold down the density. He felt that the Master Plan should be followed.

Tom Hyde, 38500 Woodward, Bloomfield Hills, stated that he represents Hartford Equities who owns land east of the proposed Copperwood development. He stated that they have proposed a commercial development similar to the one that is being presented this evening. He stated that he was before the Planning Commission in July with a proposal to rezone approximately 20 acres of land on the southwest corner of Napier Road and Ten Mile Road and this proposal is currently pending before the Township Board. He stated that one of the principle objections to their proposal was the impact of traffic on Ten Mile Road. He further discussed the traffic impact and the improvements that should be made. He asked the Planning Commission to look at the two proposals side by side and not make their decision in haste.

Kevin Whalen, 59300 Ten Mile Road, stated that he moved from Northville because he heard Lyon Township gives out a lot of bonuses to developers. He stated that this is an election year and reminded the residents to vote. Mr. Hemker noted that the Planning Commission is not an elected board, they are an appointed board.

Carl Helwig, 22755 Indianwood Drive, stated that they need to slow up on the construction of new homes in Lyon Township and do something with the roads first.

Laura Weekland, 52111 Eleven Mile Road, stated that everyone is concerned about the traffic along Ten Mile Road, but she lives at Eleven Mile Road and Johns Road and there is already so much traffic going north and south that it is impacting Eleven Mile Road also. She felt that there needs to be some improvements made along Napier Road and Johns Road before they can allow any more construction along Ten Mile Road.

Mr. Hemker closed the public hearing at 8:26 PM.

5. OLD BUSINESS:

AP-03-31, BMB Ventures L.L.C., Request to rezone from R-0.3 to O-1 for part of 58560 Grand River, west of Milford Road.

Mr. Barber made a motion to table AP-03-31, BMB Ventures L.L.C., until February 9, 2004. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

AP-03-10, Copperwood Planned Development, 10 Mile and Johns Road, Call for public hearing on preliminary plan.

Mr. Barber stated that he is very concerned about the 16 acres of commercial. He stated that he is not sure how this got to be 16 acres. Mr. Carson responded that the entire commercial node that was designed was either 20 or 25 acres. He stated that there is now less than 20 acres of commercial in total because if they exclude the setbacks and the non-buildable area around the FAA Tower, there would be less than 20 acres. He stated that his understanding of the Future

Land Use Map designates approximately 20 acres of commercial. There was further discussion with regard to the deed restrictions and the amount of acreage for commercial.

Mr. Bisio stated that this first came before the Planning Commission with 20 acres proposed for commercial. It then went to the Board with 14-1/2 acres proposed for commercial and now it is back before the Planning Commission with 16 acres proposed for commercial. He asked for clarification. Mr. Doozan stated that the 16 acres also includes the office building.

Ms. Williams stated that in the Master Plan definitions it indicates that a neighborhood commercial center is designed to be three to ten acres. She stated that the proposed commercial is much larger than what is indicated in the Master Plan. Mr. Carson stated that what is a neighborhood center there are many different definitions. He stated that he is not quarrelling with the definition, but neighborhood centers are proposed to serve the neighborhood. He stated that what they are proposing, they believe, serves the neighborhood. He stated that they have reduced the size from what is on the Township's land use planning map.

Mr. Hemker stated that at conceptual review the Commissioners stated that there is too much commercial. He stated that going on planning principles, it shows that there is a need in that area for some sort of neighborhood retail, but not as large as what is being proposed. He stated that at Ten Mile and Milford Roads there is not a need, but unfortunately a prior Township Board already zoned it commercial and there is nothing that they can do now to reverse it.

Mr. Soper stated that when this came before them before he felt that the residential was too much and that the commercial needed to be cut down. He stated that he reviewed the minutes from last time and feels that the developer did not listen to their comments.

Mr. Bisio referred to page 59 of the Township Master Plan. He stated that the Master Plan states that commercial shall be located in three areas, south of the City of South Lyon, Milford Road and I-96 interchange and along Grand River. In 1999 the Board approved commercial at Ten Mile Road and Milford Road, which the Planning Commission denied. He further discussed the areas designated that are indicated in the Master Plan and the size that they should be. He felt that by approving this project it would be approving overwhelming commercialization in the Township and this is not what the residents want.

Mr. Carson stated that reading from the section referred to the community center that Mr. Bisio just talked about, ranges in square footage from 100,000 square feet to 300,000 square feet. He stated that this in no way approaches 300,000 square feet. It is slightly over 100,000 square feet. The neighborhood center is ranged from 30,000 to 100,000 square feet. He stated that he does not feel that they can create a comparable situation to what is proposed to a community center that is supposed to range up to 300,000 square feet. He stated that what the Planning Commission is showing him is that if they showed 100,000 square feet instead of 120,000 square feet that this would be approved and that they would meet the definition on page 59.

Ms. James stated that the text of the Future Land Use Map as she understands it, calls for 10 acres of future commercial land. She stated that if she is understanding what is being stated tonight is that because the red area on the map is larger than 20 acres total then that indicates the idea that they intended more. Mr. Johnson stated that they are not the generators of this. He stated that if you look at the evolution of the commercial between what it was many years ago, what it is today and where it is going in the future, it is essential that what is approved has the viability, dependability and the building support of the market place as it evolves. He stated that when they submitted their plans they did it consistent with the long term land use plan. He stated that they feel that they have made dramatic changes and have provided for open space land planning. He felt that there is enough area in a concentrated zoning that will produce and support gourmet marketing, which is something that has proven to be viable in today's market.

Ms. James stated that woodland preservation is one reason given for justifying density bonus of almost 18%. She stated that in her opinion that this is not reasonable. Woodland preservation is good and can earn a small density bonus, 3% to 5% is what she is personally thinking. She stated that to go from 90 lots to 106 lots is unreasonable for this purpose. She felt that if they want more of a density bonus above what they would receive for woodland preservation, the site plan needs to be improved more. The original site plan preserved more woodlands than what is being proposed now. She briefly discussed the environmental materials that have been provided and noted that there are only 28 acres of woodlands on the entire site, half of which are elm or ash trees that will die due to disease.

Ms. James stated that it is her understanding that the traffic impact study is not completed and there needs to be a firm answer as to whether an old country road can handle the traffic. The wetland impact does not seem to be justified and the Planner has made some recommendations as to how this can be improved. She noted that there is no MDEQ permit at this time, although it is not required at this time.

Ms. James stated that the landscaping is disappointing and there are too many sewer REU's being requested. She noted that someone in the Township will go without sewers. She stated that it is unclear as to who would maintain the trail system. She also noted that there is strong public opposition to the commercial and to the amount of density bonus.

Ms. James stated that when Victor International came to the Township they touted their financials, which were impressive. They touted their wonderful developments, which are impressive. She stated that the Planning Commission was told that they never sued a community but that they always work with the community to hammer things out and come to agreement. She stated that for the record, there is a Court Recorder here tonight and she felt that this was very interesting.

Mr. Barber stated that he is still having a problem with the amount of commercial. He felt that the amount of commercial should be reduced to ten acres.

Mr. Carson stated that whenever there is a strong turnout of residents who appear concerned with development in their neighborhood, tensions seem to rise. He stated that it is easier for elected or appointed officials to accommodate whatever concerns the residents bring. He stated that it seems to him that the Planning Commission and the Township Board are faced with an interesting issue. That issue is if there is commercial, from a planning standpoint, what is commercial that will last, commercial that will be meaningful, commercial that will contribute to the neighborhood and is it 10 acres, is it 3 acres or is it 20,000 square feet divided into four or five uses, which do not have the architectural features, setbacks, planning and the ability to accommodate a viable use over time. Or do they simply say that it should be 3 acres or 20,000 and not worry about the viability over time. He stated that with respect to traffic it is a similar concern.

Mr. Carson stated that the interesting tension that is created is that if Lyon Township does not approve developments, it will not be able to sit at the table with the same urgency and credibility with the neighbors who have approved developments and therefore will have their improvements made in their neighborhoods and not in Lyon Township. He stated that these two issues that the Planners face are difficult because they are not as apparent to the residents. The residents should be concerned with what is happening in their neighborhoods. They should take comfort with the quality of the development that is being proposed. He cited an example where the residents of Farmington Hills were concerned and the City restricted the size and the development proved non-viable.

Mr. Carson stated that they estimate the housing in this development to be in the \$400,000 to \$700,000 range. It will provide tax base, it will provide services for the existing residents as well as the new residents. It will provide tax base in order to build-out and refurbish and use the schools that are being planned. It will provide tax base to make the improvements to the infrastructure. It

will provide a viable subdivision and a viable commercial center. He stated that they are prepared to phase the development and they are prepared to put in the residential portion first. They are willing to allow a committed delay to the building of the commercial so that the Township gets the best of both worlds, which is an approved development that gives the Township a seat at the table for the studies that are coming with Oakland County and the neighboring municipalities without the building taking place first to give time to have the road improvements go forward. He stated that they are prepared to delay any improvements to the commercial to let the residential go first.

Mr. Bisio cited an example in Northville on Seven Mile Road that has been vacant for years and is an eyesore. Mr. Carson stated that this is an example of a center that missed its niche. He stated that it is in their best interest as well as the Township's that a viable use go forward. He stated that they are looking at a high end center.

Ms. James stated that the folks that own the land east of this stood up and offered to pay for the road to be widened. She questioned if Victor International would be willing to match this offer. Mr. Carson responded that he watched with interest the ambiguous presentation that was made for an area that has never been designated on the Future Land Use Map. He stated that they believe that Ten Mile Road is a County road and that the improvements are going to have to be designated by the County and not the Township. He stated that they will do whatever improvements that the County wishes as it reflects out of development. Beyond that they will be happy to work with the Township in doing two things:

1. to the extent that they have access that the Township believes it does not, they will try and make whatever audiences the Township think is important or anybody that the Township designates or any sub-committee the Township chooses
2. they will also be happy to create a liaison for the Township to the proposed multi municipal committee that is being discussed. They feel that this is a great idea and feel that Lyon Township could be well represented and to the extent that they can be of help they will participate. They will help fund the studies necessary for that and they will sit with Lyon Township at that multi municipality meeting. They will do whatever they can to help this municipality go forward with respect to Ten Mile Road.

Mr. Olson stated that on the proposed Hartford Equities rezoning, at the developer's request this has been pulled from the Board's agenda. They do not have any sort of a plan at this time just a proposed rezoning of 20 acres to commercial. He stated that there is an additional 35 acres out of the 55 acres that they have not yet seen a residential component to this. He stated that this is still pending the Board's action. He stated that there are no associated road improvements that have been put in with this request to the Board at this point.

Mr. Olson stated that with regard to the road system, which has certainly been a point of discussion, he spoke with Trustee Adams about this and has also spoke with a number of people at the Road Commission in Traffic and Safety as well as others. What appears to be going on with this is a possibility of getting the communities along Ten Mile, from Novi to South Lyon, together to discuss expansion of Ten Mile to three lanes. He stated that the questions they are going to have is number one with funding. He stated that the Federal Aid list is full and they are not taking new applications. There are roads with three times the amount of traffic and certainly more accidents on them that aren't getting funded in the County and they are not accepting anything to be added on until 2012. He stated that this is reality.

Mr. Olson stated that they are trying to put together this local community consortium and it will be a matter of not only trying to obtain funding creatively but everybody coming to the table to work with all the proposers in this area because they would just assume not see a series of acceleration and deceleration lanes, which will make Ten Mile Road appear to be a snake.

Mr. Soper stated that Ms. Williams did a great job by pulling up the minutes from the last meeting. He stated that at that time every Commissioner had a problem with the development, the size of the residential, the size of the commercial and the traffic. He stated that he does not believe that anybody has changed their mind and that they all feel the same way. He stated that at that time he did like the idea of some commercial only because it may keep some of the traffic from diving to the center of the Township. He stated that this is way too large, it will be benefiting Novi. He stated that he has not seen anything to justify a density bonus.

Mr. Carson stated that he does not want to go through the details of the plan but there are 2,000 trees that are being saved and two miles of path being developed.

Mr. Hemker stated that if the developer reviewed the minutes the Commission stated that if there is going to be any commercial given, that would be a big bonus in lieu of any true density bonus. Mr. Soper stated that when a development is allowed to cluster this is a great idea because it save open space and saves the developer money because there is less infrastructure that has to be put in.

Mr. Johnson stated that if you build 100' lots they are the largest, most expensive lots in any community. If you build 60' lots, 70' lots, 80' lots it allows you to save infrastructure but it does not allow for quality housing with side entry garages that would be of the nature that would be complimentary to the Township.

Mr. Johnson stated that they have reduced the amount of residential lots 20% and the amount of commercial 25% since they were at the Planning Commission the first time. He stated that it is unbelievably expensive to do the off-site improvements, to do the Ten Mile Road improvements, to do the sewer and water improvements on a non-economical piece of land. He noted that he has owned the property for 35 years. He stated that to do this in any way with less would not be economical. There was further discussion regarding the commercial portion.

Mr. Hemker stated that they need to keep an open mind as they are supposed to for or against taking in everybody's comments. He noted that one resident had a good point that it is pretty obvious that the reason that the commercial node was even placed in this area was because of the FAA Tower. He stated that he is the only Commissioner that was on the Planning Commission in 1999 and in 1999 they knew from the Planners that commercial, sometime in the future, would be needed in this area based on planning principles. He stated that the most obvious place to put commercial is next to the tower because nobody had control of the tower when it came in here.

Mr. Hemker stated that the scenario that he sees because their Planners are not the only ones that are going to come up with studies that show that commercial is needed here at sometime in the future but not now. One scenario that could possibly happen is that a developer comes along and goes on the northeast corner of Napier Road and puts something there just across the Township border in Novi. This could be something that is not attractive and would generate just as much if not more traffic. He stated that they, as residents, would have to deal with it and not have any control. He stated that this is not an argument for this being here or not being here, it is just something that they need to think about and keep in mind. He stated that there would be two downfalls to this, one is that the Township loses control and the second would be that the Township would lose the tax base.

Mr. Hemker stated that a commercial development is worth a lot more to the Township in tax dollars than a residential development. He stated that a commercial development would also still pay school tax even though they don't send any children there. He stated that this is another thing that they need to keep in mind.

Mr. Hemker briefly discussed the plan that they are going to be reviewing later this evening for a development at Ten Mile and Milford Roads. He stated that they cannot control what is going to go into this development. He stated that they also cannot control where the people are going to go to shop.

Mr. Hemker stated that he does still feel that there is too much commercial at this point. He stated that he does like the quality of the houses. He stated that another resident had a great idea, put a moratorium on everything along Ten Mile Road until the roads get improved. He stated that unfortunately they cannot force developers to do off-site road improvements. He stated that the County can tell them that the need to put in passing lanes and things of that nature, but they can't force them to put things anywhere else. He noted that Oakland County is not proactive, they are very, very reactive from a funding standpoint. He stated that the Planners and other officials have had meetings with Oakland County and have gone over their ten year plan and Lyon Township is not even on their radar screen. He stated that the point being is that Oakland County is not proactive, they are not going to come out and do anything to the roads before they see the need. He stated that quite frankly, every road in the Township needs help before developments can be built.

Mr. Bisio stated that in 1997 nothing was slated to be commercial on Ten Mile Road. He stated that in 1999 the Planning Commission denied commercial on Milford Road and immediately after that the Board approved it. He stated that there is another commercial node two miles past this. He felt that this is poor planning and that something is wrong, especially when the Master Plan spells out specifications of this.

Mr. Hemker stated that according to planning principles, it is not necessary to have one at Ten Mile and Milford Roads, but the Board, for some reason, went ahead and approved it.

Ms. James stated that they should kick this up to the Board to see what they will do, it should be interesting. Mr. Doozan stated that this is preliminary review and that it does not go to the Board.

Mr. Carson questioned if it would be beneficial for the Planning Commission for them to split the Planning Commission's consideration of the commercial from the residential and allow them to further study the commercial with the Planning Commission. This would allow them to move forward with the recommendation on the residential. Mr. Soper stated that he does not believe that this can be split because it is a planned development. He stated that he would not be comfortable with this.

Mr. Seymour stated that they would have to come back to the Planning Commission with an entirely revised or new planned development without the commercial. He stated that once the Planning Commission approves this with the idea that this would be split, then they are essentially saying that they are approving the commercial.

Mr. Carson stated that they were not originally together but were put together at their interpretation of the choice of the Township. He stated that they would acknowledge for the record that they have implicit or explicit approval of the commercial, it would stand on its own. He stated that they would acknowledge that if the residential is approved this evening that they have no impassive implicit or explicit approval for the commercial, they would come back and work their way through this.

Mr. Soper stated that from what he has seen there is no doubt in his mind that the developer does a good job. He stated that his biggest problem is that they gave the same comments last time and nothing has changed, there is still too much commercial.

Ms. James made a motion to deny the preliminary site plan review for AP-03-10, Copperwood Planned Development, for the following reasons:

spots on the tower. Verizon has indicated that they will locate below AT&T at the 130' level. She distributed a letter from AT&T confirming this.

Ms. Palko gave some background information regarding the AT&T brick equipment shelter. She stated that there was discussion with regard to the shelter matching the waste water building. She stated that the construction managers did this and did not contact her so that she could get in touch with the community to see if the change was okay. She stated that the shelter is constructed and on site. She stated that AT&T is willing to work with the community and match any façade that is chosen.

Ms. Masson-Minock stated that the proper procedure, if this building is going to remain in block rather than brick, would be that AT&T would have to go before the Zoning Board of Appeals. She stated that Sprint would have to also go before the Zoning Board of Appeals if they want to do something like this in lieu of brick, which is required by the ordinance. She stated that the Planning Commission does not have the power to waive the brick requirement.

Ms. Williams made a motion to approve AP-03-32, Sprint Spectrum Collocation, subject to the following conditions:

1. That the equipment shelter will be brick and will match the color of the AT&T building.
2. A letter must be submitted by AT&T clearly indicating which company is locating at which elevation on the tower.

Mr. Barber supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

AP-03-40, Shoppes at Lyon, 10 Mile and Milford Roads, Conceptual Plan Review.

Ms. Masson-Minock summarized the comments indicated in the January 7, 2004 McKenna Associates, Inc. letter regarding this issue.

Todd Wyatt, 25900 W. Eleven Mile Road, Southfield, gave a brief presentation of the proposed plan. He noted that he recently purchased the property from Quadrants. He stated that if the Commissioners want to see what this development will look like, there is an exact development in Commerce at Bogie Lake Road and Wise Road.

There was discussion with regard to the architecture of the buildings. It was noted that they did add architectural features to the development in Commerce.

Mr. Bisio questioned if they have any particular tenants in mind for this development. Mr. Wyatt responded that they have found that once they put of the sign indicating that a CVS will be coming soon and begin construction, the tenants come in droves.

Mr. Hemker stated that he likes the fact that there are just two entrances instead of four. He stated that there is a lot of asphalt on this site. Mr. Wyatt discussed the possibility of banking some of the parking for future use.

Mr. Bisio commended the developer for keeping this development at 40,000 square feet rather than making it larger.

Mr. Hemker questioned if there is any way to get the parking off Milford Road and off Ten Mile Road. Dana Rosenthal stated that CVS's corporate entity would not approve parking in the rear. He stated that they prefer to have parking at the store front.

Mr. Soper stated that one of his biggest hang-ups is the amount of pavement, there is way too much. He stated that he does not see any justification for a bank to require that much parking. Mr. Rosenthal stated that the extra parking is for overflow.

Mr. Hemker stated that he is concerned about the traffic. He questioned how close the entrances are to the intersection. There was discussion with regard to traffic flow.

There was discussion with regard to the water drainage. Mr. Wyett indicated that they will have an underground system to collect the water.

Ms James stated that they have seen developments where the buildings are brought up closer to the road and where the parking is in back. Mr. Wyett stated that this type of development is usually found in a walking community, like downtown Birmingham. Ms. James stated that she doesn't like the idea of seeing a sea of cars from the road. Mr. Doozan noted that they would not like to see the back of the building along the main road either.

Mr. Hemker stated that Ms. Masson-Minock made some real good comments that they all seem to agree with. He questioned if there is some way to lessen the amount of asphalt and possibly reconfigure the islands that would hinder cut through traffic.

There was further brief discussion with regard to the location of the buildings and parking.

Ms. Williams questioned the bike path. Mr. Wyett responded that they are planning on making a donation to the bike path fund.

Mr. Wyett asked if the Planning Commission was interested in establishing a sub-committee to explore developing the 18 acre parcel on the northeast corner of Ten Mile and Milford Roads as a mixed use PD. No member of the Planning Commission expressed an interest.

This is a conceptual review. There was no formal action taken on this issue.

Election of Officers to the Lyon Planning Commission

Mr. Barber made a motion to re-appoint Brent Hemker as the Chairman of the Planning Commission. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

Mr. Soper made a motion to re-appoint Mike Barber as Vice Chair of the Planning Commission. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

Mr. Barber made a motion to re-appoint Laura James as Secretary of the Planning Commission. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

7. MISCELLANEOUS DISCUSSION

There was brief discussion with regard to the start time of the next meeting. The Commission determined that the January 26, 2004 meeting will begin at 7:00 PM rather than at 6:00 PM.

8. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 10:34 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary