

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

Approved as submitted May 10, 2004.

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

Call to Order: Chairman Hemker called the meeting to order at 7:04 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: Matthew Quinn, Township Attorney
Megan Masson-Minock, Township Planner
Michelle Aniol, Associate Planner
Chris Olson, Township Superintendent

Guests: 20

1. APPROVAL OF AGENDA

The following was added to the end of the agenda:

- Kesto Gas Station, Eight Mile Road – consideration of a special meeting or adding to the April 14, 2004 agenda.

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

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA
- March 8, 2003 Meeting Minutes**

Mr. Hemker pointed out some typographical errors for the Recording Secretary to fix.

Mr. Barber made a motion to approve the Consent Agenda consisting of the minutes from the March 8, 2004 meeting as corrected. Ms. James supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

- 3. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** **NONE**
- 4. **PUBLIC HEARINGS:** **NONE**
- 5. **OLD BUSINESS:**

AP-01-05, Arbors at Lyon, north side of Pontiac Trail, east side of Martindale Road, Exhibit B, Condominium Plan Review.

Ms. Masson-Minock presented a recommendation for approval as indicated in the McKenna Associates, Inc. April 6, 2004 letter regarding this issue.

Mr. Quinn stated that he would be meeting with Kamran Qadeer of Beztak in the next couple days regarding maintenance of the storm water system.

Ms. James made a motion to recommend approval of AP-01-05, Arbors of Lyon, subject to approval of the condominium documents by the Township Attorney. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

- 6. **NEW BUSINESS:**

AP-03-25, Tanglewood Grenelefe West, Ten Mile Road east of Currie Road, Site Plan Review

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 7, 2004 regarding this issue.

Bob Freund, Tanglewood Development, stated that he believed that the Planner is correct that the landscaping plan needs to be updated. He noted that he has a landscape engineer working on this.

Mr. Freund stated that the only item under review comments that he has a problem with is the interior 5' sidewalks. He noted that he probably will not put them in this phase. He noted that it is his understanding that Tanglewood Golf Community is regulated by the contract that was in place in 1991, which indicates that sidewalks are not a requirement. He stated that Grenelefe East does not have sidewalks.

Mr. Olson questioned if there is a reason why there wouldn't be a 10' bicycle path along Ten Mile as opposed to a 5' sidewalk. There was brief discussion with regard to the bike path and sidewalks.

Mr. Freund stated that they are willing to comply with all the conditions indicated in the McKenna Associates, Inc. letter except the sidewalk condition.

There was discussion with regard to the road improvements needed to Chubb and Currie Roads at Ten Mile Road and what would be the responsibility of the developer.

Mr. Barber made a motion with regard to AP-03-25, Tanglewood Grenelefe West, that they

recommend approval of the preliminary plat to the Township Board subject to conditions A, B, C, E, F and G and amending condition D to indicate that the asphalt path will be repaired along sections of Ten Mile Road. The asphalt path will be constructed along Spy Glass. Mr. Hamilton supported the motion.

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

Motion approved.

Mr. Bisio made an advisory motion to the Board of Trustees to consider implementation of paving from Currie Road and Ten Mile Road to Doral. Mr. Barber supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

AP-03-33, Discount Tire, Commercial Building located on Outlot E, Lyon Town Center, Site Plan Review.

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated March 4, 2004 regarding this issue.

Mike Dyer, P.E. Fitzgerald Henne & Associates, stated that Tim Galloway, Discount Tire, is also present and that they would answer any questions the Commissioners had.

Mr. Galloway stated that Discount Tire sells tires, wheels and service the tires. They also do tire rotations.

Mr. Barber questioned what is done with the old tires. Mr. Galloway responded that they have regular pick-ups by registered state tire haulers.

Mr. Hamilton questioned the hours of operation. Mr. Galloway responded that they will be open six days a week, 8:00 AM to 6:00 PM weekdays and 8:00 AM to 5:00 PM on Saturday.

It was questioned as to where the old tires are stored until they are picked up. It was noted that they are stored in the northeast corner of the inside of the building until they are picked up.

Mr. Quinn stated that he remembers that there was correspondence as to whether or not this specific use is allowed under the PD agreement. He questioned the status of this. Ms. Aniol responded that it was determined that this was an allowable use.

Mr. Olson stated that there may be an issue with regard to open doors. Ms. Masson-Minock stated that there is nothing in the planned development ordinance that states that the doors need to be closed at all times. She stated that the Planning Commission could ask that the doors be closed as often as possible during the hours of operation in order to be in the spirit of the Lyon Towne Center Planned Development Agreement.

Mr. Galloway stated that there are certain time during the year in Michigan when they certainly do want the doors closed. He stated that traditionally the doors do remain open during good weather.

Ms. James made a motion to approve AP-03-33, Discount Tire, site plan subject to bench seating

being provided along the public sidewalk and also labeled on the plans. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

AP-04-06, Lyon Trail III, South side of Nine Mile, west of Griswold, Conceptual Plan Review

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 1, 2004 regarding this issue. She also presented three alternatives for roads.

Nick Mancinelli presented and discussed the proposed plan.

There was discussion with regard to the roads and cul-de-sacs. Mr. Hemker indicated that he would like MDEQ to comment on the north wetlands to see if they would prevent a road being built.

Ms. James noted that the Township does have a requirement of a 50' setback from the wetlands. Mr. Mancinelli stated that this would make the building envelope 50' from the wetlands. Ms. James noted that there is a wood chip path indicated in the wetland setback.

Don Mitten, 21557 Nathan Court, questioned if these will be the same houses as in Lyon Trails. Mr. Mancinelli responded that they would be. Mr. Mitten was concerned with how the construction traffic will be routed.

Abe Ayoub, 21962 Lyon Trail, discussed the flooding problems within Lyon Trail East development. He stated that if there is a flooding problem, then the developer should take care of it within a certain time frame at his cost. He asked the Township to be proactive instead of reactive with regard to the flooding issue. Mr. Hemker stated that they are very aware of the issue.

Maureen Rouse Ayoub, 21962 Lyon Trail, stated that with regard to the flooding issue one thing that they may not realize is that the main thing with the flooding is that the developer backed up the river when Lyon Trail East was built. She felt that there needs to be a very clear plan of what is going to happen in the wetland area. She stated that a small little diversion took two years to straighten out the problem.

Mile Peggy Hillard, 60165 Mary Lane, discussed her concerns with the possibility of an access to Nine Mile Road.

Mr. Mancinelli stated that the reason for the flooding in Lyon Trail East was not because of debris in the river, it was because the water table was rose almost four feet in the entire area due to excessive rains. He stated that this was documented by the Township Engineer and the Township Supervisor. He stated that he feels that the 50' wetland setback is a good idea.

This was a conceptual review, therefore, no formal action was taken.

AP-04-07, Mohawk Industries, Automation Boulevard, Unit 19, Quadrants Industrial Research Centre; Site Plan Review.

Ms. Masson-Minock reviewed the comments indicated in the McKenna Associates, Inc. letter dated March 24, 2004 regarding this issue.

Andy Kivari, Quadrants, discussed the tree replacement issue. He noted that they are actually planting more trees than what they are getting credit for. He briefly addressed some of the comments indicated in the McKenna Associates, Inc. review letter.

Mr. Hemker questioned the reason for so many parking spaces. Mr. Kivari responded that they are putting in the parking for the entire building. He stated that this is a 63,000 square foot building and there is always the possibility of an additional tenant. Mr. Olson stated that this is not what is being proposed.

Mr. Bisio stated that according to a letter by the applicant, it indicates that there will be trucks parked there for extended periods of time. Mr. Kivari stated that there will be over-the-road trucks bringing in carpeting and sometimes they will arrive before the business is open, therefore, they will have to wait. It was noted that a truck cannot be parked there for more than 72 hours. Mr. Bisio questioned how they could enforce the 72 hours. Mr. Olson responded that it would have to be done by complaints made to the Township.

There was discussion with regard to the signs for this building. Mr. Kivari stated that they have submitted a schematic view of the signs with the plans. He stated that the intent is to build the signs as indicated. He noted that it is shown larger than the ordinance allows. He stated that the schematic is on the drawings and that they tell their clients that they have to stay within the limitations of the Township ordinances.

Mr. Quinn questioned if Unit 19 and the amendment to the condominium documents were approved by the Planning Commission. Ms. Masson-Minock responded that she did not believe that this board approved it. Mr. Quinn stated that any motion should include a review to make sure that unit 19 was created. Mr. Kivari stated that he believes that it has been.

Mr. Kivari stated that he would prefer not to impose any additional costs on the owner, and asked the Planning Commission to allow them to plant as many of the 91 trees that are short as they can.

Walt Couzens, 52400 Twelve Mile Road, stated that there is already one building this development, A&M Label, that is designed with the truck wells below the water table. He stated that there is a lot of water pumped from this building into the storm sewers that go into the west detention pond on this property. He stated that this has caused enough problems that they have actually changed the drainage on the west pond so that it no longer conforms with the permit that was originally received.

Ms. James made a motion to approve the site plan for AP-04-07, Mohawk Carpet, subject to the following conditions:

1. Details and locations of barrier-free signs must be provided.
2. The landscape plan must specify underground irrigation.
3. Replacements of trees will be accomplished on site. If this cannot be accomplished, then the applicant will return to the Planning Commission with another replacement tree plan.
4. Signs will be excluded from the site plan approval.
5. Topographic, site grading and drainage information must be provided to the Township Engineer along with the construction drawings for approval.
6. Approval must be obtained from the Road Commission of Oakland County.
7. Approval must be obtained from Township Attorney with regard to the creation of Lot 19.

Mr. Barber supported the motion.

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

Motion approved.

Kesto Gas Station, Eight Mile Road.

Ms. Masson-Minock explained that a mix-up had occurred where the site plans for this case had been submitted to the Township well before the deadline for the April 12th agenda but were not forwarded to McKenna Associates for review. The situation was discovered earlier today due to a phone call from the architect for the applicant. She asked that the Planning Commission consider placing this case on the agenda for the special meeting on April 14, 2004. She noted that all the plans have been submitted to McKenna Associates, Inc. for their review. The applicant has done everything that the Planners have asked them to do.

There was brief discussion with regard to what agenda to place this issue on, April 14, 2004 or April 26, 2004. The Planning Commission concurred that they preferred that this issue be placed on the April 26, 2004 meeting agenda.

7. MISCELLANEOUS DISCUSSION NONE

8. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 9:10 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary