

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
May 10, 2004**

Approved as corrected June 14, 2004.

DATE: May 10, 2004
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: Matthew Quinn, Township Attorney
Chris Doozan, Township Planner
Megan Masson-Minock, Township Planner
Alexis Marcarello, Township Planner
Chris Olson, Township Superintendent

Guests: 48

1. APPROVAL OF AGENDA

Ms. James made a motion to adjourn the meeting at 10:00 PM. Mr. Bisio supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved.

Mr. Soper made a motion to approve the agenda with the changes noted for Monday, May 10, 2004. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA

- March 22, 2004 Meeting Minutes
- April 12, 2004 Meeting Minutes
- April 14, 2004 Special Meeting Minutes

Some typographical errors for the Recording Secretary to fix.

noted that with a rezoning the Planning Commission has no control over the site plan, but with a planned development they have more control over it. Mr. Carson responded that with the rezoning it will be subject to any future site plan approvals as required under the Township ordinances. He stated that they feel that the use and that procedure is the most efficient and effective way to develop the property. He stated that if the Township had made a legal decision and did not want to allow development only based upon zoning and only wanted to allow development based upon planned development, then they would respond to this. He

stated

that this is the most efficient and effective way that the Township will be assured that there will be residential development in this area rather than industrial.

Mr. Hemker opened the public hearing.

south

Ron Hausmann, Walbridge-Aldinger, stated that he is one of the owners of the property to the of this site. He stated that he believes that the location of the ring road is crucial to the development of his property. He stated that he does not like the idea of the ring road going through an apartment complex.

Mr. Hemker closed the public hearing.

Mr. Olson noted that it is his understanding there is an industrial client ready to apply. Mr. Carson stated that they have had industrial users as well as residential users express interest in this site. He noted that this is a rezoning request and they are very interested in a yes or no vote for the rezoning issue only. He stated that they believe that the criteria that the Township has established for this particular area is most effectively satisfied by the residential uses. He felt that if the Planning Commission tabled this, they would be delaying the use of property.

There was discussion with regard to the ring road. Mr. Bisio stated that the applicant can come in with industrial right now and is not dependent upon the location of the ring road. Mr. Carson stated that planners will tell them that they don't want industrial to creep in on the west side of the ring road. He noted that in all the plans it shows the ring road going around this property. If industrial is put inside the proposed route for the ring road and into the DDA area, then you will be diminishing the capacity of the downtown area to sustain itself.

Mr. Carson stated that they felt that this would be good for the Township, but the Planning Commission will make their own judgements.

Mr. Bisio questioned if the units would be sold. Mr. Carson responded that they will be "For Sale" condominiums. Mr. Bisio questioned the cost of the units. Mr. Carson responded that they will be possibly in the \$300,000 range.

Mr. Soper questioned when the applicant would begin the project. Mr. Carson responded that they would like to begin as soon as possible.

With regard to sewer capacity, Mr. Carson noted that they have researched this and have found out that sewer capacity is not an issue for this development. Mr. Clark stated that he has talked with Mr. Harris and with Giffels-Webster Engineers with regard to the point of tie in on Milford Road for this site. He stated that they feel comfortable and confident that there are at least three means of sewer access for this site. He briefly discussed the REU's needed for this site.

Mr. Soper stated that he is in favor of rezoning this site except for the fact that they don't know what is going to happen with the ring road. He questioned if there is a hurry to get this project done before the ring road. Mr. Clark responded that the hurry is that the timing and the market is

now. He noted that he is principally an industrial developer, this is his business. He stated that they are trying to do something good for the Township.

Mr. Olson stated that he did some basic calculations and with industrial it would require 130 REU's and the multiple would require 144 REU's. He explained how he came up with the numbers.

Mr. Soper stated that he would really like to see residential. He stated that depending upon where the ring road cuts through, it would probably change the curb cut access for this site.

Ms. James stated that she felt that this should not be rezoned but be a planned development. She stated that the Planning Commission has final say for a planned development and not the Board. She stated that the Planning Commission can spot check a planned development but not a rezoning.

Mr. Carson questioned if Ms. James wants them to be turned down for the rezoning because she wants them to go through the planned development process for residential. Ms. James responded that she would prefer to see a planned development but it is not the specific reason she would have for turning this down. She stated that this is premature, in her opinion.

Mr. Barber stated that this is not consistent with what the Planners have indicated. He stated that they don't know where the ring road is going and felt that they should wait until they do know the location of the ring road.

Mr. Carson stated that his request for tonight is that the Planning Commission take action on the rezoning request, whether it be to recommend approval or denial.

Mr. Olson stated that with the planned development process the preliminary plan is the key step because the Board does not approve this step. He stated that the Board does have the approval at the end so the planned development is actually taken care of with the final approval in that way with all the final documents. He stated that if it is rezoned and goes to a site plan, this is where the Planning Commission has the approval. He stated that the Planning Commission would not necessarily have this with the rezoning, but they would with what the property is being used for. He stated that at the site plan approval, the Commission could establish conditions, such as the second connector down to the ring road. He stated that this is where the Planning Commission would control process of approval.

Mr. Doozan stated that with respect to the ring road, he felt that the Planning Commission would have a lot of say as to where it goes as part of the Master Plan process. He noted that they have spent two meetings discussing the New Hudson area and the ring road. He stated that the Planning Commission will have the requested information with regard to density, REU's, etc. at the next meeting.

Mr. Olson noted that the Board will not see this issue until their July meeting because they need to have approved minutes from the Planning Commission.

Ms. James made a motion to recommend that the Township Board deny the rezoning request pending County approval of the DDA's ring road plan and the firm indication of the ring road location and approval of a revised Master Plan. Mr. Soper supported the motion.

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

Motion approved.

AP-03-10, Copperwood Planned Development, 10 Mile and Johns Roads, Public Hearing to consider preliminary plan.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated May 10, 2004 regarding this issue.

Robert Carson, Attorney, gave a brief presentation of the proposed plan for this development.

Ralph Nunez, Designer, displayed and explained boards indicating the layout of the proposed development.

Mr. Bisio expressed his dismay that he has not had time to review the McKenna Associates, Inc. letter before tonight's meeting because he just received it. He stated that he likes to review the information before discussing the issue. Mr. Carson briefly reviewed some of the changes. He noted that they have not increased density, they have reduced the retail by 13% and that they have reduced the parking by 35%. He stated that they have also increased the open space for both the commercial and residential areas.

Mr. Barber questioned the size of the commercial. Mr. Carson responded that the commercial is 97,000 square feet. Mr. Bisio questioned what part of the commercial has been reduced. Mr. Carson responded that the office space is gone. Mr. Bisio stated that if he had the option, he would rather have the office space in lieu of a strip mall or grocery store.

It was noted that the commercial portion would not be built right away. Mr. Bisio noted that the commercial center at Ten Mile and Beck Roads is mostly empty and that he does not want this to happen here. Mr. Carson noted that the strip at Ten Mile and Beck is an excellent example as to what the Township does not want to duplicate, because it is inadequate in size and can't generate the amount of users that will make it viable.

Mr. Bisio noted that there is a neighborhood shopping center at Ten Mile and Milford Roads. He stated that there are not enough rooftops to warrant more.

Mr. Carson stated that if the Township really does not want commercial here at all, then the Planning Commission has the option of just approving the residential.

Mr. Hemker stated that the commercial is labeled as Phase II. He questioned what the time frame would be for this. Mr. Carson responded that the residential will be done immediately. He stated that depending upon when the build out comes, the commercial could be started in a few years. He stated that the improvements to Johns Road and the entrance will be done immediately.

Ms. James noted that there has not been any engineering approval on this yet. She also noted that the Board has told them not to approve things without the proper approvals. Mr. Carson stated that engineering approval is part of final approval according to the Township ordinance.

Mr. Hemker opened the public hearing.

Cindy Gronely, 50808 Grenelefe Circle, stated that she is adamantly opposed to any commercial development in this location. She stated that the increased traffic will be an issue. She stated that she doesn't like mixing a school with commercial. She questioned if the Road Commission for Oakland County has a permanent solution to the Ten Mile Road traffic problem. She felt that a solution should be in place before any commercial is even considered. She stated that she does not have any problem with the residential portion of this development.

Al Gardy, FAA site Administrator, stated that they have thousands of tower sites across the country that are mixed in with all kinds of development. He stated that they don't have any problem with any development in this area. He noted that there are requirements that a developer must submit to the FAA in order to build in that particular area. He distributed a list of contacts with the FAA for this purpose. He also provided sample forms of the documents that must be submitted to the FAA.

Mr. Gardy stated that some potential problems would be with cordless telephones, satellite dishes, and metal fences or roofs. He stated that they would need to know in advance if any cranes will be used that might interfere with the tower. He noted that the tower height is 87'.

Mr. Barber questioned vandalism at the tower site. Mr. Gardy explained the type of security that they have at the tower site. He noted that this is an unmanned site, but somebody visits the site daily at all different hours of the day or night.

Mr. Soper questioned how many property owners would have to be notified that they need to get permission from the FAA. Mr. Gardy responded that it would only be the adjoining properties that would need permission from the FAA.

Paul Vandereid, 23727 Pointe O'Woods, stated that he does have experience with planning, but it is only in the classroom, therefore, he can only speak tonight as a resident. He stated that he does not want to live by industrial or commercial. He noted that Lyon Township is unique and beautiful and felt that they should take time to plan it out. He stated that commercial in this location is going to attract kids from the high school and felt that an ambulance center should also be located here to clean up the carnage. He briefly discussed how other communities who began like Lyon Township have developed. A lot of them have put commercial on the fringes of the community and basically centered on the residential. He felt that the Planning Commission needs to be pragmatic in the development for the Township.

Jason Wagner, Hartford Equities, stated that he is present representing the owner of property adjacent to this development. He noted that Hartford Equities did submit a letter to the Township. He briefly reviewed the information in the submitted letter. He noted that they have spent a lot of time researching the traffic issue on Ten Mile Road. He noted that the results of their research indicates that there are three problems, two of which are existing today regardless of any future development whether it be commercial or residential. He briefly discussed what these problems are and what improvements need to be done now.

Don Bywalec, 23670 Spy Glass Hill, stated that he has spoken before the Planning Commission before in opposition to this development. He stated that he has lived in the Township for seven years and that he moved from Canton. He stated that he doesn't have a problem with the residential portion of this development but does not approve of the commercial portion. He stated that he is also concerned with the increased traffic and the safety of the kids at the high school who will be frequenting this store.

Todd Moore, 22866 Indianwood, stated that he does not see many changes in this proposal from what was originally presented. He noted that no matter what changes are made, the issues still remain the same. He challenged the Commission to find a high school that has commercial located across the street from it. He noted that nobody has one, not Novi, Howell, Farmington, etc. He noted that kids will be hanging out at the store buying cigarettes and then the next thing will be that they will be selling drugs. He stated that he would never buy a \$500,000 home that is located behind a grocery store. He felt that they are doing the citizens a disservice. Nobody
wants
another grocery store.

Mr. Hamilton asked Mr. Moore if he had any comments on the residential portion. Mr. Moore

responded that he feels that the residential is great. He felt that they should have residential around schools not commercial centers.

Greg Dobson, 54829 Grenelefe Circle East, stated that he feels that Ten Mile Road from Beck Road to Milford Road should be left a rural residential setting. He noted that a commercial center at Milford Road and Ten Mile Road will serve up to 40,000 residents, so why would they need to put a larger commercial center at Ten Mile Road and Johns Road. He noted that there are several other grocery stores located within five miles of this location. He felt that by having a commercial center across from a high school is just asking for trouble.

Mr. Dobson stated that he lived across from Novi High School for sixteen years and knows what traffic is like just from the high school, it is unbearable. He stated that when you add the commercial traffic to this it will make it a lot worse. He questioned if a commercial node would have been placed at this location in 1999 if it was known that the high school was going to be at this location also.

Mr. Dobson stated that in his opinion it is wrong to put commercial in this location because it is too close to the high school. He felt that this would upset the rural character and balance that they now have along Ten Mile Road.

Mr. Hemker closed the public hearing at 9:28 PM.

Mr. Hamilton stated that he could not support the commercial portion of this development. He stated that he could support and likes Plan B, all residential.

Mr. Barber stated that the commercial has been cut back and is not sure how much longer they can delay this. He liked the residential portion of this development. He briefly discussed the road improvements that need to be done. He felt that they are kind of stuck with the commercial development.

Mr. Hemker stated that the commercial has greatly improved from prior plans with landscaping and the parking moved to the back. He noted that the developer is contributing \$300,000 to help with road improvements. He felt that they could use this money to get the County to put in matching funds for road improvements. He discussed the traffic issue and noted that planning studies indicate that some sort of commercial is needed in this area.

Mr. Soper stated that he is glad to see that this development is pushed back further off Ten Mile Road giving it a more natural look in this area. He stated that if the high school is a closed campus it should not be a big issue. He discussed the traffic issue on Ten Mile Road. He stated that the only way these roads are going to be fixed is with the help of developers because Oakland County is not going to fix them.

Ms. James stated that this is a tough decision. She stated that the bottom line is that when in doubt, follow the Master Plan. She noted that Victor International is one of the best developers in the State. She stated that the FAA tower is an eyesore. She felt that they need to put some pressure on the school district with regard to students driving to school. She felt that the school district needs to put in bike paths or some sort of pedestrian walkway for the students who walk to school.

Ms. James noted that development is coming to the Township and a lot of it is along Ten Mile Road. She felt that residents are going to need someplace to shop.

Ms. Williams stated that a grocery here does not help her. She felt that they need to look at this

as a whole proposal and not as Plan A or Plan B. She felt that they should vote on the entire project.

Mr. Bisio stated that he concurs with most of the statements that have been made tonight. He stated that in his opinion the Planning Commission made a wrong decision years ago. He stated that this doesn't mean that they need to stick with the wrong decision. He felt that they need to look out for the safety of the children. He stated that he objects to a grocery store and strip mall here and is not ready to vote for it.

Mr. Hemker stated that his office is a half mile from a high school. He noted that there is commercial located across the street from the high school. He stated that the kids come to the commercial across from his office which is a half mile away. He stated that no matter where the commercial is, the kids will find it.

Mr. Soper made a motion to approve AP-03-10, Copperwood Planned Development, subject to the following:

- \$300,000 to be put in escrow to be used for the following uses:
 - verify that utilities are brought north of the site from Ten Mile Road
 - widening along Ten Mile Road along the development frontage
 - improvements at the Ten Mile Road and Johns Road intersection
- All normal road improvements, turn lanes, acceleration and deceleration lanes are still at the cost of the developer, above the \$300,000, through the planned development regulations.
- When any of the banked parking spaces are needed, the developer must come back to the Planning Commission for approval.
- Anything else contained within the McKenna Associates, Inc. letter dated May 10, 2004.

Ms. James supported the motion.

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

Motion approved.

5. OLD BUSINESS:

AP-03-42, William Clark, Rezoning request for parcel #21-03-352-006, from I-2, General Industrial, to RM-2, Multiple family residential, located on Helene Drive, south of Grand River.

This issue was voted on after the public hearing was completed above.

AP-03-10, Copperwood Planned Development, 10 Mile and Johns Roads, Preliminary Plan Review.

This issue was voted on after the public hearing was completed above.

AP-03-41, Citizens Bank, Lyon Town Center, east of Milford Road, south of I-96, Site Plan Review (Tabled on January 26, 2004.)

Ms. Masson-Minock reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 5, 2004 regarding this issue.

The applicant was not present.

Mr. Hemker questioned if the Planners have received any response from the applicant with regard to the lights and the retaining wall. Ms. Masson-Minock responded that they have not.

Mr. Barber made a motion to table AP-03-41, Citizens Bank, Lyon Town Center, for up to sixty days. Mr. Bisio supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

AP-03-20, New Hudson Plaza, commercial buildings, west side of Milford Road, north of Grand River Avenue (Request by applicant to be tabled until June14, 2004).

It was noted that a letter was received from the applicant's Engineer requesting that this issue be tabled.

Frank Pellarito, applicant, re-iterated that they are requesting that this issue be tabled. He noted that they have changed the layout of their site and expect to submit revised plans soon.

Ms. James made a motion to table AP-03-20, New Hudson Plaza, for up to 60 days per a request from the applicant. Mr. Bisio supported the motion.

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

Motion approved.

AP-03-38, Friedlaender Planned Development, Pontiac Trail between 11 Mile Road and Silver Lake Road, Final Plan Review.

Ms. James made a motion to table AP-03-38, Friedlaender Planned Development, until the May 26, 2004 meeting. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

6. NEW BUSINESS:

Mr. Clark, Quadrants, stated that he realizes that there was a motion for a 10:00 PM cut off time this evening for this meeting. He stated that he would like the Commission to review the Quadrants, Inc. and the Express Group before adjourning this evening. He explained that his client, Express Group, is on a tight time frame and that he needs to begin construction as soon as possible.

AP-04-16, Quadrants, Inc., Request for amendments to Quadrants Industrial Research Centre Condominium.

AP-04-12, Express Group, 28320 Lake View Drive, Quadrants Industrial Research Centre, Site Plan Review.

Ms. James made a motion to table AP-04-16, Quadrants, Inc. and AP-04-12, Express Group, until the May 26, 2004 meeting. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Agenda for May 26, 2004 Special Meeting

7. MISCELLANEOUS DISCUSSION

Mr. Hemker thanked Ms. Masson-Minock for all her help and wished her well.

8. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 10:04 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary