

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
November 15, 2004**

Approved as corrected December 13, 2004.

DATE: November 15, 2004
TIME: 7:00 PM
PLACE: 58800 Grand River

Call to Order: Chairman Hemker called the meeting to order at 7:00 pm.

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

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Alexis Marcarello, Township Planner
Loren Crandell, Township Engineer

Guests: 27

1. APPROVAL OF AGENDA

Mr. Soper made a motion to approve the agenda for Monday, November 15, 2004, as written.
Ms. Williams supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA

- Regular Meeting Minutes of September 27, 2004
- Regular Meeting Minutes of October 11, 2004
- Regular Meeting Minutes of October 25, 2004

Typographical errors were noted for the Recording Secretary to fix.

Mr. Soper made a motion to approve the Consent Agenda consisting of the meeting minutes from the September 27, 2004, the October 11, 2004 and the October 25, 2004 meetings as corrected.
Ms. Williams supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

3. **PUBLIC COMMENTS ON NON-AGENDA ITEMS:** **NONE**

4. **PUBLIC HEARINGS:**

AP-04-19, RBS Amici Properties, Public hearing to consider special land use application for outdoor storage in conjunction with a contractor's yard.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 11, 2004 regarding special land use.

Mike Kozlowski, Architect, stated that with him tonight is Angelo Vitale and that they are available to answer any questions the Commissioners may have.

Ms. James questioned what the uses of the surrounding properties are. Mr. Vitale responded that across the street the land is vacant, to the north there is a landscaping yard, to the south there is a landscaping yard and behind to the west is a storage lot for cars.

Ms. James questioned what exactly will be stored on this site. Mr. Vitale responded that he will be storing his trucks and trailers. He noted that he will be putting down some stamped and colored concrete to use as a show room for architects to come in and view.

Mr. Hamilton questioned if any of there will be any repair of the trucks on this site. Mr. Vitale responded that there will not be.

Ms. James questioned what else will be stored on the site. Mr. Vitale responded that they will also have sand and gravel stored on the site.

Ms. Williams questioned how many trucks would be stored on the site. Mr. Vitale responded that currently they have three trucks, trailers and a bobcat.

There was further discussion with regard to the outside storage. Mr. Doozan noted that the applicant is limited as to what can be stored and that it has to be specified on the plan. It was noted that there can be conditions placed on any motion made, if the Commission chooses to do so.

Mr. Hemker opened the public hearing at 7:20 PM.

Iva Perry, 58740 Belair Lane, discussed the other property uses along Griswold Road as well as the truck traffic that goes up and down Griswold Road. She felt that they don't need anymore businesses like this one along Griswold Road. Mr. Hemker stated that this area is zoned heavy industrial. Ms. Perry stated that the roads will not hold up with more truck traffic going up and down.

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

Ms. James questioned if concrete trucks will be going back and forth to this site. Mr. Vitale responded that there will not be any concrete trucks accessing this site. He stated that he does not have any semi trucks. He noted that at semi truck will bring the sand in and dump it and then leave the site. He noted that he has stake trucks which are not considered heavy equipment and are standard for this type of business.

Mr. Bisio questioned the hours of operation. Mr. Vitale responded that they do work occasional

Saturdays and that they are a seasonal operation. He stated that they are generally closed during January, February and March. He stated that they generally gets to the yard about 5:30 – 6:00 AM and takes his truck out and is gone until about 5:30 – 7:00 PM. He noted that he will then do some paperwork in the office and is generally gone by 8:00 PM. He stated that they are a very quiet operation.

Mr. Soper questioned if the trucks transporting materials are covered. Mr. Vitale responded that they are in compliance with the State of Michigan laws. Mr. Soper questioned if there would be any concerns with weight limitations on the trucks. Mr. Vitale responded that there would not be.

Ms. James questioned if Mr. Vitale would object if they limited the permit to outdoor storage of commercial vehicles except for not being allowed to store semi trailers on the property. Mr. Vitale responded that he would. He stated that the whole idea for the outdoor storage is for the sand and gravel. Ms. James stated that if they limited it to sand, gravel and commercial vehicles, would there be any objection. Mr. Vitale responded that there would not be.

Mr. Kozlowski noted that the parking lot on this site is fairly limited, there are only about eleven or twelve spaces at this time. He stated that they could not store additional vehicles without paving more area, which they do not intend on doing.

Mr. Barber noted that there is almost 30 acres on this site. Mr. Vitale stated that the site is only approximately 5 acres, not 30 acres.

Ms. James asked Ms. Marcarello to explain the second condition cited in the review letter with regard to the removal of the vegetation. Ms. Marcarello responded that they do not want the vegetation removed, they only want it trimmed down so that it is not obstructing the view for ingress and egress of the site.

5. **OLD BUSINESS:**

AP-04-19, Amici Properties, 23455 Griswold Road, consider special land use application for outdoor storage in conjunction with a contractor's yard and site plan review.

Ms. Marcarello summarized the comments indicated in the McKenna Associates, Inc. letter dated October 11, 2004 regarding the site plan review.

Mr. Kozlowski indicated that they are more than happy to comply with the conditions sited by the Planner. He stated that they would like the Commission to consider allowing Mr. Vitale to install a pattern concrete bike path rather than an asphalt bike path. He noted that Mr. Vitale has the equipment and expertise to do this. This would make an excellent display area of Mr. Vitale's work. After brief discussion with regard to the bike path, it was determined that Mr. Vitale would donate to the bike path fund so that it could be installed at a later date.

Mr. Kozlowski stated that with regard to the outdoor storage, they will be happy to install an 8' fence to comply with the regulations. He noted that the sand and gravel will not be piled higher than 8' because it would make it hard to load into trucks.

Mr. Barber made a motion to recommend approval of the special land use to the Township Board for AP-04-19, Amici Properties, subject to the conditions cited in the McKenna Associates, Inc. letter dated October 11, 2004 and the outdoor storage will be limited to sand, gravel and commercial vehicles. No semi trailers shall be stored on this site. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Barber made a motion to approve the site plan for AP-04-19, Amici Properties subject to the conditions cited in the McKenna Associates, Inc. letter dated October 11, 2004, a donation being made to the bike path fund and that the proposed sign must be a minimum of 15' from the planned right-of-way in lieu of the proposed right-of-way indicated in the review letter. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Ursula Moerbe, 23350 Griswold, stated that the Township needs to keep track of all the things that they approve with regard to the beautification of these properties. She noted that some of the properties already approved and constructed look terrible. Mr. Bisio suggested that she call the Township Building Department and file a complaint with them.

AP-96-06, Carriage Club Planned Development, Phase III, South of Eleven Mile Road, east of Martindale Road, Tentative and Final Preliminary Plat Review (Tabled by PC for up to 60 days at their 9-13-04 meeting).

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated October 25, 2004 regarding this issue.

Mr. Hemker questioned if the drainage is going to increase, reduce or remain the same. Mr. Crandell responded that he has gone out and walked the site with the residents of Belladonna. He stated that there are some minor issues that he would like to get resolved which should not be a problem. He stated that this particular site does have an outlet but it is not a real clear good outlet. He stated that he feels comfortable with increasing the basin to a 100 year storm. He noted that there is already a drainage problem with the outlet. He further discussed the drainage problem and possible resolution to the problem.

Ms. James questioned that if they approve the site plan tonight, does this stay on the Engineer's desk until resolved. Mr. Crandell responded that they have to have engineering approval to continue.

Mr. Bisio asked Jack Healy, Healy Homes, if they have done any grading on the site. Mr. Healy responded that they have. He stated that they do have to apologize because they hit a gas main. He noted that the Fire Department did an excellent job. He stated that one of the graders lost his bearings and was removing dirt from an area that should have had dirt added to it.

Mr. Healy stated that with regard to the drainage issue, his engineer wrote a letter indicating that they have reduced the amount of acreage that drains into this area by approximately 20%. He stated that they have actually decreased the amount of area that will drain into the pond. It was 26.8 acres that used to drain into this pond.

Mr. Healy discussed some of the older culverts that are in the area. He stated that they made an agreement with the residents to fix the older culverts so that the water would flow better. He stated that they are more than willing to help out and be good neighbors.

Mr. Bisio asked Mr. Crandell when he is going to be comfortable with this situation. Mr. Crandell responded that he is going to meet with Mr. Healy and his engineers to discuss and resolve the

issues.

Mr. Soper stated that he is satisfied that Mr. Crandell will resolve the issues. He stated that he is sure that the Board is not going to approve this without the Engineer's approval.

Mr. Soper made a motion to recommend approval to the Township Board of AP-96-06, Carriage Club Planned Development Tentative and Final Plat Phase III, subject to the additional engineering issues raised tonight be resolved to the satisfaction of the Township Engineer. Ms. Williams supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

6 NEW BUSINESS:

AP-03-10, Copperwood Planned Development, Ten Mile Road and Johns Road, Final Plan and Condominium Documents review.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 12, 2004 regarding this issue.

Mr. Bisio questioned if the homes will have two or three car garages. Robert Carson, Attorney, responded that the homes were to have either two or three car garages, but the County came back indicating that they wanted the homes to have two car garages. He noted that they still have to work out the details. Mr. Bisio stated that with the cost of the homes the buyers will probably want to have three car garages. Mr. Carson stated that their proposal was to have either two or three car garages, depending upon the unit that is being built.

Mr. Bisio questioned if the By-laws indicate that there will be no fences. Mr. Carson responded that he believes that this is in the By-laws.

Mr. Bisio questioned if the approvals from MDEQ have been received. Mr. Carson responded that they have received one approval from MDEQ and expect the final permit soon. He noted that the work that is being done right now is completely away from the wetlands.

Mr. Crandell apologized to the applicant and to the Planning Commission for the timing of their letter. He stated that since they wrote the approval letter there has been a new request by the Drain Commission regarding the Woodwind Well supplying Copperwood with water, which he explained. There was discussion with regard to the capacity of the Woodwind Well.

Mr. Carson indicated that they would prefer not to be tabled for a month because of this issue. He stated that this issue has to be addressed at the Township Board level. He felt that one of the ways to handle this is to give a recommendation to the Township Board for approval with the understanding that the Board should address the issue. He felt that the Mr. Crandell believes that the system that has been proposed is adequate for the developments which are going to be serviced by the system.

Mr. Carson requested that they Commission vote to approve by way of a recommendation to the Township Board requesting that the Board address this issue. He stated that this would be with the understanding that the Commission's approval is based on this issue being satisfactorily being resolved before this issue can go forward. He felt that there is no reason to delay this issue for another month.

Mr. Hemker stated that this may not be an issue or it may be a worse issue within a couple weeks. Mr. Carson stated that if it is then the Township Board will have to address it. Mr. Hemker stated that the Planning Commission should not pass this onto to the Board, if this is the case.

Mr. Soper stated that assuming that they make the recommendation to the Board and the Board determines that they need to have generators put in, then it becomes a planning issue and will have to come back to the Planning Commission. He stated that in this case, they would have already approved this. He felt that they should wait until there are no planning issues and that everything has been resolved.

Mr. Bisio stated that he has concerns with this, the cost of the whole scenario, who is going to have to pay for this. He stated that he needs to know where the back-up system is going to be and how big it is going to be. He felt that maybe there should be a special meeting with the Board.

Mr. Carson stated that he does not see this is an issue that is solely related to Copperwood. He stated that this is an issue that is really an issue that will be spread across a series of developments. He stated that it is inconceivable to him that Oakland County is going to say that the Township needs storage beyond 150 units. Mr. Soper stated that it is possible. Mr. Hemker stated that there is a lot of unknown variables. Mr. Soper stated that once they approve this it is out of the Planning Commission's hands, which is something that he is not comfortable with.

Ms. James noted that it is the Planning Commission's job to make sure that everything is taken care of before it is passed onto the Township Board. She felt that by tabling this issue for a month they will be able to resolve the issues.

Mr. Soper made a motion to table AP-03-10, Copperwood Planned Development, for up to 60 days. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

Ms. James stated that she has questions with regard to the tree replacement on the property. She indicated that over 600 trees are being removed but only 100 are being replaced. She stated that she would like to have an explanation for this when the applicant comes back next month.

Mr. Hemker stated that he would like the applicant to explain why they are only doing one entrance at this time.

Mr. Bisio questioned if the restaurants proposed for the commercial portion are fast food restaurants. Mr. Carson responded that they are not.

AP-04-29, New Hudson Plaza, west side of Milford Road, north of Lyon Center Drive, Site Plan Review.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 10, 2004 regarding this issue.

Joe Galvin, on behalf of the applicant, stated that he is here with Frank Pellerito, Clif Seiber and Brian Wiggins. He stated that this proposal meets all of the Township's ordinances for site plan approval. He stated that he understands that there was discussion at the last Planning Commission meeting concerning a number of issues, and noted that each of these issues have

been dealt with. He stated that because the plan meets the ordinances, they are asking that it be approved. He stated that they are here to answer any questions that the Commission may have.

Mr. Soper questioned if there is enough room for a semi truck to pull into this site for deliveries. Mr. Seiber responded that there is more than enough room for semi trucks to enter the site. He noted that there is a 30' wide driveway. He stated that between the width of the aisles there is plenty of room for turning. Ms. Marcarello indicated that this is acceptable.

Mr. Barber stated that he does not like the access off Milford Road because it is dangerous. He stated that he would prefer to see access off the ring road. Mr. Galvin stated that they did have two permits issued by the jurisdiction agency for curb cuts out onto Milford Road. He stated that when the issue for access to the ring road was raised, Mr. Pellerito contacted the owner of the ring road. He stated that Mr. Pellerito was informed that this was a public street, but this was not the case. He stated that Mr. Pellerito was informed by Kojanian that he would have to pay \$216,668.00 for the privilege of accessing the ring road because it has not yet be dedicated as a public road. He stated that based on this, they respectfully ask that the site plan which they are presenting and meets all the Township's ordinances, be approved.

Mr. Hemker questioned if the curb cuts were obtained before New Hudson Drive was constructed. Mr. Galvin responded that they were. He noted that they were obtained after development in the area was known.

Mr. Hemker stated that even though there is a "No Left Turn" sign posted, it is not going to stop people from turning left. He noted that it happens all the time across the street from this site and there is even a triangle in the middle to force traffic to turn right. He stated that the Commission needs to make sure that this not only meets site plan review but also that the health, safety and welfare of the residents are met. He stated that this is his big concern with this site. He felt that they need to have a connection to New Hudson Drive.

Ms. James questioned if New Hudson Drive is dedicated as a public road would the applicant be willing to request a curb cut onto it. Mr. Galvin responded that they will do this. He stated that they will not consent to closing the curb cut onto Milford Road even if they did get a second ingress.

Mr. Galvin stated that he does understand that the Commission is reluctant to grant approval, but based upon the fact that the agency with jurisdiction issued two permits and the fact that they have met all the Township's requirements, this should be approved. He stated that he knows that this is disagreeable to the Commission.

Mr. Bisio questioned if the applicant can provide the Township anything in writing with regard to the issue of the two curb cuts. Mr. Galvin responded that he could get the Township a copy of the two permits, but noted that they Township already has copies of these.

Mr. Hemker stated that he still believes that this is too dangerous of a situation and that the health, safety and welfare of the residents are at stake here.

Ms. James stated that it is her understanding that the County gave the applicant a permit for a left turn out of this site. She stated that they are restricting this site so that only a right turn can be made. She felt that if it was really a safety hazard, that the County would never have issued a permit for a left turn out of this site. She stated that she completely agrees with the safety issues that have been brought up, but felt that they could not legally turn down the site plan based on the driveway issue.

Mr. Seymour stated that he has talked with Mr. Quinn about this issue. He stated that the road is in the process with the County to be made a public road, but could not indicate how long it will take. He noted that it has been worked on for approximately a year already. Mr. Doozan noted that Lyon Towne Center Drive has been in the process of becoming a public road for two years and is still not completed.

Ms. James questioned how the drainage is going to work especially since the plans show that they are draining to the highest point of the site. Mr. Seiber noted that they will be constructing retaining walls along the property line which will allow them to have the flatter slopes in the pond. Ms. James noted that originally the pond was located in the southeast corner of the site and asked Mr. Crandell if he is satisfied with the pond in the higher location. Mr. Crandell responded that the applicant is putting in a fair amount of fill in the southeast corner to raise it so that the drainage will work. There was brief discussion with regard to where the sanitary sewer would connect.

Ms. James made a motion to approve the site plan for AP-04-29, New Hudson Plaza, subject to two conditions:

1. The Milford Road driveway will include a half triangle to try to reduce the number of illegal left turns onto Milford Road.
2. Upon dedication of New Hudson Drive the owner of the New Hudson Plaza will apply for a curb cut and construct a second driveway onto New Hudson Drive within one year of the dedication to a public road.

Mr. Soper supported the motion.

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

Motion approved unanimously.

Planned Development Regulations, Reschedule public hearing to consider amendments to the Planned Development regulations (proposed: December 13, 2004)

Mr. Soper made a motion to schedule a public hearing for the Planned Development Regulations for Monday, December 13, 2004. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

AP-03-07, Aspen Group Planned Development, South of Ten Mile Road, between Milford Road and Griswold Road, schedule a public hearing to consider Preliminary Planned Development.

Mr. Soper made a motion to schedule a public hearing for AP-03-07, Aspen Group Planned Development for Monday, January 10, 2005. Ms. Williams supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

Johns Sanitation – Special Land Use Application, Schedule a public hearing to consider special land use application for outdoor storage for Johns Sanitation (Proposed: 1st regular meeting in January,

2005).

Ms. James made a motion to schedule a public hearing for Johns Sanitation – Special Land Use Application for Monday, January 10, 2005. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

Amendment to Tanglewood PD, Schedule a public hearing to consider an amendment to the approved PD for Tanglewood (Proposed for 1st meeting in January, 2005)

Mr. Soper made a motion to schedule a public hearing for an amendment to the Tanglewood PD for Monday, January 10, 2005. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

7. MISCELLANEOUS DISCUSSION

Mr. Hemker stated that this is his last Planning Commission meeting and asked the Commission to please hold down the density. He stated that this is something that he has always fought for, low density. He stated that he has enjoyed serving on the Planning Commission and told them to keep up the good work.

8. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 9:24 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary