

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
SPECIAL MEETING MINUTES
April 11, 2005**

Approved as submitted May 2, 2005.

DATE: April 11, 2005
TIME: 8:30 AM
PLACE: 58000 Grand River

1. **Call to Order:** Clerk Johnson called the meeting to order at 8:40 AM.

2. **Pledge of Allegiance**

3. **Roll Call:**

Present:	Patricia Carcone, Treasurer Pamela Johnson, Clerk Dan Cash, Trustee Brent Hemker, Trustee John Hicks, Trustee
Absent:	Lannie Young, Supervisor Troy Schilling, Trustee
Also Present:	Matthew Quinn, Township Attorney Chris Doozan, Township Planner Chris Olson, Township Superintendent
Guests:	3

Clerk Johnson requested that Mr. Hemker Chair the meeting this morning.

Mr. Hicks made a motion to allow Mr. Hemker to Chair the meeting. Ms. Carcone supported the motion.

Voice Vote:	Ayes: All Nays: None Absent: Schilling, Young
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Motion approved.

4. **APPROVAL OF THE AGENDA**

Ms. Carcone made a motion to approve the agenda as submitted. Mr. Hicks supported the motion.

Voice Vote:	Ayes: All Nays: None Absent: Schilling, Young
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Motion approved.

5. **CALL TO THE PUBLIC** **NONE**

6. **OLD BUSINESS**

a. Proposed Revision to Mill River Consent Judgement

Mr. Quinn stated that based upon the request of the Paul Burns, Attorney for LPRS, discussions were entered into regarding the possibility of donation of the Library parcel, 7-1/2 acres. He noted that he did receive a letter from Mr. Burns regarding this, which he did relay onto the Township Board. He discussed the two alternatives for this which are outlined in the April 8, 2005 letter from Mr. Burns.

Mr. Quinn stated that an area that was not discussed in the meeting is the area that is to be a child care center. He stated that the applicant is requesting that this be amended to allow for certain B-2 District uses, but not all B-2 uses. He stated that they are requesting that the used be non-retail.

Mr. Quinn stated that LPRS has designated that they will have exclusive right to construct any Township municipal building that would be built on this 7-1/2 acres, whether it be a Library or some other municipal building. He stated that LPRS would be able to build the building on a cost basis, which is cost of material plus 16%. He stated that Earl LaFave, LPRS, did some calculations and determined that the 16% would afford him the same profit as the lease of the property for the 20 years. He stated that his understanding is that the 16% would normally be around a 12% figure. He stated that the additional 4% is Mr. LaFave's request to stay neutral on this issue.

Mr. Quinn stated that if either one of the proposals are approved then the Consent Judgement would have to be amended to include the outline that he just went over. He stated that a few other things would also have to be put into the Consent Judgement, i.e., replace the number of 12 plexes, which will go down, to the number of cottages proposed and the exhibits to the Consent Judgement would change the overall layout of the plan.

Mr. Quinn stated that the change was brought about by the Mocerri Company coming in and asking for an amendment to the plan to allow this new type of use on these lots. He stated that this gave the Township the opportunity to go back to the developer and negotiate a better deal for the Township. He briefly explained what is entailed in this to make it a better deal for the Township.

Mr. Olson noted that the size of the property is 7-3/4 acres and not 7-1/2 acres. He stated that any motion should include the McKenna Associates, Inc. letter dated March 25, 2005 which analyzes this proposal and includes a table of the number of units. He questioned what the intention is for uses on this parcel. Dave Pawlawczyk responded that he does not know. He stated that Earl LaFave has indicated to him that he does have a potential Day Care user.

Ms. Carcone stated that she spoke with Mr. LaFave who indicated to her that he is working on a contract for half the four acre parcel and would like to use the other half for other uses. She stated that Mr. LaFave indicated that four acres is too much land for a day care.

of Mr. Olson read the exclusion portions of the ordinance, Section 30.02a. He briefly discussed some of the uses that would be allowed here. He stated that the thing that they need to worry about on the Day Care parcel is if there is enough space for parking because it is very tight and making sure that the landscape provisions that the Board approved under the consent judgement are maintained.

Mr. Quinn noted that there is 10,000 square feet set aside for the Day Care and the remaining 10,000 square feet is available for general office. He questioned how many parking spaces are necessary for 10,000 square feet of office. It was noted that the developer would have to follow the Zoning Ordinance requirements with regard to parking.

Mr. Pawlawczyk indicated that whatever goes into the building, there will not be a curb cut onto Milford Road, it will be accessed off Mill River Road.

Mr. Hicks questioned if the Library property will be deeded to the Township. He stated that the Township is under no obligation to ever build on this property. Mr. Pawlawczyk responded that this is correct.

Ms. Carcone questioned if they are obligated to put something on this property. Mr. Pawlawczyk responded "No, the property is a gift to the Township".

There was discussion with regard to the size of building that could be put on the property, if the Township decided to build something on the property.

Ms. Carcone questioned if the Library parcel will be split off and have its own ID#. Mr. Quinn responded that it will. She noted that it will be the Township's responsibility for maintaining the parcel.

Mr. Cash stated that if they change this, what is to say that the developer decides to change the Day Care building into offices. Mr. Quinn responded that it has both the uses. He stated that the Board can limit the amount of space that could be used for the other B-2 uses in any motion that is made.

Mr. Hemker stated that he does not want to see the Day Care site split and end up with two buildings and less green space.

There was further discussion with regard to the landscaping and parking issues.

Mr. Quinn questioned if the cottages are called anything else. Mr. Pawlawczyk responded that they can be considered small lot single family dwellings.

Mr. Hemker questioned if the Board is going to see documents with revised language before they approve this. Mr. Quinn responded that if that is what the Board would like, then certainly.

Mr. Quinn stated that the intention is to adopt proposal 2. The Board concurred.

Ms. Carcone made the following motion with the help of Mr. Quinn:

Motion to adopt Proposal 2 in the April 8, 2005 letter which would include acceptance of the donation of 7.75 acres of land to be used for a Township Library, Community Center, Senior

Housing

Center or other public community building consistent with the aforementioned uses. Paragraph 3a of the consent judgement deals with Library property without the donation would include multiple attached condominiums. He noted that the only thing that is being added to the consent judgement is the word "multiple". He stated that the Board would need to included their input on whether or not the Day Care use should be amended to allow the B-2 uses excluding 1, 2, 9, 10, 14, 15, 16 and excluding showrooms or workshops but including only those uses specified in 30.2.b 2 and 3.

There was discussion with regard to the other uses. Mr. Quinn noted that the current approved

consent judgement allows for a 10,000 square foot Day Care, a 10,000 square foot addition and a 5,000 square foot play area, which are all indicated in Exhibit I. There would be 20,000 square feet of building and 5,000 square feet of outdoor play area under the current approved plan.

Mr. Cash discussed the possible hours of the Day Care. He questioned what type of hours would the other uses be entitled to. Mr. Quinn responded that the Board can put a limitation on this.

There was discussion with regard to the amount of property need for the Day Care use. Mr. Pawlawczyk stated that they have discovered that the Day Care use does not need as much property as they had set aside for it.

Mr. Quinn noted that the Board can limit the use to the Day Care and other related private educational facilities, if they wish.

Mr. Pawlawczyk telephoned Earl LaFave to ask him if he would commit to specific uses. Mr. LaFave told Mr. Pawlawczyk that they will limit the uses to professional office with normal business hours.

Mr. Cash stated that 3, 4, 5, 11, 13 and 18 would be allowed. Mr. Quinn suggested that no special uses should be considered.

Mr. Quinn stated that LPRS or its designee would have the exclusive right to construct the Township municipal building on the donated parcel on a cost plus basis (the plus would be at the rate of 16% or less).

Mr. Hicks suggested that they reference the McKenna Associates, Inc. letter dated March 25, 2005 and the March 30, 2005 Mill River Investor letter.

Mr. Quinn stated that the motion should include that Legal Counsel be allowed to require any changes in any exhibits to comply with the aforementioned motion. He noted that there will be multiple changes in the exhibits.

Mr. Hicks supported the motion.

Roll Call Vote: Ayes: Cash, Hicks, Johnson, Carcone
 Nays: Hemker
 Absent: Schilling, Young

Motion approved.

7. ADJOURNMENT

Ms. Carcone made a motion to adjourn the meeting. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Schilling, Young

Motion approved. The meeting was adjourned at 9:30 AM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk