

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
May 23, 2005**

Approved as corrected July 25, 2005.

DATE: May 23, 2005
TIME: 7:00 PM
PLACE: 58800 Grand River

Mr. Soper stated that Mr. Barber recently had throat surgery and is not able to talk, therefore, he will be chairing the meeting this evening.

Call to Order: Vice Chair Soper called the meeting to order at 7:03 pm.

Roll Call: Present: Michael Barber, Chair
Ted Soper, Vice Chair
Laura James, Secretary
Jim Hamilton
John Hicks, Trustee

Absent: Jim Dome
Laura Williams (vacation)

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Alexis Marcarello, Township Planner
Chris Olson, Township Superintendent
Leslie Zawada, Township Engineer
Loren Crandell, Township Engineer
Jason Mayer, Giffels-Webster Engineers

Guests: 19

1. APPROVAL OF AGENDA

Mr. Doozan requested that the following issue be added to the agenda:
- Planned Development Regulations – Schedule a Public Hearing

Mr. Hamilton made a motion to approve the agenda for Monday, May 23, 2005 as modified.
Mr. Hicks supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Dome, Williams

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA:
- April 25, 2005 Meeting Minutes**

Mr. Hicks made a motion to approve the Consent Agenda consisting of the minutes from the April 25, 2005 meeting as presented. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Dome, Williams

Motion approved unanimously.

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

AP-03-40, Shoppes at Lyon, 10 Mile and Milford Roads, Site Plan Review (Item tabled up to 60 days on March 28, 2005).

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated May 23, 2005 regarding this issue.

Representing Shoppes at Lyon tonight: Todd Wyett and Dana Rosenthal

Mr. Wyett indicated that he had nothing to add since being before the Commission last month. Mr. Soper asked Mr. Wyett if they had any problems with anything indicated in the McKenna Associates, Inc. letter. Mr. Wyett responded that with regard to the letter, they intend to comply with what is being asked.

Ms. James questioned what happened at the Zoning Board of Appeals with regard to this issue. Ms. Marcarello responded that because of the way that the ZBA interpreted the ordinance, a variance was not necessary. Mr. Olson noted that in the zoning ordinance there is no definition of construction. He stated that there is a definition of development, but no definition of construction. He noted that McKenna Associates, Inc. will be looking at this and adding a definition for construction.

Mr. Hicks made a motion to approve AP-03-40, Shoppes of Lyon, subject to the conditions cited in the McKenna Associates, Inc. letter dated May 23, 2005 and Engineering approval. Mr. Hamilton supported the motion.

Voice Vote: Ayes: Soper, Barber, Hicks, Hamilton
 Nays: James
 Absent: Dome, Williams

Motion approved.

- 6. **NEW BUSINESS:**

AP-05-19, Milford Road West Development, LLC, Schedule a public hearing to consider an amendment to the Lyon Crossing Planned Development Agreement.

Mr. Doozan gave a brief explanation of this issue. There was brief discussion as to when the first available date would be for the public hearing.

Mr. Hamilton made a motion to schedule a public hearing for AP-05-19, Milford Road West

AP-05-17, Arby's At Lyon Crossing, south side of Lyon Center Drive, west side of Milford Road, Commercial Site Plan Review.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated May 18, 2005 regarding this issue.

Representing Arby's tonight: Dan LeClair, Alpine Engineering
Tony Antone, Kojaian
Mark Mitra, Owner

Mr. LeClair stated that with him tonight is Mark Mitra, who is a franchisee for several Arby's Restaurants. He stated that the proposed restaurant is within the Lyon Crossing PD. He displayed samples of the brick that they are proposing to use on the restaurant. He discussed the access into the site. He noted that they did look at several different plans, but decided that the access will be from the loop road.

There was discussion with regard to the landscape plan and the restaurant location in relation to the cemetery. Mr. LeClair noted that landscaping will be part of the overall site plan. Mr. Antone stated that this site doesn't abut the cemetery, the parcel owned by Mr. Pellerito between this site and the cemetery.

Mr. Mitra stated that he is requesting that they be allowed to have three signs on the building. He noted that the signage that he is proposing is within the requirements of the PD. He stated that the way that the restaurant is situated on the parcel, they really have three fronts. He noted that they did eliminate the neon sign that was located in the front window. There was further discussion regarding the signage proposed.

Mr. Mitra explained the fire protection system that they will have at the restaurant. He noted that he has spoken with the Fire Marshall, who has approved the system.

Mr. Olson asked Mr. Doozan what the maximum number of signs issued to a business in the Lyon Towne Center or Lyon Crossing. Mr. Doozan responded that he believed it was two. Mr. Antone stated that Starbuck's got three signs. Mr. Olson stated that he did not feel that the argument about Milford Road frontage is very strong. He agreed that the restaurant is visible from Milford Road, but felt that, technically, there is no frontage.

Mr. Doozan stated that irregardless of the signage issue, the Planning Commission does have the ability, under the Planned Development Agreement, to go above and beyond the requirements and authorize something that is above and beyond what is spelled out in the agreement. He stated that if the Planning Commission feels that Arby's need additional signage because of the visibility from Milford Road, they have the ability to approve this.

Ms. James made a motion to approve AP-05-17, Arby's at Lyon Crossing, site plan subject to the following conditions:

1. Provide revised plans per McKenna Associates, Inc. letter dated May 18, 2005 for review and approval to Township Planner.
2. Approval by Township Engineer and Attorney.
3. Three signs area allowed with a combined total of 49 square feet.

Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Dome, Williams

Motion approved unanimously.

AP-05-07, Lyonbrook Village, South side of Pontiac Trail, east of Martindale Road, Residential Site Condominium Review.

Representing Lyonbrook Village this evening: Leslie Meyer, The Planning Group

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated May 18, 2005 regarding this issue.

Ms. Meyer stated that they do not have any problem with any of the issues cited in the McKenna Associates, Inc. letter with the exception of one, that would be the entryway landscaping. She discussed the amount of additional trees that they are required to place on the site. She stated that they don't have a problem doing this but are concerned that by placing more deciduous could have some problems. She requested that the Commission allow them to place three trees there in lieu of the six. She further discussed the landscaping that they are proposing.

Mr. Olson stated that he did not get a copy of the Engineer's letter and questioned if water softener discharge was addressed. Ms. Meyer responded that this was brought up in the first draft of the Engineer's letter and has been added to the Master Deed and Bylaws.

Mr. Olson discussed the size of the homes indicated in the Bylaws. He noted that the Bylaws, page 14, indicates that one story ranches can be 1,000 square feet. He noted that this is in violation of the Township Ordinance. Ms. Meyer questioned that date on Mr. Olson's copy of the Bylaws. Mr. Olson responded that he has draft 1/27/05. Ms. Meyer stated that the current draft is dated 3/25/05. Mr. Hicks noted that the size of the homes are indicated to be 1,200 and 1,400 square feet.

Mr. Olson stated that as part of the approval, he would like to see that lead in signs are not permitted. He noted that this would be a violation of the approval.

There was discussion with regard to the disclosure of the airport. It was noted that something was added to the Bylaws and it will be with the purchaser's disclosure paperwork.

Mr. Seymour stated that when this plan originally came before the Planning Commission in 2000 there was an issue regarding the height of the buildings. He questioned if this issue has been resolved. Mr. Doozan responded that it has.

Mr. Hicks questioned if there has been any discussion with regard to a bypass lane. Ms. Meyer stated that it has been discussed with the County and the Road Commission has indicated that they will not require one.

Ms. Meyer stated that this development will now hook up with Annah Drive so that there will be two means of ingress and egress.

Jeff Kragt, 29280 Roediger, stated that he was at the public hearing in 2000 and remembers that there was a tremendous amount of controversy with this development connecting to Annah Drive. He noted that Roediger and Annah are really quiet and he would hate to have all the extra traffic.

Mr. Soper stated that with regard to the six extra trees, he feels that if they won't fit at the entryway, they should be located somewhere else on the site.

Ms. James made a motion to approve AP-05-07, Lyonbrook Village, site condominium plan subject to the conditions set forth in the McKenna Associates, Inc. letter dated May 18, 2005 with two changes and one addition:

1. Change item 4 – The applicant will provide three additional street trees at the entryway or any other location on the site.
2. Change item 8 – Master Deed and Bylaws will specifically include airport disclosure statement.
3. The developer will agree not to display lead in advertising signs and should take specific notice of the Township’s sign ordinance.

Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Dome, Williams

Motion approved unanimously.

Planned Development Regulations, Schedule a Public Hearing

There was brief discussion as to when the first available date would be for the public hearing.

Mr. Hamilton made a motion to schedule a public hearing for AP-05-19, Milford Road West Development, LLC, for Monday, July 11, 2005. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Dome, Williams

Motion approved unanimously.

7. MISCELLANEOUS DISCUSSION

Mr. Hamilton made a motion to excuse the absence of Laura Williams. She is on vacation. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Dome, Williams

Motion approved unanimously.

8. ADJOURNMENT:

Mr. Barber adjourned the meeting at 8:49 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary