

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
July 11, 2005**

Approved as submitted August 15, 2005.

DATE: July 11, 2005
TIME: 7:00 PM
PLACE: 58800 Grand River

Call to Order: Chairman Barber called the meeting to order at 7:03 pm.

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

Absent: Jim Dome
Ted Soper, Vice Chair

Also Present: Jan Drumm, Township Attorney
Chris Doozan, Township Planner (arrived 7:35 PM)
Alexis Marcarello, Township Planner
Michelle Aniol, Township Planner
Chris Olson, Township Superintendent

Guests: 21

Ms. James made a motion to excuse the absence of Ted Soper. Mr. Hamilton supported the motion.

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

Motion approved unanimously.

1. APPROVAL OF AGENDA

Mr. Hamilton made a motion to approve the agenda for Monday, July 11, 2005 as written. Ms. James supported the motion.

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

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA: NONE

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS:

AP-05-11, Abbys of Lyon Township, North side of Grand River Avenue, west of Martindale Road, Public hearing to consider a conditional rezoning request from R-10, Residential-Agricultural District to RM-1, Suburban Townhouse District (Continuation of June 13, 2005 public hearing).

Ms. Aniol explained that there was some miscommunication, apparently the applicant was not aware that the public hearing was rescheduled to tonight. She stated that it is her understanding that the applicant was not able to attend tonight, however, half of the applicant is present. She stated that depending on what questions Mr. Stoy has and what comments the public has, they can continue to hold the public hearing this evening. She noted that the Planning Commission does not have to take action on this issue tonight, they can table it.

Ms. Drumm stated that the Planning Commission should open the public hearing for members of the audience to speak on this matter. She stated that according to the Rules of Procedure the public should be allowed to speak. She stated that this should be tabled at the end of the public hearing, if the applicant is not here to address all the concerns of the Planning Commission. She stated that if all the concerns have been addressed and if the applicant's representative feels that they have been addressed properly, then he can ask that the Planning Commission take action on this issue tonight. She stated that if there is no one here to represent the applicant, then the Planning Commission should table this. She stated that the Planning Commission must open the public hearing.

Ms. Aniol was prepared to review the comments in the McKenna Associates, Inc. letter dated April 8, 2005. Ms. James noted that they have heard these comments and asked that they waive the reading of the review letter.

Brian Stoy, RBS Company, stated that they were surprised to find out that they were on the agenda tonight. He stated that they applied to do a conditional rezoning on March 30, 2005. He questioned if the ordinance needs to be in place for them to present the conditional rezoning to the Planning Commission. He stated that one of the biggest concerns that they have heard from the Planning Commission is that they didn't want this to be a "blank check", a development that they had no control over. He stated that their application for the conditional rezoning was very precise as to what they are going to develop.

Mr. Stoy stated that his question would be "Does the ordinance have to be in place before they can formally present their March 30, 2005 application?" Ms. Drumm responded that the ordinance does not have to be in place. She stated that the law was amended last year to provide for conditional rezoning under the Township Zoning Act. She stated that the ordinance does not have to be in place in order for the Planning Commission to entertain such a request.

Ms. James noted that at the time the original rezoning request was submitted, the Planning Commission suggested that a planned development be considered in lieu of conditional rezoning. She noted that the conditional rezoning is new and that they have not dealt with this yet.

Ms. Drumm stated that the conditional rezoning has not yet been challenged in court, therefore, there are no guidelines.

Ms. James noted that the critical difference between conditional rezoning and planned development is that the Planning Commission is not even allowed to make suggestions. She noted that with a Planned Development, the Planning Commission could work with the developer.

Mr. Stoy stated that they pursued the conditional rezoning process and thought that this was the way to go in order to address the Planning Commission's concerns. He stated that other than the engineering and site plan issues, which they have to go through anyway, they are talking about a very specific proposal that they have made to the Township. He stated that he doesn't know what else they could give, besides the fact that they have to adhere to all the Township's site plan issues and engineering comments. He stated that they have provided pictures of what they are committing to build here.

Mr. Stoy stated that he is not in favor of the planned development process. He stated that they felt that the conditional rezoning was the upfront way to go. He stated that it sounds like that the Planning Commission doesn't want to do the conditional rezoning but would rather do a planned development.

Ms. Williams noted that there are a lot of unknowns with the conditional rezoning.

Mr. Barber opened the public hearing at 7:24 PM.

Leon Bonner, 60000 Grand River, expressed concern with the sale of this property. He indicated that he knew nothing about it. He stated that he has not seen any "For Sale" signs on this property. Mr. Olson stated that nobody at the Township has anything to do with Kensington Metro Park or the Huron Clinton Metro Authority. He stated that these are the people that need to be contacted with regard to the sale of this property, not the Lyon Township Planning Commission.

Marty Brown, 31001 Bramley Circle, stated that it seems that there is a lack of communication and that everybody is not on the same page. She discussed the letters notifying the residents and indicated that other than herself, she know of only two others who received letters. She voiced her opposition to this rezoning.

Mr. Barber closed the public hearing at 7:27 PM.

Mr. Hicks made a motion to reset the public hearing for up to 120 days with re-notification of the residents within 300 feet. Ms. James supported the motion.

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

Motion approved.

Article 7.00, Planned Development Regulations, Public hearing to consider amendments.

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

Mr. Barber opened the public hearing at 7:31 PM. There were no comments. He then closed the public hearing at 7:32 PM.

Ms. Williams discussed a section of this and felt that there should be more consistency throughout.

Ms. James noted that she is voting against this because of the proposed bike paths. She felt that this should not require private citizens to pay for constructing a bike path along their property.

Ms. Williams made a motion to recommend approval of Article 7.00, Planned Development

Regulations, to the Township Board subject to some consistency checking on amendments to the Future Land Use Map. Mr. Hicks supported the motion.

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

Motion approved.

5. **OLD BUSINESS: NONE**

6. **NEW BUSINESS:**

AP-05-33, Touchstone Corp., Rezoning. Schedule a public hearing to consider a request to rezone 18.63 acres of land located on the east side of Milford Road, north side of Ten Mile Road from R-1.0, Residential-Agricultural District to B-2, Community Business District.

There was brief discussion as to when the next available date or a public hearing would be.

Mr. Hicks made a motion to schedule a public hearing for AP-05-33, Touchstone Corp. Rezoning for Monday, August 15, 2005. Ms. James supported the motion.

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

Motion approved unanimously.

AP-05-03, Timber Trail Condominium. west side of Martindale Road, north of Eleven Mile Road, Condominium Document Review.

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 6, 2005 regarding this issue.

Mr. Hicks briefly discussed the section of the Bylaws that relates to water softener discharge into the sewer system. He questioned if they should be specific as to where the water softeners are to discharge. Mr. Olson stated they should not be specific. He stated that the EPA does have some exemptions for personal homes. He stated that the State is getting more involved with industrial. He stated that there should also be a notation that there should be no sodium chloride softening.

Ms. James suggested that a 12th article be added indicating that no off-site signs shall be allowed.

Mr. Barber stated that this is a very nice, well-planned development.

Ms. James made a motion to approve the documents, as submitted, for AP-05-03, Timber Trail Condominium with the condition that a 12th article be added to the documents indicating that no lead in signs are allowed by the Township sign ordinance and the developer will agree not to use them. Mr. Hamilton supported the motion.

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

Motion approved.

AP-05-30, Nailco, William K. Smith Drive, north of Grand River, west of Old Plank Road, Industrial Site Plan Review

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated June 30, 2005 regarding this issue.

Ms. James questioned the trees on the site. Mr. Doozan responded that there are no trees on this particular site. William Clark, Quadrants, stated that on this particular site there is some scrub brush that is to be removed. He noted that with regard to trees, the site is pretty bare.

Chad McCormick, Quadrants, distributed a letter to the Planning Commission from the owner of Nailco addressing the issue of the color strip on the building. Mr. Clark stated that the purple stripe is Nailco's corporate colors.

Mr. Barber questioned what Nailco manufactures. Mr. Clark responded that Nailco buys the products finished. He stated that this location is basically a processing center. He stated that the product is received by case load or truck load and is repackaged for distribution to beauty supply houses and salons in the area. He noted that Mr. Gaynor has several sites around Michigan, one in Farmington Hills and Wixom. He noted that the owner of Nailco is not going to close any of his facilities and that he will be transferring some of the existing employees to this new location. He noted that there will still be a need for more employees.

Mr. Barber questioned the parking issue. Mr. Clark responded that there is ample parking on the site for this use.

Mr. Barber questioned if there will be a lot of semi truck traffic or just box type trucks. Mr. Clark responded that there will be a combination.

Ms. Williams made a motion to recommend approval of AP-05-30, Nailco, to the Board of Trustees subject to the conditions outlined in the McKenna Associates, Inc. letter dated June 30, 2005, accept building colors provided on rendering dated July 11, 2005 and the Giffels-Webster

Engineers

letter dated June 21, 2005. Ms. James supported the motion.

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

Motion approved unanimously.

AP-05-32, Crystal Creek North, west side of Milford road, north side of Ten Mile Road, Elkow Farms Planned Development, Condominium Document Review

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 5, 2005 regarding this issue.

Ms. James stated that when they approved the Elkow Planned Development the Planning Commission was promised aggressive and naturalized landscaping. She stated that the plan she received indicates the minimum landscaping. She stated that the extra landscaping was a big consideration when they approved the planned development.

Ray Cousineau stated that the plans that were submitted were submitted in error. He stated that the correct plan is dated April 19, 2005 and that it was approved by the Planning Commission

and the Township Board. Mr. Doozan noted that there was a landscape plan that was submitted as part of the final planned development package and was approved.

Ms. James questioned if they could add a clause to the Master Deed indicating that no off-site signage, in violation of the Township ordinance, advertising this development shall be permitted. She noted that this would be Article 12.00. Ms. Marcarello noted that there is a section in the Master Deed that deals with signage. Ms. James indicated that this could be included as Article 12.00 or in the section dealing with sign.

Ms. James made a motion to recommend approval of AP-05-32, Crystal Creek North, Planned Development Condominium Documents subject to the conditions cited in the July 5, 2005 McKenna Associates, Inc. letter, the June 22, 2005 letter from Giffels-Webster Engineers, the addition of language being added barring off-site signage in violation of the Township ordinance and the June 10, 2005 Giffels-Webster letter. Mr. Hicks supported the motion.

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

Motion approved unanimously.

AP-05-35, Carriage Club, Phase III, South of Eleven Mile Road, east of Martindale Road, Consider minor modification to the Carriage Club Planned Development Agreement to eliminate the metal farm fence which was to be located on the south boundary line of Carriage Club Phase III.

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 6, 2005 regarding this issue.

Mr. Hamilton questioned if the fence is on Carriage Club's property. Ms. Aniol responded that it is on Carriage Club's property.

Ms. James questioned if any of the residents want this fence. Jack Healy, Healy Homes, responded that there are no houses in Phase III yet. He stated that Mr. Peters' is the one who requested that a fence be installed so that the residents of Phase III don't trample on the crops. He stated that he did agree to install the fence when he began building Phase III. He noted that Phoenix really does not want the fence and neither does he.

Mr. Barber noted that he has heard some complaints from several of the residents of Carriage Club Phase I in regard to a site evaluation. He questioned if a date has been set for this. Mr. Healy responded that they do have a homeowner's meeting planned for July 19, 2005 to discuss and address the problems.

Mr. Olson noted that he and Michelle attended the last meeting of the Homeowner's Association. He stated that a lot of the discussion seem to center around the provision of street trees. He stated that there were some aspects of the playground that was discussed. He further discussed some of the issues that were talked about at the meeting. He stated that there are some things that can only be solved between the developer and the association.

Ms. James made a motion to approve AP-05-35, Carriage Club, Phase III's request to remove the fence. Mr. Hamilton supported the motion.

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

Motion approved unanimously.

Rules of Procedure

Ms. Marcarello stated that in the Commissioner's packet there is a strike-out version of the Rules of Procedures. She noted that most of the changes are minor. She stated that the biggest change is on page 7, section 4.3.

There was brief discussion about the changes amongst the Commissioners. There was discussion with regard to absences, excused and non-excused. Mr. Olson noted that the Commission may want to add an item to their agenda, after roll call, to take care of any motions that need to be made to excuse or not excuse a Commissioner's absence.

Mr. Olson discussed the notification of residents for items on the agenda. He questioned if the Commissioners would find it helpful if they had a verification listing of who was noticed for particular issues. Ms. Williams felt that this would be a good idea.

Ms. James made a motion to adopt the changes to the Rules of Procedure as prepared and distributed on May 6, 2005. Ms. Williams supported the motion.

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

Motion approved unanimously.

7. MISCELLANEOUS DISCUSSION

8. ADJOURNMENT:

Mr. Barber adjourned the meeting at 8:18 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary