

**CHARTER TOWNSHIP OF LYON  
PLANNING COMMISSION  
MEETING MINUTES  
July 25, 2005**

Approved as submitted August 29, 2005.

DATE: July 25, 2005  
TIME: 7:00 PM  
PLACE: 58800 Grand River

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

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

Absent: Jim Hamilton

Also Present: Jan Drumm, Township Attorney  
Chris Doozan, Township Planner  
Alexis Marcarello, Township Planner  
Chris Olson, Township Superintendent

Guests: 7

Ms. Williams made a motion to excuse the absence of Jim Hamilton due to a death in the family. Ms. James supported the motion.

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

Motion approved unanimously.

**1. APPROVAL OF AGENDA**

Ms. James suggested that they switch the order of item 3, Master Plan Discussion, and item 4, Crystal Creek Condominiums.

Ms. James made a motion to approve the agenda for Monday, July 25, 2005 with the change in order for item 3 and 4. Mr. Soper supported the motion.

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

Motion approved unanimously.

2. **APPROVAL OF CONSENT AGENDA:**  
- May 23, 2005 Meeting Minutes  
- June 27, 2005 Meeting Minutes

Ms. James noted a correction on the May 23, 2005 minutes for the Recording Secretary to fix.

Mr. Soper made a motion to approve the May 23, 2005 meeting minutes as corrected. Mr. Hicks supported the motion.

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

Motion approved unanimously.

Mr. Soper made a motion to approve the June 27, 2005 meeting minutes as submitted. Mr. Hicks supported the motion.

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

Motion approved unanimously.

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

4. **PUBLIC HEARINGS:**

1. **AP-05-22, Speedway Gas Station and Convenience Store**, 22380 Pontiac Trail, southeast corner of Pontiac Trail and Nine Mile Road, Commercial Site Plan Review and public hearing to consider request for Special Land Use Approval for redevelopment and expansion of an existing gas station and convenience store.

Mr. Doozan reviewed the comments indicated in both the McKenna Associates, Inc. letters dated July 21, 2005, one for the site plan review and the other for the Special Land Use.

Jason Bandy, Speedway, 539 S. Main, Findlay, OH, gave a brief presentation. He stated that they have not had a chance to revise all the drawings to address all the issues that were brought up in the McKenna Associates, Inc. letter dated July 21, 2005.

Mr. Bandy stated that he is concerned with the recommendation from the Planner to table this issue because of the time frame. He stated that Speedway is committed to building the new station this year, but is not sure if this will be the situation next year. He stated that he would like to address the issues this evening.

Ms. James noted that they applicant has to go before the Zoning Board of Appeals for a variance yet. Mr. Barber stated that a 39' variance from the setback is a lot. He stated that they usually don't approve anything until after an applicant has gone before the ZBA, if a variance is required. Mr. Olson noted that the Township Board would be the body that deals with the special approval. There was further discussion with regard to the process that this application needs to go through.

Mr. Bandy began discussing the existing station and what they are planning for the new station. He noted that they have decreased the number of curb cuts from four to two. There will only be one curb cut on Pontiac Trail and one curb cut on Nine Mile Road in lieu of the existing two curb

cuts on each of these roads.

Mr. Bandy discussed the 10' bike path that is supposed to be installed along Nine Mile Road. He noted that there is a 5' concrete sidewalk that is along Pontiac Trail. There was discussion of this issue amongst the Commissioners. The consensus of the Commissioners was that they would prefer a 5' concrete sidewalk along Nine Mile Road consistent with the one along Pontiac Trail.

Ms. James questioned the distance from the gas station building to the existing home behind it. Mr. Bandy responded that he believed it to be approximately 51 feet. Mr. Barber noted that the area is zoned business. Mr. Bandy noted that they are improving the screening between their property and the neighbors. He noted that they will be planting more trees and adding a board on board fence.

the Mr. Olson questioned how the bike path is sloped along Nine Mile Road or is it sloped back onto site. Mr. Bandy responded that it is sloped toward Nine Mile Road. Mr. Olson expressed concern with the safety of this.

in Mr. Bandy discussed the signage that they are proposing. He noted that they originally proposed two 50 square foot signs, which will now be altered to 48 square feet to meet the ordinance requirement. He displayed a rendering of the type of signs that they are proposing. He stated that they are proposing a 6' ground monument sign on the corner. There was discussion with regard to the height of the sign. It was the consensus of the Commission that the sign should be reduced size to 5' to meet the Township ordinance requirement. Mr. Bandy indicated that they would comply with the 5' requirement.

There was discussion regarding the 39' variance issue. Mr. Bandy indicated that they prefer not to move the building forward because that would not give them enough room for the trucks to turn. He stated that they are at the minimum distance for traffic to come into the site and maneuver to and from the dispensers.

There was discussion regarding an open space in the corner of the site. It was indicated that this is the area for the septic field. Mr. Bandy stated that sewer is not yet available to this area. Mr. Olson noted that sewer is coming to this area. He stated that the Board, at their last meeting, approved the Southwest Sanitary Sewer SAD. He noted that the sanitary service should be available to the site by the end of 2006. Mr. Bandy stated that they would like to hook into the sanitary sewer system, when available. Mr. Olson suggested that Mr. Bandy contact the Township's Engineers to discuss this.

Mr. Bandy discussed the landscaping requirements. He stated that the review letter indicates that they need to plant 24 shrubs. He noted that they do have twelve trees and three ornamental trees in addition to the requirements. He stated that he would like the Commission to consider the additional trees and waive the requirement for the 24 shrubs.

Mr. Bandy displayed the building materials, scored block, that they are proposing for the project. There was discussion regarding block versus brick. Mr. Bandy presented brick samples that they would propose to use, if the Commission didn't want the scored block. The consensus of the Commission is that they would prefer to see brick as opposed to the block.

Mr. Barber opened the public hearing at 7:47 PM.

onto Jillian Anderson, 60877 Nine Mile Road, expressed concern with the amount of trash that blows

her property from the gas station. She would like to see a thicker buffer between her property and this site.

Mr. Dome questioned if Speedway would construct a brick wall in lieu of the board on board fence.

Mr. Bandy responded that he is not sure if Speedway has ever done a brick wall. Mr. Dome noted that some of the other businesses in the Township that have wood fences that the fences are always broken and that it takes forever for them to get fixed. He felt it would be nice to have a brick wall that matches the building.

Ms. James felt that the applicant should work with the neighbor with regard to the buffer between the two properties. Mr. Bandy noted that he doesn't have a problem doing this.

Mr. Dome questioned if the new station will have different hours than what they have now. Mr. Bandy responded that the hours will remain as they are now. Mr. Dome questioned if there will be outside sales. Mr. Bandy responded that they will continue to have ice and propane displays outside. Mr. Dome noted that there are stacks of bags of mulch there now. Mr. Barber noted that the plans are stamped "No outside sales".

There was discussion regarding the issue of lighting. The Commission indicated that they are not willing to allow anything brighter than 20 foot candles.

John Bell, 23113 Currie Road, stated that he is representing the property south of this site, which is owned by his son's father-in-law. He stated that he was asked to find out about this proposal and how it would impact the property to the south. He noted that one of the problems that they have had in the past is that trash from the Speedway seems to accumulate on the southern boundary. He noted that they need some type of a barrier and did not feel that trees would be an appropriate barrier to keep the garbage out.

Mr. Dome questioned the size of site that Speedway usually uses for a corner station. Mr. Bandy responded that they are typically about the same size as this site. He noted that they usually don't have to deal with a 60' setback.

Mr. Barber closed the public hearing at 8:02 PM.

Mr. Olson questioned if this plan complies with the impervious surface requirements. Mr. Doozan responded that he will check this.

There was discussion regarding a cross easement between the Speedway and the property to the south. Mr. Olson noted that there may be some design issues with the pump area. Mr. Bandy indicated that there would be enough room for a cross easement.

Ms. James made a motion to table AP-05-22, Speedway Gas Station and Convenience Store, for up to 60 days to allow the applicant to make revisions. Mr. Soper supported the motion.

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

Motion approved unanimously.

**2. AP05-26, Hornbrook Estates Building Company,** Public hearing to consider a request to amend Hornbrook Planned Development Plan to allow an additional 1.6 acres of land and five additional

residential units to the development project.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 20, 2005 regarding this issue.

Nick Mancinelli, 18177 Shoreline Court, Northville, briefly discussed his letter and application to the Commission. He noted that they coincide with the letter from the Planners. He stated that there is a need not to have the farmhouse located next to the development, because it does not fit in with it. He stated that he feels that the landscape plan should be continued along Martindale Road for uniformity. He stated that with regard to the conditions indicated in the Planners' letter:

- |            |   |
|------------|---|
| Item 1 & 2 | Has no problem with.  |
| item 3     | Would like to try and incorporate the trees on the farmhouse property into the development. There are some nice trees there and the preference would be not to take them down.  |
| Item 4     | Maintenance of the entry/gateway feature will be taken care of by the Association same as the maintenance of the sign that will be located at the entrance off Eleven Mile Road.  |
| Item 5 & 6 | Would not like to go along with this. He would like to provide a different landscaping plan. He noted that the wild grasses are nice along Eleven Mile and Martindale, but once into the subdivision, he would prefer something a little more formal. More pine trees, spruce trees and more deciduous trees. |
| Item 7     | Has no problem with.  |

Mr. Barber opened the public hearing at 8:18 PM. There were no public comments. He then closed the public hearing at 8:19 PM.

Ms. James stated that this is the second time this summer that a developer has come before the Planning Commission stating that there was an error in the calculations with regard to the density. She stated that she finds it hard to believe that a mistake like this can be made. She stated that it has not been demonstrated to her that there was an error by the applicant's consultants.

Mr. Doozan noted that Michelle Aniol did go through the recent calculations. He noted that what the developer's consultants did was take 20% "rule of thumb" when they calculated the density. He discussed the table on page 2 of the review letter.

Mr. Mancinelli stated that this is the first PD that he has gone through. He stated that his consultant told him that the 20% was an ordinance, but later found out that it was a "rule of thumb" and that there was no ordinance. He stated that he contacted Michelle Aniol requesting verification of this and where he could find this ordinance. He stated that he was told by Michelle Aniol that there is no ordinance and that this was a "rule of thumb". He stated that at that point he went back to his consultants and requested that the calculations be redone.

Mr. Mancinelli stated that if he had known at the time that there was no ordinance, they would not have used 20%. He stated that he had to rely on his consultants because he was ignorant of the ordinances. He stated that he assumed that the consultant's knew what the ordinances were.

Mr. Mancinelli discussed the distance between the homes in his subdivision as compared to some of the other developments in the area. He stated that they are trying to give the Township a good product. He noted that they had a 10.8% density bonus but if this amendment goes through, it will drop to 6.8%. He stated that the houses are still going to be far apart on the same size lots that

they

proposed from the beginning. He felt that this would be a nice subdivision with the farmhouse out of the picture and with the landscape plan going all the way through Martindale Road.

Ms. James stated that the farmhouse is not a detriment to the development, the development is a detriment to the farmhouse. She stated that they have given density bonuses for farmhouse preservation. She stated that it is a shame to tear it down.

Ms. James stated that they have to rely on the calculations provided by the developer at the time the application is approved and they enter into a binding, legal contract with the developer. She felt that this could become a huge problem on every single planned development that has come through the Planning Commission. She stated that if they recommend approval of this, they are going to see more developers coming in.

Mr. Barber asked Ms. Drumm if the planned development is a legal, binding contract or is it a living document. Ms. Drumm responded that changes can be made to a planned development. She stated that the Commission has to take into consideration all the things that they looked at originally when modifying it. She stated that they have to have a basis for the modifications.

Ms. James stated that in her opinion, there should be a malpractice suit against the developer's consultants.

Mr. Soper questioned the shape of three lots. Mr. Mancinelli responded that he was trying to keep all the lots at approximately 18,000 square feet. He noted that they have more buildable area for the houses with the lots shaped this way.

Mr. Soper stated that adding two lots really doesn't bother him too much, but felt that this would open the door for other people to come back.

Mr. Dome questioned if the Hornbrook house is classified as a historic home. Mr. Olson responded that it is not. Ms. James noted that there is only one house in the Township that is classified as a historic home.

Mr. Dome stated that from his point of view, mistakes happen all the time. He felt that this is unfortunate, but felt that the developer is meeting the requirements that were established in the beginning. He stated that the calculations came out better than what they were previously. He stated that reality is better than what they thought reality was. He stated that the only problem he has is the developer's resistance to items 5 and 6 in the review letter.

Mr. Mancinelli stated that with regard to item 5 and 6 he felt that it would look nicer, once into the subdivision, if there were more pine trees and more deciduous trees and not the wild grasses.

Mr. Soper asked Mr. Doozan if he believed that the numbers presented now are correct. Mr. Doozan responded that he does.

There was discussion regarding some of the good trees that are in the corner area of Martindale Road. Mr. Olson noted that there was a lot of consternation over the entranceway into the subdivision, set back at the original hearings two years ago.

Mr. Mancinelli displayed the stone that he is proposing for the Township entryway sign. Mr. Dome questioned where the sign will be located. Mr. Mancinelli responded that it will be on the corner of Eleven Mile Road and Martindale Road. Mr. Dome questioned if there is going to be a sign at the entrance to the development. Mr. Mancinelli responded that there was an approved sign for the entrance on Eleven Mile Road.

Mr. Olson felt that they need to look at design consistency with this sign and the sign that the Phoenix Group will be constructing a mile away. He felt that all the entryway signs should be

consistent. He displayed a rendering of the entryway sign that Phoenix is going to construct at their Pinehurst development, which is a Bob Leighton design.

Mr. Soper asked Mr. Mancinelli if he would have a problem matching the Phoenix sign. Mr. Mancinelli responded that the only reason he picked what he did is because it is very similar to what was approved with the planned development. He stated that he would not have a problem changing it, if that is what the Planning Commission wants.

Mr. Soper made a motion to recommend approval to the Township Board of AP-05-26, Hornbrook Estates, subject to all the items mentioned in the McKenna Associates, Inc. letter dated June 20, 2005 with the exception of items 5 and 6 to be worked out administratively and with the addition of item 8 stating that the sign will match material and design of the Pinehurst development approved sign. Mr. Hicks supported the motion.

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

Motion approved.

5. **NEW BUSINESS:**

4. **AP-05-34, Crystal Creek Condominiums**, Between Spaulding and Milford Roads, north side of the Novi-Lyon Drain, Elkow Farms Planned Development, Condominium Document Review.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 19, 2005 regarding this issue.

Ray Cousineau stated that they were in front of the Commission a couple weeks ago with Crystal Creek North. He stated that the comments in the review letter are the same as last time, which they agree with and have no problem with.

Ms. James made a motion to recommend approval of AP-05-34, Crystal Creek Condominiums subject to the conditions outlined in the McKenna Associates, Inc. letter dated July 19, 2005 and with the addition of the clause indicating that the developer will obey the Township sign ordinance and will not use off-site signs. Mr. Soper supported the motion.

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

Motion approved unanimously.

6. **OLD BUSINESS:**

3. **Master Plan Discussion of Revised Final Draft**

Ms. Marcarello stated that in the Commissioner's packets there was a revised Master Plan draft dated July, 2005. She reviewed the major changes that were made, which are indicated in a memorandum from her dated July 25, 2005.

Ms. James stated that the Oakland County Natural Features Map is something that she has asked to have included, but she did not see it in this draft. Ms. Marcarello stated that she knows that it was in the last draft. She stated that she will check into this.

Mr. Soper questioned the process, once this goes out to other communities and if there are changes made, does it have to go back out to the other communities. Ms. Marcarello responded that once it goes out to other communities, it is their responsibility to follow-up on our plan.

Ms. James made a motion to forward the July, 2005 draft of the Master Plan to the Board for their review. Mr. Soper supported the motion.

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

Motion approved unanimously.

**7. MISCELLANEOUS DISCUSSION**

Mr. Soper stated that with regard to the Speedway presentation, he would have liked to have seen overheads rather than squinting at the drawing that was being held up. He stated that this issue has been brought up and discussed before. Ms. Marcarello noted that it is indicated on the agenda also that overheads are required.

**8. ADJOURNMENT:**

Mr. Barber adjourned the meeting at 8:57 PM.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary