

**CHARTER TOWNSHIP OF LYON  
PLANNING COMMISSION  
MEETING MINUTES  
September 12, 2005**

Approved as corrected December 12, 2005

DATE: September 12, 2005  
TIME: 7:00 PM  
PLACE: 58800 Grand River

Call to Order: Chairman Barber called the meeting to order at 7:01 pm.

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

Absent: Jim Dome

Also Present: Philip Seymour, Township Attorney  
Chris Doozan, Township Planner  
Chris Olson, Township Superintendent

Guests: 24

**APPROVAL OF AGENDA**

Mr. Soper made a motion to approve the agenda with the following changes:  
- Remove AP-05-28, Walnut Creek Estates at Woodwind Condominium  
- Addition of Volunteer for Street Light Committee  
Mr. Hamilton supported the motion.

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

Motion approved.

**APPROVAL OF CONSENT AGENDA:**

**- Meeting Minutes of August 15, 2005**

Mr. Soper made a motion to approve the consent agenda consisting of the meeting minutes of August 12, 2005 as presented. Mr. Hicks supported the motion.

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

Motion approved unanimously.

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

**PUBLIC HEARINGS:**

1. **AP-05-36, Carriage Trace Phase V**, Public hearing to consider an Average Lot Size Development located on the east side of Pontiac Trail on Coach House Lane, between the City of South Lyon and Trebor Drive; discussion and action on Average Lot Size Development and proposed site plan to follow public hearing.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 9, 2005 regarding this issue. He also reviewed the information that was requested of the applicant cited in the McKenna Associates, Inc. letter dated August 1, 2005.

Ron Hughes, General Partner of Carriage Trace, 30100 Telegraph, Bingham Farms, stated that they are substantially in agreement with Mr. Doozan's presentation. He stated with regard to the last paragraph of Mr. Doozan's report, 100% of what was requested was presented to Mary Clark of the Planning Department on August 26, 2005. He didn't understand why the Planner did not have this information, and felt that Carriage Trace should not be penalized for this. He provided a copy of the information to Mr. Doozan.

Mr. Hughes reminded the Planning Commission that they currently have an approved development of five units. He stated that they are now proposing to only build one home on Trebor Lane even though they do have two lots already approved. They are now proposing to build six units total in lieu of their last request for seven units. He noted that these units do comply with all the Township ordinances. One unit would be removed from Trebor Lane and one unit would be added to Coach House Lane.

Mr. Hicks stated that it is his understanding that the roads are built to City specifications and will not be dedicated. Mr. Hughes responded that this is correct. He noted that the Association will be responsible for the maintenance of the roads that fall within the Township. Mr. Olson stated that he spoke to the City Manager about this. He noted that the City is not used to having roads interconnected with the Township. He stated that in this case they could contract with the associates to handle this private road. He stated that if the road was publicly dedicated then the Road Commission would be responsible. Mr. Hicks stated that the Road Commission will not accept this road because it is built to City specifications. Mr. Olson stated that the City specifications typically exceed the County specifications.

Mr. Hamilton questioned who will be responsible for maintaining the recreation area. Mr. Hughes responded that this will also be maintained by the Association. Mr. Hamilton questioned if the recreation area will be open to the public. Mr. Hughes responded that it will be open to the homeowners in the Association.

Mr. Hicks questioned if the wetland area, after mitigation and construction, is expected to be wet all the time. George Ostrowski, Nowak & Fraus, stated that whatever mitigation is done will be determined by the MDEQ. He stated that it would probably be wet but it would not be a pond. He noted that the site drainage will not be going into the wetland area.

Mr. Soper stated that it is his understanding that there has been an issue with the drain that runs behind Trebor Lane. He questioned if this issue has been resolved. Mr. Olson stated that the drain did not get cleaned out through the Chickorel parcel to link into Davis Creek, which is essentially established north of Trebor Lane as a linear holding pond. He stated that Mr. Doozan's letter did indicate that the applicant has done everything that was asked of them by the County Drain

Commissioner. He stated that the County Drain Commission should have come to this jurisdiction and seen the project through to completion as opposed to only half the project being done. He stated that the drainage does not work through this area because the work did not get done.

Ms. James noted that the plans do not indicate where the wood chip path and gazebo are going to be located. She noted that the Township does have a 50' setback from wetland areas. Mr. Ostrowski stated that the location of the wood chip trail and the gazebo are going to be finalized with the construction drawings. He stated that they will follow all the Township requirements.

Mr. Barber opened the public hearing at 7:30 PM.

Penny Rau, 60475 Trebor, stated that every time that the developer comes here this is referred to as part of the City of South Lyon. She stated that even though they are taking one home off Trebor, they are still leaving one home on Trebor. She stated that the house that is on Trebor will be paying dues to Carriage Trace's Association. She questioned how they will help pay for the maintenance of Trebor Lane, which is where they will be residing. She stated that the

maintenance

for the road is still a big issue and concern that the residents on Trebor have. Mr. Soper stated that the house on Trebor will pay into Carriage Trace and Carriage Trace is obligated to pay 1/20<sup>th</sup> for the maintenance of Trebor.

Mr. Seymour stated that he is of the opinion that someone has to pay their pro-rata share for the maintenance of Trebor Lane, be it the owner of the lot or the association. He felt that it would probably be easier if the lot owner paid in lieu of the association.

Mr. Soper stated that unfortunately they already have approval for two lots on Trebor Lane. Ms. Rau stated that they also have approval for only five homes. She stated that she would prefer for this to stay at five lots. She stated that the residents of Trebor Lane just want to make sure that the maintenance issue is taken care of.

Devin Rau, 60475 Trebor, stated that the new homes will have water and sewer. He noted that he just had to give the Township an 30' easement for water and sewer across his property. He questioned where the access for water and sewer is coming from for the new homes. He noted that there has been flooding in the wetlands and last year the water was running across the road. He stated that he would like to only see five lots and not have any lots on Trebor Lane. He stated that this is Carriage Trace, so they should keep the houses in the City, where the development is.

Mr. Olson briefly discussed where the water and sewer lines will be run. There was discussion regarding how close these pipes would come to the wetland.

Mr. Olson noted that he felt that reducing this to only one lot on Trebor Lane is a good idea. He stated that his position is the same as it has been. He felt that the drain clean out job needs to be done all the way and felt it is up to the applicant to do this and make the necessary application. He asked Mr. Doozan if this is similar to a special land use where the Planning Commission and/or the Board could place conditions. Mr. Doozan responded that it really isn't. He stated that if it meets the ordinance requirements, then they have to approve it. He stated that from what he can tell, this does meet the requirements of an average lot size development.

Mr. James questioned the flooding issue. Mr. Doozan responded that this would be a question for the Township Engineer.

Mr. Olson stated that within a drain district the residents within that district have the option to

petition for work to be done. He stated that this job was only done half way to what it should have been and should be noted publicly. He stated that it would be the Township's preference for this job to be completed all the way to Davis Creek.

Ms. James noted that the Township Engineer wrote a letter in July which doesn't indicate that there are any flooding issues at all. She stated that if there are problems with the drain, then the Engineers should have noted it in their letter. She felt that they should ask the Engineers to specifically look at the drainage issues with this site plan.

Mr. Hughes stated that their engineering was approved. He noted that they are only adding one lot which should not affect the drainage. He stated that with regard to the sewer issues that have come up this evening, they did not design the sewers, that was all done by the Township and that they have paid their pro-rata share.

Mr. Barber stated that rather than having another flooding subdivision, they have to err on the side of caution. He stated that if there is some flooding now, they certainly don't want it to get any worse.

Mr. Hughes stated that all the calculations were done by their engineers and confirmed by the Township Engineers to make sure that the one extra house on Coach House Lane would not have any additional impact. He stated that with regard to the drain issue, all of their work was approved by the Oakland County Drain Commission. He noted that where the work terminated was not within their jurisdiction. He pointed out that since the work has been done there has been substantially less flooding occurring on Pontiac Trail.

Mr. Olson questioned what portion of Pontiac Trail flooded. Mr. Hughes responded that it was just south of the Motel. Mr. Olson noted that this is within City limits. Mr. Hughes stated that to the best of their knowledge in the past three years there has not been any petitions by anyone on Trebor or the surrounding area to have more of the drain cleaned out. He stated that no one has petitioned the Township to look into this issue. He felt that this issue should be looked into on a Township level. Mr. Olson stated that his concern is that he does not think that the Township was consulted on this at that point in time. He noted that he was not at the Township then, but he has not been able to find any records that indicate in the course of Carriage Trace's approval, that the Township was consulted as to an overall drainage solution as opposed to one that simply serves the City of South Lyon. He stated that it doesn't make any sense to stop the drain cleanout partially up to its outlet, the Davis Creek. Mr. Hughes stated that he cannot respond to this.

Ms. James stated that this all the more reason why they should get the Township Engineer to look at this. She felt that they should table this issue until the Township Engineer can look at this.

Mr. Hughes stated that they would not accept a tabling, they would prefer to have the Planning Commission's support or denial.

Lorraine Stricker, 60725 Trebor, discussed the drain issues. She stated that she lives right next to the creek. She stated that she would prefer not to see any homes entered off Trebor Lane. She felt that it will cause more problems.

Olga Quesada, 60400 Trebor, stated that she has lived on Trebor for a long time and that the corner has always been kind of wet. She questioned if they could keep this area dry for the new home owners. She stated that she would prefer to have the 21<sup>st</sup> driveway not be on Trebor Lane.

Bruce Church, 60380 Trebor, discussed the drain issues. He questioned why they are being so flexible with developers.

Clyde Hatfield, 26803 Trebor Court, concurred with the other comments. He stated that all the homes on Trebor are at least 2-1/2 to 3 acres with engineered septic systems. He stated that they didn't ask for the sewer to come down Trebor. He doesn't understand why they are bending over backwards for the developer.

Mr. Barber closed the public hearing at 7:56 PM.

Ms. James made a motion to table AP-05-36, Carriage Trace Phase V, for up to 60 days pending:

1. A written opinion from the Township Engineer be sought regarding the drainage and flooding issues on this revised plan and the current condition of the County drain.
2. Documents set forth for irrevocable conveyance of open space and wetlands.
3. Revised condominium documents including Master Deed and By-laws to fully address the road issues implicated in two different associations.

Mr. Soper supported the motion.

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

Motion approved.

Mr. Hicks stated that his reason for voting "No" on this is despite of what the Township wants, the developer has an approved plan for five homes. He stated that it was probably a mistake at the time, but the developer can build five homes. He stated that he agrees that there should be an opinion from the Township Engineer.

2. **AP-05-37.b, Crossroads Church**, Public hearing to consider request for special use approval of a religious institution (church) located at 28900 Pontiac Trail, south of Silver Lake Road, discussion and action on the special use proposal and proposed site plan (AP-05-27.b) to follow public hearing.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 9, 2005 regarding the site plan and the letter dated September 9, 2005 regarding the special land use.

Bob Gielow, Church Elder, 390 Maple Drive, gave a brief history of the church. He briefly described why they selected the architecture that they did. He stated that if this is not in keeping with image that the Township would like to see, they are willing to work with the Township to make modifications to the building.

Bill Jarrett, Jarrett Architects, 108 N. Lafayette, South Lyon, stated that their goal is to make this a special project for Lyon Township so that the residents will feel welcome to come to this facility at any time. He distributed a response letter to the comments that were indicated in the McKenna Associates, Inc. review letter. He reviewed the proposed site plan. He indicated that the idea was to keep a large green space in front to help preserve a rural setting. He noted that they will be preserving the farm house on the property, but the barn will be taken down. He noted that they hope to renovate the interior of the farmhouse to be used as offices.

Mr. Jarrett stated that they did look into possibly using the barn as part of the new church but after inspecting it, they determined that it would cost more to do this than to build a totally new church. He stated that he did have some thoughts about using some of the big timbers inside the church.

Mr. Jarrett stated that they feel that even though they are proposing a lot of glass on the front of

the building, it will blend in. He noted that the glass is reflective and will reflect all the trees and shrubs that they are proposing to plant. He stated that they wanted to have the glass because it gives the idea of openness.

Mr. Doozan questioned the type of glass that will be used. Mr. Jarrett responded that they will probably use a Low E type glass that has a little bit of reflective to it. He noted that the glass in the drawing looks green because they were trying to show it reflecting the green around it.

Mr. Olson questioned what they are planning with regard to color for the interior. Mr. Jarrett responded that they are planning on using a lot of natural textures and colors. He felt that it would be very neutral. He stated that their idea is to bring the outside in.

Ms. James noted that for ten years she worked in an office building in Southfield with reflective glass and about once a week there was a bird that flew into the windows.

Mr. Jarrett stated that they could possibly introduce some brick on the building. He noted that they would definitely work with the Township to create something that is mutually agreeable to both parties. Mr. Olson questioned the possibility of a gambrel roof. Mr. Jarrett responded that it doesn't really go along with the idea of a church.

Joe Muzzie, Pastor, 424 Dorothy, South Lyon, stated that they are not going to build something that the Township doesn't like.

Mr. Olson stated that the questions he would have relate to whether or not there is a substantive liturgical reason for the steel and glass or would a change to a more traditional architecture adversely impact the practices of the church. Mr. Muzzie responded "not necessarily". Mr. Jarrett stated that they could still have a fair amount of glass and still have a more traditional look.

Mr. Olson stated that he does not believe that anyone here has objections to the use of the land for this purpose. Mr. Soper stated that he doesn't. Ms. Williams stated that she was more concerned with how this would fit into this area.

Mr. Soper stated that he actually like the statement that was made that this could be more of a community center.

Ms. James briefly discussed the amount of parking spaces. Mr. Jarrett stated that the first phase parking spaces were added with the second phase parking spaces, that is why there is so many. He stated that there will only be 146 spaces.

Mr. Jarrett reviewed his responses to the issues cited in the McKenna Associates, Inc. letter. He noted that they will certainly take care of all the items. Mr. Muzzie stated that they will certainly work with the Township because this is something that they want for the community.

Mr. Barber opened the public hearing at 8:34 PM.

Gordon Culver, 28654 Danvers Court, stated that he lives directly across Pontiac Trail from this site. He stated that he appreciates churches, he belongs to one, but he does not want one in his backyard. He stated that with the church not only comes the Sunday services but also other uses during the week that will bring more traffic. He stated that there is a bad traffic situation on Pontiac Trail now and this will only make it worse.

Frank Cholewa, 29059 Pontiac Trail, stated that he has two issues with this plan. He concurred with Mr. Culver's comments. He stated that the overall appearance of all glass seems a little odd for this area. He stated that the plan shows classrooms, and questioned if there will be a school

there. He wasn't sure how this would affect the traffic on Pontiac Trail. He noted that he would rather have a church there than a strip mall.

Gail Cece, property owner, stated that she knows there is a lot of traffic on Pontiac Trail, but this is a church and most of their traffic will be on Sundays. Mr. Soper questioned why there is such a rush. Ms. Cece responded that she is in jeopardy of losing property that she put an offer on.

There was discussion regarding the barn. Mr. Gielow stated that he is looking into finding some organization that would be willing to take and move the barn. He stated that with regard to the traffic situation, they have already been in contact with the Road Commission for Oakland County with regard to a center lane.

Ms. James questioned if there will be a day care or school at this facility. Mr. Gielow responded that they certainly have no plans for a school. He stated that a day care may be a possibility.

Mr. Olson stated that there is a notation on the plans that there will be a media/resource store and coffee house, which would imply a commercial use. Mr. Muzzie stated that the idea is that that the bookstore would only be open on Sunday morning for the people who are coming to the church. He stated that the coffee idea would be a place for the people on Sunday mornings to gather for conversation and coffee. He noted that this would not be open during the week.

Ms. Williams questioned if the day care would only be open on Sundays or would it be open during the week also. Mr. Muzzie stated that this is just an idea at this point. He stated that their understanding was that the Township wanted potential uses for the property. He stated that they want to build quality children's space and that they do need this for their children's ministries.

Frank Cholewa, 29059 Pontiac Trail, stated that with regard to the left hand turn lane, there is currently no left hand turn lanes. He stated that he doesn't quite understand how someone could make a left hand turn into the church while someone is making a left turn into the subdivision because they are only about 100 yards apart. Mr. Olson stated that typically there would be a traffic study done and then the Road Commission would determine if it is necessary.

Gordon Culver, 28654 Danvers Court, stated that with the Erwin Orchard project this will make traffic that much worse. He stated that he doesn't need a traffic report, he can hear the screeching tires from his family room.

Mr. Olson stated that there is a person on the internet that advertises counseling services in affiliation with this church. He stated that this would also relate to commercial needs. Mr. Muzzie stated that they currently have a storefront right next door to Larry's Foodland and there is a Christian Counseling Group that uses this space. He stated that the church does not charge these people any money to use this space. He noted that there are only people in there maybe six times a week. It was not known if this will continue in the new facility. Mr. Olson stated that this will depend on the special land use. He stated that this would get into a quasi-business use, if the person counseling is being paid for services by clients. Mr. Muzzi noted that the appointments are usually early evening hours.

Mr. Barber closed the public hearing at 8:52 PM.

There was discussion with regard to ancillary uses at the church. Mr. Seymour stated that there is a body of law that states that no special conditions can be imposed on a church. He stated that any decision made by the Planning Commission tonight, they should make sure that they are not singling out on religion. He stated that they can only apply something that they would apply to every single organization that would come before them. He stated that the Commission cannot impose conditions that would substantially prohibit the church from practicing their ministry.

Mr. Soper stated that they could impose a condition that no commercial uses be used.  
Mr. Seymour felt that this would be fine.

After further discussion regarding the different uses that could happen at the church, Mr. Barber asked for a motion.

Ms. James made a motion to recommend approval of the special land use to the Township Board for AP-05-37.b, Crossroads Church, subject to the following:

1. Final site plan approval will be required before this special land use permit is finalized.
2. Approval from the Township Engineer, Township Attorney and Fire Chief will be obtained.
3. Exterior architecture will be revised to better fit the character of the rural area and it will be to the satisfaction of the Planning Commission.
4. A church with ancillary uses of reasonable scope will be permitted under this use but commercial uses with no ministerial function are not permitted as part of this special land use.

Mr. Soper supported the motion.

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

Motion approved unanimously.

Ms. James made a motion to table the site plan for AP-05-37.b, Crossroads Church, for up to 90 days pending Township Board action. Mr. Hamilton supported the motion.

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

Motion approved unanimously.

**OLD BUSINESS:           NONE**

**NEW BUSINESS:**

1. **AP-05-28, Walnut Creek Estates at Woodwind Condominium**, North side of Ten Mile Road, west of Johns Road, Condominium Document Review

This issue was removed from the agenda.

2. **Volunteer for Street Light Committee**

Mr. Hicks stated that there is going to be sub-committee to go over the Township's street lighting policy and one member of the Planning Commission should be on it. Mr. Olson stated that this is for intersections and where they are getting requests for street lights from developments. Mr. Barber volunteered to be on the sub-committee.

**MISCELLANEOUS DISCUSSION:           NONE**

**ADJOURNMENT:**

Mr. Barber adjourned the meeting at 9:07 PM.

Respectfully Submitted,

*Deby Cothery and Catherine Culver*

Recording Secretary