

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
October 24, 2005**

Approved as corrected December 12, 2005

DATE: October 24, 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
Jim Hamilton
John Hicks, Trustee
Laura Williams

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Alexis Marcarello, Township Planner
Leslie Zawada, Township Engineer
Chris Olson, Township Superintendent
Al Hogan, Building Official

Guests: 150+

APPROVAL OF AGENDA

Mr. Barber stated that there was a misprint in the newspaper and that the Leduc issue is not on the agenda this evening.

APPROVAL OF CONSENT AGENDA:

- September 12, 2005 Meeting Minutes
- September 26, 2005 Meeting Minutes

There were some blanks in a motion that was made by Ms. James that need to be filled in. It was determined that the approval of these minutes would be held until next month so that Ms. James could fill in the blanks.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

PUBLIC HEARINGS:

1. NONE

OLD BUSINESS:

2. NONE

NEW BUSINESS:

3. **AP-05-43, Meijer**, Conceptual Planned Development Review, east side of Pontiac Trail, north of Eight Mile Road.

Ms. Marcarello reviewed the comments indicated in McKenna Associates, Inc. letter dated October 20, 2005 regarding this issue.

Mr. Doozan explained the review process and then read the additional comments indicated in the McKenna Associates, Inc. letter dated October 24, 2005 regarding this issue.

Mr. Doozan displayed a fact sheet for the Meijer Planned Development on the overhead projector. He briefly reviewed the information.

Ms. Zawada reviewed the comments indicated in the Giffels-Webster Engineer letter dated October 5, 2005 regarding this issue.

Mr. Olson reviewed the Fiscal Analysis that he prepared for this issue dated October 20, 2005.

Correspondence was received from the following residents in opposition of this proposal:

Kevin Butler	Kathleen Vella	Doreen Bradley
Bruce & Terri Glazier	Debbie Smith	Pat & Pam McCormick
Bob & Karla Watson	Carla Geelhood	

Correspondence was received from the following residents in favor of this proposal:

Bonnie Murray

Mr. DeKam stated that he has been hired by Meijer, Inc. to help them find a location for a store in this community. He stated that the Commission has a lot of facts in front of them and noted that they received some of the comments presented only this evening. He stated that they are really not here tonight to address all of the facts since they only just received them. He stated that in studying the Township's new PD ordinance, they have gone through it and tried to understand it the best that they could. He stated that they believed tonight was going to be more of a conceptual review so they really did not come with a lot of the technical details, such as lighting, etc. He stated that they will be prepared at the next meeting to address every one of the issues.

Mr. DeKam stated that they do have a team with them tonight and each of them will give a brief presentation in their area of expertise as it relates to this project. He introduced the team:

- Tony Mourand, Site Engineer and Architect with Fishbeck, Thompson, Carr & Huber, Inc.
- Mike Labadie, TetraTech (Traffic Engineering)
- Nick Maloof, Maloof Law Group (Completed the Impact Study)

Mr. Mourand stated that he felt that Ms. Marcarello did an excellent job in describing the site. He stated that as far as they approached locating this store at this site, there are a number of wetlands

and woodlands that they are trying to work with on the property. He felt that they have done a good job at trying to maintain these natural features. He felt that the flood plain issue is a major issue this evening. He stated that their storm water system has been designed with porous pavement and other things of this nature. He stated that they are talking about mitigating the wetlands through the use of bio swales and rain gardens and things like this. He noted that they have been told of some problems in the upper flood plain area. He stated that their intention

is not to create any additional problems, but to try and solve some existing problems. He stated that with their design they will demonstrate that there will not be any impact to flooding upstream or down stream or other properties. He stated that they are going to try to infiltrate as much of the storm water into the ground as they possibly can and do this in an aesthetically pleasing manner.

Mr. Mourand stated that the two square miles of flood plain on the property that they mentioned is actually the drainage area for the County drain. He stated that they are not impacting any part of the drain on the south part of the site. He stated that there should be no need for MDEQ permits for flood plain mitigation on that part of the site.

Mr. Mourand discussed the building elevation. He stated that the review letter this evening made mention that this is Meijer's prototype standard, which is not quite accurate. He stated that this has several upgrades from the prototype and is not consistent with the Southfield store. He stated that they will utilizing natural brick on much of the building, especially the front and sides. He stated

that they felt that they complied with much of the architectural guideline scoring. He noted that they do intend to comply with this. He displayed renderings of the proposed site. He stated that they have generated a couple of perspective views which they have tried to tell the story of what they are trying to achieve. He turned the renderings toward the audience and explained what the different views were.

Mr. Mourand stated that the tree replacement ordinance is requiring that they replace about 500 trees on the site after they remove 100 trees from the site. He stated that there will be substantial landscaping added to the site. He stated that they will try to incorporate landscaped berms for shielding like they are proposing for the back of the site.

Mr. Labadie stated that the scope of the study that they did as far as which intersections were included, the time of day and the day of the week, was discussed with the Township Consultants. He stated that they did what the Township Consultants asked them to do. He stated that they did have some preliminary discussions with the Road Commission for Oakland County about what they would like to see in the study. He noted that this may change a little bit depending upon the results. He stated that a couple of things that are important to know, for example the traffic volumes that were quoted by Chris Doozan, albeit that these are correct and would be the ones that would be on the driveway, but those are not all trips on the road tops. He stated that some of these would be pass-by trips of cars that are already out there and that are not considered new trips. He stated that the report shows a outline of pass-by trips as well as other information. He stated that the peak hours were picked by looking at the 24 hour counts. He noted again that they

did what the Consultants asked them to do which is pretty much the accepted practice. He stated that with the improvements and the new traffic generated by this development, the intersection will be operating like they do today or better.

Mr. Maloof stated that his firm has prepared the community impact study that was provided to the Commission. He stated that they basically in accordance with the ordinances they looked at the environmental impacts, business impacts, taxation impacts, etc. and created the document. He stated that they have also offered several independent studies that Mr. Doozan and Ms. Marcarello

have incorporated in their reviews. He stated that looked at the location based on zoning, based on its proximity to the other commercial uses and whether it seems to fit in the character of the commercial zone. He noted that this site is located on the main thoroughfare through town. He stated that the building is being carefully laid out and designed so that there will be no impact or minimum impact to the existing wetlands, woodlands, etc. He stated that the other property, which is residential, will act as a buffer between the commercial and the existing residential. He

stated that one of the other things that they also looked at was the traffic issues, and based on their review of the improvements, it seems that with the improvements that they are proposing to make will accommodate this development.

Mr. Maloof stated that another issue that was of concern is with the impact on the existing businesses in the area. He stated that they not only looked at South Lyon and Lyon Township but they looked at three other communities, as well, Village of Oxford, Howell and Brighton. He stated that they interviewed the City Managers, Chamber of Commerce, etc. and took business inventories before and after and what they found that in these cases the community benefited by having a Meijer in place. He stated that the existing businesses actually benefited from Meijer's being there. The other issue was taxes. He stated that currently the property taxes that are being generated are about \$6,300 but with this development it will be \$560,000 the first year. The jobs that this development will bring in is approximately 115. He stated that with regard to the construction phase, it is an \$11,000,000 payroll. After construction the permanent jobs will be between 450 to 500 with an approximate \$7,000,000 payroll each year after.

Mr. Soper questioned the businesses that were looked at and what was meant by checking business inventories. Mr. Maloof responded that they looked at the existing businesses that are in Lyon to see if they would compete with the services that Meijer's offers. He noted that the majority of these businesses do not, they are specialty shops and service providers. He stated that Meijer's is a retail and does not have the same mix of product or service.

Mr. DeKam stated that this concludes their presentation and that they are available for questions from the Commission. He stated that they will try and answer all questions to the best of their ability. He noted that this is a complex site and a complex plan and through the next several months they are going to try and deal with the issues the best that they can. He stated that their intent is to provide the Commission with a final site plan that meets every one of the Township's ordinances.

Mr. Soper stated that a comment was made with regard to the types of business that are in Lyon. He noted that there are already six gas stations in this area. He felt that they really don't need another gas station. With regard to the convenience store, there are already several party stores in the area also and felt that they really don't need another one. Mr. Moran stated that the area that they looked at was the central business district, which is what they were requested to do. He stated that they looked at the main street through town and some of the surrounding areas. He noted that they have a whole list of businesses that they looked at and determined whether or not they had a service that Meijer's provided. He explained the area that they looked at.

Mr. Barber stated that this is a conceptual hearing and not a public hearing, but because there are so many residents present they would like to hear comments from some of the residents after the Commissioners are finished with their comments.

Ms. James questioned if they could ask for a show of hands of the people in attendance that are in support or in opposition of this development. There were three residents that raised their hands in support of this project. There was approximately 99% of the residents in attendance that raised their hands in opposition of this development.

Mr. Barber stated that there will be a public hearing in the future, if the developer decides to make the changes that they Commission requests.

Ms. Williams questioned how much of the Appel property is actually buildable. Ms. Marcarello responded that most of the parcel is buildable. She noted that there is a portion of the County

drain and wetlands on this parcel. She stated that she believed that the entire development could be shifted to the south so that it would be entirely on the Appel parcel. She noted that it would require more tree replacement, if done this way. Ms. Williams stated that her question was related to the percentages of commercial and residential.

Some of the other comments made by Ms. Williams were:

- The flood plain issue needs to be resolved.
- Concern with the sanitary sewer and that this site requires 50% more sewer capacity than what they originally planned for at this property.
- There is no water at the site.
- Concerned about the lack of usable open space with this plan.
- Did not like that this is a 24/7 operation.
- Concerned with the lighting and the noise.
- Concerned with the additional truck traffic and deliveries that will be happening at all hours.
- Questioned if there is a planned connection through the Park Woods development.
- Did not like the 25' deep backyards.
- Did not see that there is any substantial benefit to the Township. It was noted that the developer will try to meet the Township basic standards, but they will not be going above and beyond.
- Concerned with another gas station in the area. She noted that this would be a special land use in the B2 district.

Ms. James questioned why the 20% rule would even apply here. She also questioned the justification for a planned development. In order to justify this there needs to be a recognizable, substantial benefit for the community. She noted that five benefits have been stated thus far.

1. Wetlands – the impact to the wetlands which are protected from development.
2. Lighting – the minimization of lighting on neighbors.
3. Porous Pavement
4. Road Improvements - the proposal does the bare minimum only to address the circulation around the store. She felt that this should not count.
5. Jobs – She stated that this is the part that really bothers her. She stated that Meijer's stated that they are bringing jobs to the community, and they are full-time jobs that pay only \$15,000

per year.

She stated that the bottom line is that the benefits are significantly outweighed by detriments.

Ms. James discussed a case where Meijer's sued a municipality. She cited a 2004 case.

John Hicks stated that the community impact study was completed in the downtown area which is approximately a 1-1/2 mile from the proposed store. He stated that he would like to see the impact

study reflect the areas affected, such as Kroger's, Farmer Jack's, Lyon's Market, Pharmacies, Martin's ACO Hardware, Electronic Stores, Auto Washes and Florists all located closer than the City. He stated that there was no mention of a Garden Center, which is proposed as one of the entrances. He stated that it was said that the site will generate 16,930 trips per day, but some of

this

is already there. One of the things that will dramatically increase is the amount of truck traffic, tankers and semi's.

Mr. Hicks stated that it was stated that this development will be on a main road. He noted that it will be on the only road that is paved. He stated that this road is not capable of handling the excess traffic. He stated that the proposed traffic improvements will only exasperate and shift the traffic to another section of the Township. He felt that it will not improve anything, but only worsen it. He stated that Oxford, Brighton and Howell were mentioned as comparisons, but Brighton and Howell are both located on five lane State highways, which is a big difference than the two lane Pontiac Trail that this is proposed to be located on. He noted that Pontiac Trail is the only paved

road between Eight Mile Road and the expressway.

Mr. Hicks quoted from the Planner's review letter "based upon the information reviewed this development is inappropriate for the subject site".

Mr. Soper stated that he definitely believes that the business analysis needs to cover a broader area. He stated that a gas station, car wash and convenience store at this site are not needed. He felt that it would be a real detriment to have this development connect to the subdivision behind. He stated that he is real concerned that traffic will be cutting through the subdivision. He stated that in looking at the revenues and taxes, he sees no benefit to the Township. He stated that he would have to sit down and go over them, but felt that they didn't make any sense.

Mr. Hamilton stated that with regard to the traffic impact study, he felt that the should be four lanes that go all the way through to South Lyon. He felt that the economic study should go from Ten Mile to Eight Mile and not just the City of South Lyon.

Mr. Dome concurred with all the comments that have already been stated. He stated that as a piece of architecture, things just don't add up with what was presented and the architecture that is provided. He can't see where twelve truck loads a day would require seven loading docks. He felt that forty trips per day would justify seven loading docks. He stated that from an aesthetic point of view, he saw on the elevation all kinds of rooftop units are missing. He stated that with regard to outside sales, they have stopped other proposals because of this. He noted that Meijer's has permanent outside sales as well as transient outside sales areas.

Mr. Dome stated that the employment numbers bother him. He stated that 115 people employed during construction, and none of these people are local. He noted that they have an Architect from Grand Rapids as well as a construction company from Grand Rapids. He stated that with regard to the Pontiac Trail exposure, he noted that there is absolutely no exposure on Pontiac Trail. He stated that it was indicated that the back of this site will be screened and questioned how they will generate traffic into the store.

Mr. Barber stated that everything has been said. He stated that he would add that the flooding in Lyon Trail three or four years ago was a big issue. He stated that if they are going to be in the wetlands then they need to have a permit from MDEQ. He stated that there are more than five acres of wetlands and felt that the water is going to go back over to Lyon Trail and then they will have a flooding problem again.

Mr. Dome stated that the problem is not Meijer's coming into the community. He stated that if they were to take a show of hands of people who would want to see Meijers in the community, everyone would raise their hand, but the problem is Meijer's at this particular location. He felt that Meijer's would be better served on a parcel that is closer to the highway.

Mr. Barber opened the meeting up for public comments.

Charles Long, 21106 Greenbrier, thanked the Meijer Company for their interest in Lyon Township.

He
not

stated that he moved to Lyon Township from Livonia and the main reason he did this was for quality of life. He stated that they moved away from Meijer and Home Depot. He stated that this is just the right place. He thanked Meijer's for their interest, but felt that this is the wrong spot for it.

Abe Ayoub, 21962 Lyon Trail, stated that Meijer's is not a bad company, they just picked the wrong location for a store. He stated that there was nothing stated about the negative impact that this development will have on the existing homes. He stated that there will be more traffic and crime.

He felt that this development will definitely impact the quality of life in Lyon Township.

Jeff Shandra, 21218 Greenbrier, stated that the logo on the wall behind the Commissioners is what the Township should remain.

Carla Gilgood, 21948 Lyon Trail, stated that a lot of the neighbors have small children and felt that there will be more accidents. She noted that her subdivision does not have sidewalks so the kids play in the streets. She stated that there will be increase crime. She indicated that she would like to know the crime study of the Meijer's at Haggerty and Eight Mile Roads. She stated she does shop at Meijer's and will continue to shop there, but does not want one in her backyard.

Jeff Potter, Oakland County Commissioner, 1099 Stable Lane, stated that there has been a lot of things said about roads here tonight. He stated that although he is not a Road Commissioner, he gave an update on what the Road Commission for Oakland County is planning with respect to roads in Lyon Township. He stated that he does not see any monies coming from Oakland County for road widening anytime in the near future.

Mr. Potter stated that the residents love their community. He noted that the proposed design looks like it was picked up from outer space and just dropped here. He felt that there needs to be some tweaking. He stated that if Meijer's does continue through this and moves into the community, he asked them to try and make the building look like it belongs in this community.

Chris Furstenau, 59942 Mulberry Lane, stated that he also moved from Livonia because he wanted to live in the country. He stated that he is a firefighter for the City of Livonia and indicated that the Fire Department responds to calls from Meijer's between 300 to 500 times a year for fire alarms, injuries, etc. He noted that the police also respond a lot. He questioned who is going to pay the firefighters or police department for the false alarms that they will get.

Bob Seccombe, 56888 Nine Mile Road, stated that a concern he has is that if Meijer's comes in and meets the zoning and building requirements of the PD ordinance then they will get approved under the PD regulations. He stated that he believes that one of the requirements is that there has to be an outstanding benefit to the community, which there is nothing. He stated that he was quite concerned when the Planner's letter was discussing the height of the lighting fixtures and traffic islands in the parking lot. He stated that it seemed that this was a done deal.

Mr. Seccombe stated that it seems from everyone that is here tonight and possibly from all the Commissioners that they feel that Meijer's should just pack up and go home or come up with a proposal for the New Hudson area where there is proper zoning and planning. He stated that this type of operation in the south end of the Township was never part of the planning process and has nothing to do with the Master Plan. He stated that they should be letting Meijer's know that they should put this where it belongs in the Township or go find another Township to put it in.

Mr. Seccombe stated that the residents would like to know on what basis can the Planning Commission and the Township Board refuse this if they meet the requirements of the PUD. He stated that he believed that there is some verbage in the beginning of the PUD that states that there has to be major benefits to the Township.

Ms. James stated that in her opinion the PD requirements are subjective and there is a real difference of opinion.

Mr. Soper stated that in defense of the Planners, bringing up the issue of the lighting, which has been a big issue with the residents as well as the wetlands. He stated that these are points that he is glad that are brought up so that the developer is aware of them.

