Charter Township Of Lyon
Planning Commission
Meeting Minutes
January 30, 2006

Approved as written on February 27, 2006

Date: January 30, 2006
Time: 7:00 PM
Place: 58000 Grand River

Mr. Barber called the meeting to order at 7:01 P.M.

Roll Call

Present: Barber, Mike (chair)
Dome, Jim
Soper, Ted (vice-chair)
Williams, Laura

Absent: Hamilton, Jim
Hicks, John (Board Liaison)
James, Laura (secretary)

Also present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Michelle Aniol, Township Planner
Al Hogan, Township Building Official
Chris Olson, Township Superintendent

Guests: 6

Approval of Agenda

Mr. Soper made a motion to "approve the agenda for Monday, January 30, 2006 as noted." Ms. Williams supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James
Motion approved.

Approval of Consent Agenda: Meeting minutes from November 28, 2005 and December 12, 2005.

Ms. Williams made the motion to " approve the meeting minutes for November 28 and December 12, 2005 as submitted." Mr. Soper supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James
Motion approved.

Comments from public on Non-Agenda Items: None

Public Hearings

1. AP-05-47, Pulte Land Development, Public hearing to consider an amendment to Pinehurst Planned Development plan to allow the relocation of lots #1 and #2 in order to construct a pool, clubhouse, tot lot and parking area; discussion and action on the site plan following the public hearing (Applicant requests public hearing be tabled. Recommend table up to 60 days)

Mr. Soper moved "that we table the public hearing for AP-05-47 for up to 60 days." Ms. Williams supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James
Motion approved.

2. AP-05-53 Allor Rezoning, Public hearing to consider a proposal to rezone 1.9 acres at the northeast corner of W.K. Smith Drive and Grand River Avenue from B-3 General Business District to I-1 Light Industrial District; discussion and action on the site plan following the public hearing (**Withdrawn at request of applicant**).

Mr. Olsen noted for the record that the applicants reported that the township was slow in its review or process. The Planning Commission heard the original request in the summer (the month of July). The applicant did not apply for several months after. "Therefore, it should be noted that it is at no fault of this body (Planning Commission), the Township, or the planners, unlike the reasons set forth in the applicant's letter."

Old Business

3. AP-05-55, Gardener Signs, consider a request for an additional wall sign for LaSalle Bank, located on the north side of Lyon Center Drive, east of Milford Road, in Lyon Towne Center.

Mr. Doozan reviewed the comments indicated in McKenna Associates, Inc. letter dated December 12, 2005.

Tom Tobin (1095 Naughton Drive, Troy MI) of Gardener Signs representing LaSalle Bank – Mr. Tobin explained that his intent would be to remove the ground sign and replace it with a wall sign.

Mr. Dome asked Mr. Doozan as to what grounds the Planning Commission denied Starbucks. Mr. Doozan explained that the Starbucks sign was approved. Mr. Olson asked if Starbucks had to get a variance for additional frontage or a clarification for three road frontages. Mr. Doozan clarified that the Planning Commission has authority to do that.

Ms. Aniol commented that the sign is smaller than what Gardener Signs originally asked for.

Ms. Williams recommended that "we approve the sign for LaSalle Bank AP-05-55 based on the recommendation in the McKenna letter from December 12, 2005 contingent upon the removal of the ground sign from the property." Mr. Soper supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James
Motion approved.

New Business

4. AP-05-45, American Tower/Metro PCS Michigan Site Plan. Proposal to co-locate a new wireless carrier on an existing wireless tower at the northwest corner of Chubb and Eight Mile Roads (52800 Eight Mile).

Mr. Doozan reviewed the comments indicated in McKenna Associates, Inc. letter dated January 10, 2006.

Bernard Yantz, 866 Pine Grove Ave, Traverse City MI – Mr. Yantz commented that the site sits back about 400 feet from the road. It is in a rural area, which is why the other two carriers are out there with no landscaping. It is in the ordinance that fencing, structural analysis, and landscaping is needed. Mr. Yantz explained, "If that is what the Township wants us to do, that is what we will do."

Mr. Barber asked if they were working with the owner of the pole and who the owner of the pole was. Mr. Yantz responded that American Tower controls the pole and Metro PCS just wants to co-locate inside the existing compound. He also explained that he thought it was a little rash to make them pay for that. Mr. Doozan said that he would have to talk to the Zoning Board of Appeals about that. Mr. Yantz commented that they want to get this going. They want to go ahead and comply with the ordinance and proceed.

Mr. Yantz asked what the Township would like in regards to a security deposit. Mr. Seymour explained that "the Township will need sufficient security that once you no longer need this pole, you will have sufficient money to remove all of your personal property. It is typically a bond."

Mr. Dome also commented that he would like to see the calculations sealed by an engineer in the state of Michigan. The calculations are currently sealed by a firm in Texas. Mr. Doozan agreed that it could be a condition on the approval.

Mr. Yantz presented a drawing that showed the gravel area. A full gravel compound is required and shows sufficient soil erosion precautions are being taken.

Ms. Williams motioned that "we approve AP-05-45 subject to the items in the McKenna letter dated January 10, 2006 with the addition of structural specifications stamped by an engineer licensed by the state of Michigan." Mr. Soper supported the motion.

Voice Vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James
Motion approved.

5. AP-05-57 a., Kassab, 28030 Pontiac Trail, between Shady Creek and Deer Creek Drives, Schedule a public hearing to consider a request for Special Use Approval for the development of a quick oil change station.

Mr. Soper motioned "that we schedule a public hearing for AP-05-57 a. for the first meeting in March." Ms. Williams supported the motion.

Voice Vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James
Motion approved.

6. AP-06-01, Carriage Trace Phase V, Condominium Document Review of Site Condominium Development located on the east side of Pontiac Trail on Coach House Lane, between the City of South Lyon and Trebor Drive.

Mr. Doozan reviewed the comments indicated in McKenna Associates, Inc. letter dated January 9, 2006.

Mr. Soper asked for clarification on item number 4 on the January 9th letter. Mr. Doozan explained that it came from the Township Board and John Hicks requested it. He thought this would be a good location for a "Welcome to Lyon Township" sign. The developer has prepared an easement to allow the placement for one of those signs on this sight.

Mr. Soper had questions in regards to the subdivision association.

Ronald Hughes 30100 Telegraph, Suite 220, Bingham Farms, MI – Mr. Hughes said that there is a master association for all five phases and there are just under 200 sites. They will all be contributing to lot 1's requirements to Trebor Road. "This will not solely burden the six lots; it has been taken by the master association." Mr. Soper asked if the master association was established now. Mr. Hughes responded yes. The association is billed for any road maintenance or any bills applicable to lot 1. Mr. Barber asked when that would start. Mr. Hughes answered it would start once this request has been passed. Mr. Hughes also clarified that whenever the association controls Trebor road, if there is a cost or a bill, then that lot will be assessed and if it is assessed, then it will be paid for by the association. A letter is going to go out to the association of Trebor Road indicating where they should send any of their billings for that lot. He also assured the Planning Commission that they have made contact with and satisfied the concerns of the people of Trebor Road.

Mr. Olson asked if Mr. Hughes has contacted the city as far as the road connection. He expressed concern that there have been some issues with the Saddle Creek Development as far as connecting roads within the city and to roads in the Township in regards to road standards and turnarounds. Mr. Olson thought that there might be a similar problem here. There are concerns as far as how plowing and other issues are going to impact those in the Township versus those six lots in the city. Mr. Hughes commented that those that run within the city are going to be maintained by the city and the road that continues out to Pontiac Trail will be contracted by a private contractor. Mr. Olson also commented that there is a difference in construction standards. There is a difference in opinion on specifications and it has been an issue with Saddle Creek and Trotters Point. Mr. Hughes commented that it has not been brought to their attention.

Ms. Williams asked if they could state in the motion that there is to be no off site sale signs posted.

Ms. Williams made "a recommendation to the Township Board that we approve AP-06-01 on Carriage Trace Phase V, Condominium Document Review subject to the conditions on the McKenna letter from January 9, 2006 that the Township Engineer and Township Attorney approve the documents. I would also like to add a statement that no off site sale signs may be posted. I would like to also add that the private road needs to comply with the townships Private Road Ordinance." Mr. Soper supported the motion.

Voice Vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James
Motion approved.

7. Schedule a public hearing to consider the updated Master Plan.

Mr. Soper made "a motion that we schedule a public hearing to consider the updated Maser Plan for our first meeting in March, which is the 13." Ms. Williams supported the motion.

Voice Vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James

8. AP-06-02, Thompson Hauling, Nine Mile and Griswold Roads, Discussion and possible action on proposed site plan review and use determination.

Mr. Doozan reviewed the comments indicated in McKenna Associates, Inc. letter dated January 23, 2006.

Robert Dohcouskin 15105 Sherman Road, Milan, MI – Mr. Dohcouskin commented that he was willing to working on all of the things in the McKenna letter. Mr. Dohcouskin explained that this type of use is a principal use in an I-1 district. It is a low intensity business with low traffic. There will be nothing outside of the building; therefore, the impact on the area will be minimal. He also explained that this is a roll on container service and if it runs outside of the hours of the landfill, it can just come back the next day and pick it up then. "It does not have to transport things off the site every evening. It would not be something that Mr. Thompson would have to haul back to the shop. If he were beyond hours, he would just leave it on the site and get it the next day." He is only planning on having equipment storage and an office in the building.

Mr. Olson asked Mr. Doozan if this was considered a principal use and in approving the site plan, could conditions be placed in that site plan which then could be reflected under principal use or use by right within the ordinance. Mr. Doozan replied that generally discretionary conditions are imposed when approving special land use. Mr. Olson explained that he was thinking that if it was done under the site plan review then it could be codified as an ordinance amendment for personal use, which would take longer then the special approval land use process. Mr. Olson explained that "he was looking for an interim solution of conditions on a site plan which would be set and then those quality standards to protect the community would be then codified in the future under the principal use, if this were allowed to be a principal use, within the district." Mr. Olson asked if that seem out of order. Mr. Seymour commented that if you look at 33.02 C subparagraph 2, it talks about conditions by which use may be permitted. Mr. Seymour read, "If the Planning Commission determines that the proposed use is similar to and compatible with permitted and existing uses in the district, the commission shall then decide whether the proposed use shall be permitted by right as a special land use or a permitted accessory use. The proposed use shall be subject to the review and approval requirements in the district it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in the district." Mr. Olson said that he realized as he read and listened to the review that if the Planning Commission looked at this as a principal use, the timing would probably not work for Mr. Dohcouskin. "If the ordinance were amended as a text amendment, which I would think took longer then a special approval land use, and if we get approval standards that get us to that consideration as a principle use, then we could bridge the gap and it would be quicker procedurally for them. I want to make sure that we protect the community at the same time." Mr. Olson also commented that if the property were looked at as a principal use, the Township would want some strict standards that would be imposed.

Mr. Dohcouskin asked what the time frame would be on that. Mr. Olson replied that for a principal use, he did not know if that also incorporates the Board. It would be in the site plan review and the Planning Commission would look at strict standards in the sight plan. Mr. Doozan commented that the Planning Commission has the ability to say this is a principal permitted use of a special land use. Mr. Seymour replied to Mr. Olson that he did not think that one had to have an amendment to the zoning ordinance. Mr. Olson replied that this is a new type of business for the Township that has not been contemplated before under the ordinance. "If there is going to be conditions attached and then this definition was going to be added or allowed, typically we would have conditions within an ordinance. In other words, the ordinance would be looking at a text amendment." He also commented that if this definition were to be expanded to this type of business, the Township needs to prevent the definition from expanding to liberally for another business of a similar nature. "Set the quality standards now to be codified as a text amendment if we allow this to be a principal use. We will know and we will be secure if another such business were to come in. Then we can hold them to a higher standard."

Mr. Barber commented that he wanted to know more about this operation.

Mr. Olson also commented that the residence the business is currently run out of is in Salem and not within the township limits.

Mr. Doozan asked Mr. Dohcouskin to explain the equipment that was used. Mr. Dohcouskin replied that the main truck is a class eight long wheel base semi and functions as a roll on roll off container truck. It is about 30 feet long and holds construction containers. Mr. Barber asked if he would be buying anymore. Mr. Dohcouskin replied that he hoped to. He is not planning on buying another one for a while. There will be nothing outside the building and none of the container storage will be at this sight. Only the trucks are there.

Mr. Olson asked if the business expands, would the structure currently hold more than one vehicle? Mr. Dohcouskin replied yes. The sorting will happen on sight. It is a one-man shop with a few employees.

Mr. Olson asked if there were going to be any materials, liquid, or debris on the truck. He also wanted to know if the truck got power washed before getting back to the shop. Mr. Olson explained that there are wetlands on sight and the township needs to make sure it stays clean. The Township does not want anything being brought back to an I – 1 district.

Mr. Olson commented that there is potential for a lot of businesses of this nature to come into the township and standards need to be in place.

Mr. Barber commented that this property is locked in and has a small buildable area. This might be the best option for this site.

Mr. Doozan summarized that the ordinance does allow, even if you allow this to be a principal use, to impose conditions.

The Planning Commission discussed the use of the land and the company.

Mr. Dome commented that he did not think it was an appropriate use of the land; however, he would rather see this company than a recycle collection center.

Ms. Williams commented that because of the property, there is not much that they can put on the property.

Mr. Barber asked if the Township should include this as a special land use or principal use.

Mr. Soper commented that this could open the doors for other similar businesses somewhere else in the Township.

Mr. Doozan responded that he was not concerned about that. It is possible to amend the ordinance to include this business.

Mr. Dome commented that the only advantage to the special land use is that there is a public hearing associated with it. For example, many Griswold Road residence came for the Johns Sanitation public hearing.

The Planning Commission continued to discuss the standards of cleanliness on the property and keeping the truck that goes back on to the property clean.

Mr. Dome made “a motion to consider this hauling use proposed by Jerry Thompson as a special land use in an I-1 district.” Mr. Soper supported the motion.

Voice Vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James

Mr. Soper made “a motion to schedule a public hearing to consider AP-06-02 special land use for the second meeting in March.” Ms. Williams supported the motion.

Voice Vote:
Ayes: all
Nays: none
Absent: Jim Hamilton, John Hicks, and Laura James

Mr. Barber adjourned the meeting at 8:27 P.M.

Respectfully Submitted,

Catherine Culver

Catherine Culver
Recording Secretary