

**Charter Township Of Lyon
Planning Commission
Meeting Minutes
March 13, 2006**

Approved as corrected on April 10, 2006

Date: March 13, 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)
Hamilton, Jim
Hicks, John (Board Liaison)
Soper, Ted (Vice-chair)
James, Laura (Secretary)
Williams, Laura

Absent: Dome, Jim

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

Guests: 13

Approval of Agenda

Mr. Hicks suggested adding to the agenda a discussion of the library master plan, making it item number six.

Mr. Soper made the motion, "That we approve the agenda for Monday, March 13th with the one change as noted."
Ms. Williams supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Mr. Dome

Motion approved.

Approval of Consent Agenda: February 13, 2006

Ms. Williams made the motion, "To accept the consent agenda from February 13th, 2006 with the changes noted."
Mr. Hamilton supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Jim Dome

Motion approved.

Comments from public on Non-Agenda Items: None

Public Hearings:

1. AP-05-57.a., Kassab, 28030 Pontiac Trail, between Shady Creek and Deer Creek Drives, public hearing to consider a request for Special Use Approval for the development of a quick oil change station, discussion and action on the site plan (ap-05-57.b) following the public hearing (**Withdrawn at applicant's request**).

Old Business:

2. AP-05-52, American Tower/Metro CS Michigan site plan; proposal to co-locate a new wireless carrier on an existing tower at 58100 Grand River Avenue (Tabled up to 60 days on February 27,2006).

Mr. Doozan reviewed the comments in the McKenna Associates letter dated March 6, 2006.

Bernard Yantz, 866 Pine Grove Avenue, Traverse City, 49686 – Mr. Yantz agreed that they were going to go ahead and put in pine trees as proposed in the drawing and also the \$5,000 security description.

Mr. Hicks asked why there was no symmetry in the coverage area. Mr. Yantz replied that there was no symmetry due to the terrain.

Mr. Soper made the motion, “That we approve AP-05-52, Metro PCS Wireless Tower with all items spelled out in the McKenna letter dated March 6, 2006.” Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome

New Business

3. AP-06-04, Wal-mart Expansion, Lyon Towne Center, south side of Lyon Center Drive, east of Milford Road, Commercial site plan review.

Mr. Doozan reviewed the comments in the McKenna Associates letter dated March 8, 2006.

John Nadratowski, 500 Avis Drive, Ann Arbor, 48108 – Mr. Nadratowski gave a brief presentation to point out the areas of expansion. He commented that currently Wal-Mart is just a retail store; they will be adding a grocery box to the store. Mr. Barber asked if the Wal-Mart property overlaps Lowes property. Mr. Nadratowski clarified that Lowes built their property within easement on Wal-mart property.

Ms. James commented that the real issue tonight is with the sign. “Do you have a problem with the signage?” Mr. Nadratowski replied that it is going to be their request to increase the signage square footage allowed and come back to the Planning Commission with written approval from the owner to allow certain signage that was not originally allowed. Ms. James clarified that they wanted the Planning Commission to approve the site plan without approval on the sign and have them come back. Mr. Nadratowski replied that they wanted overall approval of the site plan with no signs and then allow them the opportunity to come back with additional square footage once given written approval.

Mr. Soper asked if they were extending the front of the building as well. Mr. Nadratowski answered yes. Mr. Soper asked how far the front entrance was to where the cars will be driving. He asked that because the Kroger in Wixom is dangerous because people who come out of the store are very close to the parking lot. “Are you going to have towers out front or anything that would obstruct the view of vehicles driving in front of the store?” Mr. Nadratowski answered no. The width from the front of the store to the road will be the same.

Ms. Williams asked about the drive thru pharmacy and how cars are going to go through it. Mr. Nadratowski used a map of the potential store to show the Planning Commission the direction in which cars will be going. Mr. Soper asked if that would cause problems for Lowes and truck traffic. If you are creating a “U” pattern, does that mean there will not be any truck traffic between the buildings? Mr. Nadratowski answered that it would be reduced. He commented that the truck traffic that goes through there is not a constant. Mr. Soper commented no, but you have cars on the right hand side; you have cars coming and trucks going in the opposite direction from Lowes using the same path. There is not enough room to pass each other. If you look at this drawing, the path in which a car takes, takes up a whole lane. How would a truck get through if a car was making that turn? Mr. Nadratowski answered that he thought that because the delivery trucks only go through three or four times in a day, it would not be a conflict on that side of the building.

Ms. Williams suggested that they make it a one way, because anyone coming up from the back of the building would have an issue. Mr. Soper asked if, for the pharmacy, they “could bring it from the back of the store and make it a one way?” Mr. Soper explained that he was concerned because he thought it was going to be a safety issue. Mr. Nadratowski commented that he could look into it; however, he does not think that there will be enough delivery trucks in the area and with the low volume of the pharmacy customers; he does not think that there will be a problem. Ms. Williams said that with the two lanes on that side of the building, it looks awkward. Mr. Soper commented that he was not comfortable with that aspect of the site plan.

Mr. Barber asked if Wal-Mart had delivery trucks on that same side of the building or if they would use that road. Mr. Nadratowski answered that they were on the other side.

Usunobun Osagie 211 N. Record Street, Dallas, Texas – He explained why they had traffic going the proposed way by using the map of the site plan and also commented that they could try and change that area and investigate more.

Ms. James suggested rerouting the Lowes trucks and putting in a sign that says “no truck traffic.”

Mr. Doozan commented that he thought the Planning Commission should let them work on it. He also said that he did not think it would be a good idea to allow the car traffic behind the building because you would be mixing the loading and the truck traffic with the car traffic. He suggested working something out that confines the car traffic to the northeast corner of the building.

Mr. Soper suggested that the only other solution is to come up with an agreement with Lowes that no truck traffic goes through there. Mr. Barber asked if there was something that could be put in the curb structure that would prevent trucks from even thinking about going in there. That is really a narrow space because your store is so big.

Mr. Doozan asked what the hours of the pharmacy were. Mr. Osagie said the hours were from about 9 A.M. to about 9 P.M.

Mr. Olson commented that there needs to be a better situation with the entrances prohibiting people from parking in the fire lanes. It occurs on a frequent basis and prevention needs to be taken. He also suggested that REU’s get looked at for sewer. Mr. Olson also commented that in regards to signage, the Township is in litigation with excess signage. He said that he did not know in the rest of the PD, when proportioned out, what the signage is comparatively speaking. Mr. Olson said, “I think that it appears to be significantly excessive of what is needed. There should be some more information in the PD as to what other structures have in excess signage. I can see a chain reaction with this. This really detracts from the building. I don’t see a need for all this. It may be important to qualitate what other members of the PD have in terms of signs either per square foot of building or per surface area.”

Mr. Barber commented that he thought that they have “expanded the building to its maximum and I think the building addition is to big and for safety we have to have a wider drive way. In regards to signage, we are standing firm and you will only be able to get what other businesses have gotten.”

Mr. Soper commented that he hated to approve the building with it as big as it is because it limits what options the Planning Commission has.

Mr. Hicks asked about the trees. Mr. Nadratowski said that they would be replacing any trees that they take down.

The Planning Commission and Mr. Nadratowski discussed how to prevent people from parking in the fire lanes. Involving management and adding signs was discussed.

Mr. Soper asked what the structure between Wal-Mart and Lowes on the south side was. Mr. Nadratowski replied that it was the truck dock for the grocery side.

Ms. James made the motion, "To approve the site plan on the following conditions

1. That you bar with signage and agreement with Lowes all worked out with semi traffic on the east side of the building because it conflicts with the pharmacy traffic or any alternative you come up with that satisfies McKenna Associates and fully addresses the safety concern.
2. Add bollards or other devices to discourage parking in the fire lanes across from any frontage or an alternative that satisfies McKenna Associates.
3. We do not approve any signs tonight.
4. Our Township engineer must approve the site plan after McKenna addresses it."

Mr. Hicks supported the motion.

Voice vote:

Ayes: Mike Barber, Jim Hamilton, John Hicks, and Laura James

Nays: Ted Soper, Laura Williams

Absent: Jim Dome

Motion approved

4. Schedule a special meeting to consider AP-05-38, Shadow Wood, site plan review of residential development proposal located on the east and west sides of Chubb Road, between Eight and Nine Mile Roads.

Mr. Soper made the motion to "Schedule a special meeting to consider AP-05-38 for Monday, March 20th at 6:30."
Ms. Williams supported the motion.

Voice Vote:

Ayes: all

Nays: none

Absent: Jim Dome

Motion approved unanimously.

5. AP-06-09, Meadowcreek of Lyon Planned Development, Amendment to approved preliminary PD landscape plan; located on the south side of Ten Mile Road, between Milford and Griswold Roads.

Ms. Aniol reviewed the comments in the McKenna Associates letter dated March 3, 2006.

Mr. Doozan commented that in the ordinance section 18-224 it says that, "The applicant may appeal a petition of the Planning Commission or the Township Board to the Zoning Board of Appeals. The Zoning Board of Appeals shall consider any such request following the procedures for an appeal set forth in a zoning ordinance."

Mr. Olson clarified if the ordinance said Planning Commission or Township Board. Mr. Doozan answered yes. Mr. Olson commented that the Township Board has not been presented with this PD to make a decision at this point, so "I would think that you would have to do both. Only the board can wave its requirement, because it is its own criminal ordinance; it stands on its own. I do not know how we could go from the Planning Commission to the Zoning Board of Appeals without involving the Township Board. They are the only body that can interpret their own ordinance."

Mr. Soper commented that he was confused as to what the Planning Commission is expected to do.

Mr. Doozan asked Mr. Seymour what his take on the situation would be. Mr. Seymour replied that his take would be that it would have to go to the Township Board. The way I understand the PD ordinance now is you make a recommendation, and then the Township Board makes the final decision. It logically dictates that it would go to the Township Board and if the applicant were dissatisfied with the Boards decision, then it would go to the Zoning Board of Appeals.

David Goldberg 2846 Franklin Road, Southfield, 48034 – Mr. Goldberg was under the impression that the Planning Commission was going to be discussing the tree issue on their site. He asked the Planning Commission respectfully for a break on their tree replacement. In the application review procedures in the ordinance it says, “ Unless otherwise noted, the Planning Commission shall review and take action on applications for tree preservation permits.” “I am here today for a tree preservation permit.” It is within the Planning Commissions authority to grant or deny that permit. “If the applications filed in combination with other permit requirements where Township Board action is required, then the Board will take final action on the tree preservation permit.”

Mr. Doozan clarified that final PD approval goes to the Township Board.

Mr. Olson replied “Plus isn’t it rather premature, because you have not applied to construct anything. You are still in a planning stage.” Mr. Goldberg replied that they have received their preliminary approval and we would like to submit a final plan.

Mr. Soper corrected that the Planning Commission does see the final plan, and then it goes to the Township Board.

Mr. Doozan clarified that the ordinance that Mr. Goldberg implied under “N,” the one that is currently in place, the Township Board is the final authority of a PD because it is an ordinance amendment. Mr. Goldberg commented that if that was the case, he has no idea why he was asked to be at the meeting today. For two and a half months, Mr. Goldberg has been ready to submit the final plan, but the ordinance requires they get this permit out of the way before a final plan is submitted. “On April 11, 2006 it will have been a year since you granted us approval. I have to submit our final plan by then. I would like to go ahead and submit my final plan or have you grant me an extension on that year in order to resolve this issue.”

Mr. Soper clarified that conceptual goes to Planning Commission and the Board, Preliminary goes to Planning Commission, and then final goes to Planning Commission and the Board.

Mr. Doozan commented that they are going through the preliminary plan review stage under the old ordinance. They are at the point where they are ready to go through a final review stage. They must go to the Planning Commission first and then the Township Board. One of the conditions of approval in the preliminary plan review was that they take care of tree preservation. “Would it make sense for them to simply go ahead and file for their final plan review and just forward the tree preservation issue to the final review?”

Mr. Goldberg commented that he is asking to skip the Township Board only if they have no authority. “If they have authority to grant me the request I am asking, then I would gladly go speak to them.”

Mr. Seymour commented that it seemed to him that the Township Board was the one that ultimately made the decision on the tree preservation.

The Planning Commission discussed the possible ways that they could recommend the site plan with conditions.

Mr. Olson suggested that Mr. Goldberg deal with the tree issue first and then submit the final plans.

Mr. Doozan asked Mr. Goldberg where he was in regards to his final plans. Mr. Goldberg replied that they have been sitting in his engineer’s office for three months waiting to be submitted.

Ms. James offered some comments, she thought there were some errors in the tree plan, the plan has many hundreds of inches of Elm as protected and they are not. There is a species list of undesirable trees at the Township Hall and the Planning Commission will be willing to sit down with you and look at that as well.

Dwayne Bennett 15030 Finch, Plymouth, 48170– Mr. Bennett discussed the issue of unprotected trees with Ms. James. Ms. James suggested that instead of attacking the ordinance or asking for an exception out right, maybe they could work with the Planning Commission.

Mr. Hicks said that the issue before the Planning Commission is that we are being asked to amend their landscape plan and we do not have the authority to do that.

Ms. Aniol commented that the Planning Commission does not have the authority based on the proposal in front of the Planning Commission. The proposal is for a tree-by-tree replacement modification.

Ms. Williams asked what it was the Planning Commission needed to do. Should they extend the deadline so he can go to the Township Board?

Mr. Goldberg asked what body has the right to grant him his tree preservation permit. He wants to go to them. Mr. Barber answered the Township Board.

Mr. Barber asked if there were parts of this development that they could get a permit and would be happy with the permit (number of trees restored). Mr. Goldberg showed the Planning Commission the first phase that had a small amount of trees. “As far as phase one, which is the phase we are submitting our final plan for, our impact on trees is minimal and can probably be complied with.”

Mr. Soper suggested that Mr. Goldberg submit his final approval for phase one. “That keeps you on track with the year, and gets you through the process. In the meantime, the ordinance is getting corrected.” Mr. Goldberg asked if Mr. Soper was suggesting that they “seek a tree preservation permit for the areas that we are seeking to disturb.” Mr. Soper answered yes.

Ms. Williams commented that the landscaping plan has a wrinkle in it. The plan has Norway Maples and those are actually illegal in many communities. She asked that they substitute that tree.

The Planning Commission discussed the significance of allowing the developer to finalize plans for just phase one.

Mr. Soper clarified that the Planning Commission did not need to take any action.

Mr. Goldberg also commented that this has been their only problem and they can agree to everything else.

6. Discussion of Library

John Bell, 23113 Currie Road, South Lyon - Mr. Bell wanted to discuss with the Planning Commission taking a proactive position on the Library. He wanted to tell the Planning Commission the future of the library. This Township has a build out population of about 40,000 people. This is going to require another library of about the same square footage. He said that there are two approaches that the Township can take. The Township can build a 40,000 square foot building in one location, or put branches in different parts of the township. He asked if the Planning Commission would consider some language in the Master Plan for the library, addressing a need for branches and locations other than what is currently planned.

Mr. Soper commented that they have had that discussion before. A spot was not identified, but it was discussed.

Mr. Barber adjourned the meeting at 8:30 P.M.

Respectfully Submitted,

Catherine Culver
Catherine Culver
Recording Secretary

