

**Charter Township Of Lyon  
Planning Commission Meeting  
Meeting Minutes  
June 12, 2006**

Approved as written on July 10, 2006

Date: June 12, 2006  
Time: 7:00 PM  
Place: 58000 Grand River

Mr. Barber called the meeting to order at 7:02 P.M.

**Roll Call**

Present: Barber, Mike (Chair)  
Dome, Jim  
Hamilton, Jim  
Hicks, John (Board Liaison)  
James, Laura (Secretary)  
Williams, Laura

Absent: Soper, Ted

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

Guests: 55

Mr. Hicks made the motion to “excuse Mr. Soper from tonight’s meeting.” Ms. Williams supported the motion.

Voice vote:

Ayes: all  
Nays: none  
Absent: Mr. Soper

Motion approved.

**Approval of Agenda:**

Mr. Hamilton made the motion “to approve the agenda for June 12, 2006” Ms. James supported the motion.

Voice vote:

Ayes: all  
Nays: none  
Absent: Mr. Soper

Motion approved.

**Approval of Consent Agenda:** May 8, 2006 and May 22, 2006 meeting minutes

Ms. James made to motion to approve the May 22, 2006 meeting minutes as corrected.” Mr. Hamilton supported the motion.

Voice vote:

Ayes: all  
Nays: none  
Absent: Mr. Soper

Motion approved.

Ms. James made the motion “to table the meeting minutes for May 8, 2006 so we can review the tapes.” Mr. Hamilton supported the motion.

Voice vote:

Ayes: all  
Nays: none  
Absent: Mr. Soper

Motion approved.

**Comments from public on Non-Agenda Items:** None

**Public Hearings:**

- 1. AP-06-20, Town Center Overlay District, public hearing to consider proposed zoning ordinance amendments to adopt a Town Center Overlay District and amend Section 19.03, sub-section a to add 1) design standards for multiple family uses and 2) requirements for bicycle paths.**

Mr. Doozan reviewed the comments in the McKenna Associates letter dated June 1, 2006 letter and explained the proposed Township Center Overlay District.

Open public hearing at 7:34 pm

Boyd Baker 23426 Outback – Mr. Baker commented that all the public received in regards to information on the Overlay District was a map that does not tell the public what the changes are. He also wanted information on how many residents from Lyon Township were in on the development. Mr. Barber commented that the public hearings purpose was to get the publics input on the development. Mr. Baker said that the Township should get more input from residents on the development. Mr. Barber asked Mr. Doozan if business people and community members were involved in the DDA. Mr. Doozan said that it has been an on going effort for many years. The public has had the opportunity to speak when the Master Plan was put together, when the DDA was put together, and there have been multiple discussions about the roundabout. Mr. Baker asked where the roundabout was going to be. Mr. Doozan answered that the roundabout was going to be at Milford and Grand River. Mr. Baker asked how many buildings where going to have to be taken down. Mr. Doozan answered that the Township did not know yet. Mr. Olson said that it has not been engineered yet. He also said that the Township had a significant amount of Township residents at the public hearing before the Board when the DDA’s tax increment finance plan was up last year. He also said that there are two residents who are familiar with the Downtown Development Overlay and have been looking at it. They are members of the Board, the Township Clerk, Pam Johnson and Dan Cash. That does not mean that they are involved with this ordinance, but they have had the opportunity to look it over. Mr. Olson also commented that additional public input could be accommodated. Mr. Barber stated that this is for new construction and it is not going to put anyone out of his or her home. Mr. Baker said that he understood that but it was going to make it harder for them to develop something and add to it.

Gary Faria 5440 Cooperate Drive, Troy – He represents Mr. Widcock who owns the parcel just east of DTE. His concern is that in section 34.04, there is some underlined language that says, “The permitted location of the permitted uses shall be based upon the Lyon Township Future Land Use Map for New Hudson.” Mr. Olson showed Mr. Faria the new version of the Lyon Township Future Land Use Map and it was different from the pervious version. Mr. Faria’s question was, “is that the current approved Master Plan or is it the proposed change to the Master Plan and how do the two relate?” Mr. Faria asked how that relates to the Future Land Use Map being referred to. Mr. Doozan answered that is the one being referred to. Mr. Faria clarified that the Master Plan is the same. Mr. Doozan said yes. Mr. Farai also said that if the location is based on a map that the public has not seen, he hopes the Township gives the owners the opportunity to speak again. Mr. Faria also asked if the new portion of the industrial ring road was on the Master Plan. He said that last time they had major objections to the ring road.

Karen Safran 4111 Anover Road Bloomfield Hills – Ms. Safran is representing Quadrants INC. that has an interest in the 17-acre parcel off of Helen Drive. She said that her company was before the Planning Commission to request a rezoning from I-2 to Multiple Family and the Planning Commission recommended denial and the Township Board denied the rezoning on concerns that it was premature. For the past few years they have been working under the current zoning and trying to get the property developed under industrial use only to have potential industrial users come in and get negative reception from the Township. Now they are looking at an overlay district that will make it impossible to use this property for an industrial use. She also asked if there have been changes to the boundaries of the New Hudson area. Ms. Safran said that in the past it has always been Huron Valley Trail that has been the eastern boundaries. She asked if it been extended beyond Huron Valley Trail. Mr. Doozan said that he did not think there was any defined New Hudson district. He commented that Ms. Safran’s clients property is within the ring road that the Planning Commission has been discussing. Ms. Safran asked if there has been a change to the Master Plan because the Townships zoning seems to be inconsistent with the Master Plan. Mr. Doozan commented that the zoning is consistent with the recently adopted Future Land Use Map. Ms. Safran commented that her concern was their property maybe the only undeveloped parcel and it seems targeted. She also said that the remaining portion of the overlay district appears to be already developed, so why have an overlay district? Mr. Doozan asked if Ms. Safran felt this overlay district targeted her parcel. Ms. Safran said yes. Mr. Doozan said that is incorrect and that Ms. Safran can put that to rest. Ms. James asked Ms. Safran if her client wanted the property to be Multiple Family or industrial? Ms. Safran said that at this point they are trying to move forward on an industrial site plan. She also commented that they have been working on developing this property for two years and they are concerned with the delays. Ms. James asked if it was a spec building or if they had an owner. Ms. Safran said that it was a spec building. Mr. Dome commented that the Planning Commission was led to believe that there was a disclosed owner. Ms. James asked if they were waiting to see what the Planning Commission was going to do. Ms. Safran said that they are waiting because a lot of money has been spent and they want to be cautious of where they spend their money. Mr. Dome asked if they have an approved site plan, what is the hold up? Ms. Safran answered that they want to see what the Planning Commission is going to do. Mr. Dome asked “how is the Planning Commission was delaying your development?” Mr. Olson commented that property could be developed under the existing zoning.

Mike Palchesko 26801 North Western Southfield – Mr. Palchesko is the original manager of cooperate affairs with DTE energy and a cooperate decision has been made to close the New Hudson Service Center. There is no exact set date. He wanted to comment on the draft map because it does not include the DTE parcel in the Overlay District. He has had some conversations with their manager of real estate and their engineering department and they are willing to be part of this operation with the understanding that they have no set future plans with the property. Mr. Olson commented that this property is a split zoning; it is I-1 to the north and B-1 to the south.

Les Cash 29631 Milford Rd – Mr. Cash hopes that the Planning Commission has had a better opportunity to see the material tonight. Mr. Cash had the original set and found out on Wednesday that it has been changed. He hopes that the Planning Commission has seen the reviews before everyone else has. Mr. Cash also said that in reference to Pam Johnson and Dan Cash, this material has been thrown out there and he did not think they had time to look it over properly. He hopes that no action is taken. The public needs to know what is going on. Mr. Cash also commented that the presentation went to fast.

Tim Davids 30065 Rondeau Ave – Mr. Davids commented that he had a concern in regards to the focus on parking in the rear of the buildings. His question is in regards to the 1.44-acre parcel on Grand River with Grand River frontage. His residents backs up to the parcel, if there was parking in the rear of this parcel there would need to be a retaining wall. This is a serious concern of his and he would like to see a retaining wall proposal for residence/commercial zoning. His also had a concern with the parcel because there is a consent judgment on that parcel. He asked if the consent judgment still applies even with this Overlay District. Mr. Doozan answered yes. Mr. Davids also asked if Cherry Lane, Homedale, and Rondeau Ave. had any proposed bike paths going down those streets. Mr. Doozan said no bike paths, but a sidewalk would be put in with the new development. Mr. Barber asked what Mr. Davids thought about the overall Overlay District. Mr. Davids commented that he would like to see some more work on the sidewalks. He also commented that the 12, 2 bedroom units per acre is to drastic of an increase.

Mathew Graves 29712 Milford Road – Mr. Graves moved to New Hudson about 12 years ago and when he first came the traffic on Milford Road was bad. It has only gotten worse even with the changes to the intersection. He has seen many accidents. He wanted to know, what can be done about the traffic? Mr. Barber commented that the plan

for the ring road was most of the cars would use the ring road and fewer cars would be using Milford Road. Mr. Doozan commented that Mr. Graves can come into the Township and either Mr. Olson or Mr. Doozan will get him so information on the ring road. Mr. Graves also commented that he thought most of the traffic on Milford Road does not go to Grand River; it goes to the expressway. He is not sure that the ring road will help any. Mr. Dome asked if the Township had any impact on Milford Road and suggested that Mr. Graves call the county.

Loral Jacoby Cherry Lane – Ms. Jacoby has a concern with the traffic as the development progresses. She already has a lot of traffic cutting through her street trying to beat the light on Pontiac Trail. She wanted to know what was going to happen to the traffic on the residential streets. Mr. Doozan said that there is currently a traffic study underway. Ms. Jacoby wanted to know where the proposed multi-family residential was going to be. She does not think it is a good idea to put more apartments close to the intersection.

Mr. Hicks said that he understands it is frustrating, but it helps if everyone calls the Oakland County Road Commission about the light timing on Pontiac Trail.

Bret Rohrscheib 6085 Grand River – Mr. Rohrsheib commented that the ring road is going to cut into his parcel south of Grand River on the east side of town. Mr. Rohrsheib wanted to know when the ring road is going to be built. He also asked if DTE moving is going to change the location of the ring road. Mr. Doozan said no.

Mike Lamb 29780 Rondeau – Mr. Lamb asked if someone wanted to put a new edition on their home, would they have to conform to all the new rules and ordinances? Mr. Doozan commented that he would be allowed to continue in his existing residence as a conforming residence. Mr. Doozan said that if he was planning of adding onto his house, he would have to comply with the current ordinance. Mr. Lamb also voiced concern in regards to the ring road.

Ernie Diczno 34355 Glosser Circle, Farmington – Mr. Diczno has been working with Mr. Olson in regards to the old Putter property. He said that there are disadvantages and advantages to putting a building on a sidewalk. The problem with putting buildings on the sidewalks is it is difficult to keep it secure, a lot of retail traffic is lost, and you have to have dual storefronts (people coming in from back and sidewalk). Most national tenants do not like dual storefronts. The downtown districts of Plymouth, Birmingham, and Novi have very few national tenants. Mr. Diczno commented that a good example is Rochester were they did the Lifestyle Center. It has the esthetics of a downtown feel, but you can drive up to it. He said that for the community, consider some parking up front.

JR Copeland 29603 Milford Road – Mr. Copeland had some trees cut down in his yard due to a drain and he wanted to know when he was going to get his trees replaced and what they were going to get replaced with. Mr. Olson commented that he would be more than happy to talk to Mr. Copeland.

Chris Olson speaking on behalf of the DDA as their executive director – Mr. Olson explained that the Overlay District and the ordinances do fit within the approved master plan and the DDA's developmental plan. Mr. Olson spoke with a DDA member, Mike Stanton, and he is pleased with the addition of the drive through businesses. Mr. Olson expressed concern about item number 23 in the uses. He would like to see that limited to a 6-person unit with additional persons subject to special approval land use. Mr. Olson answered the question regarding district expansion and there is not a defined Downtown Development District from the standpoint of being tied to this overlay. There is a Downtown Development Area and there is a tax increment finance area that is contained within that plan. The types of uses also have to comply with the Townships Master Plan and or Zoning Ordinances. Mr. Olson also pointed out in terms of lifestyle centers, national centers, and village shops at Rochester, they do have some drive through and parallel parking and the area is lively. The retailers are part of national chains and there is parking areas around the specific areas. In terms of the ring road, it is located within approximately ¼ to ½ a mile of the main intersection. The ring road has been looked at, the plan needs to get approved, and the contracts are in the processing of being signed. In addition there will be special assessment districts because it is a private as well as public benefit. Mr. Olson also commented that the ring road engineering is half done. A decision still has to be made over one of the intersection locations. He also mentioned that a study is being conducted so that the roundabout is not created and then hangs people up at a light. Mr. Olson also commented on the VS17 parcel. As it relates to multiple family, it is one of the primary concerns. If developed under the standard RM2 (8 units to the acre or about 150 units), under the new zoning, it would increase the units 50%. A ring road access to the south of that property will be critical in terms of traffic.

Ms. James commented that it sounds like people are complaining that the notice was confusing. People were also unsure of how this is going to impact them. If the plan calls for the area to slowly turn into downtown Royal Oak, then there is going to be problems. It is going to take forever and there could be some conflicts between the existing property owners. What we heard tonight is the concerns about the possible conflicts and then not knowing if this is going to effect their property value or if there house is going to be able to sell. Ms. James said that she thought these concerns should be addressed and asked Mr. Olson if he would recommend the Planning Commission table it. Mr. Olson commented that the Overlay District is tied to the Master Plan for the New Hudson area as opposed to the zoning district. "There is an issue of the notice complying with the law dealing with the zoning versus the text of the ordinance which is tied to the Future Land Use Plan. Showing that overlay over the Future Land Use as a communication is probably warranted so that people can get their arms around it and see the true impact of the property." Mr. Olson and Ms. James discussed holding a special meeting or continuing the public hearing.

Ms. James asked Mr. Olson if he was representing the DDA and suggesting that private homeowners in the New Hudson area have reason to celebrate if this goes through because their property value will go up? Mr. Olson answered that it depended on their perspective. If someone wants to have a single family home in what they thought was a county like area, then they may have some misgivings. If someone wants to sell and go to a different area then they have that opportunity. Ms. James asked Mr. Olson if he has had any inquires from developers interested in buying existing homes in this area. Mr. Olson answered no, but input has been run by some people on a non-formal basis by the Township engineer.

Ms. James made the motion "to table the public hearing until our next meeting and keep the public hearing open until our next meeting in two weeks."

Ms. James made the motion "to continue the public hearing to two weeks from tonight." Mr. Hamilton supported the motion.

Voice vote:

Ayes: Barber, Dome, Hamilton, James, and Williams

Nays: Hicks

Absent: Mr. Soper

Motion approved.

Ms. James made the motion "that we adjourn AP-06-20 until the meeting two weeks from tonight." Mr. Hamilton supported the motion.

Voice vote:

Ayes: Barber, Dome, Hamilton, and James

Nays: Williams and Hicks

Motion approved.

### **Old Business:**

#### **2. Discussion and possible recommendation to the Township Board concerning amendments to the Tree Protection Ordinance.**

Mr. Doozan reviewed the comments in the McKenna Associates letter dated June 5, 2006.

Ms. James made the recommendation to the Township Board "to vote against this for the following reasons:

1. It is too complicated.
2. It is too lenient.
3. Shrubs are never protected so there is no reason to mention shrubs.
4. To the extent that there are some heavily wooded parcels left in the Township and that is why we are discussing this in the first place, a cap based on property value would be a different approach that would accomplish the goal of not doing the legal takes of the property but still protecting our canopies. When the Township Board votes on this they need to keep in mind that trees perform an important function in preventing flooding."

Ms. Williams said that she agreed with Ms. James. Ms. Williams also added that she did some research and found some information on tree ordinances. It did say that 100% tree replacement is not always feasible. However she felt the proposed ordinance was to convenient and to complex. Ms. Williams also said that the sliding scale was very complex. She suggested using the cap idea or some other way. She also made some corrections; the proposed ordinance reads, "anything over 24 inches is a landmark tree." "Our scale should stop at 24 inches. Landmark trees are protected 100% so our scale should not go beyond that." She thought that clarification was needed on page 2, section 18-182. Ms. Williams also was wondering if the ordinance should get that specific about 2% reduction.

Mr. Barber commented that he was ready to approve this ordinance as Mr. Doozan and the planners have suggested.

Ms. Williams asked why Mr. Doozan chose to use the sliding scale? Mr. Hicks commented that he likes the sliding scale. Mr. Doozan said that they had a different type of measurement at the past meeting and the Planning Commission did not like it.

Mr. Dome made the comment that when going through other communities, they have denser developments then we do. It is embarrassing to drive through Lyon Township. If you look at the new subdivisions in the Township, there is no landscaping at all. "Why is our ordinance so restrictive and yet we are changing our ordinance to meet Novi's?" If you drive down 10 Mile there are two times as much landscaping in those subs then we have. Mr. Dome suggested that the problem is where they are planting the trees, not how many. He also stated that he thought the ordinance should stay as it is for the returns that the Township gets. Mr. Doozan commented that he disagreed because he thinks the current ordinance will get overturned in court.

Mr. Hicks commented that there was too much on the sliding table; he would like to see it made into smaller categories.

Ms. James commented that this will affect every parcel in the entire Township.

Mr. Doozan said that he thought the ordinance was not as complicated as it looks.

Mr. Seymour commented that the current ordinance did open up the Township to being liable because it may be unfeasible for a developer to develop a property because they would have to replace so many trees.

Ms. James said that it seemed like the proposed ordinance would be a windfall for a lot of developers that were not in the Township complaining.

Mr. Dome asked Mr. Doozan if in his legal opinion this is the highest and best the Township can get within some legal perimeter. Mr. Doozan said that it is a good alternative.

Ms. James made the motion that "we recommend to the Township Board that they reject this proposed amendment to the tree protection ordinance for the reasons stated on the record tonight." Ms. Williams supported the motion.

Voice vote:

Ayes: Jim Dome, Laura James, and Laura Williams

Nays: Jim Hamilton, Mike Barber, and John Hicks

Absent: Mr. Soper

### **3. AP-06-02, Thompson Hauling, Industrial site plan review for a construction clean-up operation located at Nine Mile and Griswold Roads (recommended action: table up to additional 60 days).**

Ms. James made the motion "that we table AP-06-02 for up to 60 days." Mr. Hamilton supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Soper

Motion approved unanimously.

**New Business:**

**4. AP-06-14, Lyonbrook Village Conceptual Planned Development, located on the south side of Pontiac Trail, east of Martindale Road.**

Ms. Aniol reviewed the comments in the McKenna Associates letter dated June 9, 2006.

Mike Huszti (spelling?) 1800 N. Milford Road - Mr. Huszti explained that their plans have changed from the originally approved 19 unit plan. The original farm house was going to be burnt down, and they have decided to keep it. There is a request for a 1-unit density bonus and also the PD ordinance requires a 75-foot setback from Pontiac Trail. The farmhouse is inside that setback by 9 feet. Mr. Huszti estimated that the farmhouse is 100 years old and the house will eventually be sold.

Ms. James commented that she loved the plan and thought it was excellent. She also commented on how they increased the quality of the wetlands.

Mr. Huszti said that the houses were going to sell somewhere in the low \$200,000. He also stated that they were saving 7 net trees.

Mr. Hicks commented that it is nice to preserve the house, but the person that owns it may change it. There is no benefit because there is nothing to guarantee that it will stay the way it is. Ms. James suggested putting some language in the PD agreement to restrict the farmhouse.

The Planning Commission discussed the appearance of the houses and materials used.

No recommendations were made.

**5. AP-06-05, Leo's Coney Island, east side of Pontiac Trail, north of Eight Mile Road, Commercial site plan review.**

Ms. James made the motion "that we table this for up to 90 days." Ms. Williams supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Soper

Motion approved.

**6. AP-06-22, Lyon Professional Centre, Site Plan Review, located on the north side of Grand River Avenue, west of Milford Road.**

Ms. Aniol reviewed the comments in the McKenna Associates letter dated May 8, 2006.

Bob Langan – Mr. Langan commented that they wanted a fence that was similar but no matching because the current fence has spikes and he does not want someone to hurt himself or herself on his sidewalk. Ms. Aniol commented that the spike fence has been taken care of.

Ms. James made the motion that "we approve this revised site plan subject to the conditions set forth in the letter dated May 8, 2006 with the conditions being numbers 2,3,and 4 on page 2 of the review letter. The applicant must also formally apply and pay the fees." Ms. Williams supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Soper

Motion approved.

**7. AP- 06-23, Terry Sever Rezoning, 21725 Pontiac Trail, west side north of Eight Mile Road, applicant requests a subcommittee be established to discuss rezoning prior to setting a public hearing.**

Ms. James commented that in the past the Planning Commission has not done a lot of subcommittees for people who want zoning changes, especially from residential to commercial. She further discussed that the Township would be getting right back into the Mill River problem. She suggested that they should not have a subcommittee.

Mr. Olson commented that this area has the Farmer Jack Plaza, the Brook Dale Plaza, new commercial development, and this parcel. There are also wetland issues. He suggested that this proposal should be in compliance with the Townships rezoning applications.

No subcommittee was formed. The applicant must complete a complete application.

**8. Discussion of Northfield Township Growth Management Plan Update.**

Ms. James commented that she liked that they were not putting any commercial up on 8 Mile.

Mr. Barber adjourned the meeting at 9:50 p.m.

Respectfully Submitted,

*Catherine Culver*

Catherine Culver  
Recording Secretary