

**Charter Township Of Lyon  
Planning Commission Meeting  
Meeting Minutes  
June 26, 2006**

Approved as written on July 24, 2006

Date: June 26, 2006  
Time: 7:00 PM  
Place: 58000 Grand River

Mr. Barber called the meeting to order at 7:00 P.M.

**Roll Call**

Present: Barber, Mike (Chair)  
Hicks, John (Board Liaison)  
Williams, Laura  
Soper, Ted

Absent: Dome, Jim  
Hamilton, Jim  
James, Laura

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

Guests: 13

Ms. Williams made the motion "to excuse Laura James, Jim Dome, and Jim Hamilton for tonight. They all called or emailed that they could not be here." Mr. Soper supported the motion.

Voice vote:  
Ayes: all  
Nays: none  
Absent: Mr. Dome, Mr. Hamilton, and Ms. James  
Motion approved.

**Approval of Agenda:**

Ms. Marcarello recommended that a public hearing be scheduled for the Terry Sever rezoning (item 5).

Ms. Williams made the motion "that we add to business item number 5, schedule a public hearing for the Terry Sever rezoning, to the agenda." Mr. Soper supported the motion.

Voice vote:  
Ayes: all  
Nays: none  
Absent: Mr. Dome, Mr. Hamilton, and Ms. James

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

Mr. Hicks made the motion "to approve the minutes as written." Mr. Soper supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome, Mr. Hamilton, and Ms. James

**Comments from public on Non-Agenda Items:**

John Bell 23113 Currie Road – Mr. Bell said that on behalf of the Lyon Township Library he had prepared a presentation. Due to the small crowd at the meeting, Mr. Bell asked that they forego the presentation. Mr. Bell passed out pamphlets to Lyon Township residents that were at the meeting.

**Public Hearings:**

- 1. AP-06-20, Town Center Overlay District, Continuation of public hearing to consider proposed zoning ordinance amendments to adopt a Town Center Overlay District and amend Section 19.03, subsection 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 14, 2006.

Open Public hearing 7:05 pm

Mike Lamb 29780 Rondeau – Mr. Lamb had some questions in regards to the DDA and submitted research that he had done. Mr. Barber entered his research into the record. “Downtown Development Authority is taking and transferring use of private property and development area of services.” Mr. Barber commented that he was not sure what the information was about. Mr. Olson made copies for all of the Planning Commission and clarified that it was a section of state law.

Mr. Hicks commented that this was not a discussion about the DDA; this public hearing is to discuss the Overlay District.

Mr. Doozan explained that this was a public hearing on the Town Center Overlay District and the amendments to section 19.03. Mr. Barber commented that the Township was not going to take anyone’s property.

Mr. Lamb explained that he understood that taking land is part of the DDA’s authority once all the zoning is created. Mr. Doozan answered no; the DDA and the proposed zoning overlay district are two separate matters. The DDA has already been created and has been in place for several years. “The DDA’s boundaries extend beyond the property we are talking about.”

Mr. Lamb also commented that he is very concerned about the property that sits in front of his house that is owned by the county. His biggest problem is with the ring road at Pontiac Trail in front of the apartments. At some point, it will have to go through that county property in order to get to Milford Road. Mr. Doozan said, “That is not within what we are looking at, as far as the overlay and it will not come into play. Mr. Doozan commented that the zoning for the county property does not make any difference in regards to the ring road. The zoning on the county property is going to be developed for airport use. That is not addressed in the Overlay District at all. Mr. Lamb said that the Planning Commission had to see why he has a concern. “That is county property and to get to Milford Road, the ring road has to go through the county property.” Mr. Doozan said that the ring road will probably cross over the county property. Mr. Lamb asked if condemnation applies to the DDA’s powers. Mr. Olson said state law says that “a municipality may take private property under Public Act 149 under the Michigan complied laws and can transfer the property to the Downtown Developmental Authority on terms and conditions it deems appropriate, and the use shall be considered necessary for public purposes for the benefit of the public.” Mr. Olson commented that is standard law for any municipality under the state. Mr. Olson also said that he did not know if any of this was relevant to the Overlay District.

Mr. Lamb said that there were a couple of maps out at the previous public meeting, and Mr. Olson told him that they should not have been out for public viewing; he asked to see them. Mr. Olson said that the maps were not part of

the public hearing and are not in the room; he was not going to get them. Mr. Hicks said that the maps have no bearing on what is before the Planning Commission tonight. Mr. Lamb said that he would like the meeting to be adjourned until all members are present. Mr. Hicks said that the Planning Commission is voting on the Town Center Overlay District, which has nothing to do with the road. Mr. Lamb asked, "to go on record to abstain my property from this." Mr. Olson said that he can make the request, and the Township can give it all the consideration it is due. Mr. Barber explained that this is a zoning overlay and gives Mr. Lamb more zoning opportunities for a variety of different zonings for his property. They are not taking anything away from him.

Mr. Soper said that it seems like Mr. Lamb is taking two separate items and blurring the line. All we are talking about is changing the overlay zoning so that we can create higher density within the downtown area.

Mr. Lamb said, "As a taxpayer I, would like to abstain my property from the Overlay District."

Mr. Soper asked what his objection was. Mr. Lamb responded that he would like to live and die in the home he is in. He said that he is very flexible as to what can take place to complete the ring road, he has a beautiful house, and would like to live the rest of his life there."

Mr. Hicks said, "Nothing in here will change that. We are not taking your rights away."

Mr. Lamb said, "As long as you understand my motion, I would like my property withdrawn from the Overlay District."

Mr. Barber said in the future when the ring road is being planned, Mr. Lamb will be one of the first contacted. The Overlay District will not affect his property.

Mr. Lamb said that he does not want to be a part of it.

Bob Mets 57391 Pontiac Trail - Mr. Mets said that he has the same feelings as Mr. Lamb. He has been a taxpayer for 30 years, and he moved out here because of the area. The road and traffic concerns him. He is also concerned about noise and aesthetics. He has done renovations on his house and intends to stay there. He feels like the Planning Commission is not listening, and he wants to be heard.

Timothy Davids 30065 Rondeau – Mr. Davids' concern is in regards to section 15 of the Overlay District. He feels that there are a few gaps in landscaping, screens, and wall sections. Mr. Davids read subsection F page 16-6, "In addition to required screening, all street parking areas should also provide landscaping as follows." This is a concern in regards to the 1.44-acre parcel off of Grand River. It is on the corner of Rondeau. It has been made clear that most of the development is going to be frontage development (zero frontage) which means all of the parking is going to be located in the rear. "There is going to be parking in front of and on the side of the building, and the word rear is not included." He was hoping that could be added to the ordinance.

Mr. Doozan asked if Mr. Davids' concern was if someone puts parking in the rear, he wants screening between his house and the parking. Mr. Davids said yes, that was his specific concern. He also understands that it allows the Board to decide the type of screening. In the ordinance, it suggests a brick wall with a height that he does not agree with. It also allows the Planning Commission to say that a wood fence is adequate screening. Mr. Barber said that if someone were to do something like that, we would make sure Mr. Davids was there and happy with it. Mr. Davids continued to say that he felt a 5-foot masonry brick wall is the only adequate form of barrier.

Mr. Olson said that he is asking for a higher standard in the zoning.

Mr. Davids also commented that the Township has parking lot landscaping, and landscaping is only required when it is greater than 15 spaces. Mr. Davids suggested that they reduce the number to 12. Mr. Soper said that there is a formula that is followed to come up with those numbers.

Mr. Davids also said that in regards to the screening when it specifically borders a residential property, there is a subsection. Mr. Davids rewrote what he felt would be more adequate and submitted it to the record. Mr. Davids commented that he felt that the way the ordinance is currently written is very liberal and gives the Board full say.

Mr. Soper said the only thing he would like to see different was item number four. Get rid of “red brick” and have it say “brick.”

Mr. Davids also had concerns regarding the suitable substitute section, which he was hoping could be changed to brick wall.

Mr. Seymour said that essentially what Mr. Davids wants is to amend the Zoning Ordinance to upgrade screening between a residential district and a commercial district. It could also be included in the Overlay District.

Mr. Davids also hoped that there would be a more concentrated effort to put sidewalks in.

Ernie D’Ascenzo 34355 Glosser Circle, Farmington – Mr. D’Ascenzo is working with the township in developing the Putters property. Mr. D’Ascenzo said that the problem with the zero lot line, as a developer, is that there is a security issue with people parking in the back and also people coming through the front doors. There is also a problem with delivery trucks and the fire marshal. They do not know if they should park in the front or in the back. Most national tenants will not look at storefronts at zero lot line because they like parking in the front. Mr. D’Ascenzo took some pictures of new developments with zero lot lines in Wixom and gave copies to the Planning Commission members. He explained to the Planning Commission that all the stores have signs up on the storefront that say park in the back and use back door. He understands that the Township wants to create a walking district, but people do not want to walk. They do not have time. They want to drive up. A walking district can be created with aesthetics and not through putting buildings on the sidewalk. Mr. D’Ascenzo suggested that the Planning Commission needs to think about this before passing it and about what types of businesses they want in the Township. He also suggested that they talk with tenants and see how they feel about the zero frontage.

Public Hearing closed at 7:40

Mr. Barber asked Mr. Doozan what he thought of Mr. Davids’ idea to have a brick wall. Mr. Doozan said that it was up to the Planning Commission, but in the past they have used natural screening. Ms. Williams said that she could understand wanting the brick wall because this residential area is going to be closer to a commercial or office area than other places in the Township. She questioned whether they needed to change the zoning ordinance or the Overlay District. Mr. Doozan suggested that they require a brick wall, and if the residential property owner objects to a brick wall, then they could get landscaping.

Mr. Soper commented that the pictures Mr. D’Ascenzo gave them were interesting. A walking area was created and all the customers were pushed to the back. Mr. Barber said that he did not think the Overlay District would look like that. Mr. Soper suggested talking with possible tenants and owners. Ms. Williams asked if the Township was looking for national tenants or small business owners.

Tony Antone –Mr. Antone said that he was not prepared to talk about this, but he is going to be affected. He said that Mr. D’Ascenzo is correct. With land costs the way they are, mom and pop stores cannot afford to be in a site like his. If there is not one row of parking in the front, businesses ask customers to go to the back. Businesses will immediately lose a lot of potential users if they cannot go in through the front. To a lot of people the convenience of being able to pull in and pull out right at the front door is huge.

Mr. Barber commented that is two people saying that parking needs to be up front, but this is supposed to be a walking community. Mr. Olson commented that business recruitment and coordinating development activities between the South Lyon City Council and the Township will be a topic at the next joint meeting.

Mr. Barber said that there is some feeling in the Planning Commission that they should not pass this right now and should look at it again and get more information. Mr. Soper commented that he is torn because if the Township does not have a zero sidewalk, then they are not going to get a walking community.

Ms. Williams said that she was curious to hear from the small business owners to see what they are looking for. Mr. D’Ascenzo offered to do some more homework and get more pictures.

Mr. Seymour said that they could get a motion to reopen the public hearing and continue it to another date. If you want to involve local business owners, they will need some type of notification. Mr. Olson suggested a joint meeting between the Planning Commission and the DDA.

Mr. Hicks commented, “that many of the issues brought up this evening don’t deal with the Town Center Overlay. They deal with the underlying zoning issues, and they deal with the underlining New Hudson Plan, which has been in the works for 10 years. There have been public hearings, and people have had a lot of opportunity to speak.”

The Planning Commission discussed the parking issue. Mr. Soper commented that he thought that it would be safer with parking in the rear. Ms. Williams agreed. Mr. Hicks suggested that often the problem is that there is not enough parking. In a successful city, parking is a problem. Mr. Soper said that if that is the type of setback that we want, it comes down to architecture, and we will just have to work with them on that on the site plan reviews. Ms. Williams commented that it is not really zero frontage, it is 5 – 15 feet.

The Planning Commission continued to discuss the landscaping issue and the suggestions of Mr. Davids. Mr. Doozan suggested having a public hearing and changing the zoning ordinance, if they agreed with it.

Mr. Hicks made the motion “that we recommend to the Township Board that they approve article 34 of the Town Center Overlay District.” Ms. Williams supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome, Mr. Hamilton, and Ms. James

Motion approved.

Mr. Lamb asked if he was in or out of the Overlay District. Mr. Seymour commented that Mr. Lamb’s remedy is if the ordinance is passed, to petition to have a referendum regarding the ordinance.

Mr. Olson commented that this still has to go to the Township Board. He also reminded the Planning Commission that Detroit Edison asked to be included in the district.

Diana Lamb - Ms. Lamb clarified that Mr. Lamb just wants a greater understanding of where the road is going to go and what is going to happen.

Mr. Barber said that the Township will remember them, and the Township does not know where the road is going to be put.

**2. AP-06-21, Public hearing to consider text amendments to the zoning ordinance resulting from PA 110 of 1006, Michigan Zoning Enabling Act and re-adoption of the zoning ordinance.**

Ms. Marcarello reviewed the comments in the McKenna Associates letter dated June 14, 2006.

Open public hearing at 8:17 pm.

Close public hearing at 8:18 pm.

Mr. Barber said that he thought it was well done.

Mr. Seymour said that he has no quarrels with what McKenna did, but there may be a couple places where they forgot to amend it. He suggested that they recommend approval subject to Ms. Marcarello and Mr. Seymour working out anything that may have been omitted. There is nothing major.

Mr. Soper made the motion “that we recommend approval to the Township Board for AP-06-21 for the proposed text amendments to the Zoning Ordinance with the review and approval of the Township Attorney.” Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome, Mr. Hamilton, and Ms. James

Motion approved.

**Old Business:**

**3. AP-03-40, Shoppes of Lyon, Commercial Site Plan Approval Extension, west side of Milford Road, north side of Ten Mil.**

Mr. Soper made the motion “that we table AP-03-40 Shoppes of Lyon Commercial Site Plan for up to 60 days. This was a requested of Carson Fisher, P.L.C. Attorney on a letter dated June 23, 2006.” Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome, Mr. Hamilton, and Ms. James

Motion approved.

**New Business:**

**4. AP-06-24, Research Federal Credit Union, Commercial Site Plan Review of a proposed financial institution with drive-through service, located on the north side of Lyon Center Drive, Unit 10 of Lyon Towne Center.**

Ms. Marcarello reviewed the comments in the McKenna Associates letter dated June 19, 2006.

Paul Reveto – Mr. Reveto explained that Research Federal Credit Union met on May 8<sup>th</sup> with the Planning Commission and showed them the preliminary design. The Planning Commission did give them some feedback. Mr. Reveto also said that they received comments from the Township engineers and have taken all of the comments into consideration. They are anticipating going out for bids in August and an early construction start in the fall.

Mark Zimmerman 900 Tower Drive Ste 190 – Mr. Zimmerman explained that their development will be in the Lyon Town Center Development. It is going to be in lot G, which is in front of I-96 to the North. To the west is Discount Tire and to the east Liberty Chevrolet. Mr. Zimmerman explained the site plan and used multiple maps. The building is 5,020 square feet and is one story. Parking is going to be in front of the building, to the south, and to the west side. They believe that they have an adequate amount of landscaping and think they can just redistribute instead of adding more. The entry is on the west side of the building, and the drive-through canopy is located to the north. He also explained that they received comments from the Planning Commission on the brick color, the contrast in furnished blocks, and window moldings, and they made some adjustments. They also made some adjustments to the sloped wall. Mr. Zimmerman also showed a diagram of the drive-through.

Mr. Soper asked if they had any problems with the issues brought up in the McKenna letter. Mr. Zimmerman commented that he had no issues, but he did have some questions on lighting.

Mr. Olson added that he received an email from Giffels-Webster, and they originally advised a revise and resubmit. Leslie said, “Chris Doozan emailed me today to see if we had reviewed the revised plans for Research Federal Credit Union, and we have not. We just received them on Friday. The recommendation is the same.” If you do approve it tonight, you need to put a contingency that they need to meet the engineer’s requirements. Mr. Soper said that it is already in the letter.

The Planning Commission discussed landscaping with Research Federal Credit Union.

Mr. Soper made the motion “that we approve AP-06-24 with the items that need to be taken care of on the McKenna Letter dated June 19, 2006.” Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome, Mr. Hamilton, and Ms. James

Motion approved.

#### **5. Terry Sever Rezoning**

Mr. Seymour asked if signs had to be posted due to the proposed rezoning. Mr. Soper suggested that they schedule it for the first meeting in August.

Mr. Soper made the motion “that we schedule a public hearing for Terry Sever Rezoning for the first meeting in August.” Ms. Williams supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome, Mr. Hamilton, and Ms. James

Motion approved.

Mr. Barber adjourned the meeting at 8:50 p.m.

Respectfully Submitted,

*Catherine Culver*

Catherine Culver  
Recording Secretary