

**Charter Township Of Lyon  
Planning Commission Meeting  
Meeting Minutes  
August 14, 2006**

Approved as submitted on September 11, 2006

Date: August 14, 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)  
Hamilton, Jim  
Hicks, John (Board Liaison)  
James, Laura (Secretary)  
Conflitti, Michael

Absent: Dome, Jim  
Soper, Ted

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

Guests: 20

Ms. James moved “ to excuse Ted Soper.” Mr. Hamilton supported the motion.

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

**Approval of Agenda:**

Mr. Hamilton moved “to approve the agenda for August 14, 2006.” Mr. Hicks supported the motion.

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

**Approval of Consent Agenda:** July 10, 2006 meeting minutes

Mr. Hamilton moved “to approve the minutes for July 10, 2006.” Mr. Hicks supported the motion.

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

**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 #105 and #106 in order to construct a pool, clubhouse, tot lot and parking area; discussion and action on the site plan following the public hearing.**

Ms. Aniol reviewed the comments in the McKenna Associates letter dated August 7, 2006.

Kevin Christiansen 450 West Fourth Street – Mr. Christiansen explained that they have been working with the Township on the Pinehurst enhancement for a while. He said that they are in the process of modifying the plans to meet the requirements that were outlined by Ms. Aniol. He also said that they would comply with all of the conditions and requirements.

Ms. James asked if they were going to encroach on the conservation easement or not. Mr. Christiansen said that they were not and explained that there are several areas protected by the development agreement. The conservation easement, which occupies a portion of the northwest area of the site, was dedicated to the Oakland Land Conservancy. Ms. James also asked about the house. Mr. Christiansen said that the house is also protected by an easement with the Michigan Historic Preservation Network. Ms. James asked when they were going to stop disrupting traffic on Ten Mile. Mr. Christiansen commented that he was unaware that traffic was being disrupted. He said that he would address the problem with his staff.

Mr. Barber commented that he hoped Pulte was not taking any trees out. Ms. Aniol said that to her knowledge, they did not take any trees out that were not supposed to be taken out.

Ms. James commented that the truck carrying the Pulte advertisement sign is a violation of the Township signage ordinance. Mr. Christiansen said that he was aware of that issue, and he discussed it with Mr. Olson. Ms. James also said that the signage was going to use the same fieldstone as the farmhouse so it matched. However, there is a fieldstone wall in front of the farmhouse that does not match the farmhouse. Mr. Christiansen said that they were not doing any work on the farm parcel. He assured Ms. James that they are following PD agreement.

Open Public Hearing at 7:23

Mike Ocarma 24000 Farm View Court – Mr. Ocarma thanked Mr. Barber and Ms. James for their comments about Ten Mile Road. The only problem that he sees is trying to get out of Farm View Court. It is difficult to get out and onto Ten Mile Road. He asked if the speed limit was going to be lowered. He also said that he had a concern with kids getting off the bus. They will have to cross Ten Mile Road. Mr. Ocarma asked if the new right hand lane could be used as a passing lane. Mr. Hamilton said that he did not think it was legal to use that as a passing lane. Ms. James asked if there was the possibility to putting in a light.

Ruth Maraski 25700 Milford Road – Ms. Maraski asked who was going to take care of the pool so that it stays clean. She also asked if the taxes are going to be passed onto the Township. Ms. James said that there is going to be a homeowners association, and it will be handled privately.

Public hearing closed at 7:28

Mr. Christiansen commented that Pinehurst is single family and will be full of school age children. He also commented that at the two entryways, they are required to provide certain construction geometrics and perimeters that meet the Road Commission's requirements, which include the access points and the width of the ingress and egress. He also commented that they are not involved with future planning of the Road Commission. They are required to provide improvements. Mr. Christiansen also commented that there is

currently a light at Ten Mile and Martindale, and he did not think another light would be put in. He said that this is a private facility, and the operation and maintenance of all of Pinehurst falls under a homeowners association.

Mr. Barber commented that Lyon Township residents that have lived here for 30 or 40 years are not used to the traffic and construction. It is an inconvenience to them. That is the feeling that the Planning Commission has gotten from the residents. Mr. Christiansen said that they are trying to be a good neighbor.

Ms. James moved “that we recommend approval subject to the conditions of the August 7 letter from Mr. Doozan and subject to the following two conditions: a.) the revised plans will not encroach on the conservation easements and b.) Pulte Homes will immediately cease its flagrant violation of the Township’s signage laws.” Mr. Hamilton supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome and Mr. Soper

**2. AP-06-23, Terry Sever Rezoning, 21725 Pontiac Trail, west side of Pontiac Trail, north of Eight Mile Road, Public hearing to consider rezoning request from R-1.0 to B-2 and RM-2, discussion and action on the site plan following the public hearing.**

Mr. Doozan reviewed the comments in the McKenna Associates letter dated July 12, 2006.

Terry Sever 34436 Beachwood Drive – Mr. Sever said that he is representing the owners. He made handouts for the Planning Commission and audience that contained pictures of the area in discussion. He commented on Mr. Doozan’s report, saying it was extremely thorough and difficult to argue with. Mr. Sever commented that there is reference to existing land that abuts the property. The commercial property that is north of the property is completely developed. Mr. Sever said that this development would affect a few parcels. However, Mr. Sever argues it is a positive effect. He also said that there was a mix of character along this corridor. The character along the frontage of Pontiac Trail is commercial or non-residential. Mr. Sever continued to discuss the pictures that he passed out. The first picture was an aerial photo between Nine Mile and Eight Mile, showing the amount of commercial frontage in the area. Using the pictures, he explained that to the north of the property there would be no affect, to the west there is a soccer field, and to the east is a church. Mr. Sever said that the only property that will be affected will be the property to the south, which is vacant. Mr. Sever explained that their request is to be consistent with the development to the north (multiple and commercial). Mr. Sever made reference to the pictures on the third page and explained that they are expecting a similar development. He asked the commissioners to look at picture 11 and argued that the road closes from a 3 lane road to a 2 lane road. The county will want to expand the two-lane road, resulting in the road only being a few feet from the front of the homes. Mr. Server continued to discuss the provided pictures and discussed some conceptual ideas. Mr. Sever argued that if a change was not made in terms of zoning, there might be aesthetics issues with three or four houses being close to the road. He also said that there is a possibility of transition from multiple to single family that can be accomplished and still provide sufficient buffers for the existing residents.

Open Public Hearing 8:05

Jerry Chundy 22195 Unit 1 Quail Run Circle – Mr. Chundy said that he had a problem making the area commercial. North of the property is a commercial development that is not complete. He also commented that between Eight Mile and Nine Mile there is a high vacancy rate. He said that he cannot see putting in anymore commercial in the area unless the road is widened. There is a lot of traffic now.

Public Hearing Closed 8:07

Mr. Hicks commented that he agrees with Mr. Chundy. There is a high vacancy rate. He also commented that commercial brings large truck traffic, and that it what the Township does not want.

Mr. Barber said that he thought this was a wrong spot for commercial development. It is against the Master Plan.

Ms. James commented that Mr. Sever did a good job with what he had to work with. She suggested that if they had their hearts set on commercial to wait 10 years.

Mr. Hamilton said that he agreed with Ms. James and feels that the Township needs to stick to the Master Plan.

Mr. Sever said that he needs to give some suggestions and recommendations to the owners. They want to sell the property and would like to move forward. He asked if the Planning Commission had any suggestions.

Ms. James suggested having a planned development instead of asking for a straight rezoning.

Mr. Barber said that with a PD, the Township can work with them and know what is going in it and have some amount of control.

Mr. Sever asked if there was an objection to multiple family. Mr. Hicks commented that he was not in favor of multiple family in the area. The multiple in Quail Run provides the natural buffer zoning for commercial, and the next step would be single family.

Ms. James moved “that we recommend to the Township Board that they deny the zoning request for the reasons set fourth in the July 12 McKenna letter and for the reasons stated on the record this evening by the gentleman from the public that spoke and the comments from the Planning Commission.” Mr. Hamilton supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome and Mr. Soper

#### **Old Business:**

### **3. AP-05-08, Windridge, Average Lot Size Development located on the west side of Napier, north of Eight Mile Road.**

Mr. Doozan reviewed the comments in the McKenna Associates letter dated June 30, 2006.

Ray Cousineau – Mr. Cousineau said that in regards to the traffic, Bob Harris paved a portion of Napier in conjunction to a development in Novi. He also said that they have no issues in regards to the conditions in the McKenna letter. He did point out that they are dealing with MDEQ with respect to the fencing. When they originally applied to MDEQ it was with their original plan. Their plan has now been modified to remove the wetlands from the lots. They are now discussing the possibility of reducing or eliminating the fencing because they do not have wetlands (within any lot boundaries). He also commented that they focused on some very specific directions from the subcommittee and revised their plans accordingly.

Ms. James said that everything seems to be in order and controversial issues resolved.

Mr. Hamilton asked about the gas on the lot lines. Mr. Cousineau explained that they had several lots that will have the gas line easement on their lot. They cannot reduce the lot size because they would not be in compliance with the ordinance. He said that he felt it was a matter of proper disclosure. They will properly disclose the gas line to all purchasers in the Master Deed by laws and in a disclosure document. They want people to be aware of the gas line.

Mr. Hicks moved “to recommend approval of AP-05-08 Windridge lot size site plan subject to the conditions of the June 30, 2006 McKenna letter.” Ms. James supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome and Mr. Soper

**New Business:**

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

Ms. Aniol reviewed the comments in the McKenna Associates letter dated July 18, 2006.

Ole Anderson, Johnson and Anderson, INC. – Mr. Anderson commented that minor changes will be needed for construction. They will be requesting a variance for signage due to the orientation of the building. The entrance of the building will be on the north side. They would like a sign on Pontiac Trail and over the entrance.

Mr. Hicks commented that for the eastern greenbelt, it made sense to have a walkway through the area. There will be a lot of people coming from the shopping center, and it would be nice if they did not walk in the road.

Mr. Anderson said that there is currently a sidewalk to the north. He commented that they would look into that.

Mr. Barber asked if the restaurant has to have a special grease collection system. Mr. Anderson said that they are currently planning on tying into the existing onsite system that has been provided by Lyon Town Center. In reality, depending on how soon the public sewers come, the project may wait.

Mr. Hogan said that the property is in phase three, which is the last portion to be done, and it will need a grease trap.

Ms. James moved “to approve subject to obtaining a variance for a second sign or in the alternative, if the applicant does not receive the requested variance, then a single sign at the road is approved only and approval of the Township engineers and the McKenna letter dated July 18.” Mr. Hamilton supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome and Mr. Soper

**5. AP-06-27, Walgreens, 22320 Pontiac Trail and 60877 Nine Mile Road, commercial site plan review.**

Mr. Doozan reviewed the comments in the McKenna Associates letter dated August 7, 2006.

David Skidmore, Interra-Vision Development, LLC – Mr. Skidmore explained that there are 6 buildings on the site, including a residence behind the Speedway, a windshield repair, a commercial building in the front, and a building on the south side. The four buildings are going to be demolished and the buildings in the back are going to remain (a Dance Center, Edward Jones Investments, and Red Apple Day Care).

Ms. James asked if he agreed with the conditions in the letter. Mr. Skidmroe said yes.

Mark Drane Rogvov Architects - Mr. Drane is proposing a four sided brick building, dark green metal roof, limestone material that is used on the front, and simple architecture. Walgreens will have a 35 year lease.

Mr. Barber asked if they spoke with Speedway because they were supposed to build a wall between the properties and did not. Ms. Aniol said that there was talk that there should not be two walls in that area, in the advent that a wall does need to be built, Speedway has had to put up a performance bond.

Mr. Hicks commented that they are showing a future access drive on the Speedway portion that happens to be currently used for their dumpster. Ms. Aniol said that part of the approval was that there would be a future access provided, and Speedway would have to work with the development.

Mr. Seymour asked Mr. Skidmore if they were going to buy this as one owner; the option is to purchase the entire project. Mr. Skidmore answered yes. He explained that there are currently three separate owners. All three owners have been optioned and will close shortly. The plan is to do a commercial condominium subdivision. Mr. Seymour clarified that was to ensure access to the two remaining lots. Mr. Skidmore answered yes.

Gordon Kevis 60809 Nine Mile Road – Mr. Kevis showed the commissioners the location of his property. He also explained that his concern is with his property value. He will not be able to sell his property if it stays residential. He also had an issue with the trees on his property. Mr. Kevis' main concern was how the wall was going to affect the health of the trees. He also had concerns about tree replacement and what happens if a tree falls on the wall and breaks it.

Ms. Aniol said that the wall would be on the Walgreens property and would require a two foot trench. They have discussed the concern of the health of the trees if the wall was put up. A possibility is a bond or using another fence.

Mr. Kevis also voiced concern of having someone break into his house. He thought that a wall was needed. Mr. Kevis does not want to be responsible for trees falling on the wall.

Mr. Skidmore said that they were also concerned about trees damaging the wall. He said that they have been discussing using a pre-cast fence made of pre-cast cement.

Mr. Hamilton asked if they used pillars to support the wall. He said that he thought that was the best way to go because they did not have to dig a trench.

Mr. Hicks suggested moving up the fence.

Ms. James asked Mr. Skidmore if he was willing to put up a fence along the entire back. Mr. Skidmore said the reason they proposed putting up an 80-foot fence because there is an existing 6-foot wood fence. If the 6 foot existing fence acceptable, they would like to use that. Mr. Hamilton said that the problem with the existing wooden fence was that it will deteriorate.

Ms. James said that she did not think the additional fence was unreasonable.

Mr. Hamilton asked Mr. Skidmore if he would put in the 160-foot fence. Mr. Skidmore answered yes.

Ms. James moved "to approve this site plan subject to the conditions of the McKenna August 7 letter with the added requirements that 1.) the Township engineers find that the plan meets the 60% impervious surface limit and 2.) that a post fence be construct along the entire boundary of your neighbor to the east including the northeast corner of the property with the minimum of one foot distance off the property line." Mr. Hamilton supported the motion.

Mr. Barber added that the pole mounted lights must be reduced to 22 feet.

Mr. Doozan asked for the brand of the fence. Mr. Skidmore said Superior Concrete Products. He asked if an acceptable substitute would be ok. Mr. Doozan said yes.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome and Mr. Soper

**6. AP-06-28, Tino Delsignore Woodland Management Plan Review, north side of Eight Mile Road, west of Chubb Road.**

Ms. Aniol reviewed the comments in the Timber Management Plan Review and recommendations dated July 21, 2006.

Mr. Hogan explained that the applicant is looking for a tree management plan that is part of the tree protection plan. He is looking to manage his property for wildlife, and it is part of the tree protection plan and is new to all of us. He is not going to log it and strip the land.

Mr. Barber asked where the property was located. Mr. Delsignore answered a ½ mile west of Currie Road.

Tino Delsignore 55882 Eight Mile – Mr. Delsignore explained that he is looking for a forest management plan on a portion of 20 acres on his property. He is looking to do this to increase cover and food for animals. The purpose is to provide habitat. There is too much canopy and not enough cover in the woods.

Mr. Doozan explained that the tree protection ordinance says, “Where a tree management plan is approved and submitted to the Planning Commission, tree removal may be permitted, including the removal of protected trees in accordance with the plan. To qualify with this option, the tree management activity shall meet the description of reducing density to promote and maintain the health and viability of the remaining trees. Limited removal of trees removed by the property owner, for example, firewood, may be permitted if outlined in the tree management plan. The tree management plan shall specify the means by which the cut trees will be removed from the property without damaging the remaining trees.”

Ms. James pointed out that the ordinance says limited removal is okay. She asked how many trees they were going to take down. Mr. Delsignore said that in 20 acres, they are discussing about 155 trees. Mr. Delsignore gave the Planning Commission a copy of the MDNR Foresters Report.

Mr. Olson said that if it is going to allow for healthier woods, then it is allowed under the tree preservation ordinance. It is not for wholesale or preparation for development.

Todd Lotter 641 West Green St - Mr. Lotter explained that he performed an inventory on the sand on the property. In summary he said that on the property there are 1,894 trees in the wooded area. The total Basal area is 169 square feet per acre. An area that has over 100 square feet of Basal area per acre is considered overstocked. Mr. Lotter said that the Planning Commission had to decide if they were going to be preservationists or conservationists.

Ms. James asked if the requests in the letter from Mr. Dean Hay was reasonable to them. Mr. Lotter said the first recommendation was not necessary because there were no wetlands. There is a perennial pond that dries out and the concerns have been addressed in the standard forestry practices. Ms. James suggested that if they approve this they should make a condition that they comply with the DMP. Mr. Lotter also said that request number 2 was excessive. Ms. James asked who in the Township was responsible for working with this project. Mr. Hogan said that he was. He said that they have already been working on this for a year. He also said that Mr. Delsignore has made every possible effort that he could. Mr. Hogan said that Tino has put 110 percent into this and Mr. Hogan assured the Planning Commission that he will be out there.

Mr. Olson said that the big concern is erosion control. Mr. Lotter said that there are no significant slopes. Mr. Olson asked what the soil was like. Mr. Lotter responded that it was sandy.

Ms. James also suggested that they incorporate the Water Quality Best Management Practices from MSU be incorporated into the conditions.

Ms. Aniol also commented that they provided a Sustainable Forestry Initiative Program that outlines the best management practices. Ms. Aniol also pointed out the applicant would have to go to MDEQ. Mr. Lotter said that forestry practices are exempt from MDEQ. He said that he could do it, but it would be a waste of money and a lengthy process.

Mr. Conflitti asked if there was going to be a landing area. Mr. Lotter answered that in the management plan it will be in the field area on the southern edge of the property.

Mr. Hicks moved “to approve AP-06-28, Woodland Management Plan Review, Mr. Tino Delsignore, subject to the best management practice.” Ms. James supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome and Mr. Soper

**7. AP-06-35, Liberty Chevrolet, Amendment to site plan to allow additional signage; located in the Lyon Towne Center, between Lyon Center Drive and I-96.**

Ms. Aniol reviewed the comments in the McKenna Associates letter dated August 7, 2006.

Mr. Feldman said that he understands where Ms. Aniol is coming from, but having a smaller sign and putting the sign in the alternate position does not accomplish what the dealership is trying to accomplish. There are two doors, and they want the sign to be above the two doors. There is a new car delivery area in that same region. It is confusing as to which doors customers need to go to. The point is to have it right over the two doors to the collision center. Also not all people know that they have a collision center, and they want people to be able to see the sign from the highway that they have a collision center. He also said that going with a 10 inch letter would be difficult to see.

Ms. James suggested using sentence case. Have a capital s and the rest of the letters can be lower case. It would be easier to read.

Ed Philips – 40920 Executive Drive – Mr. Philips suggested that they leave the S, C, and E and reduce the size of the other letters and leave them upper case. He said that lower case letters are challenging to create.

Mr. Feldman also pointed out that Wal-Mart and Lowe’s do have lumber center and garden center signs.

Ms. James asked what would be an appropriate size. Mr. Doozan said that the Township maximum sign size is 48 square feet.

Mr. Philips went to the back of the room and showed the Planning Commission how a 13 inch letter looked far away.

Ms. James asked why they did not use the billboards. Mr. Feldman said that he has contacted the company, and he cannot use them.

Mr. Olson asked what the minimum size sign that would be visible from the freeway was. Mr. Philips said that it depended. With a red sign, they could reduce the size substantially, but blue is more difficult to read at night.

Ms. James said that the planners suggest that the Planning Commission reduce the sign by half. She asked if they would be satisfied with that.

Mr. Philips, Mr. Feldman and the Planning Commission discussed possible letter sizes and different ways to arrange the sign.

Ms. James suggested that the Planning Commission approve the square footage and allow Mr. Doozan to handle the rest.

Mr. Doozan said that would be ok and that he could live with 48 square feet.

Ms. James moved “to table for up to 50 days to allow the applicant to provide more detail.”

Mr. Philips asked if they could have 55 square feet for a sign. It will look the same, but smaller.

Ms. James moved “that we allow the sign of 55 square feet to be on the Liberty Chevrolet site subject to final approval by Mr. Doozan.” Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome and Mr. Soper

Mr. Barber adjourned the meeting at 10:05 p.m.

Respectfully Submitted,

*Catherine Culver*

Catherine Culver  
Recording Secretary