

**Charter Township of Lyon
Planning Commission
Meeting Minutes
November 12, 2007**

Approved: November 26, 2007

DATE: November 12, 2007
TIME: 7:00 p.m.
PLACE: 58000 Grand River

Call to Order: Mr. Barber called the meeting to order at 7:00 p.m.

Roll Call: Mike Barber, Chairman
Michael Conflitti
Jim Hamilton
John Hicks, Board Liaison
Laura James
Sean O'Neil
Carl Towne

Also Present: Philip Seymour, Township Attorney
Michelle Aniol, Township Planner
Chris Doozan, Township Planner

Guests: 14

1. APPROVAL OF AGENDA

Ms. Aniol stated that item 8 on the agenda was removed and would be placed on the next agenda.

Mr. Hicks made a motion to approve the November 12, 2007 agenda as revised. Mr. Towne supported the motion.

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| Voice Vote: | Ayes: | All |
| | Nays: | None |

MOTION APPROVED

2. CONSENT AGENDA

Mr. O'Neil made some minor adjustments to the minutes of October 30, 2007.

Ms. James made a motion to approve the minutes of October 8, 2007 as submitted and the joint meeting minutes of October 30, 2007 as revised. Mr. O'Neil supported the motion.

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| Voice Vote: | Ayes: | All |
| | Nays: | None |

Mr. Hamilton removed himself from voting on the Consent Agenda due to being absent at the time of those meetings.

MOTION APPROVED

3. COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

John Bell, 23113 Currie Road. Mr. Bell explained a new program that was being offered at area libraries. It's entitled "Visit you library and check out a museum", and it offers up to four passes for free admission to a participating museum. The passes are good for one week. It is sponsored by Macy's and will continue for a year.

Penny Pruitt, 51923 Copperwood Drive. Ms. Pruitt questioned what was happening with the berm at Copperwood and if it would be higher to block the view of the commercial site. They were told when they purchased their homes that they would not be able to see the commercial site.

Ms. James questioned Ms. Aniol if that specific concern would be addressed by the applicant at this meeting. Ms. Aniol stated yes and no, the applicant would be putting trees on the berm in addition to the trees that the original developer had already put there. It would not be specific about the location that Ms. Pruitt was talking about, but she thought they could discuss her concern.

Tameka Heard, 24001 Copperwood. She expressed great concern regarding the construction traffic that comes through and the bus stops' safety with regard to the traffic.

4. PUBLIC HEARINGS – None

5. OLD BUSINESS – None

6. NEW BUSINESS

Discussion and possible recommendation to the Township Board to consider a text amendment to the Private Road Ordinance regarding spacing between private roads.

Mr. Doozan reviewed the memo dated November 1, 2007 from McKenna Associates concerning the recommended revisions to the Subdivision Ordinance and the Private Road Ordinance.

Mr. Hicks stated that the Dimoski parcel on 9 Mile barely made the 600'. Mr. Doozan stated that the last sentence left open some flexibility to the approving body to approve lesser offsets. Mr. Hicks questioned if people objecting was that solid enough of a basis to turn it down. Mr. Seymour stated that they would need something that would indicate that it was endangering the health and/or safety of people using the street. Mr. Hicks stated that they seem to have a lot of parcels that are very long and narrow.

Mr. Seymour clarified the last sentence. He felt it should say, "Lesser offsets may be approved where there are numerous streets or where adequate sight distance would not be compromised." Mr. Doozan agreed.

Ms. James stated that she did not like the ordinance. She did not like to see them move from guidelines to hard and fast rules, especially on private roads. The first one to get the road would luck out, and it would be tough luck to the rest of them. They should look at what the Road Commission standards are instead of having an absolute standard. This would leave them no flexibility for standards; applying this would not be appropriate. Mr. Doozan stated that they have the standard currently. Ms. James stated that the standard currently states "wherever possible", which gives them wiggle room to make a judgment. If they change that to a rule that says they must be 650' apart, then they are affecting a lot of land and would make some places

not able to split because of this new law.

Mr. O'Neil stated that they could always go to the ZBA if there were extenuating circumstances. He agreed that they would be penalizing some because they weren't the first one, but he thought it gave them some flexibility.

Ms. James questioned if this was doing what the Road Commission does or if this go far beyond what the Road Commission handles. If they have concerns regarding health and safety, then they should be getting numbers from objective criteria used by the government agency that has the responsibility for making those decisions.

Mr. Towne questioned how they came up with the numbers. Mr. Doozan stated that the subdivision ordinance has 660' and 250' currently, which was based on transportation criteria.

Mr. Towne stated that he felt the wording said the same thing, so it wouldn't matter to him which wording was used.

Ms. James stated that it would be helpful to know what the Road Commission standards are and if there was any logic behind their numbers.

Mr. Barber asked if something didn't fall within the 660' or the 250', would it automatically go to the ZBA for consideration. Mr. Doozan stated that if they added the words "wherever possible" then no, that would give them some flexibility to make the change in the field so to speak.

Ms. James made a motion to table with updates so McKenna Associates can consider their input. Mr. Hamilton supported the motion.

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| Voice Vote: | Ayes: | All |
| | Nays: | None |

MOTION APPROVED TO TABLE

2. Discussion and possible scheduling of a public hearing to consider an amendment to the Zoning Ordinance regarding wall signs in Commercial and Industrial Zoning Districts.

Mr. Doozan reviewed the memo dated November 1, 2007 from McKenna Associates, which recommended that Lyon Township's maximum wall sign standard be increased.

Mr. Barber questioned if this would include McNabb Carpet? Mr. Seymour stated that they are a little different, it would allow them to have a larger sign but it certainly would not allow them to have as many signs as they have now. Mr. Barber questioned if this would have to be a part of a Planned Department. Mr. Doozan stated no, it's in the Zoning Ordinance.

Ms. James questioned that if this was changed, would they be inviting everyone in the B-2, B-3 and industrial districts to double their signs? Mr. Doozan stated no, not many of the businesses would be able to meet the criteria. Ms. James questioned if this would affect Meijer. Ms. Doozan stated yes, it would give them more signage in the vein of what they are looking for. Ms. James stated she would not support it.

Mr. Towne stated that giving more square footage takes away from the creativity of putting together a decent looking sign. Mr. Doozan stated that they need to look at Ferguson's sign, which is 48 square feet, and how inadequate that is. Ms. James stated that he could go to the ZBA and plead his case; they can look at that on a case-by-case basis instead of giving everyone carte blanche. Mr. Barber stated that if they are 250' back from

the road that is quite a distance. He felt they should increase it.

Mr. Hamilton made a motion to set a public hearing to consider an amendment to the Zoning Ordinance regarding wall signs in Commercial and Industrial Zoning Districts for December 10, 2007. Mr. Towne supported the motion.

Voice Vote: Ayes: 6
 Nays: 1 (James)

MOTION APPROVED

3. Discussion and possible scheduling of a public hearing to consider a rezoning of Hidden Ponds Planned Development to R-1.0, Residential –Agricultural District.

Mr. Doozan reviewed the memo dated November 2, 2007 from McKenna Associates recommending a rezoning of Hidden Ponds Planned Development to R-1.0, Residential-Agricultural.

Mr. O’Neil questioned if McKenna Associates have spoken to the owner of the property, who may not have been the developer. Mr. Doozan stated that Mike Huszti is not the owner, he is the developer. Mr. O’Neil asked if the owner has stated that they want to do something with this. Mr. Doozan stated no.

Mr. Hamilton asked that since it has never been recorded, is this Planned Development legal. Mr. Doozan stated that was questionable. To make it official would be to go through the rezoning process to rezone it back to R-1.0. Mr. Hamilton questioned if there is a reason that this wasn’t brought up before. Mr. Doozan stated no, just giving the developer the benefit of the doubt. Mr. O’Neil stated that there are very few communities that watch the calendar and try to invalidate site plans, unless there is a reasonable doubt that they are not going to go forward. He felt that in this case it was reasonable to do this now. He would fully support this action; they can only keep their foot in the door for so long.

Mr. Hamilton asked if they could add to the PD that if it hasn’t moved on within 24 months, then it reverts back to the original zoning. Mr. Doozan stated that they would still have to take some official action to do that.

Ms. James questioned what the expense is and who pays when the Township initiates a zoning change. Mr. Doozan stated the Township does. Ms. James questioned why the Township should incur that expense if nothing was going to happen on it, and there was not a strong reason for them to do it. Mr. Doozan stated that the big issue is the perception of higher density zoning. Mr. Hamilton stated that they had to do what McKenna Associates has suggested in order to get it off the books. Ms. James stated that she didn’t see a reason to get it off the books. One could make an argument that it helps to have a PD like this on the books. Mr. Barber stated that it hasn’t ever been recorded, so it doesn’t exist legally. Mr. Seymour stated that technically when it’s recorded is when it becomes binding.

Mr. Hicks made a motion to set a public hearing to consider a rezoning of Hidden Ponds Planned Development to R-1.0, Residential –Agricultural District for December 10, 2007. Mr. O’Neil supported the motion.

Voice Vote: Ayes: 6
 Nays: 1 (James)

MOTION APPROVED

4. Discussion and possible scheduling of a public hearing to consider a text amendment to the Zoning Ordinance regarding Senior Housing Regulations.

Mr. Doozan reviewed the memo dated October 30, 2007 from McKenna Associates regarding an amendment to the Zoning Ordinance regarding Senior Housing Regulations.

Mr. O'Neil questioned if Mr. Doozan would recommend that it could potentially be a Special Land Use in the office district but not a permitted use. Mr. Doozan stated that he was more inclined to say that it doesn't belong in the O-1 district at all.

Mr. Hicks stated that this is something that is very important and needed.

Mr. Hamilton questioned if this was a Special Land Use, would it have to get permission to put it in any district? Mr. Doozan stated that it could be under Special Land Use in the single-family district.

Mr. O'Neil stated that it looked good. It is necessary, and the need is growing. Mr. Barber agreed.

Mr. Towne made a motion to set a public hearing for the text amendment to the Zoning Ordinance regarding Senior Housing Regulations for January 14, 2008. Mr. O'Neil supported the motion.

Mr. Mancinelli, Builder, requested respectfully if they would consider moving the public hearing sooner in order to allow them to begin work. He invited the Planning Commission to consider visiting the site in Tecumseh where they have one of these facilities up and running and take a tour of the facility. Mr. Hamilton questioned what type of facility Mr. Mancinelli has. Mr. Mancinelli stated that it is an assisted living facility with 55-60 units in the building.

Mr. Towne made a motion to set a public hearing for the text amendment to the Zoning Ordinance regarding Senior Housing Regulations for December 10, 2007. Ms. James supported the motion.

Voice Vote: Ayes: All
 Nays: None

MOTION APPROVED

5. Discussion and possible scheduling of a public hearing to consider a text amendment to the Zoning Ordinance regarding special events and other temporary uses.

Mr. Doozan reviewed the memo dated November 5, 2007 from McKenna Associates about the text amendment to the Zoning Ordinance regarding special events and other temporary uses.

Mr. Barber questioned if classic cars show are considered a temporary event. Mr. Doozan stated yes, they would be listed as a temporary special event. The amendment does not list all of the possibilities, just specific standards.

Mr. Towne stated that he had a problem with the signage, and he felt that the applicants needed to pull a permit in order to control that the signs are not offensive and that they are taken down. Mr. Doozan stated that the applicants still needed to pull a permit; that did not change.

Mr. Towne stated that he felt the sidewalk coverage was too much. He felt that 25% or less sidewalk coverage would be sufficient. He continued that the maximum duration of 90 days for a sidewalk display was too long, and he would recommend no more than 60 days. He also felt that the maximum duration of a carnival or circus should be 3 or 4 days, not 10 days.

Mr. Hicks pointed out a typographical error. He also felt that a lot of the special events are held in the park, so they should get the parks people involved.

Ms. James made a motion to set a public hearing to consider a text amendment to the Zoning Ordinance regarding special events and other temporary uses for January 14, 2008. Mr. O'Neil supported the motion.

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED

6. **AP 07-28, Shoppes at Copperwood, Phase II, Commercial site plan review of a retail shopping center, located on the south side of Ten Mile Road at the intersection with Johns Road.**

Representing Shoppes at Copperwood: Keith Thompson
Peter Geagus

Ms. James questioned if wall packs were being permitted. Ms. Aniol stated that as long as they were shielded, then they were permitted.

Ms. Aniol reviewed the memo dated November 8, 2007 from McKenna Associates.

Mr. Geagus stated that they could confirm that Hiller's is going on the site, and they are very excited. They are in complete compliance with the McKenna Associates recommendations.

Mr. Barber questioned if the 60% impervious surface is okay. Ms. Aniol stated that the impervious surface requirement came into affect after the Copperwood plan had already been approved; it met all of the requirements that it had to meet per its PD agreement.

Ms. James asked for clarification for the residents who were in attendance regarding their concerns of the traffic and the landscaping.

Mr. Thompson stated that it was more than just construction traffic. The School Board needs to be contacted because the bus stops are right out at 10 Mile Road, and they are starting to see construction traffic that will become more involved as it goes along. If it were construction specific, then he would be happy to meet with the neighborhood regarding any construction concerns. Mr. Barber stated that he believed that the bus should go to the houses. Ms. Aniol stated that that concern would need to be addressed with the School Board. There is not a completed "C" loop yet. Mr. Thompson stated that it was described to him that they would have that done by November 15, 2007. Ms. Aniol stated that once that was completed, it would give the residents a good argument for having the bus come through one way and exiting another way.

Mr. Thompson stated that the proposed plan showed additional landscaping along their property line south of where Hiller's would be going. The berm existed, and they disturbed it when the pond was built. They put the berm back to the elevation that was there prior to the start of their construction, along with the trees. They still have to put in the new trees around the pond area. Other than the Victor Development berm, there is no new berming, but there are quite a few trees that are going in. Mr. Thompson stated that one of the issues was that the subdivision elevations were higher. He didn't know how much berming would be required if they were on the second floor of a house abutting a development; they would be higher than the development.

Mr. Hicks stated that he thought the original agreement was that it would be shielded. Mr. Thompson stated that was the purpose of the trees. Mr. Barber questioned if they had to remove trees in order to do the construction work. Mr. Thompson stated that they did remove trees at the pond area for Phase I, and those have all been put back in; they are the exact same trees.

Ms. James questioned if Victor Development has met all of its landscaping obligations. Ms. Aniol stated that they are now looking to ensure that.

Mr. Hicks questioned if there were mostly evergreens at the rear of the property line. Ms. Aniol stated it was a combination of evergreen and deciduous.

Ms. James questioned if the applicant had any objection to the recommendations from McKenna. Mr. Thompson stated no.

Tameka Heard, 24001 Copperwood. She is on lot 45, where the detention pond was. She stated that she could stand in her backyard and see the detention pond. The pond was not there when she purchased that site. It's not something where water was going to be kept, so if it doesn't rain she's just looking at mud. The berm that was taken down to make the pond and then rebuilt was not rebuilt as high as it had been. She can still see all of the land in the parking lot. They are looking at rain and dirt and a dumpster. She suggested that they build the berm higher. When they purchased the home, they were aware that there would be construction there, but she did not know that they would use the private roads that their association fees pay for. All of the roads are cracked. Right now, the way the berm was pictured was not true; she has trees that are dead right now. She does not have to be on the second floor to see the parking lot; she can see it out of her kitchen window.

Mr. Barber stated that they would request the Building Official to investigate her concerns. They can't ask them to change what the plans say, but they should be doing what the plans say.

Ms. James asked if there was a mechanism that they could use right now to alleviate the traffic concerns. Ms. Aniol stated that they could speak to the Building Official. Ms. James stated that there would be two entrances going into this sub, and restricting the use of one would help. Mr. Hicks stated that there was residential construction going on as well. Ms. James questioned if the applicant would be willing to agree to a condition that restricted the traffic to one side. Mr. Thompson stated that once Tamarack Drive is completed, they could propose to move all construction traffic to that entrance. They would not have a problem with that. Mr. Thompson continued that the bigger issue is the bus stop.

Mr. Hamilton stated that they moved some dirt at the berm and replaced some trees. Were they responsible for the trees that have died? Mr. Thompson stated that if the trees died as a result of them relocating the trees and putting them back, then the developer would be responsible for replacing those. Mr. Barber stated that there was a standard one or two year warranty in the Ordinance. Ms. Aniol stated that the applicant had stated that they would replace anything they have taken out. Mr. Thompson stated that they would also look at the height of the trees. If what they put in was not in compliance with what was originally approved by Victor Development and what they were approved for, then they would look at that and put it at the elevation it is supposed to be at. They are confident that the elevation was met at the top of the pond.

Mr. Thompson stated that the front elevation changed at the request of Hiller's to accommodate their floor plan and their request for a larger sign. They eliminated some windows and changed the overall square footage of the windows. Mr. Barber stated that the applicant had agreed to McKenna's recommendations, so they would be putting the windows back.

Ms. James questioned if the lights would be full shielded with low lighting, not using the antique street lamp. Mr. Thompson stated that for Phase I, there is one antique street lamp in front of the sidewalk that connects to the Rite Aid. Ms. James questioned if the rest of the lights are fully shielded and cut off. Mr. Thompson stated yes.

Mr. Conflitti questioned what type of shingles would be used. Mr. Thompson stated that they were an asphalt 25-year type shingle. Mr. Conflitti recommended that fungus resistant shingles be used.

Penny Pruitt, 51923 Copperwood. Ms. Pruitt stated that she did understand that many of the plans were already approved prior to the residents moving in, but her main concern is if there is a height requirement for the trees being installed on the berm. Ms. James stated that would be specified on the plans, and she suggested that the best bet would be to sit down with Township officials and find out who was responsible for what and what still needed to be done. Ms. Pruitt stated that she was told when she purchased her home that the land would be going down. They are elevated up, and there was a valley. She was told that everything would sit down in the valley, but everything was raised up to eye level. Ms. James suggested that she inspect the approved plans. If fault was found with those, then the Township could help work something out. However, if the developer misled the homeowners, then there is nothing that they could do.

Mr. Hicks stated that the plantings would meet and mature in time.

Ms. James made a motion to approve the Site Plan for the Shoppes at Copperwood subject to the specific conditions outlined in the McKenna Associates letter dated November 8, 2007. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

MOTION APPROVED

- 7. AP-07-29, South Lyon Two, LLC (General RV), consider site plan approval extension for a grading plan, north side of Grand River Avenue, between South Hill and Old Plan Road.**

Representing South Lyon Two, LLC (General RV): Timothy Hader, Schonsheck, Inc.

Ms. Aniol reviewed the memo dated November 8, 2007 from McKenna Associates regarding an extension for a grading plan for South Lyon Two, LLC (General RV).

Mr. Hicks questioned why the applicant wanted to grade now, since there is no intended use. Mr. Hader stated that the owner had said it was his property, so he can grade it.

Mr. Hamilton questioned if the site is for sale now. Mr. Hader stated that he didn't know he didn't know if that was a new sign or an old for sale sign.

Mr. Hamilton questioned why it wasn't graded when they had the opportunity. Mr. Hader stated that about 14 months ago, MDOT decided to streamline the review process. To the best of his understanding, prior to that each area was controlled by an MDOT office. In order to streamline, it all goes to Lansing now, and they just sat on it.

Mr. Hicks stated that as he recalled, this was allowed as a Special Land Use under the existing zoning. Mr. Hader stated that early on in the process, they had come to the Township and said they weren't zoned properly. Mr. Hader continued that they did a Special Land Use for the existing zoning.

Mr. Hamilton questioned if the applicant understood the storage issue, that there would be no berm there until there was storage on the site. Mr. Hader stated yes.

Mr. O'Neil questioned if there was any type of restoration bond required or if there was a possibility for them to require one. Ms. Aniol stated that the condition they had was that the screening along the I-96 corridor would be restored to all future occupants. When it came time for them to submit their plans, there was quite a

bit of discussion as to what that intent meant. Eventually, they came up with the notation, which they identified in the letter. Their recollection was that they had did not have to restore what they were taking down, but when they did come back to do a site plan review, then landscape screening would have to be put up. Ms. Aniol stated that if they have not interpreted that correctly, then they need to clarify how they want the screening/berming/restoration addressed for this property.

Mr. O'Neil stated that the concern was the appearance; he would like to see a timetable for restoration. Mr. Hader stated that they have to put a bond with the permit for soil erosion, which was inspected by the County. Mr. O'Neil stated that he didn't know what those bonding requirements were, and if they have the ability to cause that restoration more quickly, then he would feel more comfortable with that.

Mr. Towne stated that everything was set in place, and he didn't think anything else was needed.

Mr. Hamilton stated that as long as there was no storage or anything happening, then there was no restoration. Ms. Aniol stated that was correct.

Mr. Conflitti questioned if it was Mr. Hader's opinion that they were going to sell the property. Mr. Hader stated that the decision changes month to month; he didn't know.

Ms. James questioned if the applicant would object to getting the permits and then coming back before the Commission once he had the permits. Mr. Hader stated that he hated to add another step to come back; he didn't know what additional requirements that would be imposed.

Mr. Hamilton made a motion to approve AP-07-29 subject to McKenna Associates letter dated November 8, 2007 and with that the Planning Commission does reflect the same opinion as the planners do on Item B. Ms. James supported the motion.

Voice Vote: Ayes: 5
 Nays: 2 (Conflitti, Hicks)

8. ADJOURNMENT

Mr. Barber adjourned the meeting at 9:02 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary