

**Charter Township of Lyon
Planning Commission
Meeting Minutes
November 26, 2007**

Approved: December 10, 2007

DATE: November 26, 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: Matthew Quinn, Township Attorney
Michelle Aniol, Township Planner
Chris Doozan, Township Planner
Leslie Zawada, Township Engineer
Al Hogan, Building Official

Guests: 174+

1. APPROVAL OF AGENDA

Mr. Hamilton made a motion to approve the agenda for November 26, 2007 as submitted. Ms. James supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. CONSENT AGENDA

Ms. James made a motion to approve the minutes of November 12, 2007 as submitted. Mr. Hamilton supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

3. **COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS** - None
4. **PUBLIC HEARINGS** - None
5. **OLD BUSINESS** – None
6. **NEW BUSINESS**

AP 07-25, Meijer Inc., Commercial Site Plan Review, located on the east side of Pontiac Trail, north of Eight Mile Road; discussion and possible action.

Mr. Doozan reviewed the memo dated November 13 and 14, 2007 from McKenna Associates regarding the proposed 192,214 square foot Meijer store on the east side of Pontiac Trail, north of Eight Mile Road. The store would occupy two B-2-zoned parcels. In addition, Meijer has acquired an option to purchase the “Niles farm,” a 30-acre R-1.0 zoned parcel. The following issues remained to be addressed on the Meijer site plan dated November 6, 2007.

1. A sign variance must be obtained.
2. Traffic and access issues, including Road Commission approval, must be resolved.
3. Storm water management issues, including Drain Commissioner approval.
4. Miscellaneous requirements, particularly Township Engineer approval.
5. Ensure that the species for the rain garden are salt tolerant.
6. Parking lot islands should be planted with shrubs and/or flowering perennials for visual interest.

Ms. Zawada stated that they have completed 3 reviews of the site plan. They are itemizing the review however; it appears that the applicant will be able to meet the current engineering standards for the drainage and site utilities. Originally porous pavement was proposed as part of the site plan however, that has been revised after a meeting with Oakland County Drain Commission, it was proposed to directly discharge into the Underhill Drain and they would need to obtain a permit from Oakland County Drain Commission for that discharge. The traffic study has been completed by Wells and Associates and the study has been reviewed by Metro Transportation Group, it has since been revised after the Road Commission has completed their preliminary review and Wells and Associates was in the process of updating the traffic study. Once it was received it would also be reviewed by Metro Transportation Group.

Mr. Folks from Metro Transportation, stated that there were some recent updates to the geometrics on Pontiac Trail that Wells and Associates was working with the Road Commission on and they have completed some analysis and have looked at that only preliminarily at this point they were waiting for a revised traffic study to evaluate.

Mr. Quinn stated that this was a site plan for single building on the Lyon Township Zoning Ordinance, as such it comes under the jurisdiction of Article 5 in the Zoning Ordinance which means it was solely under the jurisdiction of the Planning Commission to approve, approve with conditions or reject the site plan. This would not go to the Board of Trustees at all, if it had been a re-zoning then the Planning Commission would have made a recommendation to the full Board and then they would have had the final decision. But that was not the case here. This site plan was to be decided under the standards of the Zoning Ordinance and those are set forth in Section 5.06 and there were 19 criteria. Mr. Quinn explained why the Board of Trustees does not attend or speak at the Planning Commission meetings.

**Representing Meijer: Scott Nowakowski, Director of Real Estate with Meijer, 2929 Walker Ave.
Tony Mourand, Fishbeck, Thompson, Carr and Huber, Inc.
Mike Labadie, Traffic Engineers**

Mr. Nowakowski gave a brief presentation which reviewed things like community benefits, security, deliveries and that the proposed Meijer store would be built green with LEED certification.

Mr. Mourand gave a brief presentation regarding the building materials and the specific architecture plans. The storm water detention basin would be constructed as a wet basin which means there would be water in it all of the time. They have met all of the setbacks. The development was set 50' away from the wetlands to give protection. The site lighting was accomplished by flat lens full cut off fixtures which would not give any glare or light trespass off the site. There is zero light levels around the property and are set at 2 foot candles which was the lowest level to continue safety in the parking lot. They also do that to conserve energy. The only lighting behind the building was emergency access lights which are required by code.

Mr. Mourand stated that the detention pond was designed to hold 100% of the water from the site for a 100 year frequency storm, roughly 4.5 inches of rain. The detention pond would hold a little bit more than the 100 year storm. All of the run off from the Meijer and the parking lot would go into that pond. The wet pond looks nicer than a dry pond and it also provides treatment for the stormwater. All of the site stormwater planning meets the US Green Building Council Credit Six, which was designed to prevent problems. There would be rain gardens along the entrance road for further storm water treatment; they will make sure that the plants are adjusted for salt tolerance. They intend to take advantage of the sanitary sewer system that the Township was building. There was not any Township water available currently on Pontiac Trail so Meijer's was pursuing test wells for potable use. They also have to have their own fire protection system which has been discussed. The water that Meijer would use would only equate to about 20-25 homes.

Mr. Labadie stated that the traffic study that was completed have standard practices and certain rules and methodology that are supposed to be followed, those were done. The Road Commission and Lyon Township Traffic Consultants helped to outline the study as to what intersections to include in the study. The intersection at 8 Mile and Pontiac Trail and Nine Mile operate poorly today. The proposed Meijer would improve the traffic flow on Pontiac Trail going north. They do not have a completed study but they will have that very shortly. The updated model has been provided and verbally they have an agreement that they like the concept. Mr. Labadie explained the road improvements regarding the 5 lanes and where it would go down to 3 lanes he also showed a simulation of the traffic model.

Mr. Barber questioned why not extend the 5 lanes to South Lyon Trail? Mr. Labadie stated that right now it was only 2 lanes, Meijer would be extending the 5 lanes past the store and then merging it back to 3 lanes and then down to two going north on Pontiac Trail. Mr. Labadie stated that they added the lanes to get the most improvement. He continued that the reason they were focusing on the 5 lanes was to get where the Road Commission wanted it extended too and it operated better for Brookway and the commercial driveway and ultimately on Pontiac Trail.

Mr. Liston from the Road Commission for Oakland County stated that his department takes in preliminary reviews and applications from developers on county roads to make sure they are meeting all of the requirements along with the Township. In this instance, they received a new site plan from Wells Associates for the Meijer store. Mr. Liston gave a brief overview of their evaluation. They received the last plan for evaluation on Wednesday afternoon and they agreed that the concept would work, it met the requirements.

Mr. Barber asked if he could see any improvements that would make it better. Mr. Liston stated that as far as meeting the requirements and mitigating their situation the applicant has done that. This was a road that was overburdened now up to 17,000 and upwards in trips. Of course, he would say why not widen it all the way from 8 Mile to 9 Mile but it wouldn't necessarily make it any better right there.

Ms. James questioned if Mr. Liston had any comment about the removal of the 8 Mile Road entryway? Mr. Liston stated that they were curious about what happened with that, most major sites have two ways in and out if only for fire protection. They found out it was the cost of mitigating the wetland and getting across it to get to 8 Mile Road. Mr. Mourand stated that it was not a cost issue; the MDEQ would not approve a permit

through the wetlands.

Mr. Hicks stated that he believed the current plan stops and goes down to 2 lanes. Mr. Liston stated that it does north of Lyon Trail. Mr. Hicks stated that would be less than a quarter mile to connect to the existing third lane coming from 9 Mile Road and he wondered if that would be a big improvement. Mr. Liston stated that no doubt a center left lane turn would enhance safety.

Mr. O'Neil questioned what the current level of service was? Mr. Liston stated northbound Pontiac Trail was a level of "C" and south bound on Pontiac Trail level of service "D". Mr. O'Neil stated that the projections were that it would improve at most of the points they were discussing and only worsen at 8 Mile and Pontiac Trail, what kind of improvement were they looking at? Mr. Liston stated that the report that they had there was from the old traffic study and it does not take into account the new concept that they have so far. Mr. Barber questioned how old the traffic study was? Mr. Liston stated 2005. Mr. Barber stated that he thought it would be a good idea to have a new one. Mr. Labadie stated that the first traffic plan that they did was performed consistent with all of the accepted practices and methodologies. One of the accepted practices was to accept traffic counts that are two years old at the oldest. When the traffic studies are two years old they are supposed to take the background traffic and grow it a certain percentage each year, compounded for that two year period, that's what they did. That was typically conservative but it was also an accepted practice and it was approved by the Township's consultant. It was not as though it was uncommon to do this.

Ms. James questioned what the next step was for the Road Commission? Mr. Liston stated that at this point they were done until they apply for a permit to actually do the construction at which time they would submit detailed construction plans. Ms. James stated that they are looking at a 50% increase in traffic on Pontiac Trail, was that correct? Mr. Liston stated he didn't have the figures but the applicant was adding 9,000 trips per day, probably looking at 40% and that was approximate.

Mr. Barber stated that there was nothing else that the Road Commission could come up with as far as improving the situation? Mr. Liston stated that they needed to be reasonable in what they asked for they are looking at mitigating the effects of their site on their frontage, they think that what the applicant has proposed would move traffic as well as the spot was moving now if not a little better.

Mr. Hamilton stated that at certain times of the day they don't have good traffic there now and if he would have any idea when Oakland County might come in and widen the road all the way? Mr. Liston stated that funding projects was difficult to come by and they work with the communities to prioritize on the basis of safety. Something of this scale would probably be a federal aid project. Mr. Barber stated that if these were safety issues then they are choked, what more safety reason would they have, was there a federal aid project that they could get involved in? Mr. Liston stated the best thing to do would get the Township to work with the Programming Department to propose a project to receive federal aid.

Mr. Conflitti questioned if there would be crosswalk signals? Mr. Liston stated that he did not know. Mr. Labadie stated that it wouldn't be difficult to add that feature to the signal and make it a push button. The Road Commission wanted to have as much green time as possible for Pontiac Trail.

Mr. O'Neil questioned what the level of service was for 9 Mile Road and Pontiac Trail? Mr. Labadie stated a level of service E and they would make it at worse a level of service "E" or an "F", the intention was not to improve the level of service, their obligation was to get it to work with the added traffic from the store the way it does today, not to make a real significant improvement. Mr. O'Neil stated that he believed doubling up the pavement in front of the store would improve the flow of traffic in front of the store but for the other stretch what would happen at peak times where everything was necking down towards 9 Mile Road. Mr. Labadie stated that they were going to propose a different type of phasing and signal timing at 9 Mile Road that should improve it, basically it should operate equivalent to the way it will with background conditions with the Meijer store in place. Mr. O'Neil questioned if those improvements at 9 Mile Road would improve conditions further north, would the benefit trickle north? Mr. Labadie stated that the Road Commission would have to agree and look at that. They would propose something and whether or not the Road Commission would want to carry

that on he was not sure.

Mr. Towne questioned if the Road Commission was comfortable without having a revised plan. Mr. Liston stated yes because they looked at the possible affects of the proposal and they feel that they are modifying their simulation using standard practices and software which gives them a sure idea of what will happen. Mr. Doozan agreed, he relies on the Road Commission because they have access to information that they don't have. Mr. Liston stated that if what the applicant submitted did not meet their expectations then they would withdraw the approval. Mr. Towne stated that he has a problem with not having all of the information, this revised traffic study was important. Mr. O'Neil agreed they don't know exactly what they are dealing with.

Mr. Hicks stated that if this project was to be built as presented it would be a minimum of 3 lanes except for a quarter of a mile, was there any downside to making it 3 lanes all the way? Mr. Liston stated none.

Mr. Labadie stated that all that they would do with a revised study would be to update it to reflect the 5 lanes, it's not a whole new study, the forecast wasn't different and the background traffic wasn't different. It will change some of the tables to make them look a little bit better than the original, but there wasn't going to be anything new.

Mr. Barber asked how Meijer's felt about extending the 3 lanes all the way down to 9 Mile. Mr. Nowakowski stated that they would like to take that back and discuss it, if it was a big impact and it would improve things significantly then they would consider it, if the level of service would remain relatively the same then why make the improvements if it was not going to improve the situation.

Mr. Towne questioned if there were any outdoor speakers? Mr. Nowakowski stated only in the garden center but they have a volume control, if they are too loud then they can turn them down, if they are still too loud then they can turn them off. Mr. Towne questioned what the normal delivery hours are? Mr. Nowakowski stated that he would say from 7 a.m.-10 p.m. Mr. Towne stated that he would want to know specifically what the normal business hours are. Mr. Nowakowski stated that he would get that information. Mr. Towne questioned how many of the 400 jobs would be local people? Mr. Nowakowski stated that it depended on how many people want a job. Mr. Towne stated that Mr. Doozan requested a change in the species for the rain pond and the response was if it needed to be adjusted, they already know that needs to be adjusted so he would like a firm answer. Mr. Mourand stated yes, they would adjust the species.

Mr. Hamilton asked if they were still planning on installing the parking lot with a porous product. Mr. Mourand stated no, they have abandoned the idea after meeting with the Drain Commission.

Ms. James questioned if there was an attorney available from Meijer's? Mr. Nowakowski stated there was no attorney present from Meijer. Ms. James stated that their Zoning Ordinance requires commercial projects to build on land that was zoned commercial. This project employs a substantial portion of the residential property to the north. The question that she had was whether or not that would be appropriate. The Township has strictly controlled the amount of commercial acreage throughout the Township. Allowing commercial development to buy residential land and place required essential infrastructure including utilities and drainage on the residential portion would mean that the Township would loose control of the amount of commercial land that they have in the Township which was a great concern. Why wasn't this phrased as a re-zoning request when they are using land that was only zoned for agricultural or residential use?

Mr. Nowakowski stated that their attorney recommended that they had the ability to place detention on the residentially zoned land. Ms. James stated that the trouble she had was that it was more than a pond, the existing home was going to be removed and the utilities that are going to be placed on the residential portion include the high pressure gas main, a well, a 250,000 gallon water tank for fires and high pressure water lines and in addition there would be a snow removal area on residential portion which means snow removal vehicles. Clearly the residential land was compromised. Mr. Nowakowski stated that he would have their attorney send their opinion on that. Ms. James stated that was a problem because they were there right now and they had to make a decision, she felt that this should have been framed as a rezoning request; she did not

know how she could vote to approve something that was a potential violation of the Zoning Act. Mr. Nowakowski stated that they don't believe it is. Ms. James questioned what was the Township Ordinance, case law or State law that they would be relying on that they could use residential land for required utilities and structures. Mr. Nowakowski stated that he would get that information. Ms. James stated that without those authorities at this meeting that was a challenge.

Mr. O'Neil stated that the McKenna letter gave the overall Meijer building a score of 90, they were handed a revised elevation that reduced the signage on the building but also eliminated more windows which was a deficiency according to McKenna Associates to begin with, would that score of 90 still stand? Mr. Doozan stated yes. Mr. O'Neil stated that it looked to be that they could see the mechanical units from the rear of the store. Mr. Mourand stated that there was a 3foot high parapet in the back and along the side of the building that ranges between 7 feet and 4 feet high and if standing at any ground level it would screen the point of view.

Mr. Nowakowski stated that he would like to get the opinion of the Township's attorney. Mr. Quinn stated that consulting with McKenna and going through the ordinance they were of the opinion that these uses are allowed within a residential district; that this property that would have the detention pond in it and the other underground structures would have to become one parcel all together. They have no rule that they can't have a split parcel that would still be residential as pertains to the retention basin and the underground storage which would remain residential with the commercial adjacent to it. They have not seen anything in their analysis that says this would be disallowed by the ordinance.

Ms. James questioned if other communities have specific laws in their books that say ancillary uses adjacent to commercial can't be placed on residential land? Mr. Quinn stated some do some don't. This ordinance had one specific reference to it and they think historically that came about because of Kroger. Kroger has a septic field on adjacent residentially zoned property and at that time the ordinance was specifically amended because that dealt with the health/safety and welfare of it being a large septic field like that. For storm water detention or a well or anything underground it doesn't seem to have a comparison between septic fields and that type of use.

Ms. James stated that if this was just a pond of an acre she didn't think they would be on very firm footing but here using such a significant amount of residential land and the purpose was to clearly expand, building a parking lot in affect expanding the commercial, would they not loose control of the amount of acreage, if they allowed everyone with commercial developments would they not be setting precedence. Mr. Quinn stated no, it would still have to be looked at on a case by case basis.

Ms. James questioned if there was a specific provision that Meijer's was relying on to say that this use was allowed in residential districts? Mr. Quinn stated that he believed it was just the general things that are allowed with a residentially zoned district, wells, underground storage and detention basins are allowed.

Ms. James questioned, snow removal, tree replacement, snow removal vehicles, she felt that they had a logical, legally sound basis based on the Zoning Ordinance which states specific definitions of the words residential and commercial, she was troubled that she could not find anything that would allow the expansion onto residential this way.

Mr. Barber stated that he was glad to see 10 extra handicap parking spaces.

Mr. Conflitti referred to the park behind the Meijer's in Brighton, was that land donated? Mr. Nowakowski stated that Meijer donated that land for the park but he didn't know the details.

Mr. Hamilton referred to the store in Kentucky that has one outlet onto the main road and questioned how it was working for that store. Mr. Nowakowski stated that it works very well. Mr. Hamilton questioned if that store was improved with a 5 lane road as well? Mr. Nowakowski stated that he didn't know what the improvements were, was there a 5 lane highway out front, yes, but it may have already been there. Mr. Hamilton stated that's what they normally see with these stores was a 5 lane highway and two accesses, and

they were not seeing that here, only a 5 lane highway on Pontiac Trail, he felt it was insufficient. Mr. Nowakowski stated that the traffic studies say it can work and the Road Commission stated that they were accepting on a preliminary basis.

Ms. James stated that they received many emails and letters and they were all read and they would be part of the public record.

Mr. Barber opened the discussion to the public at 8:25 p.m.

Abraham Ayoub, 21962 Lyon Trail North. He stated that the Planning Commission was charged with the health/safety and welfare of the residents, this project does not meet those requirements. The Road Commission was responsible for egress. They said the traffic would get worse on 8 Mile and Pontiac Trail so they need to do a traffic simulation of the cuts that the traffic would take through Parks Wood and Lyon Trail subs; there are no sidewalks in those two subs that was a serious safety issue. The home values would be affected and that was the welfare of the residents.

The traffic study that the applicant was using was 2.5 years old. The sewer system was planned but it's not there, they can't build there until 2009 unless that gets there, then the traffic would change again. The traffic on 9 Mile would be worse, there are 2,000 school children between the two middle schools and the elementary school that doesn't count the day cares, again a safety issue.

Regarding the Louisville store that they are comparing this one to, well, it's right off the freeway that was their comparison. There was an issue with flooding before with the stream which goes through the Niles property? He didn't see it on the plans. He felt that Meijer's was very unprepared again.

The underground structures, it's residential, a structure was a structure, and the plows would need pads. They need a rezoning, look at everything that they were doing, it's wrong. This makes no sense, this was not just a backyard issue for him, he has fought many issues in the Township. This project would also take away from other jobs, if anyone thought that Kroger, Busch's would make it, there would be a net job loss. Again, it does not meet the health/safety and welfare of the residents.

Kevin Whalen, 59300 Ten Mile Road. Meijer's was a Michigan company and would provide jobs for Michigan contractors, the money would stay in Michigan. He felt that it would be a good revenue source for the Township. He felt that the Township would be in some trouble in the next couple of years if the residential construction does not pick up again based on the sewer upgrades that were done for all of these houses that are not going to be built. Meijer would provide the third phase for the sewer which would be beneficial to the Township. He lives off of 10 Mile and Griswold Road and when they paved Griswold they took the water up hill for a mile where the water now sits stagnantly covering about 5 acres where it doesn't drain, take care of this issue if they are going to give Meijer's a hard time. The Wal-Mart on Milford Road has one road in and one road out and also has all of those other businesses located there as well. He holds the utmost respect for people who come up here and speak their minds and he referred to a problem he had with the development behind his home, he felt he had been wronged. The problem was that all of the businesses were located on Pontiac Trail, start putting them on Ten Mile, and spread it out.

Mark Alester, 21341 Winding Creek. The traffic analysis indicated that they have done their job but have they been provided any information to emergency services accesses through these areas, there are traffic lights there now but it was backed up bumper to bumper tonight and adding more traffic was there any information regarding probable accidents from Oakland County?

Amy Caudell, 21811 Lyon Trail. They did a great job on giving them some traffic information but the one question that she had was what the proposed route for the semi trucks was? Coming between the hours of 7 a.m. and 10 p.m. 5-6 times per day, they were assuming they would be coming from the interstate, what was their route? Mr. Nowakowski stated that they would have to take a look at that.

Anita S., 21969 Lyon Trail. Her concerns were regarding traffic. They said that a 2 year traffic report was what was acceptable do they take into account the city's that grow at different rates? She has lived here most of her life and has seen many changes; most of those changes have to do with diverting the traffic off of Pontiac Trail. When she leaves her sub it can take her 7-10 minutes to make a right hand turn and get through the light at 8 Mile. Not improving that and taking it to a lesser degree was not acceptable. The kid's safety at the schools was a concern when they leave school and walk to Dairy Queen that was where all of that traffic would bottle neck, they need to widen Pontiac Trail to 9 Mile Road.

Robert Smith, 21845 Lyon Meadow Court. He spoke with the Oakland County Road Commission attorney at length four different times regarding this proposal and he quoted the attorney as saying "The Oakland County Road Commission was only going to grant them egress for their driveway, it was their only concern for a commercial development their concern does not go onto the traffic as far as Meijer's was concerned." It's going to get worse, but there was nothing that the Road Commission could do because the driveway was their only concern.

According to the International Traffic Engineers Journal buildings of this size generate a higher trip generation rate than the stores that they used to create the data. This Journal has been telling the traffic study people that they need to create a new land use code for buildings of this size. Typically, the traffic studies done after buildings of this size go in are 44% higher than what the traffic studies that were presented. He sent an email to everyone on the Commission of the actual study that was done.

He continued that he is a paid volunteer on call fireman for the Lyon Township Fire Department, June of 2005 there was a fire in Winding Creek, he was in one of the trucks responding, as a fire fighter their operations were severely hampered by traffic, getting in and out of the subdivision for water, there are no hydrants there. Hydrants are down on Pontiac Trail for them to shuttle water in and out. Cars would not let them out to get to the water. The house burnt to the ground but not due to their efforts. If this happened again, who's to say? They all received crime stats regarding Meijer's. One entrance would not work, if they don't widen it where the driveway was how would the delivery trucks pull into that? They were saying 35-42 deliveries per week on average, what about Christmas time? Referring back to the fire, the fire happened in June of 2005, one month after the traffic study was completed.

Russ Stebbins, 61145 Brookway Drive. His main concern was safety. How much wider would the road be than it was currently? He already has vehicles that pass on the right, kicking up rocks into his yard. He accepted the fact that he was on Pontiac Trail when he moved into this community on June 13, 2005 when the house burnt down. He can tell them that the traffic has increased since then and he accepted the fact that there were businesses across the street from him; he did not realize it would be an almost 200,000 s.f. Meijer. He has a 3 year old son, and he won't be able to allow him to play outside in the yard anymore. He would have a 48 s.f. Meijer sign that he would be able to see from his backyard. He did not think this was the right thing for the health/safety and welfare of Lyon Township.

Don Smith, 60677 Lyon Trail South. He questioned if anyone on the Commission was present during the approval of the Canzano subdivision. One of the issues was that there was an area that was under water from January to the end of July, year after year. It has even been worse at times at one point it was 7 feet from his basement, that issue has still not been corrected. When Meijer builds and impacts that area, that run off would go somewhere, the detention pond would not catch it all.

Jim Chuck, 25365 Stanley Lane. He can tell them from experience that the applicant should come back regarding the delivery times and say 4 a.m. to more like 11 p.m.- Midnight, in the presentation their was a Meijer trailer, what about Pepsi, Coke, 7up, dairy, bread, they would have tractor trailers 18 hours a day. He thought it would be beneficial to get that last ¼ mile up to 9 Mile as it relates to the paving, it was a small price to pay to do business here. Was there ever a thought of two aprons, ingress and egress off of Pontiac Trail, was it ever looked at?

Mr. Labadie stated that just the driveway was 60 ft. plus. The Road Commission wouldn't allow two driveways that close together, one driveway operationally would work.

Jeff Fiszbein, 10092 Pembroke Circle. He stated that he was pro Meijer but not this development. He has shopped almost exclusively at the Brighton, Wixom and the Meijer store in Northville. Each store was about 20 minutes away from his home, all of them have some things in common; they are all on 5 lane roads, all not around neighborhoods, schools and kids. Locating the store here was just not a good idea, he could not think of anything positive that would come out of it. He doesn't mind driving 20 minutes to go to Meijer he can't see with the issues with the traffic, too many school children and subdivisions. There was no benefit this was not the right area to do this.

Gail Kline, 27993 Trumont Drive. She questioned the traffic study that was done 2.5 years ago it was mentioned that it had built in increases for traffic but she wondered if it took into account the amount of building of residential that has been going on, her sub was completely brand new from 2.5 years ago so she wondered if that had been taken into consideration as well.

Robert Cameon, 21075 Park Woods. He lives about 450 feet away from the proposed development. He read some emails that he had previously sent to Meijer's. He mentioned that the website states that they care about the families in the communities and their core values drive what they do everyday. Their success was founded on the concept of "treat others as you would like to be treated". The statement continued that they care about the communities they serve and they want the citizens to thrive. He questioned those statements. He stated he was concerned with the decrease of property values, increase in crime, pollution, traffic and small businesses closing. He was also very concerned about his children's safety as far as not being able to take walks, ride bikes in their subdivision because they do not have sidewalks. They would lose the quiet and safe atmosphere that they now enjoy; it cannot be fixed with the construction of a berm.

Nicholas Mocerri, 20946 Greenbriar Circle. He wanted to make it clear that the quality of life would suffer, when he moved out here 12 years ago it was because it was a quiet community. He questioned why it wasn't being built off the highway instead of coming to the other end of the town and pulls people through the town and the other side of town all of this in an effort to block Wal-Mart. He can get to a Meijer in 15 minutes and he had no problem doing it. They would be creating a bottle neck with the traffic, stop and go traffic, bumper to bumper into a lane that dead ends. What would that do for the traffic? This was not the right spot. We shut them down two years ago, we told them we didn't want it, it's not the right spot, go put it somewhere else. He questioned Mr. Quinn if Meijer's was turned down by this Commission would it then go to the Township Board? Mr. Quinn stated no, it would then go to the ZBA and then to Circuit Court.

Jeffrey Shonder, 21218 Greenbriar Lane. He would ask them to consider the nightmare of construction it would take 20 months or more to build from start to finish. Where are all of these tandem gravel haulers, cement trucks, the equipment, the bulldozers, pick up trucks, where are they coming from? Where was the nearest expressway they were all 12-15 miles north, west or east of here. They only have one north/south paved road in this town and that's Pontiac Trail, it's a cluster. This proposed monstrosity would compile a thousand fold and make this area unlivable.

Robert Black, 61561 Brookway Drive. This was a very difficult thing for all of us; it's very emotional and very important to the residents in what happens to them in the future. All of the homes within the area use the water from the ground and he can't imagine having 700 parking areas with one car every 4 seconds coming out of that facility that it wouldn't affect the ground/well water, so that needed to be monitored on an ongoing basis. He had a hard time understanding that if they have 1 car every 4 seconds where are these cars going to go? What happens if they have a huge problem after that happens does that mean they would then approve another entrance into the facility? They are setting themselves up for a future situation where they don't have any control. They are all feeling very helpless; he drives an hour to work everyday so he can live in this community. The Commissioners are there to protect them from things that don't make sense and he thought

that all of the residents were pleading to the Commission to consider this and make sure that whatever decision was made that it would affect South Lyon's future, it changes the landscape and the feel of what this city is. This just doesn't make sense with the roadway, the traffic, the placement and for their community; make sure every rock was turned.

Michele Wilson, 21043 Park Woods Drive. She stated that she attended the previous meeting that was held on Monday. On May 4, 2005 which was a Wednesday was when one of the traffic studies was done between 4 p.m-6 p.m. The next one was on April 30, 2005 from 11 a.m. -2 p.m. there were no football or baseball games going on, nothing in particular was happening on those particular days. Two years would have been May of 2007, they are past that. She would strongly encourage that another traffic study be done. When she attended the meeting on Monday she did meet with an Executive Vice President William Nokes Jr. he tried to answer her questions and he did explain who picks out the location and he told her that if he felt that they were not welcome than they would find another location and she has witnesses that he said that. Meijer's was not welcome, they should find another location. Meijer's has toys, there are 3 subdivisions that are very large, the kids are going to want to ride their bikes there and there are no crosswalks, no sidewalks.

George Roest, 57050 9 Mile Road. He was also at that meeting on Monday, and he noticed that on the entryway there were 3 lanes he wondered if that would run past the Fire Marshall, in case of a catastrophe in that building how would they get a fleet of fire trucks to that building. The drainage from the parking lot and the salt that was going into the retention pond, what happens with the salt, and has that been cleared with MDEQ?

Mike Rogers, 61558 Brookway. His house was the one that had burnt down and he was thinking of the future of the kids with the buses when they have to pull out, right now they just have to cross one lane to get into the opposite lane now they would have to get over 4 lanes. That would also be a safety issue.

Maggie Kurzweil. She is a real estate attorney in the area she was pleased to hear Commissioner James address the issue regarding the zoning of that residential property. She also questioned how they can put a commercial purpose on residential property. It was very clear to her, she thought it was defensible, don't back down.

Joe Boissau. There was a stretch of road that are selling lots between the Meijer's and McDonalds so when they are looking at that roadway it would be a real disaster, someone else would show up like Target. Ms. James stated that they have been turning them away and sticking to the Master Plan. Mr. Boissau stated that two years ago the residents asked the applicant not to come and he questioned why they didn't listen.

Ed 20963 Parks Way Drive. Meijer's had proposed the one entrance with another traffic light, has the traffic study been done on what it would do to 8 Mile Road because that will impact traffic through his neighborhood.

Bob Watson, 21175 Greenbriar Lane. Why build in a community when the residents are loud and clearly telling them that they don't want Meijer's here.

Steve Azzopardi, 60673 Lyon Trail. What happens to the traffic when it goes from 5 lanes down to 3 lanes? What happens when the location doesn't work and they can't turn a profit because of the location, when they don't work they leave the location and leave it empty?

Mr. Barber closed the public comment period at 9:17 p.m.

Ms. James stated that traffic was not a legal basis for denying a site plan especially when the Road Commission has given their blessing even if it does cause more problems. Crime, pollution, quality of life and property values were not valid to say no. The Achilles heel to this proposal was the extent of residential land used for the infrastructure, in her opinion it was a zoning problem. Mr. Quinn disagrees with me and he was a highly experienced attorney who has served the Township for many years but it was the Planning Commission who had final word when it comes to interpreting the zoning laws. They have the authority to deny this on

zoning grounds in her opinion. She thought they should deny on the following reasons:

1. The Township has never passed a law as many other communities have specifically allowing the commercial to spillover.
2. So much of this infrastructure was on residential land and she did not think it could be characterized as ancillary or appendage or incidental, it's significant.
3. The specific parcel was never intended for such an intense use.
4. The Township has never before allowed a commercial development to use residential land next door for utility and drainage. If they let Meijer's do this; they have to treat everyone equally.

She was really looking forward to hearing from the Meijer's attorneys on how they would justify using so much residential land to support a commercial use. Unfortunately, they were not properly represented tonight. She thought they would be on solid ground as they heard from another attorney in the community, she believed it was defensible. If they voted to deny it because of the zoning problem then they would be giving it back to the Township Board then Meijer's could come in and state their legal justification.

Mr. Barber stated that Mr. Quinn should research this. He didn't think they should be hasty in denying, he would be in favor of doing more research and talk about it.

Mr. Hicks stated that he couldn't go for a denial based on what they know on the advice of their attorney; they don't have a strong position for litigation.

Mr. Towne questioned if it would go back to the Township Board if it was denied? Mr. Doozan stated no, it would go to the ZBA. Brief discussion on where the case would go if it was denied.

Mr. O'Neil stated that another issue he had goes back to the traffic, they have discussed that there was an acceptable tolerance for studies that have aged 2 years or beyond that. He would like to see a new traffic study done and if Meijer was agreeable to doing that. He did not feel that they had a complete picture.

Mr. Doozan stated that the Zoning Ordinance stated 3 years was the cut off for a traffic study. Mr. Towne stated that it didn't mean they couldn't request one. Mr. Doozan stated no.

Mr. Hamilton stated that they changed the dynamics, so they have a 5 lane highway so they could accommodate more vehicles but that does not eliminate the problem on 8 or 9 Mile Roads, it would increase it. Mr. Labadie stated traffic would increase on 8 and 9 Mile road and on Pontiac Trail; there are recommendations in the report to address that. The issue of the 5 lanes was that they were attempting to find a way where there would not be a problem with the Meijer entrance and Brookway. Mr. Hamilton stated regarding the draw to the store, was that 9,000 more trips per day? Mr. Labadie stated that 9,000 trips would mean 4,500 in and 4,500 out, of those 9,000 trips, 28% of them are already out on Pontiac Trail or 8 Mile Road, and it's called pass by traffic. Mr. Hamilton stated if they left it like it was they still have so many pass by traffic, they are still adding 9,000 more cars on Pontiac Trail. Mr. Labadie stated no, it would be 9,000 trips on the Meijer driveway, 28% of those are already on Pontiac Trail.

Ms. James questioned how the rest of the Commission felt regarding the zoning issue. Mr. O'Neil stated that Mr. Quinn was their attorney and far more knowledgeable about these issues than he would be, it doesn't mean that he still doesn't have questions that need to be answered. Mr. Towne stated that if they tabled it and got some questions answered then he could support it, he would like to turn over every rock. Ms. James stated she would support a motion for tabling if they received written documentation that explained Meijer's rationale for not coming to them with a rezoning. Mr. O'Neil stated that he would like to see an interpretation on it at the ZBA level.

Mr. Conflitti questioned if there was a plan "B" for other possible locations in the Township? Mr. Nowakowski stated no, there were no other locations. Mr. Barber stated that he was right, in the southwest

quarter, this was it.

Mr. Barber stated that he would be in favor for what their Attorney has recommended; he would table it and research these other concerns.

Brian Berry, 23206 Greenbriar Circle. His concern was that if Meijer was already this unprepared what makes them think they would live up to the words that they have already stated here. This was a huge issue, there was no attorney present, only a public relations person and everyone else was an individual that works for them, only consultants.

Mr. O'Neil asked if Meijer was willing and prepared to do another traffic study? Mr. Nowakowski stated that no one on the Commission was a traffic engineer and he was not one, they are relying on the consultants of the Township to give them guidance and the Road Commission, they have taken that guidance and why do another update when all of these people are telling them that they don't need to do another one. Mr. O'Neil stated that he was convinced it was a problem and they are going by projections and projections may not be a reality.

Mr. Folks from Metro Transportation Group stated that under the circumstances Meijer's was using the growth rate from 1999-2004 where there was a lot of growth in the area and then it was projected over several more years. The probability was that traffic over the last couple of years has either leveled off or started to decrease. Potentially, if they do more counts there was a chance of having lower counts than the study was projecting which would most likely occur. He thought the numbers in the study were conservative and they were done within the standard practices of how traffic studies are done. He did not see the benefit to re-do a traffic study. The applicant was revising the study to reflect the updated geometrics that they have and make sure that everything in the study was mitigated from the traffic that the Meijer's would bring. They want to make sure that the traffic that they are bringing was not making things worse.

Mr. O'Neil asked if they could look into further road improvements north to 9 Mile Road. Mr. Nowakowski stated that they would take a look at that.

Mr. Towne made a motion to Table AP-07-25 Meijer Inc., Commercial Site Plan Review to the first meeting in February 2008 with the following conditions:

- 1. Whether it was in the Zoning Ordinance that the applicant are able to put the wet pond, drainage, structures and utilities on residential property.**
- 2. What are the delivery hours and how many trucks would be impacted on that road.**
- 3. Provide a list of the exact list of species that are proposed for the rain pond garden.**
- 4. Approval for the gas line from the gas company and what can be built over the gas line.**
- 5. Township Engineer approval.**
- 6. Final plan for Pontiac Trail, if it would be widened all the way to 9 Mile Road.**

Mr. Hicks supported the motion.

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

MOTION APPROVED TO TABLE

6. ADJOURNMENT

Mr. Barber adjourned the meeting at 9:49 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary