

**Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
June 9, 2008**

Approved: July 14, 2008 as written

DATE: June 9, 2008  
TIME: 7:00 p.m.  
PLACE: 58000 Grand River

Call to Order: Mr. Barber called the meeting to order at 7:05 p.m.

Roll Call: Mike Barber, Chairman  
Lise Blades  
Michael Conflitti  
Jim Hamilton  
Sean O'Neil  
Carl Towne

Absent: Chris Roberts, Board Liaison

Also Present: Phillip Seymour, Township Attorney  
Chris Doozan, Township Planner  
Michelle Aniol  
Al Hogan, Building Official

Guests: 7

1. APPROVAL OF AGENDA

Mr. Barber requested the addition of holding the election for Vice Chair as item #8 on the agenda and the removal of item AP-07-33 at the applicant's request.

Mr. O'Neil made a motion to approve the June 9, 2008 agenda as amended. Mr. Hamilton supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. CONSENT AGENDA

Mr. O'Neil made a few corrections to the minutes and the Recording Secretary corrected those items.

Mr. Hamilton made a motion to approve the May 12, 2008 as corrected. Mr. O'Neil supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

John Bell – Mr. Bell commented that the library would be holding informational meetings concerning the roundabouts.

People could check with the library for confirmed dates.

Lise Blades – Ms. Blades commented that the Park Committee would be starting their summer movie series, and the first movie will be The Bee Movie on June 21, 2008. They will have a movie every other Saturday night throughout the summer. They will be having one the night before the motorcycle run for Operation Injured Soldier and try to promote the two events together. The other one will be a benefit for Kristina Rogers. There is a link on the Township's website. For the movie that will be shown on July 5, the link will list some patriotic movies that the residents can vote on; whichever movie has the most votes will be played.

4. PUBLIC HEARINGS - Removed from agenda at applicant's request.
5. OLD BUSINESS - None
6. NEW BUSINESS
  - A. AP-08-08 Appletree Christian Learning Center, 58019 Grand River, Site Plan Review, discussion and possible action.  
  
Representing AP-08-08: Eric Rauch – Desine, Inc.  
Jeff Smith – Construction Manager

Mr. Doozan reviewed the McKenna Associates memo dated May 8, 2008 with the following conditions:

1. A contribution to the tree fund was required, as noted in item 7.
2. Color and building materials must be approved by the Planning Commission, as noted in item 8.
3. Details of the dumpster enclosure gate must be provided, as noted in item 9.
4. All signage must meet the requirements of Section 16.07, as noted in item 13.
5. Approval must be obtained from the Township Engineer, as noted in item 14.
6. Approval must be obtained for the agencies noted in item 15.

Mr. Rauch stated that they would abide by and will make the changes requested in the McKenna Associates memo dated May 8, 2008. Mr. Rauch showed the split face concrete block that was being proposed for the building. Mr. Towne commented that he did not like the shutters. Mr. Conflitti questioned the overhang. Mr. Rauch stated that there was a 2-foot overhang and on the back end was an 8' overhang. Mr. Rauch confirmed that they have a vented soffit.

Ms. Blades questioned what other preschools have for a rain day. Mr. Smith stated that the overhang was not standard but made it easier for the kids to be outside when it is raining.

Mr. Barber questioned how many children could be allowed in the building. Mr. Rauch stated that there could be up to 170 kids and 15 employees.

Mr. Towne asked if they would install a berm on the west side, since the dumpster was located there along with 2 houses right behind that; it would help to block the noise. Mr. Rauch stated that they could work with Consumers on that. Originally, Consumers has said that they don't want anything in the right-of-way.

Mr. Conflitti questioned the type of shingles that were proposed. Mr. Rauch stated that they were proposing dimensional shingles.

Mr. Towne questioned who is Appletree. Mr. Smith stated that it was founded 10-11 years ago in Grand Rapids, and they have 12-14 locations in that area. They have recently agreed to build one in Lansing and Brighton. They also have 3 stores called The Growing Years in North Carolina. It is owned by one owner.

Mr. Towne asked for the website address. Mr. Smith stated it was [www.appletreekids.cc](http://www.appletreekids.cc). Mr. Barnwell stated that he was a landscape architect, and he designs and sells playground equipment and Appletree is a client. He was interested in what they were doing, so he decided to invest in it.

Mr. Conflitti questioned if the windows were a dark tint or mirrored. Mr. Smith stated that there is a tint to the

windows, but they were not mirrored. It is not a clear window, but there is just a slight tint to help with the sun.

Mr. Towne questioned the loading pad and asked if they would be having large semis coming in for deliveries. Mr. Rauch stated that there would not be semi truck deliveries. Any food that would be brought in would be by a smaller truck or picked up by the employees.

Mr. O'Neil asked if they had any ideas as far as the façade to improve their score. Mr. Smith stated that they were happy to look at alternatives. Mr. O'Neil suggested using a combination of brick and split face. Mr. Smith stated that was not a problem, but he was hoping that they would get an approval tonight.

Ms. Blades brought up the concern of the entrance and exit facing the park's entrance and exit. Mr. Doozan stated that having an intersection that's directly across from one another was acceptable. Mr. Smith stated that 80% drop off between 7:15-8:15 a.m. and 70% pick up between 4:30-5:30 p.m.; those were the heaviest hours. Ms. Blades asked if they could encourage a right turn only. Mr. Rauch stated that the Road Commission wanted a right and left turn available.

Mr. Barber questioned how the parents pick up and drop off the children. Mr. Smith stated that there was a set of double doors with a punch pad that they would have to enter their code in order to have access, or they would walk into the vestibule and enter their code on the key pad. They are required to check their children in and out physically everyday. The parent has to be there. Mr. Hamilton questioned if parents have access all day. Mr. Smith stated that they not only have access to center all day but they also have a patent on an internet system that allows a parent to log on to the website and check on their kids any time of the day.

Ms. Blades stated that the exterior lighting that was proposed uses the box type fixtures. According to the zoning map, they are next to the Town Center Overlay, where there will be more attractive lighting on the streetscape. She asked if they would be willing to put in something more attractive. Mr. Rauch stated that they would look at something more architectural/historic. Mr. Barber stated that Mr. Doozan could supply them with the cut sheet that gives the specifications. Mr. Rauch agreed.

Mr. Rauch stated that they were very receptive to changing to brick, it was a minor change and the color would be similar.

Mr. Seymour stated that the owner was Peter Coratti, but then it said that the owner was AMP Associates. Mr. Smith explained that was Mr. Coratti's partnership. Mr. Seymour stated that he would need to send in a letter explaining that he was the owner and part of the partnership. Mr. Smith stated that they were the applicant and all of the promises that they were making were post-closing promises. Mr. Seymour stated that he understood but the ordinance requires that the true owner has to sign the application; it's conflicting. Mr. Smith stated that he understood.

Mr. Hamilton made a motion in regard to AP-08-08 Appletree Christian Learning Center, 58019 Grand River, Site Plan Review to approve subject to conditions of the McKenna letter dated May 8, 2008 and to remove the shutters, install brick from the bottom of the windows up on all 4 sides of the building and that the Township receive a signed letter from the owner. Also, with the lighting change in the front. The color of the brick would be administratively approved. Investigate installing a berm on the west side. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

**MOTION APPROVED**

B. AP-08-09, Twin Pine Condominium, west side of Martindale Road, south of Grand River Ave; requesting waiver to permit a smaller PD than the required 40 acres, discussion and possible recommendation to the Township Board.

Representing AP-08-09: Herb Lawson – Windham Group  
Bill Phillips

Mr. Doozan reviewed the memo from McKenna Associates dated April 28, 2008 which recommended that the Planning Commission recommend the waiver to the Township Board in the interest of bringing back to life a defunct residential

development, which otherwise could become a blight in the Township. By granting the waiver, the Planning Commission was not indicating agreement with the conceptual plan layout or density. The Planned Development review process provides ample opportunity to review, debate, and negotiate the details of the plan at a later stage.

Mr. Lawson stated that they are requesting the waiver due to the current economic climate and the fact that attached housing is not selling as well as detached housing. It is difficult to finance attached housing right now. They felt it would be much more marketable as detached, and they could build them one at a time, which opened up the market to possibly more than one builder. They did not feel they could move forward, as it is currently a duplex site. They are finishing the existing units. If the Township granted the waiver, they would work together to make this development move forward. They have done a market study recently, and there was an 18-24 month supply of attached product on the market and for a single-family product under \$250,000.00, there was only about a 5-6 month supply. If they can come up with something that would blend with the current units elevation wise with the right price point, they could have some activity.

Mr. Barber asked if there was an increase in density. Mr. Lawson stated there was no increase in density; they just had to think outside the box.

Mr. Towne asked how they would bring the existing 10 units into the PD. Mr. Lawson stated it would still be a site condominium and ultimately they would become part of the site plan. Mr. Towne questioned if the rules would be different for the duplex owners versus the homes. Mr. Lawson stated that they might have to deal with the attached units, and they would be responsible for their exterior. However, all of the common areas would be taken care of. The only difference would be that the duplexes might have to have a separate way to handle the exterior, as opposed to the single family. It would all be spelled out in the Master Deed and By-Laws.

Mr. Hamilton stated that he had reservations about the waiver; he did not think that 24 acres would offer the amenities to the people in that project or any type of benefit to the Township. He could not support something less than 40 acres. Mr. Lawson stated that this was an existing 24-acre development that was sitting unfinished; what's there now is not marketable. They can't increase the amount of acreage, they are not changing the road configurations, and they are just detaching the units to make them more marketable. They have no choice but to get a waiver because they have no other options to make it bigger. Mr. Doozan stated that their options are very limited with this development.

Ms. Blades stated that she saw no benefit; there were no unusual characteristics. They are using the economy as a special circumstance. Ms. Aniol stated that the intent of this section was to be broad and think outside the box; it did not spell out economics, but the unique characteristics or benefits to the community. The ability to change what was a blighted situation from becoming worse would be a benefit to both the people who live in the development as well as the people that surround it. They are putting back on the tax rolls property that could become marketable where as now it was not.

Mr. O'Neil stated it was happening in all of the communities around and he questioned how far along are these buildings. Mr. Lawson stated that they are not the owner of the property; the bank foreclosed on the property and retained them. Based on their meeting, they have convinced them to finish these buildings. They were not going to be finished.

Mr. Phillips stated that they have reduced the price from \$229,000-\$254,000 and would now sell them from \$174,000 to \$185,000, with the idea that they could move the units.

Mr. O'Neil asked if they had thought of leaving a portion as multiple-family. Mr. Lawson stated that they did look at it but felt it would blend in nicely, since there are not a lot of them.

Brief discussion took place regarding the RM-1.0 Zoning and the style of homes that would be built.

Mr. Towne made a motion to recommend to the Township Board a waiver for AP-08-09, Twin Pine Condominium from 40 acre PD to a 24 acre PD. Mr. O'Neil supported the motion.

Voice Vote:	Ayes:	6
	Nays:	Hamilton

**MOTION APPROVED**

- C. Schedule a public hearing on a Zoning Ordinance text amendment to Section 5.05, Site Plan Information.



Ms. Blades questioned if Mr. Wyett wanted the runway to be expanded. Mr. Wyett stated absolutely. Mr. Seymour stated there was always the issue of eminent domain. Mr. Wyett stated that if the County acquired the property, it was his understanding that they can do what they want with it. Mr. Wyett stated that right now the plan was to expand the runway. Mr. Conflitti asked if they can only expand the runway to the west. Mr. Wyett stated yes. Mr. Wyett stated that he was suggesting that the area be rezoned to something that would prevent anyone from building a house; that's why they bought it. Mr. Wyett continued that there was an approved site plan at one time for a single-family subdivision.

Mr. Wyett explained what they own on the east side. The underlying zoning in that area has always been I-2, and someone had the idea of putting a zoning overlay over it even though they objected and pointed out the runway. He asked that they remove the parcels 1, 2, and 3 from the Township Town Center Overlay District at the July 14, 2008 meeting. If they keep it in there, their property cannot be used for anything. The overlay uses are all uses that involve people, except for a park.

Ms. Blades asked if they retained the zoning on the west side as residential, can the airport still expand? Mr. Wyett stated yes, the airport was not subject to zoning, and right now if they wanted to do a private contiguous inside the fence they were allowed under the Zoning Ordinance. R-2.5 allows ancillary structures to airports. Mr. O'Neil questioned how many more feet of runway were being proposed. Mr. Wyett stated that right now they were just planning on expanding the runway in its width, but they don't spend that kind of money if they were not going to expand it eventually. Brief discussion took place regarding the types of aircraft that could use the runway.

Mr. Wyett stated that he would like some guidance. They were supposed to be on the May agenda, but the timing was wrong. Mr. Barber stated they were looking at it for the first time right now. There was brief discussion regarding procedure.

Mr. Wyett stated that they were asking to appeal the overlay, which would allow them to get rid of all of the things that have been forced upon them that are residential. They are not here to ask for an amendment, they are requesting that they schedule a public hearing to remove that portion of the map that would allow them to use their property; they are effectively being stopped from using their property except for a Township park. Mr. Seymour stated that there are specific procedures for requesting a rezoning. He was asking for a change in the Zoning Ordinance to remove the Township overlay, which was a Zoning District, so it was up to Mr. Wyett to follow the procedures and present a petition to change the zoning. Mr. Wyett stated that if they thought that was the quickest way, then they would present the petition. Mr. Seymour stated that he could not just come before the Planning Commission and say that he wants them to rezone it; there are procedures that have to be followed. Mr. Wyett stated that they are asking that the Township, who initiated the zoning overlay, when they said at the time was incorrect, he asked that they do the right thing and take it off.

Mr. Seymour stated that a request was made then, and he could file a petition and ask for it to be rezoned. Mr. Wyett stated that he was asking for a motion requesting this. Mr. Barber stated that they don't have any information from their advisors; he asked if the meeting in August would be acceptable. Mr. Wyett stated at that point it would be 90 days, and the Township has had this since early May. Mr. Barber stated that he hasn't had it since then.

Ms. Aniol stated that any change to the zoning was going to be made on the decisions that they make on the Master Plan, which was how the Town Center Overlay District came to be initiated in the first place and so it behooves this body to do their due diligence and make sure that if this was something that was going to happen in this area then they have all of the information that they need. Mr. Wyett stated that he understood that, he has been through two Master Plans in this Township, and they never come quickly. Their property was effectively not developable. Ms. Aniol stated that she understood the point he was making, and she could give him an estimate, but she couldn't tell him exactly. Mr. Wyett asked if it would be 6-12 months. Ms. Aniol stated that it could take that long but it could take less time.

Mr. Wyett questioned Mr. Doozan how long it took the last time they did an amendment to the Master Plan. Mr. Doozan stated 6 months. Mr. Wyett stated that they want them to delay using their property for 6 months.

Mr. O'Neil stated that this issue has been the same since 2001. Mr. Wyett stated that this issue has been the same since this Planning Commission and the Board forced upon them the Township Overlay. Mr. O'Neil asked what changed. Ms. Aniol stated that when the airport submitted their airport land use plan that triggered the requirements regarding airports. It was submitted on March 4, 2008. Mr. Wyett asked the record to reflect that McKenna acknowledged receiving this report on March 4, 2008, which they then forwarded to him on May 5, 2008, 60 days after their property

