

**Charter Township of Lyon
Planning Commission
Meeting Minutes
February 9, 2009**

Approved: March 9, 2009 as revised

DATE: February 9, 2009
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
Lise Blades
Michael Conflitti, Secretary
Jim Hamilton, Vice-Chairman
Sean O'Neil
John Dolan, Board Liaison
Carl Towne

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

Guests: 7

1. APPROVAL OF AGENDA

Mr. Doozan requested to add an item under New Business regarding zoning work.

**Mr. Hamilton made a motion to approve the February 9, 2009 agenda as amended.
Mr. Towne supported the motion.**

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

2. CONSENT AGENDA

Mr. Towne noted that one of the motions was not seconded in the minutes. The Recording Secretary will look back in the notes and find out who seconded the motion and make that correction.

Mr. Towne made a motion to approve the January 12, 2009 meeting minutes as revised. Mr. Hamilton supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - No one wished to address the Commission.

3. PUBLIC HEARINGS

A. AP-07-33, Public Hearing to consider a rezoning of Hidden Ponds Planned Development to R-1.0, Residential-Agricultural District.

Mr. Doozan referred to the McKenna Associates memo dated February 9, 2009. It explained that in December of 2007 the Township initiated the rezoning of the Hidden Ponds Planned Development to R-1.0, Residential-Agricultural District. At that public hearing the applicant requested that the PD zoning be maintained. The Planning Commission continued the public hearing to allow the applicant an opportunity to resolve a drainage issue that had been alleged during the public hearing. On January 16, 2008 and again on March 10, 2008, the Planning Commission tabled the case to allow the applicant an opportunity to evaluate engineering and planning issues.

On June 27, 2008, the applicant was sent a Planner's letter, which outlined the revisions needed to the site plan. No communication of any kind has been had from the applicant in response to any of the requests.

Mr. Barber opened the public hearing at 7:07 p.m.

Kathie Crowley – She explained that she has no objection to the rezoning back to R-1.0, as she feels that the PUD approval should never have occurred in the first place. She reported about the severe flooding situation that has devalued and destroyed her land at the east end of her 30-acre parcel. It has also become apparent that the Coyote Golf Course had dug out their low area, which was channeling onto Mr. Huszti's land, which increased the severity of the flow of

water to her property. Everyone agreed at that meeting that everything possible would be done to correct this problem and the Township would follow up with Mr. Huszti and the golf course. To date, nothing has been done. Her repeated calls to Mr. Huszti, the Township Hall, the Oakland County Drain Commission, the Oakland County Road Commission and the Oakland County Soil Erosion have resulted in no return calls back to her. She feels that Mr. Huszti should return the land to its original condition.

She asked about the Township's responsibility. She questioned if she need to seek an attorney's guidance for getting this situation under control. She cannot use her land. The situation has gotten worse every year. She has always complied with the rule of one acre per horse but now she can't use 10 of her acres; can she have more horses on less land? She expressed that this situation has caused her stress and grief and has financially hurt her.

Mr. Seymour explained that without any research being done, he felt that there could be an action for trespass, and she certainly has the right to go forward. He did not think the Township had any responsibility, but if the Planning Commission would like him to gather more information then he would do that.

Ms. Crowley stated that in the future, these types of things need to be looked at and checked that people are doing their jobs and doing what they say will be done. Mr. Hogan explained that in the future any developer will be bonded before the development even begins.

Mr. Barber stated that they had promises from the applicant that he would proceed, so that's what they had to happen. He didn't come through with it, so now they would take care of this.

Mr. Barber closed the public hearing at 7:25 p.m. due to no one else wishing to address the Commission.

Mr. Towne made a motion to approve the rezoning of Hidden Ponds Planned Development to R-1.0, Residential-Agricultural District.AP-07-33. Mr. O'Neil supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

Mr. O'Neil asked that someone take a look to see what they can do to rectify this situation. Mr. Barber suggested an emergency stop method.

4. OLD BUSINESS

A. AP-07-21, Orchards of Lyon, Phase II, PD

Mr. Doozan read a memo from Stephen Palms dated February 3, 2009, which summarized the meeting that was held regarding the status of the Carpenters Pension Trust Fund as it relates to Phase I.

Mr. Barber stated that this PD agreement has Phase I and Phase II, and they are trying to go to Phase II. Mr. Doozan stated that they have to develop Phase II as an independent development. Originally, they were going to develop Phase II as an extension of Phase I, but they can't do that.

Mr. Doozan explained that the expansion issue and the liability issue are two separate issues. The expansion issue relates to the condominium law. Under the condominium law, they would be allowed six years to expand the condominium. The six years have passed, so they can't expand Phase I to encompass Phase II. They have to develop Phase II as a separate condominium. It would still be subject to the original terms of the Planned Development. With respect to the liability for Phase I, which was a complicated issue as well, which Mr. Quinn has researched as well as Stephen Palms, the attorney for the applicant, and they reached the conclusion that the CPTF does not have liability for Phase I.

Mr. Seymour stated that his understanding was that they don't have liability because they don't have anything to do with Phase I.

B. AP-08-22, Text amendment to allow nursing homes and convalescent homes in the R-1.0 district; returned to the Planning Commission by the Township Board.

Ms. Aniol explained that the Township Board sent this issue back to the Planning Commission with their concerns. Overall, there was a difference of opinion with whether it was compatible with the R-1.0 district. Some of the concerns that were brought forth were, a large number of emergency vehicle runs, the Fire Chief's concerns of the amount of runs to those types of facilities, setbacks, minimum acreage, and screening. They were looking for more overall control under the special use.

Mr. Dolan stated that the Board was on line with the Planning Commission, but the concern is with it being located in a residential area. They would like to see more control with a minimum acreage and setback requirements.

Mr. Hamilton thought the Township had control with the special land use. Mr. O'Neil stated that the special land use was discretionary.

After further discussion, the Commission concluded that Mr. Doozan would come back with suggestions at the next meeting.

Mr. Hamilton made a motion to table AP-08-22, Text Amendment to allow nursing homes and convalescent homes in the R-1.0 district and give direction to the Planner to revise and come back at the March meeting. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

5. NEW BUSINESS

A. AP-09-01, Sherwin-Williams, 30600 Lyon Center Drive, Site Plan Review.

**Representing Sherwin-Williams: Kirt Anderson, Alpine Engineering
Rob Shearer, WXZ Architect
Dan Bond, WXZ Engineer**

Mr. Doozan reviewed the McKenna Associates memo dated January 26, 2009 and gave the following recommendation:

That the Planning commission grant approval to the Sherwin-Williams site plan subject to final approval by the Road Commission for Oakland County and the Township Engineers.

Mr. Anderson stated that they agree with everything in the McKenna Associates review. They are proposing a 4,000 s.f. Sherwin-Williams retail paint store. There are miscellaneous utilities on site. The site currently has 19 parking spaces and two barrier-free. They did work with the Township relative to providing a bike rack and a pedestrian bench as well as pedestrian lighting on the both sides of the building and front. Sanitary water and sewer have been installed to the property, and stormwater was treated through a regional system on site.

Mr. Barber questioned why the building is not going to be sprinkled. Mr. Shearer explained that it is not required to be sprinkled, due to the size of the building; it falls under the code amount. 90% of what they have is water-based latex paint. Mr. Barber questioned the aerosol cans. Mr. Shearer stated it was typically spray paint; there are about 600 gallons total of flammable liquids. Mr. Shearer stated that WXZ was a preferred developer for Sherwin-

Williams, and they have done other sites in Michigan. This is a single tenant store.

Mr. Barber questioned how they would take care of paint spills. Mr. Shearer stated that there are no floor drains, and all code and ordinances that are in place would be followed.

Ms. Blades questioned if any of the other stores have sprinkler systems. Mr. Shearer that he did not believe any of them had them, as it was not required by code.

Mr. Conflitti asked what the hours of operation would be. Mr. Bond stated it was Monday-Friday 7:30 a.m. – 8:00 p.m., Saturday 8:00 a.m.-5:00 p.m. and Sunday 12:00 p.m. to 4/5 p.m. Mr. Conflitti stated that he visited the area Sherwin Williams stores and found them overall to be very clean with no outside storage visible.

Mr. Barber questioned the lighting and asked that the floodlights be turned off when the store is closed. Mr. Shearer stated that the outside lighting is generally on a timer and they are all down-shielded.

Ms. Blades asked if they would be connecting to the bike path. Mr. Shearer agreed, and it would be easy to do that.

Mr. O'Neil made suggestions to enhance the façade in order to receive a better score and fit the theme in the area. The applicant agreed.

Mr. O'Neil suggested seeding the vacant parcel to the west, and the applicant agreed to investigate doing that, if the owner agreed.

Mr. Dolan asked about the applicant's target opening date. Mr. Bond stated late summer, early fall of 2009.

Mr. O'Neil made a motion to approve AP-09-01 Sherwin Williams Site Plan subject to all staff comments as well as the condition of seeding or establishing adequate vegetation on the balance of Unit 7 immediately west of the Sherwin Williams site with the permission of the owner of lot 7. Additionally, the applicant will submit an acceptable elevation to the planner for review and approval. If the planners are not comfortable with that submission, then the approval of the façade can be referred back to the Planning Commission for final approval. The applicant has agreed to make an asphalt connection to the bike path that runs parallel to I-96 and tie that to the parking lot at a safe location to be approved by staff. Mr. Towne supported the motion. The applicant shall also obtain final approval from the Road Commission. Mr. Barber asked for an emergency plan to be submitted to Lt. Donald Collick in writing and to keep spills off of the drains. Mr. O'Neil accepted the amendment to the motion and Mr. Towne continued support of the motion.

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED

B. Update and overview of the Kite Festival

Mr. Bell gave a presentation of the upcoming Kite Festival. The Kite Festival will be an intergenerational activity, be free of charge, boost community involvement, and hopefully be an annual event. Six area libraries will be involved, and they will offer free kite kits to children.

C. Discussion regarding possible amendments to Chapter 16.00 Signs, including temporary promotional signs and electronic display technology.

Ms. Aniol gave a PowerPoint presentation, which explained that the Township Board established a committee to center on the concerns that no provisions allow commercial business to display temporary special event signs and electronic signs. Possible amendments include updating definitions, incorporating graphics and illustrations and establishing provisions to allow temporary promotional signs, electronic display technology and sandwich boards.

Ms. Aniol reviewed the definitions of temporary promotional signs, balloon signs, inflatable's, searchlights, sandwich boards, electronic display technology, and variable signs.

Ms. Aniol reviewed the proposed text amendments in the Sign Ordinance.

There were some reservations expressed by some of the ~~Commission~~ Commissioners with the inflatables.

Mr. Towne made a motion to table the amendments to the Sign Ordinance until the March 10, 2009 meeting. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED

D. Zoning Work

Mr. Barber, Mr. O'Neil and Mr. Conflitti volunteered to join a committee regarding zoning amendments and work with the Township Planner.

6. ADJOURNMENT

Mr. Barber adjourned the meeting at 10:20 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary