

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
April 12, 2010

Approved: April 26, 2010 as revised

The meeting was called to order by Mr. O'Neil at 7:00 p.m.

Roll Call: Lise Blades
 Ed Campbell
 Michael Conflitti
 John Dolan, Board Liaison
 Kristofer Enlow
 Sean O'Neil
 Carl Towne

Guests: 22

Also Present: Chris Doozan, McKenna Associates
 Matthew Quinn, Township Attorney
 Leslie Zawada, Giffels-Webster
 Jason Mayer, Giffels-Webster

APPROVAL OF AGENDA

Mr. O'Neil added the following item under New Business:

- a. Schedule a public hearing for Zoning Text Amendment
- b. Livingston County Comprehensive Plan Update
- c. Master Plan Update (moved from Old Business)

Mr. Towne made a motion to approve the agenda as revised. Mr. Conflitti supported the motion.

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

MOTION APPROVED

CONSENT AGENDA

Mr. Towne made a motion to approve the minutes of March 8, 2010 as submitted. Mr. Dolan supported the motion.

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

John Bell – Mr. Bell reported that the 2nd Annual Kite Festival will be held on June 5, 2010 at James Atchison Park from 11:00 a.m. - 5:00 p.m., and it is a free activity.

PUBLIC HEARINGS

- 1. AP-10-01, Torakis and Noricks Rezoning Request, west side of Pontiac Trail, north of Eight Mile Road. Public hearing to consider a rezoning request of approximately 55 acres from R-1.0 to B-2 and RM-2.**

Mr. O'Neil explained that the Township is aware that the signage that is required for a public hearing did not make it up 21 days in advance of the hearing. Mr. Quinn explained that as long as substantial compliance has been made, the hearing would be proper going forward. However, he noted another option would be to hold the public hearing open until the next meeting, when the 21-day requirement would be met.

Mr. Towne questioned an applicant needing approved minutes from the Planning Commission before proceeding to the Township Board. Mr. Quinn explained that the Township Board will accept draft minutes where necessary.

After discussion, the Commission felt the public hearing should be held due to the amount of residents that were in attendance and to then continue the public hearing at a special meeting on April 26, 2010, which would comply with the 21-day requirement.

Mr. Doozan reviewed the McKenna Associates memo dated March 29, 2010 with the following conclusion:

- The proposed rezoning would result in a development that is compatible with surrounding developments. In particular, development on the subject parcel would mirror development on parcels to the north in South Lyon.
- The proposed rezoning would be consistent with trends in the Pontiac Trail corridor toward a commercial character along the frontage.
- The proposed rezoning is inconsistent with the Master Plan. However, there is an opportunity now to amend the Master Plan, since the Planning Commission is engaged in an update of the Plan.
- The proposed rezoning could be consistent with the intent and purposes of the Zoning Ordinance with proper restrictions on future development.

Mr. Michael Leavitt, representing the Torakis family as well as the Noricks Estate, explained that his clients are asking for a rezoning due to the fact that they have had difficulties in the past 6-7 years developing the property. His clients filed an annexation proceeding with the State Boundary Commission. The request is for a change of zoning from R-1.0 Residential Agricultural District to the B-2 Community Business District and to the RM-2 Multiple Family Residential District. The history has been that both clients have tried to develop the properties. Mr. Leavitt read into the record a letter on behalf of the Estate of the Noricks.

Mr. Leavitt explained that the Torakis family has held the property for a long time, and both families have had developers interested in the property but could not obtain the rezoning or the proper

applications through the Township to do so. His clients did have a meeting with Township representatives and reviewed what could be done to rectify the situation. His clients were satisfied that the Township was willing to work with them. He appreciated the Commission's ability to have the public hearing, and his clients have no problem coming back for the special meeting.

Mr. Leavitt continued that according to the map, there has been development of the Pontiac Trail area with B-2 zoning and multiple residential zoning. The current nature of the application fits nicely into the overall plan and the previous development that has been occurring over the last few years. His clients feel that this is an opportunity to keep the property within the Township.

Ms. Blades asked what the rationale is in going with the RM-2 zoning versus another option. Mr. Leavitt explained that R-1.0 is not being developed, especially in this economy. He continued that there are not any other options at this time.

Mr. Enlow questioned if there were potential developers. Mr. Leavitt explained that there are potential developers for the commercial portion right now, and there are residential developers that have always been interested in the property and have been waiting to see what happens with the zoning. Mr. Leavitt explained that a multiple condominium development was interested, and there was one potential purchaser that was looking at senior housing and others that were not.

Mr. Towne made a motion to open the public hearing at 7:40 p.m. Mr. Enlow supported the motion.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Jerry Chaundy, 22195 Quail Run Circle – Mr. Chaundy did not feel this would be the proper use of the property. He counted 19 vacant storefronts in that area, and the density of condos was not suitable. There are 82 condos for sale in the City of South Lyon and Lyon Township and 134 homes for sale; he felt this was bad timing. He expressed concern over the empty bus garage as well. He felt that single-family homes would be better than multiple-family.

Abe Ayoub, 21962 N. Line Trail – Mr. Ayoub commented that the ordinance is in place to protect the citizens, and the Township should not go against their own ordinance. He did not think the makeup of the corridor has changed and felt this was far reaching. He felt this affected the health, safety, and welfare of the community. He stated that holding the public hearing today without the proper notice was just wrong.

Dan Cash, 57097 Cash Street – Mr. Cash stated that the permit was not pulled for the sign. The Township has a long history of avoiding the ordinances, and he questioned where it would stop. This rezoning has come before the Board before, and it was turned down. He continued that he would not rush this through just to get a recommendation to the Board.

Katherine Nelson, Secretary for Planning & Zoning, Lyon Township – Ms. Nelson verified that the permit for the sign was not pulled and that the date for the public hearing was not on the sign. She felt that in scheduling a special meeting, it should be noted that the Recording Secretary would not be available for the date they are considering. She also stated that last year, due to inconsistency, she had decided along with the Township Clerk that minutes do need to be approved at the Planning Commission level before an item could be placed on the Board of Trustees agenda; draft minutes would

not be sufficient.

Ms. Blades commented that Ms. Nelson has handled this situation well and has gone above and beyond her job description. She is extremely impressed and confident that Ms. Nelson is working in the best interest *OF THE TOWNSHIP*.

Mr. Towne commented that the permit for the sign needed to be pulled.

Mr. Conflitti asked for some explanation regarding the annexation. Mr. Quinn explained that the Township would be in a good position in the annexation case; however, there are no guarantees.

Ms. Blades stated that it was important for the Township to follow their own ordinances, and they cannot expect residents to follow the ordinance if the Township can't do the same. Mr. O'Neil explained that even though this has happened in an unconventional way, he felt the Township has met and potentially exceeded the requirements of the ordinance as far as publication is concerned.

Mr. Towne made a motion to continue the public hearing for AP-10-01 on Monday, April 26, 2010 at 7:00 p.m. Mr. Enlow supported the motion.

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

NEW BUSINESS

1. **AP-10-02a, Tractor Supply Company – Site Plan Review, north side of Lyon Center Drive, west of Milford Road, in the Lyon Crossing PD.
Representing Tractor Supply Company: Steve Witte, Nederveld
 Don Kettler, DMK Development
 Chris Kettler, DMK Development
 Tony Antone, Kojaian Acquisitions**

Mr. Doozan reviewed the memo from McKenna Associates dated April 9, 2010 with the following recommendation:

1. That the Planning Commission schedule a public hearing on the Planned Development Amendment, dealing with outdoor display and façade materials.
2. The dumpster should be moved 10 feet from the building or an application for a variance from Section 12.12 (A)(1) should be submitted.
3. The Planning Commission must decide if a 118 sq. ft. sign is acceptable (which is 18 sq. ft. more than allowed).
4. Façade colors should be noted on the plans.
5. Recommend that the draft Planning Development Agreement be amended as noted in item 7.
6. Recommend that any future approval be made subject to final approval of the plans by the Township Engineer, Township Fire Inspector, and Road Commission.

Ms. Zawada explained that the maximum slope for the site is 1:4 per the Township's Engineering Design Standards. The proposed plans are showing a 1:2 slope and that could affect the site. There are options that the developer has such as installing a retaining wall or a requesting a variance.

Mr. Witte explained that the proposed store is 19,097 sq. ft. building with 3 outdoor sales/display areas that consist of a permanent sidewalk display, a permanent trailer/equipment display and a fenced outdoor sales area. The building will be accessed off of Lyon Center Drive. He reviewed the utilities for the property as well. Mr. Witte explained that landscaping would be consistent with the area. Due to the store being set 161' from the road right-of-way, the request is for a 118' sq. ft. sign; the PD agreement allows a 100' sq. ft. sign. Mr. Witte continued that the parking that is being recommended by the Township is more than what the store needs. Mr. Witte supplied parking space information regarding other stores in the area, which showed that the suggestion of 90 parking spaces would be sufficient. Mr. Witte briefly touched on the lighting.

Mr. Witte reviewed and showed examples of the façade materials to the Commission. He proposed that the north and east sides of the building be entirely made up of split face block. Due to the elevation change and the building that blocks the east side of the building, it would not be seen.

Mr. Witte explained that the applicant would like to keep the dumpster in its proposed location due to the overhead door in the back. They would rather not have the employees walk a long distance to the dumpster. Mr. Conflitti asked what kind of overflow would be at the site. Mr. Kettler explained that typically the overflow would consist of baled cardboard. Mr. Conflitti shared photos that he took of the Fenton store and the dumpster area.

Mr. Witte explained the proposed 1:2 slope design. He stated he did understand the engineering standards that have to be met and felt he could get to a 1:3 slope.

Ms. Blades questioned what the dumpster is enclosed with. Mr. Witte explained that it was split face block and the fencing around the outdoor sales area is ornamental black fence. Ms. Blades stated that she has no problem with the dumpster location.

Mr. Conflitti showed another photo from the Fenton store that had large tarps covering the iron fencing. Mr. Kettler explained that he chose not to do that on any of his projects.

Mr. O'Neil suggested using impregnated split face block instead of painting the block. Mr. Kettler stated it was something that they could look at but felt they have had good luck with the painted product.

Ms. Blades suggested using decorative lighting in the front that matches what is around the park of the downtown area, as she felt it needed to have more consistency. Mr. Kettler stated that Tractor Supply specs their lighting, and he can see what is available that would come close.

Mr. Towne questioned the outdoor display areas and some language that he felt should be removed. Mr. Kettler explained that the owners are restricted to the sidewalk display in the front and the trailer display. Any display other than that is not allowed. Mr. Witte explained the language could be removed. Mr. Towne asked if the equipment for the displays is left outside at night or put away. Mr. Witte stated it was left outside. Mr. Towne asked if any of the tractors are started on the premises. Mr. Kettler stated no, he was not aware of the equipment being started, but he would find out for sure.

Mr. Enlow explained that he had no issue with dumpster location and he questioned what size sign Wal-Mart and Lowe's has. Mr. Doozan stated those have a different designation but the sign size is 250' sq. ft. Mr. Doozan explained that the Commission will have to deal with the dumpster issue since it's in the Zoning Ordinance and he recommended that it be dealt with through a variance. Mr. Towne stated that he does not have a problem with the sign request.

Mr. Antone explained that as it relates to the dumpster they could amend the PD as it relates to that position and give the Planning Commission flexibility. Mr. Antone then addressed a paragraph in the Planned Development Agreement amendment dealing with façade materials on Units 8 and 11-15. He explained that the amendment that was put forth is very specific to the elevations. The unit numbers that were referenced are units that would abut the north and the east boundaries and those are the only units and elevations that are referred to. Amending the PD to accommodate this would eliminate holding a public hearing for each case. He continued that it would make sense not to require full brick on those elevations when it would not be seen.

Ms. Blades stated she felt that 90 parking spaces were adequate.

Mr. O'Neil suggested adding a few more trees to the southeast corner. Mr. Witte stated that it would be looked into.

Mr. Towne made a motion to schedule a public hearing on May 17, 2010 for the PD Amendment regarding outdoor display, façade materials and dumpster. Mr. Conflitti supported the motion.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

2. **AP-10-02b, Tractor Supply Company – Lyon Crossing PD Agreement, PD located along Lyon Center Drive West and Grand River Avenue, west of Milford Road. – Resolved with Public Hearing being scheduled for May 17, 2010.**
3. **AP-10-03, The Villas at Crystal Creek II, PD located on the north side of 11 Mile Road, west of Milford Road.**

Representing The Villas at Crystal Creek II: Rick Elkow

Mr. Doozan reviewed the McKenna Associates memo dated April 1, 2010. Mr. Doozan explained that the change in the rear setback will not adversely affect the initial basis for granting approval, nor will it adversely affect the overall planned development. The amendment will permit construction of a more marketable residential product, and he therefore recommends approval of the proposed amendment.

Mr. O'Neil explained that he does live in The Heights at Elkow Farms. If anyone was uncomfortable with that, he had no problem excusing himself from voting. There were no issues among the Commissioners.

Mr. Elkow explained that the sunroom is a fully finished room constructed on the rear of the homes and is roughly 180' sq. ft. The overlay of the homes over the duplexes shows that it falls close to what a duplex would have been on that lot.

There was brief discussion regarding the setbacks and decks.

Mr. Towne made a motion to approve the minor revision of a 35' rear setback to 25' rear setback to the Elkow Development The Villas at Crystal Creek II. Mr. Campbell supported the motion.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

4. Schedule a Public Hearing

Mr. Doozan explained that a public hearing needed to be set to consider an amendment to Section 12.02 Allowable Uses to the Zoning Ordinance. The purpose of the amendment is to deal with medical marijuana uses in the Township.

Ms. Blades made a motion to schedule a public hearing for the amendment to the Zoning Ordinance on May 17, 2010. Mr. Towne supported the motion.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

5. Livingston County Comprehensive Update

Mr. Doozan explained that since Lyon Township is an adjoining community, the Township was notified that Livingston County is conducting an update. If there are any comments on the amendments, the Township has 42 days to respond.

6. Master plan Update

Ms. Blades made a motion to table the Master Plan Update until the meeting on the April 26th or the May meeting. Mr. Enlow supported the motion.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

COMMUNITY REPORTS

Township Board Liaison – No Report.

Planning Consultant – Mr. Doozan reported that there have been 26 residential permits pulled through March 31, 2010. The construction of the southwest ring road is on schedule. The DDA will award contract for landscaping of the northeast roundabout at their upcoming meeting. The engineering firm DLZ has finished the traffic study for New Hudson and is ready to present to the Road Commission which will determine the road cross section for the streetscape. Finally, McKenna Associates will be designing a park in the Lyon Town Center area where the storm water detention ponds are located since those are no longer needed.

ADJOURNMENT

Mr. Towne made a motion to adjourn the meeting at 9:35 p.m. due to no further business. Ms. Blades supported the motion.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Regular Meeting of the Planning Commission was adjourned at 9:35 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary