

Charter Township of Lyon
Special Planning Commission
Meeting Minutes
April 26, 2010

Approved: May 17, 2010 as written

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: 24

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

APPROVAL OF AGENDA

Mr. Towne made a motion to approve the agenda as submitted. Ms. Blades supported the motion.

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

MOTION APPROVED

CONSENT AGENDA

Ms. Blades made a correction to the minutes and the Recording Secretary made the change.

Mr. Towne made a motion to approve the minutes of April 12, 2010 as revised. Ms. Blades supported the motion.

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

None

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 a public hearing was held two weeks ago, which was the date advertised in the newspaper. However, there was concern that the rezoning sign was not placed on the property 21 days prior to the meeting, so the public hearing was extended to this meeting in order to accept comment. At this point Mr. O'Neil felt that the requirement had been exceeded.

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 from R-1 to B-2, Community Business District, for the frontage and to RM-2, Multiple Family Residential District, for the remaining acreage. His clients are applying for the rezoning in order to develop the property. The clients have had problems with the Township in the past with rezoning issues. He credits the Township with scheduling the hearing in order to avoid the annexation, which is pending. His clients wish to resolve that issue. He continued that the Township would realize a much better tax base than what the Township has with his clients' property. Both clients have held the property for a number of years. Mr. Leavitt read into the record a letter on behalf of the Estate of the Noricks.

Mr. Leavitt explained that if the request for rezoning is not accepted, the Township faces the possibility of annexation to the City of South Lyon. It makes more sense to rezone it with the development of Pontiac Trail. He was hopeful that the Commission would approve the application.

Mr. Towne made a motion to open the public hearing. Mr. Enlow supported the motion.

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

MOTION APPROVED

Abe Ayoub, 21962 N. Lyon Trail – Mr. Ayoub did not think the make up of the corridor has changed and felt this was far reaching. He commented that there are over 1200 homes in that area now. It has changed but more to residential. He was not against the applicants getting relief; he thought there should be a PD, not a spot zoning. There should be a plan. The Commission should not be on the same page as the

Board, as the Commission is the checks and balance system. The Township Board will make the decision one way or another. He felt this would violate the Master Plan, and he felt the Commission should say no.

Jerry Chaundy, 22195 Quail Run Circle – Mr. Chaundy did not see any plan other than to just make it commercial. He felt that once Meijer came in, it would run Kroger off, and then there would be another empty strip mall. R-1 zoning would fit that property more. There are 19 vacant businesses in the area.

Eugene Cabadas, 61522 Brookway Drive – Mr. Cabadas questioned what the zoning entails. Mr. Doozan explained the zoning classifications. He felt if the zoning were changed that it would be setting precedence and would allow Meijer to come in and have them change Winding Creek to commercial.

Gail Ritter, 21544 Winding Creek Drive – Ms. Ritter explained that her property backs up to the Noricks property, and she is friend of the family. She spoke regarding how much the property is worth. She feels the price is high.

Mark Alestra, 21341 Winding Creek Drive – Mr. Alestra commented that he agreed with Gail and Abe and had heard the applicant's lawyer speak. Maybe a few years back the property was probably worth a lot more. Now that the economy has dropped, they are not able to get what they would like out of it. It does not need to be rezoned to sell. He is also concerned about threatening the Township with annexation and heavy industrial uses. He is for progress, it is inevitable, but it should be a planned development. It should not be rezoned so just anything can be built there.

John Schonder, 21218 Green Briar Lane – Mr. Schonder has been to several meetings, and he felt that the Master Plan suffers from whimsical changes depending upon the economic climate. He was under the impression that the Master Plan was farsighted as opposed to changing it every six months for whoever has a dollar in their pocket. The economic situation is dismal right now, but things will change and turn around. He did not think the Master Plan should be changed; they should give things time to work. If Meijer sees the Township rezoning, they would be completely justified to rezone the horse farm in order to give them a bigger store. He asked that the Commission stay with the Master Plan. The Township will survive and things will carry on.

Mr. Towne made a motion to close the public hearing due to no further comments. Ms. Blades supported the motion.

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

MOTION APPROVED

Mr. Leavitt stated that his clients are not proposing a mega store, and it would be similar to the current B-2 zoning that is already on Pontiac Trail. In terms of pricing, his clients couldn't sell the property no matter what the price was because they couldn't get the rezoning at the time. His clients lost a lot of money six years ago when there were developers interested but were unable to get the rezoning of the property. His clients really have no choice but to proceed with what they have done.

Mr. Leavitt explained that when the application was put forth, they had asked for the Noricks and Torakis property. It would seem that with the boundary the way it is, it made sense to include the smaller parcels to create a uniform block. They have not received any objection with the smaller parcels.

Mr. Doozan explained that the Township could include or exclude in the rezoning. If the rezoning goes

forward, it would make sense to include the two smaller parcels.

Ms. Blades stated that to get rezoned as a PD, there has to be a plan. Mr. Doozan stated that was correct. Ms. Blades questioned if a traditional rezone has a plan. Mr. Doozan stated it never has a plan.

Ms. Blades questioned if this was rezoned, does the Township look at the land use map and re-balance it? Mr. Doozan stated not necessarily; he thought that the balance of the entire Township would be looked at.

Ms. Blades explained that she looked at the two smaller parcels, and she questioned what the parcel on Allen Drive is presently zoned. Mr. Doozan stated that he thought it was R-0.3.

Ms. Blades asked if this were to be zoned as B-2, where would an entrance be allowable looking at the Lyon Trail entrance? Mr. Doozan explained that an entrance could be anywhere along there, and it would be okay to have multiple family in the back with a shared driveway.

Ms. Blades stated that she knew in the past there were issues with the distance between an entrance and another road and she wondered if that would be a problem. Mr. O'Neil stated that this would be an opportunity to share access to reduce the number of curb cuts. Mr. Doozan stated that the driveways would be doable.

Ms. Blades questioned the home on Allen Drive that would be looking into the commercial parcel and wondered what screening would be available for that. Mr. Doozan explained it does require a landscape buffer or screening along that line. It would be up to the Commission to look at the landscaping and decide which combination would be used to screen the house from the commercial. Before it gets to the private road off of Eight Mile, the wetlands would already be there and, it would not require screening. Mr. Doozan explained where the wetlands are located.

Mr. Enlow questioned if there were screening requirements between the multi-family and the homes or just between the homes and commercial. Mr. Doozan stated that screening would be required.

Mr. Dolan questioned the possibility of setting precedence with Meijer. Mr. Doozan explained that it would not set a precedent because each zoning is taken on its own merit. He did not see any similarities between this application and the Meijer rezoning.

Mr. O'Neil stated that he did not see how this could at all be considered spot zoning in any way. Mr. Quinn agreed.

Mr. Doozan agreed also, especially when looking at the zoning and the land use to the north; this is almost a duplicate of that. Mr. O'Neil stated this is a cluster of 4 parcels and would create its own district of sorts.

Mr. Conflitti stated that since the Commission is in the process of updating the Master Plan, he wondered if they would be looking at the proposed rezoning if this wasn't before the Commission at this point.

There was brief discussion as to what direction the Commission should go regarding the possibility of losing total control of the parcel or having the option of maintaining control if the zoning went through. Mr. Dolan stated that the lot is 460' deep and it would be small in terms of a commercial development. Mr. Doozan agreed.

Mr. Schroder stated that Pontiac Trail is inadequate to handle the traffic that it has now. To increase the

commercial uses along that stretch would make it a nightmare. There is not even a left turn lane from Big Boy down to Eight Mile Road. The road wasn't meant to handle this kind of traffic volume. Mr. Towne stated it was a valid point, but it was not a good fight; they know it's a bad road.

Mr. O'Neil mentioned that nothing prohibits the applicant from coming back with a plan and seeking PD approval. Things do change, and if they were to move forward to the Township Board, it does not prevent a future property owner from coming back and requesting a PD.

Ms. Blades expressed her concern regarding a developer not being able to get a loan and then having to rezone again. Mr. Doozan stated that those cases primarily involve condominiums and duplexes, since the financing for those has dried up. But having said that, he didn't know what the market was for multiple family, and it might be apartments or condominiums; he wasn't sure what they were thinking of. Ms. Blades' statement referred to the Twin Pines development.

Zoning of the adjacent parcels was briefly discussed.

Mr. Enlow questioned if the Commission knew what the City of South Lyon's screening requirements are for a project like this. Mr. Doozan stated that he didn't know exactly but thought that it was less than the Township's requirements.

Mr. Towne made a motion to recommend to the Township Board to deny the request AP-10-01 because the property is consistent going from the south to the north and would be a good mix with what is in the Township going towards South Lyon. The buffer can be controlled as it is, and if it were to come back, maybe in a different form, it could be looked at again. He is not comfortable with making a blanket zoning change. Mr. Conflitti supported the motion

**Roll Call Vote: Ayes: Conflitti, Blades, Towne
Nays: Dolan, Enlow, O'Neil, Campbell**

MOTION FAILED

Ms. Blades commented that she has a serious problem with a rezoning without any plan. She understands that a traditional rezoning does not have a plan, but if this were to come before her with a planned development, she would be more in support of it based on the details. She understood that it was a commercial area, but she felt there should be a plan. She did not feel it was a good thing to go against the Master Plan. Mr. O'Neil stated that it was not a requirement to have a plan for rezoning and that an amendment to the Master Plan was available in order to make adjustments to make a community better. In his opinion, in this case, given the number of properties involved and what's around the properties, it is feasible to rezone it. If it requires an amendment to the Master Plan, then the Commission would be responsible in considering it. There is nothing the Commission can do that could never be changed.

Mr. Dolan stated that he has lived here for 56 years. He looks at the changes in the area, and it bothers him. He doesn't like change anymore than anyone else. Anytime the downtown area has an expansion, it helps. If the City of South Lyon takes it, then they would have no control over it. Everything changes, and he felt this was a fit in the area.

Mr. Campbell made a motion to recommend to the Township Board to change the zoning as drafted for AP-10-01. Mr. Enlow supported the motion.

Ayes: Dolan, Enlow, O'Neil, Campbell

Nays: Blades, Towne, Conflitti

MOTION APPROVED

ADJOURNMENT

Mr. Towne made a motion to adjourn the meeting at 8:28 p.m. Ms. Blades supported the motion.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Special Meeting of the Planning Commission was adjourned at 8:28 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary