

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
September 12, 2011

Approved: October 10, 2011 (as written)

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

Roll Call: Lise Blades, Vice Chairperson
Ed Campbell
Michael Conflitti, Secretary
John Dolan
Kristopher Enlow
Sean O'Neil, Chairperson
Carl Towne

Guests: 6

Also Present: Chris Doozan, McKenna Associates
Matthew Quinn, Township Attorney

APPROVAL OF AGENDA

**Motion by Towne, second by Campbell
To approve the agenda as presented.**

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

MOTION APPROVED

CONSENT AGENDA

Approval of the August 8, 2011 meeting minutes.

**Motion by Towne, second by Blades
To approve the Consent Agenda as presented**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

None offered.

DDA REPORT

Michelle Aniol gave an update to the Commission on the projects on which the DDA has been working. The Economic Development Strategy Committee has been directed to develop a strategy for the downtown district by outlining a blueprint of how to help businesses expand, locate, and be successful in the community. They are hoping to have this completed by the end of the year.

The Township has partnered with the University of Michigan Center of Research and will participate with 30 other communities in an e-cities initiative, which is a free research study that examines local factors. They will receive a free report benchmarking the efforts of doing economic development, and there is an article forthcoming to promote participation.

With regard to way-finding, this item was tabled at the last meeting to incorporate directional signs and signage for the municipal campus into the main signage plan and way-finding document. The final award will be implemented in October.

The DDA has been struggling with what to do with the Costello Building. It was asked to come up with ideas of re-purposing the building. After more discussion, the DDA decided not to pursue a feasibility study at this point.

A grant is coming through the Arts Council to help with the "3-Minutes in Lyon" festival. Information was forwarded to Mr. Perry. Ms. Blades felt this would be a good asset to be involved in and encouraged the DDA to support Mr. Perry on this effort.

A brief overview was also provided on the revised Mission Statement of the DDA; a substantial credit received from DTE due to an estimated bill from February to June for the LED lighting at the southwest ring road; the upcoming 2-page article in the Oakland County Prosper magazine; soliciting bids to repaint the decorative fence in front of the cemetery on Milford Road; the Grand River sewer project being ready to go out bid; the upcoming workshop on Electric Drive Vehicles September 29, 2011 from 8:00 a.m. to 2:30 p.m.; and that the township has had 14 new businesses created, relocated or expanded in the township in the last year.

Ms. Aniol announced that the Blue Apron Baking Company will have a ribbon-cutting ceremony this Friday, September 16, and the DDA will present them with a "Welcome to Lyon" certificate thanking them for choosing Lyon Township.

PUBLIC HEARINGS

None.

OLD BUSINESS

1. **AP-11-09, Pinehurst PD Amendment**, PD located on the north side of Ten Mile Road, east of Martindale Road. Consider final review of amendment to the PD Agreement to allow farming in the undeveloped phases; discussion and possible action. Preliminary approval granted by the Township Board on 8/11/11.

Mr. Doozan reviewed McKenna Associates memo dated September 6, 2011. This case involves a request to amend the Pinehurst Planned Development to allow farming on the undeveloped portions of the property. The applicant was granted preliminary Planned Development approval and is present this evening for final Planned Development review. He noted that as of today, the applicant has submitted all the requested materials. McKenna Associates is recommending final Planned Development approval of the proposal for farming on the unbuilt portions of the Pinehurst Planned Development.

Doug Pakkala of Pulte confirmed that they received McKenna's letter of September 6, 2011 and complied with the recommended suggestions.

Mr. Enlow questioned Item 3 in Mr. Doozan's letter requesting a time limit being established with the farmer of the property for how long farming equipment can be stored on the property. Mr. Pakkala stated the farmer would not store any equipment on the property.

Mr. Towne noted the MSDS for insecticide/fungicide was requested, but it hasn't come back to the Commission. Mr. Doozan stated the MSDS was received and submitted to the Fire Department.

**Motion by Towne, second by Blades
To approve AP-11-09, Pinehurst PD Amendment.**

**Roll Call Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

- 2. AP-11-16, Saddle Creek PD Amendment**, PD located on the west side of Pontiac Trail, north of 11 Mile Road. Consider final review of amendment to the PD Agreement to allow farming in the undeveloped area; discussion and possible action. Preliminary approval granted by the Township Board on 9/6/11.

Mr. Doozan reviewed McKenna Associates memo dated September 7, 2011. This case involves a request to amend the Saddle Creek Planned Development to allow farming on the undeveloped portions of the property. The applicant was granted preliminary Planned Development approval and is present this evening for final Planned Development review, which also requires Planning Commission and Township Board action.

The applicant has addressed all McKenna's concerns and Mr. Doozan is recommending approval of the first amendment of the Planned Development Agreement.

**Motion by Towne, second by Blades
To approve the AP-11-16, Saddle Creek PD Amendment**

**Roll Call Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

NEW BUSINESS

- 3. AP-11-18, Shops at Hiller's Marketplace**, commercial portion of the Copperwood PD, located on the south side of Ten Mile Road between Johns and Napier Roads. Site plan review of revised landscape plan; discussion and possible action.

Mr. Doozan reviewed McKenna Associates memo dated September 7, 2011. The applicant wishes to reenergize the development of the Copperwood commercial development, which will be anchored by Hiller's Market. One of the issues the applicant would like to address is the approved landscaping plan. The original plan calls for a lavish amount of trees, shrubs, perennials, and grasses, designed in such a manner as to preserve some of the rural flavor of the township, pursuant to Township Master Plan guidelines. The landscaping plan as approved may have been overdone.

The applicant has submitted a revised landscape plan that would, if approved, achieve three principle goals:

- 1) It would reduce the amount of landscaping required along Ten Mile Road to a more "reasonable" number of plants, while providing views to Hiller's Market and the shopping center.
- 2) It would provide replacement landscaping where previously planted landscaping died.
- 3) It would provide a shopping center monument sign on Ten Mile Road.

Mr. Doozan reviewed the revised plan, which is proposed to match what is required by the zoning ordinance. His opinion is that the original plan was overdone and in terms of providing visibility, the original plan would screen the development rather than provide view.

The Ten Mile Road frontage is the greatest concern. Mr. Doozan agrees with applicant that the previously approved plan goes overboard and the current calls for same amount of landscaping required for all planned developments. The proposed landscape plan meets the spirit and intent of the landscaping requirements of the ordinance and he is recommending approval of the landscaping plan revision dated September 12, 2011.

Mr. Enlow questioned whether there was a reason for the original plan to go above and beyond without any considerations being given. Mr. Doozan responded that there are guidelines along Ten Mile Road, and this was the applicant's own initiative that they provide the landscaping, at which the Township didn't discourage them at that time. The applicant was granted full approval without comment because the landscaping was so abundant.

Ms. Blades expressed concern that an applicant would want to be excessive with landscaping. Mr. Doozan responded that there are guidelines in the Master Plan for requirements on Ten Mile Road. This was rural before Copperwood was developed. Ms. Blades indicated that she is disappointed that there's no mention of the Master Plan in previous discussions. The rural character of this location even considered the new schools and she questioned why the term "overdone" is consistently being used. The applicant is proposing a reduction from the original plan that was approved. She thinks the original plan fits the Master Plan for the Ten Mile Road corridor.

The applicant, Michael Conter, stated he acquired the property 45 days ago without tenants and there hasn't been any activity at this location for 18 months, nor any interest from retailers. This market has potential, but there isn't the residence base to entice the amount of retailers. The other developers may have had a different opportunity back then than what exists today. He has looked at this property as a long-term asset, and it can be driven with the right retailer. He feels most residents understand that a commercial property can't be hidden from view.

Mr. Conter continued that they need to maintain the look and quality of the property, and the original placement of plant material on the property was destined to fail and would be impacted by cars, salt, and light. Their new plan is trying to be respectful of the resident neighbors, work within the confines of the utilities, and be a plan that would survive and mature properly over time.

Mr. Conter noted that he spent time with Mr. Doozan and other staff members and tried to balance what would work with the Township and what would work with the property. They are trying to create an opportunity to make this property work and he appreciates that this may have fit with someone else's vision at some point in time, but not in today's time.

Ms. Blades also expressed concern with drastically changing the number of plantings and doesn't feel this fits the rural character intent of the Master Plan. The applicant has not offered to meet even halfway. Mr. Conter responded that they are proposing 721 plants on the entire property, which is 40% more than the guidance of commercial zoning. They tried to balance between what had been done, what is required, and what they are willing to do that would make sense.

Mr. O'Neil questioned whether the concern from the Commission is a reduction in the number of plants or the lack of variety. Ms. Blades responded that the new proposed plan goes from 500 perennials and grasses to 0. The Township has taken a lot of time to maintain a rural character along this corridor. This property has dying trees and no landscaping, however the applicant purchased the property knowing what it looked like and also had an approved landscape plan. She could work with the premise that more plants could be added later, but there is no long-term plan.

Mr. Towne stated he likes the proposed fencing and feels it is cohesive with what's on the road. He would choose different plant material and disagrees with the projected height of some of the plants. Overall he thinks this is an adequate proposal and likes how the theme was kept throughout the corridor. He noted there is an issue with standing water on the site and Mr. Conter indicated there are filter bags at that location that would be pulled.

Mr. Towne also referenced the area south of the existing detention pond and there could be a safety issue if the plants grew 30 inches and blocked the view of vehicles. He would like to see this revisited on every node that protrudes and suggested a stipulation that the plants be cut back 1/3 each year.

Ms. Blades reiterated that the original landscape plan took a lot of time, effort and agreement with the Planning Commission. She asked Mr. Conter whether he tried to mimic a rural or suburban estate.

Mr. Conter responded that they drove down Ten Mile Road from Novi to Milford and incorporated what was representative of the character. They integrated the fencing material in a better place, and took the area north on the property and made the grass consistent with every other property.

Mr. Towne referenced the plant material at the dumpster location and questioned whether it matches that of the Chase bank. He added that this is a distinct area that needs to be maintained. Mr. Conter responded that they are removing dead plants and replacing them with the same. He asked for a preference from the Commission. Mr. Towne indicated that if the 18 proposed plants appeared to not be enough, he would hope they would add more plants to provide thicker screening.

Mr. Campbell asked Mr. Doozan to define the spirit of law versus the letter of the law. Because this is a Planned Development, he questioned whether the Ten Mile Road plan takes precedence over the commercial plan. Mr. Doozan stated the Master Plan is advisory. He read the standard in the Zoning Ordinance under Planned Development, Article 7, Section 703(h) pertaining to landscaping. He added that the reference to the Ten Mile Road corridor is the tie between the Master Plan and the Zoning Ordinance.

Mr. Campbell stated he is not in favor of being so rural that you can't find commercial but also feels the Commission should try to stick to the plan as close as possible. While this revised plan meets the minimum spec requirements, he questioned whether it complements the rural concepts.

Mr. O'Neil stated he is happy that Mr. Conter is going to do something with this property, but his concern in 2006 was with the screening at the rear of the property. He doesn't mind being flexible but feels the Commission has to maintain a certain standard. He would like to say that this is a model that is wanted in the community. He likes the variety of plantings but doesn't want to see huge barriers of green between Ten Mile Road and the store. He also feels perennials and grasses give color and variety, and he can't support those plantings being eliminated. He would like to see at least half of them put back into the plan. Mr. Conter offered to relocate the 495 plantings throughout the site by putting them in appropriate groupings along Ten Mile Road.

There was also a concern with the variety of plantings. There appears to be only one kind of evergreen. Mr. Conter was asked to revisit the variety again to strike a balance with what was approved 10 years ago with what the public expects. Mr. Conter was willing to work towards that goal.

Mr. Dolan stated he agrees with Ms. Blades' comments, but also agrees that the Commission has to be flexible and help Mr. Conter move forward. The proposed landscape plan doesn't look bad

to him, but he would like to see more perennials out front. Mr. Towne feels the development would appear more rural without adding flowers.

After continued discussion, Mr. Conter stated he would allocate \$5,000 towards perennials and grasses on Ten Mile Road and select a second type of evergreen.

Motion by Towne, second by Conflitti

To approve the final site plan review for AP-11-18, Shops at Hiller's Marketplace, subject to a modification to the landscape plan including a \$5,000 expenditure for perennials and grasses along Ten Mile Road and adding a second variety of evergreen, subject to Mr. Doozan's review and approval.

Roll Call Vote: Ayes: 5

Nays: 2 (Blades and Enlow opposed because the proposed landscape plan does not conform with the Ten Mile Road corridor chapter of the Master Plan.)

MOTION APPROVED

ADDITIONAL BUSINESS

4. Community Reports – Presented by Chris Doozan and John Dolan

Mr. Doozan reported there are revisions to the Zoning Ordinance pertaining to vehicle-related uses that will be on the October meeting agenda for discussion. Also, he is still seeing activity at Kirkway Estates. The developer is coming in to pick out a number of lots to develop.

Mr. Dolan relayed to the Township Board information pertaining to solar panels and windmills. The Board would like Mr. Doozan to propose costs before moving forward.

Mr. O'Neil indicated the work plan with the budget should have action taken. He asked Mr. Doozan to chart successes for the Commission to make a recommendation to the Township Board at budget time so they know what projects on which the Commission has been working.

ADJOURNMENT

Motion by Towne, second by Blades

To adjourn the meeting at 8:49 p.m.

Roll Call Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

Respectfully Submitted,

Lynn Lindon

Lynn Lindon
Recording Secretary