

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
August 13, 2012

Approved: September 10, 2012 (as written)

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

Roll Call: Lise Blades, Vice-Chairman
Ed Campbell
Michael Conflitti, Secretary
John Dolan, Board Liaison
Sean O'Neil, Chairman
Carl Towne

Absent: Kris Enlow

Guests: 16

Also Present: Chris Doozan, McKenna Associates
Phillip Seymour, Township Attorney
Michelle Aniol, DDA Administrator/Economic Development
Coordinator
Leslie Zawada, CES

APPROVAL OF AGENDA

Mr. O'Neil removed the Verizon Wireless application at the applicant's request.

**Motion by Towne, second by Blades
To approve the agenda as amended.**

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

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

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

MOTION APPROVED

COMMENTS FROM PUBLIC – None

DDA REPORT

Ms. Aniol reported that Oakland County is holding its 15th Annual Heritage Conference on 9/19/12 if anyone is interested in attending. She explained that the Township flag has been sent back to the drawing board, and community input will be sought. She gave a brief explanation as to the possible reason the Blue Apron Baking Company went out of business. She commented that there are some new businesses coming into the Township, and she will have more information soon.

PUBLIC HEARINGS

- 1. AP-12-21b, Vehicle Service Center, 28060 Pontiac Trail. Property located on the east side of Pontiac Trail, between Silver Lake Road and 11 Mile Road. Public hearing to consider a special land use request to allow a vehicle service center in an existing building.**

Representing AP-12-21b: Douglas Cook

Mr. Doozan reviewed the McKenna Associates memos for the site plan and special land use dated 8/8/12. Regarding the site plan, a number of issues have been identified that must be addressed on revised plans.

Ms. Zawada explained that the site does not have a detention or retention basin. If anything is paved or curbed, the site would need to comply with current engineering standards. If the pavement requirement is going to be waived, then she would have no problem with the requirements of the engineering standards being waived until such time that pavement would be proposed.

Ms. Cook gave a PowerPoint presentation covering the applicant's community involvement, the vision for Cook Automotive, community outreach, the possibility of becoming a NAPA representative, and restoring the commercial site to a presentable level. She explained that the existing four structures will remain the same, as will the topography. She commented that the business will be an asset to the community, provide a service, be active in the community, and be respectful to neighbors.

Mr. Cook passed out the revised site plan and explained that most of the issues that have been raised have been addressed. Ms. Cook reviewed the list of concerns and explained which items have been completed. Mr. O'Neil explained that the Township planner and engineer needed time to review the revised site plan.

Ms. Blades questioned if the applicant wanted to install the sidewalk/bike path or contribute to the fund. Mr. Cook stated that they would like to install it.

Motion by Blades, second by Towne To open the public hearing at 7:35 p.m.

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

MOTION APPROVED

Alan Sartori, 60815 Deer Creek – Mr. Sartori explained that he lives close to the project site and he is concerned with excessive noise and ground water pollution, since he uses well water. Ms. Zawada confirmed that a septic tank would be used on the site.

Bill Thomas, 60900 Shady Creek – Mr. Thomas explained that he has been a resident since 1961, and he is about 80 yards from the project site. He is concerned with noise, contamination of the water, and dispensing of used motor oil. If the site does become a NAPA station, he is concerned with the amount of traffic that it would generate. He is concerned with the loss of value in his home. He is not opposed to the business. He questioned if the doors will be closed or opened.

**Motion by Towne, second by Blades
To close the public hearing at 7:40 p.m. due to no further comments.**

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

MOTION APPROVED

Mr. Cook explained that they have signed on with Corrigan Oil to take care of the used oil, and there are plans to put in a waste water separator. Mr. Cook stated that they want to be eco friendly. There will be no body work done. The doors will be closed in the colder months and open in the summer. They are proposing large evergreens to buffer the noise from the neighbors.

Mr. Dolan questioned if impact wrenches would be used. Mr. Cook stated that impact wrenches would be used. The newest technology is lithium ion impact wrenches, which cut down on the noise. He continued that the buildings are in good condition, and insulation will be added to help with the noise. The ceiling will be insulated as well.

Mr. Towne confirmed that buffering will be done on the south and west side. Mr. Towne commented that he felt this was a better business and that it would attract more businesses to the area.

Mr. Cook explained that two of the buildings will be used for parking customer vehicles. Building D has no plans at this time. He explained that future plans may be to add another building to the property, if the NAPA store pans out. At that time, they would come back and request this in 3-5 years.

Mr. O'Neil questioned the hours of operation. Mr. Cook stated Monday-Saturday from 7:00 a.m. - 6:30 p.m. He stated that technicians would not arrive until 8:00 a.m. to begin work, so there would be no noise associated with the 7:00 a.m. start time.

Mr. Dolan questioned if the residents had issues with the John Deere business. Mr.

Thomas answered that he has never had a problem.

Mr. Cook explained that there would be no diesel work done on the site. He explained that the home in front of the site is a rental unit.

Ms. Blades stated that she liked the plan and felt it was a wise to come back in 3-5 years. She liked that they were reusing the existing buildings and is happy with the plan.

Mr. Conflitti questioned if the existing asphalt/gravel was staying. Mr. Cook stated yes.

Mr. O'Neil questioned if the applicant owned the property. Mr. Cook stated that they are in the process.

Ms. Zawada stated that if the site is approved she would recommend, as part of the conditions that the manifest for oil disposal is kept on site for the Township to view. She explained that it is against federal/state law to dump oil.

Mr. Cook explained that a new septic field is being installed.

Mr. Conflitti questioned how parts/batteries would be disposed of. Mr. Cook stated that the parts are disposed of through NAPA.

Mr. O'Neil felt that the proposed arborvitaes would not be a big enough buffer. He felt that more significant/sizable plantings would be needed. Mr. Cook stated that they are agreeable to that and are willing to work with the Commission.

Mr. Campbell stated that he is concerned with the traffic, since it is such a busy corridor. Ms. Zawada explained that unless there was concern with a large number of traffic counts, a bypass would not be warranted. Ms. Zawada explained that if the next phase came about, it is possible it would be required.

Motion by Towne, second by Conflitti

To recommend approval of AP-12-21b special land use request subject to the site plan review, variances, the manifest for the oil disposal will be kept on site, the hours of operation to be 7:00 a.m. - 6:00 p.m. Monday-Saturday with wrenching/technicians not to start work until 8:00 a.m. and the buildings will be insulated.

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

MOTION APPROVED

Motion by Conflitti, second by Towne

To approve AP-12-21a Vehicle Service Center site plan review subject to all conditions and variances from the ZBA, engineering approval, approval of the special land use by the Township Board and a waiver of the Township

Engineering Design Standards and everything mentioned in the McKenna Associates memo dated 8/8/12.

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

MOTION APPROVED

- 2. AP-12-22, Wetland and Watercourse Setbacks. Public hearing to consider proposed amendments to sections of the Zoning Ordinance (3.02 and 36.02) and Subdivision Ordinance (22-243)**

Mr. Doozan reviewed the McKenna Associates memo dated June 14, 2012. These revisions would accomplish the following objectives:

1. Eliminate the 50-foot building and construction wetland and watercourse setback in the Zoning Ordinance that applies to non-residential uses.
2. Eliminate the comparable 50-foot setback in the Subdivision Regulations.
3. Set forth the purposes for the remaining 25-foot wetland and watercourse setback.
4. Revise the Zoning Ordinance text to clarify the meaning of the regulations.

Mr. Doozan explained that this is a required housekeeping item.

**Motion by Towne, second by Blades
To open the public hearing at 8:18 p.m.**

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

MOTION APPROVED

**Motion by Blades, second by Campbell
To close the public hearing at 8:19 p.m. due to no comments.**

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

MOTION APPROVED

**Motion by Campbell, second by Blades
To recommend to the Township Board to approve AP-12-22, Wetland and Watercourse Setbacks.**

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

MOTION APPROVED

3. AP-12-24, Farming and Agricultural Tourism. Public hearing to consider proposed amendments to Section 3.02 and 19.02 and Articles 22.00 and 23.00 of the Zoning Ordinance

Mr. Doozan reviewed the McKenna Associates memo dated July 13, 2012.

Mr. Doozan reviewed the proposed revisions.

**Motion by Towne, second by Campbell
To open the public hearing at 8:24 p.m.**

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

MOTION APPROVED

Bill Erwin, 61890 Silver Lake Road – Mr. Erwin stated that Agricultural Tourism covers a big territory. He suggested stipulating 51% percent should be based or grown on the particular operation so a product is not shipped in to the site.

Mr. Doozan confirmed that Mr. Erwin wanted Agricultural Tourism to include an agricultural component and consist of at least 51% grown on the site. Mr. Erwin stated yes. Mr. Erwin explained that Agricultural Tourism is when a business invites the public onto their property to give the public a farm experience that is unequal to what someone else offers.

Various scenarios were discussed.

Lawrence Donahee – Mr. Donahee questioned how this would influence his business since, he is on commercial property in Lyon Township. Mr. Doozan explained that Mr. Donahee's business is a temporary use. As regulations are written, it does provide for roadside stands or farm markets in R-1.0. He could not remember if this was an oversight. Ms. Blades questioned why commercial was left off of the designation. Mr. Doozan stated he would have to investigate that. Mr. Donahee commented that he understood it to be that roadside stands are not allowed on commercial property. He commented he is selling product just like Kroger, and he didn't know how that would differ from Kroger's outside sales.

**Motion by Towne, second by Campbell
To close the public hearing at 8:44 p.m. due to no further comments.**

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

MOTION APPROVED

Mr. Dolan questioned why commercial was excluded.

Ms. Blades stated that one of the concerns with the flower shops is that a commercial operation is being run without having to pay commercial taxes on it. She questioned if the Planning Commission really wanted to be involved in that debate or if that was for the Township Board to decide.

Mr. Doozan stated that he would research why commercial was left out and bring it back to the Commission. Mr. Dolan stated that he would like to know more about Mr. Erwin's statement as well. Ms. Blades stated that a roadside stand may need to have a percentage added as well and a time limit should be added as well.

**Motion by Campbell, second by Towne
To table AP-12-24 Farming and Agricultural Tourism until the September 10, 2012 meeting.**

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

MOTION APPROVED

NEW BUSINESS

- 2. AP-12-23, Storage Oasis, 59120 Oasis Center Drive. Property located west of Griswold Road, between Nine Mile Road and Ten Mile Road. Site plan review of a portion of an existing RV storage business.**

**Representing AP-12-23: Doug Lang
Byron Lang**

Mr. Doozan reviewed the McKenna Associates memo's dated July 31, 2012. Mr. Doozan explained that the noted items in the memo should be addressed so that the Planning Commission receives a complete and accurate plan.

Ms. Zawada explained that she needed initial information of the property to evaluate.

Mr. Lang explained the layout of the property. He also noted that the office and fence were existing when the business opened 13 years ago when a certificate of occupancy was issued. He explained that a permit was issued for one of the signs as well. He did not believe that a permit was required for the temporary buildings. Mr. Lang explained that when Griswold was paved, he removed part of the fence and allowed gravel and trucks to be put on his property to stage the road. When the road was finished, he just kept extending it out. He stated that John's Sanitation is across the street from him. He explained that no one comes down that way unless they are there to do business. He explained that he owns the private road and does not want to add landscaping to the front portion due to security reasons.

Ms. Blades agreed with the reasons cited for not adding additional landscaping.

Mr. Towne questioned if Mr. Lang had a copy of the Certificate of Occupancy. Mr. Lang

stated that he does not have it but will get it from the Township.

Mr. Dolan questioned why an existing business that has been in the Township for 13 years is being questioned now. Mr. Doozan explained that Zoning Enforcement Officer Mark Spencer discovered the issues, and these items are not part of the approved plan. Mr. Doozan explained that the effort is to get an approved site plan that contains everything on the site.

Mr. Lang explained that when Griswold was paved the crew offered to put the rest of the gravel in the area and level it off. He had always planned to have the area graveled, so he took advantage of that offer.

Mr. O'Neil felt that this business has been in operation for years, and he understood the legalities but did not think they should be sorting through all of this material. Research should be done; there was information that should have been provided to the Commission. Ms. Blades commented that a paper trail was needed. She felt that the fence requirement was absurd since it has been in existence for 13 years, and the owner states that it was part of the approved certificate of occupancy. She felt that this was a disservice to a company that has been in the Township for 13 years because someone did something illegal on adjacent property.

Mr. Lane explained that there are no water issues on the property, and he does not want to pave the graveled area.

After review of the variances that were noted in the McKenna Associates memo, the applicant has agreed to move the two temporary buildings in order to comply with the setbacks, remove the monument sign at the west end of Oasis Center Drive, remove the light pole with the security camera. Items e., f., i., and l. under Required Information in the McKenna Associates memo were removed.

Motion by Towne, second by Campbell

To approve the revised site plan AP-12-23 for Storage Oasis pending outcome of the ZBA variances in the McKenna Associates memo, item c, d, g and h. Applicant has agreed to remedy items a, b, e, and f. Recommend waiving the landscaping in item 3 of the McKenna Associates memo and the applicant will address items a, b, c, d, g, h, j, k, and m under Required Information in the McKenna Associates memo. All references to the McKenna Associates memo refer to the dated memo of 7/31/12.

Ms. Blades read an email from Mr. Enlow that questioned how this situation happened. He stated he was not in opposition of any of the requested setback variances.

Roll Call Vote:	Ayes:	Unanimous
	Nays:	None
	Absent:	Enlow

MOTION APPROVED

3. AP-12-27, Sign Amendments. Discussion; consider scheduling a public

hearing.

**Motion by Conflitti, second by Towne
To table until the 9/10/12 meeting.**

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

MOTION APPROVED

ADDITIONAL BUSINESS

1. Future Land Use Map

Mr. Doozan reviewed the McKenna Associates memo dated 8/9/12. Mr. Doozan explained that there are the following options available:

1. The land use designation could be left as is.
2. The land use designation for the entire 30 acres could be changed to Low Density Multiple Family.
3. The land use designation could be changed to Low Density Multiple Family on the Casterline parcel alone, leaving about 23 acres Rural Residential.

After discussion, the Commission felt that due diligence was done and is comfortable leaving it as it is currently zoned.

2. Wellhead Protection District Map

Mr. Doozan demonstrated the area of the wellhead protection district on a map. Ms. Zawada explained that a study was done to define the areas of capture. In this area, properties will go through an additional step in the review process. This only applies to commercial properties, not residential. This will ensure that the aquifer is protected.

Ms. Blades read comments from Mr. Enlow regarding his concerns.

No action was taken on this item.

3. Blue Cross Blue Shield Landscape Plan

Ms. Blades stated that she is concerned with the site and stated that it looks like a weedy field. She explained that it was stressed to the applicant that flowers were wanted. Mr. Doozan showed a letter from the applicant which stated that wildflowers were not done due to budgetary concerns. The other Commissioners agreed with Ms. Blades concerns and felt the way it stands now it is unacceptable.

Mr. Doozan and Mr. Spencer will follow up on these concerns.

4. PD Amendments – Major and Minor

**Motion by Blades, second by Campbell
To table until the September meeting.**

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

MOTION APPROVED

5. Community Reports

Mr. Dolan reported that ALTA Equipment is ready to begin work.

Mr. Doozan reported that Supervisor Young has requested that the Commission look at revising the industrial district zoning to consider making it more flexible to accommodate different uses. He also handed out an article on the medical marijuana issue as it applies to zoning.

ADJOURNMENT

**Motion by Blades, second by Towne
To adjourn the meeting at 10:30 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 10:30 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary