

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
September 8, 2014

Approved: September 22, 2014

The meeting was called to order by Mr. Conflitti at 7:00 p.m.

Roll Call: Jim Chuck
Michael Conflitti, Chairman
Kris Enlow
Sean O'Neil, Board Liaison
Carl Towne, Vice-Chairman

Absent Ed Campbell

Guests: 22

Also Present: Christina Archer, DDA Administrator
Leann Kimberlin, Township Attorney
Patrick Sloan, McKenna Associates
Leslie Zawada, Civil Engineering Solutions

**Motion by O'Neil, second by Enlow
To excuse Ed Campbell's absence.**

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

MOTION APPROVED

APPROVAL OF AGENDA

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. August 25, 2014 Meeting Minutes

**Motion by Towne, second by O'Neil
To approve the Consent Agenda as presented.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

COMMENTS FROM PUBLIC

None

PUBLIC HEARINGS

1. **AP-14-37, Shepherd's Way Church – Special Land Use.** Property located on the south side of 10 Mile Road, west of Griswold Road. Public hearing to consider a proposed special land use to allow a church in the R-1.0 (Residential Agricultural) District.

Representing AP-14-37 – Andrea Wood

Mr. Sloan reviewed the McKenna Associates memo dated August 22, 2014. The McKenna Associates review raised the following issues:

1. Compatibility with the Master Plan. Concern about the Master Plan revolves around the fact that the correct designation for a religious institution on the Future Land Use Map is Public and Quasi-Public. It is important to consider, however, that this label is almost always placed on a piece of property after the use has become established because it is difficult to plan where a religious institution might locate in the community. Thus, this issue can be resolved the next time the Future Land Use Map is revised.
2. Need for the proposed use. The issue of need is one that requires input from the applicant. This is an important issue because if there is not a demonstrated need it may not be appropriate to grant the special land use.
3. General upkeep of the Site. The site has been allowed to deteriorate and is in need of serious attention. The condition of the landscaping and the parking lot are the two most visible problems.
4. Parking. Parking issues identified above must be addressed.
5. Landscaping. Landscaping issues identified above must be addressed. This will necessitate submittal of a landscape plan.

Mr. Chuck questioned if the church to the east has been granted a special land use. Mr. Sloan stated he was not aware. Mr. Chuck felt that having the applicant address the items that were raised would be a benefit to the Township.

Ms. Kimberlin explained that she wanted to make it clear that this is a special land use approval. If it does go through, it will come back for site plan review.

Ms. Wood explained that she currently owns the building and is applying for a special land use permit on behalf of the church. The property is in a residential area and out of all the options available the church would be the least disruptive to the community. She explained that she is happy to address the landscaping and that all of the trees have died but could be replanted. She can also plant the balance of the shrubs that are required. She explained that the lot is in bad shape and her long term plan is to put in a whole new lot but it is very expensive, so she was hoping to do that later. The church has a relatively small amount of people who attend, probably 35-38 people that attend the church.

Mr. Towne questioned the use of the property and why this would be a good spot when there is another Lutheran Church next door. Ms. Wood explained that she really couldn't answer that but knew that this church is a different division of the Lutheran Church. As far as the specific need, the church has been in the area for 8-10 years and has rented rooms in different businesses in the area. Due to the small attendance, they are limited in what they can afford to pay.

Mr. Towne explained that this will have to come back for site plan, and these outstanding items will need to be addressed; all of the concerns will have to be brought up to current code. Ms. Wood questioned if the parking lot repair would be a requirement in order to obtain the special land use. She explained that as of right now she plans on leasing the property to the church but it is possible that the church may want to buy it in the future if funding can be obtained.

Ms. Kimberlin explained that the special land use is for the applicant and the property would return to the underlying zoning if the church were to leave.

Mr. O'Neil commented that it was odd that a site plan was not provided at this time so that everything can be considered at once. He suggested that if there is a motion made that it be subject to compliance with the site plan requirements.

Mr. Chuck questioned if this application was not moved forward, what would happen to the tenant. Ms. Kimberlin explained that if the special land use was not approved then the applicant would have to vacate the premises.

**Motion by O'Neil, second by Towne
To open the public hearing at 7:23 p.m.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

**Motion by Towne, second by Chuck
To close the public hearing at 7:24 p.m. due to no one wishing to comment.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

Motion by O'Neil, second by Chuck

To recommend approval for AP-14-37, Shepherd's Way Church – Special Land Use subject to compliance with site plan requirements and to provide an explanation of the difference between the two sects of the two Lutheran Churches.

Mr. Enlow questioned the site plan requirements. Mr. O'Neil explained that the Planning Commission can require the applicant complete the site plan approval process and that will divulge any deficiencies such as the dangerous parking lot. Ms. Kimberlin explained that the ordinance does allow for special land use approval with conditions.

Mr. Enlow expressed his concern of the burden of placing the requirement to pave the parking lot on the applicant when there is such a small amount of people that attend the church. It would be difficult to raise that much money in donations.

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

MOTION APPROVED

DDA REPORT

Ms. Archer reported that Hugo Benzie at 29233 Haas Road will be opening in early 2015. This is a \$4.7 million investment into the Township and will provide 40 jobs to the community. . Also, the Parks and Recreation Board are going to be discussing Eagle Scout projects and she asked if anyone has any ideas to please share those.

OLD BUSINESS - None

NEW BUSINESS

- 2. AP-14-32, Lyon Athletic Club PD – Conceptual Review. Property located on the north side of 10 Mile Road, between Currie Road and Chubb Road. Conceptual review of a proposed sports complex on 26.7 acres.**

**Representing Lyon Athletic Club: Sam Falk, Owner
 Brady Crosby, Owner
 Jay James, KER Engineering
 Scott Bowers, Bowers & Associates**

Mr. Sloan reviewed the McKenna Associates memo dated September 3, 2014. He explained that no action shall be taken by the Planning Commission at Conceptual Review. Instead, the Planning Commission shall offer advice to the applicant on the issues presented in the McKenna Associates memo.

Mr. Falk explained that they brought everything up to the requirements that Mr. Doozan had asked for.

Mr. Bowers reviewed the changes to the plan which included readjusting the entryways to the site in order to line up with the other driveways and a future light. He explained the proposed berm that will help hide the building from the existing residential area. He also reviewed the proposed building materials for the site.

Mr. Falk explained that one of their main concerns was the west side of the site where the residential area is. They felt that a berm would be a great buffer and it will have a row of trees. From the berm, the building will be 225' away and the parking will be 100' from the property line.

Mr. Crosby explained that the difference in this plan is that a bike path was added and the main building has been moved a little to the east. The berm is 75' and with the height of the berm plus the trees it will minimize the look of the building from the residential side. On the north side of the property alleviated the changes. Most of the trees will stay on the north side. On the northwest side, some of the pines will be transplanted.

Mr. Enlow commented about the front setback now being measured from the 60'; is that why the soccer fields were pushed back? Mr. James stated that did have a little bit to do with why those were pushed back, but they realized it would be an impact to the residents which is why the trees are proposed.

Mr. Towne thought it looked great and were on their way to meeting the criteria. The range has been there a long time. The berm looks outstanding, and they will hold the applicant to that if it goes through. He questioned if it would be difficult to flip the site.

Mr. Bowers explained if the site was flipped, there would be errant balls being in someone's yard, and a huge net would be in place as well. They felt the better option for the residents would be to have the proper berm with the landscaping. Mr. Towne stated thought that made sense. He felt that there is a very large need for this type of business in the community.

Mr. O'Neil questioned if they have met with the neighbors yet. Mr. Falk stated that they have not, but it is their next step. Mr. O'Neil stated he was surprised by the amount of traffic coming out of the current site. He explained that the traffic is a pretty critical piece and a huge issue. Mr. James commented that this is a good spot for a traffic light, and it would provide a break in traffic on Ten Mile. The applicant has been in preliminary talks with the Road Commission for Oakland County, and he felt that they will probably require other improvements.

Mr. Crosby stated that outdoor activity will be in the summer only. The pool would be open around 9:00 a.m. or 10:00 a.m. Soccer would end at dusk, and there is no lighting on the fields. The driving range would be lit, just like it is now, and end about 10:00 p.m.

Mr. Chuck suggested using an electronic presentation the next time.

Mr. Conflitti gave the opportunity for residents to speak.

Karen Zimmerman, 54225 Birchwood Drive – Ms. Zimmerman questioned how far away the pine trees are from her property. Mr. James stated 20 to 45 feet. He explained that if the transplanted trees die, there would be a provision made to replace those trees. He also suggested placing a berm in that area; it could be a small berm.

Mr. Towne stated that the concern would be to give some greenbelt as well as some structure to it. Mr. James stated it is doable. and they are willing to work with the homeowners.

Mark Hilfinger, 54405 Birchwood Drive – Mr. Hilfinger stated that the soccer fields have moved dramatically to the west and that a berm might be needed to stop the balls. He explained that the residents are getting balls in their yard now. He liked that there are no field lights. He is concerned that the people participating in soccer will park in their neighborhood and walk through their backyards to get to the soccer fields. He questioned if the memberships are public or private. Mr. Crosby stated it would be a combination of both. Mr. Crosby explained that if there are lights on the tennis courts, they will be dim lights that shine down and don't project out. Mr. Crosby confirmed that there is no alcohol proposed.

Mr. Towne suggested offering a special rate to the residents immediately around the club.

Jeff Mack, 24810 Wedgewood Drive – Mr. Mack agreed that the South Lyon area is in need of something like this, but he felt that they were consolidating too much activity in a small area, which would cause too much congestion. He is particularly concerned with the soccer field, since the edge of the soccer field is right on the edge of the property, and people will be standing in the 40' area. Two fields seem like too many, and he suggested shifting the fields over or consolidating them to one. He thought it would be nice to have the berm go the entire length of the area. He also felt that the traffic study was probably not done during peak times when school is open; he felt that the traffic study could be looked at again during those peak times.

David Gatt, 24750 Wedgewood Drive – Mr. Gatt stated that he has the same concerns as the previous speakers. He noted that the landscaping on the west and north side are conifers. He stated that if the trees need to be replanted to make sure they are replanted. The soccer fields are tight, and there will be people who would be right on their lot line. He questioned why a proposal would be passed so freely. He questioned if there are other residential areas that are being rezoned to commercial. Putting a traffic light there will not help. It would make more sense to put a light at Currie Road.

Steve Estabrook, 54365 Birchwood Drive – Mr. Estabrook stated that he has concerns with the close proximity of the soccer fields, and he questioned how the trees could be an effective sound barrier. He is concerned with sound from the tennis courts and lighting and car headlights and the potential kitchen exhaust.

Christopher DiCicco, 24630 Wedgewood Drive – Mr. DiCicco stated that the regulations do not fit the project; the acreage requirement was waived. Mr. Sloan explained the requirements.

Amy Allen, 54055 Birchwood Drive – Ms Allen commented that this property will be sold at some point and felt that this project could work out better for the residents. She is concerned with the soccer fields and felt that the tree line and berm should be consistent and go the full length. She is also concerned with the traffic on Ten Mile and thought the possibility of having a future middle school in that location should also be taken into consideration.

Leyna Masters, 24580 Wedgewood – Ms. Masters stated that she echoes her neighbors' concerns. She is also concerned with security. If the project were flipped, the parking lot would be a security issue. There would be screaming kids in the summer, and she would like the applicant to elaborate on the sanitary sewer. Mr. James explained that the development would hook up to the existing sanitary sewer stub. Ms. Masters is concerned with the view and is concerned that this will drive down property values. She suggested providing lots 82-87 free memberships that could be transferable if they ever sold their homes.

Greg Stawara, 24755 Wedgewood Drive – Mr. Stawara stated that he has concerns about neighborhood home values going down. He contacted a real estate person and was told that with this kind of project going in it could hurt or help the home values. He is also concerned with garbage. He confirmed that there will be no domes on the property. He suggested pushing the trees back as far as possible.

There were no more comments from the audience.

3. AP-14-40, Henrob Corporate Campus – Phase 3. Property on the northeast corner of Grand River Avenue and South Hill Road. Site plan review of a proposed third phase to consist of a 171,040 square foot industrial building.

**Representing Henrob: Mike O'Leary, Lindhout Architects
 Allen Scott, Rand Construction
 Chris Grzenkowicz, Desine, Inc.**

Mr. Sloan reviewed the McKenna Associates memo dated September 2, 2014. The site plans for building number 3 on the Henrob corporate campus are largely in compliance with zoning ordinance requirements. Consequently, the recommendation for approval of the plans, subject to resolving the issues identified, which include the following:

1. Either the two proposed wall signs must be removed from the plans or a variance must be sought from Section 16.08(C) of the zoning ordinance.
2. Exterior lighting must be adjusted as noted in item 6 of the McKenna Associates memo.

3. The internal circulation route must be increased to 31 feet in width or a variance must be sought from Section 12.09(C) of the zoning ordinance.
4. A barrier-free ramp shall be provided at the northwest corner of the building, as noted in item 10, above.

Mr. O'Leary gave a brief power point presentation showing the layout of the Henrob campus as well as building number 3.

Mr. Conflitti questioned that landscaping will be set up so the water system does not spray the building. Mr. Scott Rand Construction will be doing this in building one and building three. He stated that the client is considering having the buildings signed as B1, B2 and B3.

Mr. Scott explained that Henrob needs to use the back lane of Building 3 as a one way drive and wants to label it that way instead of being required to expand it to a 31' lane.

Mr. Grzenkowicz explained the traffic pattern for the road around Building 3. He stated that he didn't believe a variance is needed when all requirements have been met. The site lighting is a not an issue since there are only 2 wall packs near the doors, and as far as the ramp at the entrance, no issue, already did it on the construction plans.

Mr. Enlow stated he would like to see the road behind Building 3 as 20' and sign it as one way if it meets fire code, he had no issue. Mr. O'Neil agreed and suggested striping it as a fire lane.

Mr. Enlow stated he would rather see the Henrob signs rather than the B1, B2, B3 signs. Mr. Chuck agreed

Ms. Kimberlin explained that she won't give a legal opinion at this time but could look into a fire lane and will also investigate the sign issue.

Motion by Chuck, second by O'Neil

To approve based on an adequate resolution of the size width of the road as noted in the planner's letter. Including the McKenna Associates memo dated September 2, 2014 and the CES memo dated September 5, 2014. And resolution of the issue regarding signs is subject to legal review.

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

MOTION APPROVED

- 4. AP-14-43, Solar Energy System Amendments. Consider proposed amendments to Section 19.02(JJ) of the Zoning Ordinance regarding Solar Energy Systems.**

Mr. Sloan reviewed the McKenna Associates memo dated August 21, 2014.

Amendments to Section 19.02(JJ) of the Zoning Ordinance are proposed to address concerns about the locational requirements for residential-grade solar energy facilities. The need for these amendments is based on variance requests from applicant's who wish to install solar energy systems but find that our current ordinance does not necessarily permit the optimal orientation.

Mr. O'Neil commented that he does not think they should be allowed in the front yard, and that it needs to be restricted he suggested at least 100' back from the road, or limiting the number of panels.

Mr. Towne stated that ground mounted should never be allowed in the front. Mr. Chuck agreed.

Mr. Enlow does not agree with the homeowners association.

There was brief discussion regarding various aspects of the ordinance.

**Motion by Towne, second by Enlow
To schedule a public hearing.**

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

MOTION APPROVED

COMMUNITY REPORTS

Mr. O'Neil brought the Planning Commission up to date regarding the Griswold Road Project. He informed the Planning Commission that the Township is in serious jeopardy of losing the funding for Griswold Road. He brought the Planning Commission up to date regarding the remainder of the Boards agenda.

Shirley Baker – Ms. Baker is concerned regarding the traffic and parking situation at the War Dog Memorial cemetery.

ADJOURNMENT

**Motion by Chuck, second by Enlow
To adjourn the meeting at 9:40 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:40 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary