

Charter Township of Lyon  
Planning Commission  
Regular Meeting Minutes  
November 10, 2014

Approved: November 24, 2014

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

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

Guests: 24

Also Present: Leann Kimberlin, Township Attorney  
Chris Doozan, McKenna Associates  
Leslie Zawada, Civil Engineering Solutions

**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. Approval of the October 27, 2014 minutes.**

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

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

**MOTION APPROVED**

**COMMENTS FROM PUBLIC**

**Al Rasegan, 56414 Nine Mile Road** – Mr. Rasegan explained that he is a long-time resident and would like to know the impact of the density versus the Master Plan. He

stated that exceptions to the Master Plan keep being granted. He would also like an opportunity to make comment after the discussion items that will be discussed.

## **DDA REPORT - None**

## **PUBLIC HEARINGS**

- 1. AP-14-33, Stoneleigh East PD – Preliminary Review. Property located on the south side of 10 Mile Road, east of Milford Road. Public hearing to consider preliminary review of a proposed planned development consisting of 43 single family homes on 33.84 acres.**

**Representing: Karen Brown, Franklin Property  
Seth Herkowitz, Hunter Pasteur**

Mr. Doozan reviewed the McKenna Associates memo dated November 2, 2014 with the recommendation that the Planning Commission recommend approval of the preliminary plan for Stoneleigh East to the Township Board subject to the following conditions:

1. Approval of the plans by the Township Engineer and Township Attorney.
2. Illustration of a right-turn taper on the site plan.
3. Provision of a tree inventory.
4. Revisions to the perimeter setbacks on lots 40, 42, and 43.
5. Revision to the street names, as noted in the McKenna Associates memo dated 11/2/14.
6. Indication on the site plan that the bike path to the east and west will be installed by the developer.

Ms. Zawada referenced the CES memo dated November 3, 2014. She explained that the forebay and detention basin volume calculations and sizing will be reviewed in detail during the detailed engineering review. There appears to be adequate room to store the required volume within the allotted area, as long as the ponds can be shown to work with the elevations needed for the fire station, and as long as the ponds are not within the flood plain.

Ms. Brown gave a PowerPoint presentation regarding the project. The site plan was reduced from 45 lots to 43 lots. The open space has increased from 4.6 to 8.66 acres, which exceeds the minimum in the ordinance. The tree buffer has also been increased along the west property line. They have also agreed to install the culvert extension to allow for the Ten Mile bike path to be connected from the Stoneleigh development all the way through the fire department property.

Mr. Towne stated that the elevation and homes are the same. He questioned how many ranch homes have been sold. Mr. Herkowitz stated that 13 have been sold and due to that demand they have added another home layout with a master bedroom on the ground level. Mr. Herkowitz stated it is a diverse neighborhood with typical young families and empty nesters. Mr. Towne stated it's a great plan, and he appreciated that the lots were brought down in number.

Mr. Chuck commented that they are one of the most professional groups that have come before them. He thought it was a great project.

Mr. O'Neil suggested looking at a standard way to delineate the area along the backs of those houses where the open space is located so the area is not taken over. Ms. Brown stated that they did do signage in Lyon Ridge, and they could do something similar to that here. She also confirmed that they will look at the space between lots 5 & 6 and shift it down so there is more space behind the fire department.

Mr. Hoffman commented that he liked the meandering design of the neighborhood. He thought the lots were a great size and liked that it was not linear.

Mr. Campbell stated that he thought everything had been done well.

**Motion by Chuck, second by O'Neil  
To open the public hearing at 7:34 p.m.**

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

**MOTION APPROVED**

**Rob Plett, 24331 Fairway Hills, Novi** – Mr. Plett stated that they are purchasing lot 35 in the present Stoneleigh development and wanted to make sure that the tree buffer would be maintained. Mr. Doozan stated that it measures 110'.

**Al Rasegan, 56414 Nine Mile Road** – Mr. Rasegan stated that he was sure this would be a good development but questioned what justifies a 30% density increase for this PD. A PD is supposed to have demonstrated benefits to the community. Mr. Doozan stated that he read off the benefits from the McKenna Associates memo. Mr. Towne stated that with the open space benefit, the density bonus is 6%. Mr. Towne also listed the community benefits. Mr. Rasegan felt that the benefits are only what the Township sees as benefits, not the residents. Mr. Doozan explained that this parcel was one that the Township got back as a result of foreclosure. There are economic implications for the Township that are being resolved as a result of this, which is significant for the Township.

**Theresa Danielson, 29465 Pineview Court** - Ms. Danielson read a section from the Municipal Code. She stated that they have all been at 10 Mile and Milford Road and know what the traffic is like. They all moved here for the rural atmosphere. She felt that there will be tons of accidents on the bike trail in that location and stated that it's not safe. She explained that at 7:15 in the morning you can't go east to get onto Currie because there is so much traffic. All these homes going up will make the traffic worse, and Oakland County will not add lanes to Milford Road or Ten Mile. She is very disappointed. She also hoped there would be some buffer on Outback as well.

**Motion by Chuck, second by Towne  
To close the Public Hearing at 7:43 p.m. due to no further comments.**

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

**MOTION APPROVED**

Mr. Enlow stated that he had the same thoughts regarding the density bonus, and he confirmed that the density bonus is 26%. He thought there was more opportunity to get more benefit and suggested developing the open areas with something that the residents could utilize; he would like to see that as an added benefit.

Mr. O'Neil stated that it is difficult; the answer is not a quick answer. This is a property that came back to the Township along with others. They had a choice to either let them go, which would have bankrupted the Township, or sell them, and they got lucky. They need density to pay for the water and sewer systems. The Township has bailed themselves out of the debt with the developer's dollars instead of the taxpayers' money. He asked that the public consider the things that they are forced to consider, the benefit the Township is getting is in the hundreds of thousands of dollars, responsible growth considers all of those things.

Ms. Brown stated that they can look into the open space, but putting in a tot lot would involve removing more trees. Mr. O'Neil stated he agreed it would be another benefit.

**Motion by Towne, second by Chuck**

**To approve AP-14-33, Stoneleigh East PD Preliminary Review including the comments from the Fire Department dated 10/28/14, the CES memo dated 11/3/14 and the McKenna Associates memo dated 11/2/14. Also, the applicant agrees to add some improvement for the residents in the open spaces of C and D.**

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

**MOTION APPROVED**

- 2. AP-14-53, Birmingham Rezoning. Property located on the south side of 9 Mile Road, east of Pontiac Trail. Consider a request to rezone 1.86 acres from R-0.3 (Single Family Residential) to B-2 (Community Business District).**

Mr. Doozan reviewed the McKenna Associates memo dated November 5, 2014. He concluded that the following are the key findings:

1. Rezoning of the subject parcel would result in expansion of commercial zoning and land use on Nine Mile Road and into predominantly residential areas.
2. The proposed rezoning is in conflict with the Future Land Use Map, which indicates that the existing zoning is appropriate.
3. Rezoning could create a domino effect, resulting in requests to rezone other properties on Nine Mile Road.
4. Rezoning would be inconsistent with the intent of the Zoning Ordinance to

provide a harmonious balance between districts and users.

Ms. Zawada referenced the CES memo dated November 4, 2014. She commented that they have reviewed the rezoning request and had the following comments:

1. The Township Sanitary Sewer map indicates an existing 10 inch HDPE force main in 9 Mile Road along the subject property. The Commission should also be aware that the sanitary sewer pump station was designed based on this parcel having a zoning of R.0.3. Depending upon the specific type of commercial use intended for the subject parcel, the wastewater flow may be far greater than that for the existing zoning. If the township approves this request you should be aware that other parcels of land in this pump station district may not have capacity to connect if they choose to sometime in the future.
2. The Township Water Main Master Plan depicts a 12 inch water main in 9 Mile Road along the subject property.

Ms. Birmingham explained that she has a lot of light from cars and trash in her yard from the surrounding commercial properties, and people trespass on to her property. She explained that the house is in bad repair. The only way she can get it sellable is to rezone it to commercial or vacant land usage. She wants to sell her property and leave.

**Gordan Kevis** – Mr. Kevis explained that this has been a rough situation on that property; everything has changed in the township. They are now both disabled. He commented that there is constantly trash in their yard, people trespassing, and noise. He felt that their request should be granted so they can sell and move

**Motion by Towne, second by Enlow  
To open the public hearing at 8:14 p.m.**

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

### **MOTION APPROVED**

**Cathy Podpora, 60650 Nine Mile** – Ms. Podpora asked that the Commission consider the houses that are remaining there. That intersection between 2:30 p.m.-7:00 p.m. is so busy. They have to cross Nine Mile to get their mail, and it is so dangerous. She read that a student was recently hit by a school bus at that intersection. To add another commercial property and add the lights and the noise would not be fair to the remaining residents. They have a private road that they paid for, and now everyone uses it. To add another business would be incredibly unfair. Please consider that.

**Paul Turner** – Mr. Turner stated that he lives directly across from this property. He explained that traffic is horrible, especially ever since the subdivision went in. It has become a race course. He stated that he felt for the applicant, but it's residential; he didn't think it should be commercial.

**Motion by Towne, second by Campbell  
To close the public hearing at 8:18 p.m. due to no further comments.**

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

**MOTION APPROVED**

Mr. Towne stated that the McKenna Associates memo states the problems clearly, and expanding the commercial zone is not going to work there. Everything surrounding it is R.0-3, and he didn't see that ever changing. The traffic in that area is not good and this would only add more traffic, he is against it.

Mr. Doozan explained that there are opportunities on the applicant's property; it could be developed into four lots. He suggested that the applicant find a residential broker to put the property up for sale.

**Motion by Chuck, second by Towne  
To recommend denial of AP-14-53, Birmingham Rezoning based on the information provided in the McKenna and CES letter.**

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

**MOTION APPROVED**

- 3. AP-14-58b, Fitness Training Facility –Special Land Use. Property located north of Grand River Avenue, between South Hill Road and Old Plank Road. Public hearing to consider a special land use request to allow a fitness training facility in the I-1 (Light Industrial) District.**

Will also consider at this time:

**AP-14-58b, Fitness Training Facility – Special Land Use. Property located north of Grand River Avenue, between South Hill Road and Old Plank Road. Site plan review of a proposed 21,475 square foot training facility.**

Mr. Doozan reviewed the McKenna Associates memo dated November 3, 2014. The following issue was raised:

1. 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. Information about the locations of competing facilities and the size of the population required to support such a facility are examples of criteria that may demonstrate the level of need.

Mr. Doozan recommended that the Planning Commission hold the required public hearing. After reviewing any new information to be provided by the applicant it is recommend that the Planning Commission recommend approval for the Personal Fitness Training Center (Grand Trunk CrossFit – AP-14-58a) to the Township Board,

subject to the following conditions:

1. Approval by the Township Engineer and Township Attorney.
2. Compliance with the Fire Marshal's requirements, as specified in the October 28 letter.

Mr. Doozan reviewed the McKenna Associates memo dated November 4, 2014 for the site plan and recommended the following:

That the Planning Commission approve the site plan for the Personal Fitness Training Center (grand Trunk CrossFit –AP-54-58a), subject to the following requirements:

1. Approval of the special land use by the Township Board.
2. Approval by the Township Engineer and Township Attorney.
3. Compliance with the Fire Marshal's requirements as specified in his October 28 letter.

Ms. Zawada referenced the CES memo dated 11/6/14. There is a tenant use change as far as the review that she did. They did not review any of the stormwater calculations. The applicant should be aware the capital charges would be due 90 days. Also, she recommends that the Fire Department review this.

Mr. Allor explained that he owns the building and explained that they are all multi-tenant buildings. He explained that he met with the Township and the floorplan was reviewed and there is nothing changing. There are 61 parking spaces; 4 barrier free and 2 van spaces. The property is irrigated, and the dumpster is existing.

Mr. Netherton explained that. CrossFit is designed for small group training. With only 2-8 people per class, everyone is able to get one-on-one attention. This helps increase the amount of safety and helps results go up. The classes are scalable to anyone. All of the classes are based on functional movement. They are not not using regular equipment, they are using their bodies.

Mr. Towne stated that they have changed things around, offering this as a special land use. He has seen real seedy places, and he is surprised at this one. He likes the size of it, the area is well-lit and maintained, there is easy access in and out, and it doesn't interfere with industrial trucks coming in. He is intrigued by it, and there might be a need there. Make sure the site plan is tight; he had no problem recommending special land use.

Mr. Campbell commented that his son is on the South Lyon High School hockey team and had done CrossFit in Brighton. They are great facilities, clean and simple; it's a good fit for that area.

Mr. Hoffman stated that he also liked the use. He questioned the size of the building space. . Mr. Allor explained that the building is 21,000 sq. ft. but the CrossFit area is only 5,000 sq. ft. It is a multi-tenant building.

Mr. Chuck commented on the dumpster area and asked that they convert to a

composite or vinyl. Mr. Allor stated he took the gate off and stated it is spotless. Mr. Chuck stated he would like to see a nice façade with a gate. It would be better for everyone. Mr. Allor stated that he would take care of it.

Mr. Enlow asked what type of equipment is used. Mr. Netherton explained that a gymnastics rig is used, balls and bars, jump ropes, boxes and some weights.

Ms. Kimberlin stated that the ordinance does require that all operations are conducted inside the buildings. Mr. Allor stated that is spelled out in the Lease Agreement.

**Motion by Towne, second by Chuck  
To open the public hearing at 9:00 p.m.**

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

### **MOTION APPROVED**

**Rick Hart, 12380 Mayfield, Livonia** – Mr. Hart He commented that he has worked for several fitness industries. He currently does CrossFit and has lost 35 pounds. Coming from a business model of a large fitness conglomerate, CrossFit is the opposite with a close knit community of people. CrossFit is one-on-one training. These are the best personal trainers.

**Julianne S., New Hudson** - She commented that she supports this couple and lives in the Township. She would rather keep her business for fitness in the community.

**Pam, owner of Parkside Cleaners** - She stated that she met the trainer 8 years ago and is so happy that this will be allowed to happen. In the last 5 years, CrossFit has become all the rage. She stated that this is a warehouse material business and doesn't belong in a strip mall setting. She felt that as a business owner in the community, they are bringing in something that is a hot commodity and will be a great asset to the community.

Mr. Allor commented that the Knox Box has been up, and there is exit lighting along with fire extinguishers.

**Motion by Towne, second by Enlow  
To close the public hearing at 9:06 p.m. due to no further comments.**

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

### **MOTION APPROVED**

**Motion by Towne, second by O'Neil  
To approve the special land use for AP-14-58b Grand Trunk Fitness.  
Including the comments from McKenna Associates memo dated November 3, 2014 and the Fire Department memo dated 10/28/14.**

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

**MOTION APPROVED**

**Motion by Towne, second by Chuck  
To approve the Site Plan AP-14-58a as stated in the McKenna Associates memo dated November 4, 2014 subject to approval of the special land use by the Township Board along with approval by the Township Engineer and Township Attorney and full compliance with the Fire Department and CES memo dated November 6, 2014. .**

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

**MOTION APPROVED**

**OLD BUSINESS**

- 4. AP-14-48, Bader & Sons – Site Plan Review. Property located on the west side of Pontiac Trail, north of 8 Mile Road. Site Plan review of a proposed farm implement sales, service, and parts business in an existing 14,480 square foot building.**

Mr. Doozan referred to the McKenna Associates memo dated October 29, 2014. There are two issues one regarding signs and one regarding the combination of the two parcels. The applicant is proposing a free standing sign. The Board agreed that the applicant could erect a mock sign of the dimensions that are proposed and the Township Board would look at it and evaluate its impact and go from there. Also, an application will need to be filed to combine the two parcels.

Mr. Chuck asked if the applicant was asked to be here this evening. Ms. Zawada explained that she would bet the applicant thought they were complete.

Mr. Enlow questioned if the pathway was already built along 8 Mile. Mr. Doozan stated he didn't recall and would have to look into it

Ms. Zawada referred to the CES memo dated 11/7/14 and recommended approval.

Mr. O'Neil asked for direction from the Planning Commission regarding the height of the sign. Mr. Chuck agreed that a 12' foot sign was not needed. Mr. Enlow agreed that he would lean towards a smaller sign. Mr. Campbell agreed.

**Motion by Towne, second by O'Neil.  
Recommend approval of Bader and Sons site plan based on an application for combining the parcels being submitted to the Township for review. Including Township Engineer approval, the McKenna Associates memo dated October 29, 2014 and the CES memo dated November 7, 2014. Also,**

contingent on updating the pathway issue and the recommendation of a 6' sign.

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

**MOTION APPROVED**

**COMMUNITY REPORTS**

Mr. O'Neil reported that the Township Board met for 4.5 hours. He brought the Commission up to date.

Mr. Doozan provided an article regarding conflict of interest.

Mr. Hoffman gave a brief background introduction regarding his experience. He is excited to contribute more to where he lives and he hopes he can help shape the growth of the area to what's best for the community.

**ADJOURNMENT**

**Motion by Towne, second by Enlow  
To adjourn the meeting at 9:45 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 9:45 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary