

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
April 13, 2015

Approved: April 27, 2015

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

Roll Call: Ed Campbell
Patricia Carcone, Board Liaison
Jim Chuck
Michael Conflitti, Chairman
Kris Enlow, Secretary
Stephan Hoffman
Carl Towne, Vice-Chairman

Guests: 8

Also Present: Leann Kimberlin, Township Attorney
Chris Doozan, McKenna Associates – Township Planner
Christina Archer, DDA Administrator
Leslie Zawada, Civil Engineering Solutions – Township Engineer

APPROVAL OF AGENDA

Mr. Towne suggested moving Quadrants from New Business #3 to number one before the Public Hearing.

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the March 9, 2015 minutes.

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

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

MOTION APPROVED

COMMENTS FROM PUBLIC - None

DDA REPORT

Ms. Archer reported that there will be about 8 ribbon cuttings scheduled in May. They will be hosting the Chamber Breakfast on Friday, May 22nd at 8:30 a.m. at the Township Hall.

NEW BUSINESS

- 1. AP-15-11, Quadrants Industrial Research Center, Unit 6 – Site Plan Extension. Property located at 28355 Lakeview Drive. Consider a request to extend the approval of a site plan for an industrial spec building.**

Mr. Doozan reviewed the McKenna Associates memo dated March 17, 2015. They have reviewed the current plans and find that they are identical to the conditionally approved 2014 plans. Therefore, it is recommended that the Planning Commission approve the plan for the speculative office building on Unit 6 of the Quadrants Industrial Research Center subject to the following conditions:

1. Off-street parking needs shall be verified once a tenant has been identified for the building.
2. Engineering approval shall be required. In addition to the items that are to be addressed at the detailed engineering phase, the Township Engineer noted at the May 12, 2014 meeting that the southern drive may have to be moved a few feet so that the GV&W is not located in the curb. This revision has not yet been made.
3. An Industrial Activity State shall be submitted once an end user is identified, and prior to issuance of a Certificate of Occupancy for the end user.

Ms. Zawada referenced the CES memo dated April 7, 2015. She explained that since the plans are identical, she had no issue with the Planning Commission moving forward.

Motion by Chuck, second by Towne

To Move AP-15-11 forward for approval based on the McKenna Associates dated March 17, 2015 and the CES memo dated April 7, 2015 and the letter provided by the Attorney.

Mr. Towne noted that the applicant is present.

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

MOTION APPROVED

PUBLIC HEARINGS

- 2. AP-15-16, New Hudson Zoning District Amendments. Public hearing to**

consider proposed Zoning Ordinance amendments to Article 41.00, New Hudson Zoning District.

Mr. Doozan reviewed the McKenna Associates memo dated March 4, 2015. He explained that as a result of the opportunity to see the New Hudson Zoning District in action as applied to various proposed developments in the district, they see the need for some fine tuning to match the regulations with the actual conditions they are dealing with in the District.

**Motion by Towne, second by Enlow
To open the public hearing at 7:17 p.m.**

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

MOTION APPROVED

**Motion by Chuck, second by Campbell
To close the public hearing at 7:18 p.m. due to no comments.**

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

MOTION APPROVED

Mr. Towne commented that Mr. Doozan did a great job mirroring the thoughts of the Planning Commission and the Township. Mr. Chuck agreed.

**Motion by Towne, second by Campbell
To recommend approval AP-15-16 New Hudson Zoning District
Amendments.**

Mr. Enlow questioned if the DDA gets to see these changes. Mr. Doozan stated he would run these by the DDA.

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

MOTION APPROVED

- 3. AP-15-18, Legal Holidays – Zoning Ordinance Amendment. Public hearing to consider a proposed amendment to the Zoning Ordinance that determines legal holidays.**

Mr. Doozan referenced the McKenna Associates memo dated April 6, 2015. He explained that to make this provision fully enforceable, a definition of “holiday” must be inserted into the Zoning Ordinance. He explained that holidays shall be defined as the following legal public holidays: New Year’s Day (January 1); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September);

Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

Ms. Zawada explained that she is recommending a 7:00 p.m. stop time.

Mr. Towne felt that the holidays should include December 24th – 26th and that the hours should be 8:00 a.m. – 7:00 p.m. Mr. Chuck felt that working on Christmas Eve until noon would be agreeable. The remainder of the Commissioners also felt that Christmas Eve should be added to the list.

**Motion by Towne, second by Enlow
To open the public hearing at 7:33 p.m.**

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

MOTION APPROVED

**Motion by Chuck, second by Enlow
To close the public hearing at 7:34 p.m. due to no comments.**

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

MOTION APPROVED

**Motion by Chuck, second by Campbell
To recommend approval to the Township Board AP-15-18 of the defined
Holidays as outlined by the McKenna Associates memo as it relates to
builders and developers.**

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

MOTION APPROVED

**Motion by Towne, second by Carcone
To recommend scheduling a public hearing to consider Christmas Eve as a
holiday and secondly to change the prohibited hours from 8:00 p.m. to 7:00
a.m. to 7:00 p.m. to 7:00 a.m.**

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

MOTION APPROVED

OLD BUSINESS - None

NEW BUSINESS

4. AP-15-17, Jimmy John's. Property located at the northwest corner of Milford Road and Lyon Center Drive West (Lyon Oaks Plaza). Site plan review of a proposed 1,600 square foot restaurant with a drive-thru window

**Representing AP-15-17: Kevin Hart, Architect
Joe Schimizzi**

Mr. Doozan reviewed the McKenna Associates memo dated March 24, 2015. He explained that the recommendation is that the Planning Commission table the site plan for Jimmy John's restaurant until the Special Land Use Review Application has been submitted and public hearing has been held. In the meantime, the following revisions to the plans are required:

1. Landscaping recommendations identified in item 2 in the McKenna Associates memo must be addressed on a revised plan.
2. Parking spaces on the west side should be reconfigured as noted.
3. Proposed signs should be shown on the plans for review by the Planning Commission.

Ms. Zawada referenced the CES memo dated April 2, 2015. The proposed drive goes through the existing detention basin and the applicant has not provided any storm water basin calculations or storm water management on how that will be addressed. She also recommended that this item be tabled until those items are addressed.

Ms. Kimberlin noted some Issues with ownership, and that was provided.

Mr. Hart reviewed the proposed traffic pattern and felt this proposed pattern would take care of any concerns. The signs will conform to the Township Ordinances and they will make sure that the proper permitting is obtained. They are proposing boxwoods along the west end. The parking spaces were changed to 9' and the total count is now at 114 spaces. The detention pond was also extended. The dumpster enclosures can easily be adjusted so that plants are not damaged in the winter time. They were hoping to get approval at tonight's meeting.

Ms. Zawada explained that calculations would still need to be done to make sure that the detention pond is correct.

Mr. Hoffman questioned if an escape row is required in the drive-thru area. Mr. Doozan explained that it is not a requirement in the Zoning Ordinance. Mr. Hart explained that they could do a rolled curb in that area.

Mr. Doozan stated that the proper order is to get the special land use and then the site plan review follows after that. The public hearing needs to be held first to establish the use is permissible.

**Motion by Chuck, second by Campbell
To table AP-15-17 until further plans are submitted.**

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

MOTION APPROVED

5. AP-15-20, Hines Park Ford – Vehicle Storage Lot. Property located at 56558 Pontiac Trail. Site plan review of a proposed vehicle storage lot.

Mr. Doozan referenced the McKenna Associates memo dated March 25, 2015. It was recommended that the Planning Commission approve the site plan for the Hines Park Ford storage lot expansion subject to the following conditions:

1. Wheel stops or a curb must be provided along the north side of the parking lot.
2. A lot coverage variance must be sought from the Zoning Board of Appeals.
3. Either the paving boundary must be adjusted or a variance must be sought to deal with the 25-foot wetland setback requirement.
4. Township Engineer approval is required.

Ms. Zawada referenced the CES memo dated April 8, 2015. When the site was originally constructed the requirements were less than they are now for storage. She explained that the engineering design standards are not met at this time and she recommended that it be tabled until those can be met or seek a variance. She recommended that the Planning Commission table this item until the items referenced in her memo have been addressed.

Mr. Enlow questioned if they are only hurting themselves from a storm water standpoint and asked if it goes into other jurisdictions. Ms. Zawada explained that it goes into a regulated wetland that extends offsite as well. She reviews it based on the standards and as of right now they don't meet the requirements. Mr. Doozan stated that he would agree with Ms. Zawada.

Paul Lewsley, Environmental Engineers, explained that the current business volume at the site has dictated for more inventory on the property. There really isn't anywhere to go except where the existing detention pond is. It was built in 2000 and built in accordance with the standards at that time. He recognized that since it was built the Township has changed the standards. Maximize the amount of volume in that area and they have 10 rows of 376 foot long 4' diameter pipe and they are providing more volume than what is there now but they cannot meet the new standard that was passed. They are not starting a brand new site and if it does not move forward it will be a loss. We are hoping the consideration will be given that the standards were changed and they are doing everything to maximize the site by adding storm water pre-treatment and more volume.

Mr. Towne stated that they can go to the Board for a variance. In the interim they will also need a variance from the ZBA on the coverage.

Mr. Doozan stated that they can be approached simultaneously but there is a notice requirement. Ms. Zawada explained that there would need to be more information

before she would be comfortable. She would need to feel that the high water level was not at 928, in summary there still needs to be some items addressed before seeking a variance for the Township Board.

Ms. Carcone explained that storm water is one of the worst problems that the Township has which is why they extended the requirement to a 100 year storm. They are very sensitive to flooding of anyone. Hines Park has been a good neighbor, and they want them to be happy.

Motion by Towne, second by Chuck

To table AP-15-20 Hines Park Ford until more information is provided. Including the McKenna Associates memo dated March 25, 2015 and the CES memo dated April 8, 2015 as well as the memo from the attorney.

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

MOTION APPROVED

6. AP-15-23, 926 Associates – Industrial Speculative Building. Property located north of Grand River Avenue, east of Haas Road. Site plan review of a proposed 12,100 square foot industrial speculative building.

**Representing AP-15-23: Doug Necci
Craig Stockford
David LeClair**

Mr. Doozan reviewed the McKenna Associates memo dated March 31, 2015. He explained that the review letter revealed that there are several site plan issues that must be resolved, which are summarized as follows:

1. Variances. Two variances are required:
 - a. Rear yard setback
 - b. Loading area location.
2. Information. The following information is required:
 - a. Clarify on the drawings the existing and proposed private road easement boundaries.
 - b. Provide exterior lighting information.
 - c. Provide private road legal descriptions and drawings, as noted.
3. Revisions. The following revisions are required.
 - a. The landscaping plan must be revised as noted.
 - b. The dumpster screening must be re-located outside of the private road easement.
 - c. The design of the building must be enhanced to achieve a higher score on the Architectural Design Guidelines form.

He recommended that the site plan be tabled to enable the applicant to seek the

required variances, provide needed information, and make revisions specified.

Ms. Zawada referenced the CES memo dated April 6, 2015. She clarified one item in her letter, revise and resubmit; she had no issue with it going forward, they will need a variance from the Board. Most items are minor, one item is that the water main should be 12 inches unless it is looped. The applicant does meet the current storm water volume but the slopes do not meet the 1 on 5, proposing to fence the basin and this is reasonable variance to seek.

Ms. Kimberlin referred to her memo dated March 31, 2015 which addressed a few issues.

Mr. LeClair explained that this site was approved in the mid 1990's; and there was a 16,000 sf building approved. They are asking for approval of the last building on the site. The rest of the plan is basic. They are enlarging the detention pond and they are doing landscaping. They do realize there are 3 variances needed. He explained that the existing drive easement will have to be relocated and due to the location of the dumpsters they will need to be relocated. They would make a circular easement for the road and the dumpsters would fall outside of that easement. The parking calculations are just schematics and they do have sufficient parking. The photometric plan was prepared with the submittal.

Mr. Necci explained that the building is on a unique site and given the orientation of the building to the north it is hidden, the design was to accentuate the building from the south. He explained that the sun visor louvre is the key element in their design and it will be visible from the north view. With the design scoring that was provided he felt that element is not given any real consideration. He thought they meet the intent of the ordinance. The two existing buildings on the site are very similar and he tried to strike a balance. The intent is to use the same colored materials as are on the existing buildings.

Mr. Doozan explained that he did not agree with the scores that the applicant gave themselves.

Mr. Hoffman stated that the applicant is passionate about the design. Personally, it is very gray to him and he would not remember that building if he was driving down the freeway. Mr. Ricci stated that the sun visor can be a color and that could be a possibility.

Mr. Chuck stated that he agreed, he stated it would take another meeting with Mr. Doozan. This is our community, there has to be something out there. There is a big disconnect in the design score.

The owner of the building explained that they are here, and they take pride in that site. They are right on Grand River, and it has been the showplace for many years. The building in the back is not as noticeable. The materials being used are block and metal, as in many of the buildings that are located in the area. He realizes that they have work to do, and they want to do that.

Mr. Enlow stated that he has gone through there and there needs to be continuity with the other two buildings but the building is fairly visible. He was looking for something above the unacceptable rating that would still tie in with the existing buildings.

Mr. Campbell stated that it is a speculative building but felt that a balance needed to be sought. It will be seen from the freeway, so something needed to be done to class it up.

Mr. Enlow stated that the owner mentioned Henrob is the same construction. He questioned if Mr. Doozan remembered Henrob's façade score. Mr. Doozan stated that Henrob was supposed to be a much different building than what is going up, since the owners changed.

Mr. Towne stated he is on board with what has been said. This is a great tenant, and it can be worked through.

Ms. Carcone stated it is not the vision that she has, and she agrees with Mr. Doozan's comments. She felt that the building is really bland.

**Motion by Chuck, second by Carcone
To table AP-15-23, 926 Associates Industrial Speculative Building.**

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

MOTION APPROVED

COMMUNITY REPORTS

After brief discussion it was decided that the Mr. Enlow should recuse himself for an upcoming lot extension for the United Methodist Church and that Mr. Towne had conflict of interest.

Treasurer Carcone gave a brief review of the Board Meeting from April 6, 2015. She read an article from The Metro Detroit which reported that there were 18 communities who got a perfect fiscal indicator score for 2013 from SEMCOG.

Mr. Doozan handed out continuing education articles on the Graying of the State and an article called Better Places, Stronger Communities.

ADJOURNMENT

**Motion by Towne, second by Chuck
To adjourn the meeting at 9:39 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:39 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary