

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
August 24, 2015

Approved: September 14, 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
Carl Towne, Vice-Chairman

Absent: Stephan Hoffman

Guests: 25

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

APPROVAL OF AGENDA

Maynard Meadows was removed from the agenda.

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the August 10, 2015 Minutes

**Motion by Towne, second by Chuck
To approve the August 10, 2015 minutes as presented.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS – None

DDA REPORT

Ms. Archer reported at the last DDA meeting there was a presentation by Ron Campbell, Historic Preservation Architect. He is available to help all historic building owners to better understand what kind of options are available. He is also going to be providing a report for the remodeling of the historic New Hudson Inn. The DDA is currently reviewing two industrial facilities exemption certificate applications one is for a Magna subsidiary and American Expedition Vehicles. The DDA is also looking at a streetlight sustainability program. The DDA approved a cost analysis for the sidewalk connectivity between Spring Meadows and the New Hudson ring road.

Mr. Conflitti announced that Mr. Campbell will be leaving the Planning Commission after 5 years of service. He thanked him for his service.

PUBLIC HEARINGS

1. **AP-15-50, All American Storage Rezoning. Property located on the west side of Griswold Road, north of 9 Mile road. Public hearing to consider rezoning 3.84 acres from I-2 (General Industrial District) to I-1 (light Industrial District).**

Mr. Doozan reviewed the McKenna Associates memo dated August 12, 2015. Mr. Doozan recommended that the Planning Commission recommend to the Township Board approval for the proposed rezoning from I-2, General Industrial, to I-1, Light Industrial. He noted that approval of the rezoning does not give assurance that the site plan, special land use application, or anticipated variance requests for All-American Storage will be approved.

Mr. Hensley explained he currently owns a storage facility in Salem Township and he is looking for something similar on the new site. He would be happy to have anyone come visit the current location and talk to his customers. He has been at the current location for 20 years.

Mr. Chuck stated he drives by that site often. He confirmed that there are storage units. Mr. Hensley stated he is not looking to do RV storage; it will be all buildings at the new site.

**Motion by Chuck, second by Towne
To open the public hearing.**

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

MOTION APPROVED

John Hutto, 58000 Eight Mile Road – Mr. Hutto confirmed this is for the rezoning. He thought this was great and felt the zoning should be light industrial.

Motion by Towne, second by Enlow

To close the public hearing due to no further comments.

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

MOTION APPROVED

**Motion by Chuck, second by Towne
To recommend approval to the Township Board of AP-15-50 All-American Storage based on the McKenna Associates memo dated August 12, 2015.**

Mr. Towne noted that by no means does this approval give assurance that the site plan, special land use application, or anticipated variance requests for All-American Storage will be approved. He agreed that it meets all 9 criteria and is consistent with the Township's Master Plan to rezone to light Industrial.

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

MOTION APPROVED

- 2. AP-15-53, Look Self Storage - Special Land Use. Public hearing to consider a special land use request to allow a self-storage facility ion the I-1 (light Industrial) District.**

**Representing AP-15-53: Jared Farmer, Farmer Development
Allan Pruss, Monument Engineering
Thomas Lapham, Owner**

Mr. Doozan reviewed the McKenna Associates memo dated August 17, 2015. The findings presented in the memo indicate that, in its present form, the proposed Look Self Storage facility does not satisfy the special land use requirements set forth in the Zoning Ordinance. The Planning Commission has two options in this case as follows:

- 1. The Commission can recommend denial of the special land use to the Township Board on the basis that it does not comply with the special land use requirements in Section 6.03 of the Zoning Ordinance, particularly those requirements dealing with:**
 - * Compatibility with adjacent uses.**
 - * Adequacy of public service (insufficient information).**
 - * Demonstrated need.**
 - * Impact on the economic well-being of the community.**
 - * Compatibility with the natural environment.**
- 2. Alternatively, if the applicant believes he can revise the plans to comply with the Zoning Ordinance requirements, then the Planning Commission may choose to table the case.**

Ms. Kimberlin pointed out that if the special land use is denied then the Planning Commission can still provide guidance to the applicant, but they can't approve it.

Mr. Farmer gave a brief PowerPoint presentation of the project. They are proposing a 51,600 square foot facility with interior climate control units and an exterior drive up unit. An RV and boat storage area is also proposed. An exterior drive up is common to a self storage unit. An interior unit is where there are climate controlled units inside a building. There is an existing RV storage lot just to the west of them and they feel it is a compatible use and is compatible with the Master Plan.

Mr. Farmer feels that self-storage is needed in Lyon Township and that all the nearby storage facilities are full with waiting lists. The average turnaround time is about 11 months. They understand the current plan is not complete, once the setbacks are resolved they will do what is needed to satisfy the ordinance and reach concurrence. They are requesting a special use approval and they understand that they need to achieve approval from the ZBA as well.

Mr. Towne explained that they are not in compliance with the zoning; he couldn't approve it. Mr. Farmer understood that the setbacks are the item for Mr. Towne. He thought the spirit of the special land use was to say in this I-1 district these are the items they will look at not necessarily they would have to satisfy the setbacks. He understood that they had setback issues and he is surprised that was the reason they couldn't get a special land use.

Mr. Chuck stated at the best the applicant will come away with a table. It is a good project and a good fit, but the special land uses are not just handed out, all of the requirements need to be met. He questioned what the typical recovery time is on the investment. Mr. Farmer stated it depends on how long it takes to lease it out which would probably be two years at 90% lease out.

Ms. Carcone addressed Mr. Hutto and asked what his capacity is. She also agreed that this applicant would be tabled from her, the rules have to be followed.

Mr. Enlow questioned the public services and whether or not there is sufficient water and that a water main extension would be needed. Mr. Farmer stated extending the water main is not an issue with the plan and they will demonstrate the turning radius for the fire apparatus.

**Motion by Towne, second by Chuck
To open the public hearing.**

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

MOTION APPROVED

John Hutto – Mr. Hutto commented in 1999 he developed self-storage on Eight Mile. To date they have 29,000 square feet of storage. The need wasn't there to expand. It

was just recently that they reached 90% occupancy. They proceeded with the approved site plan with an additional 45,000 square feet. Currently, a 10,000 square foot building is being built. As far as the need goes, he didn't see it. Five to ten years from now probably. There are a lot of issues. In 1999 the Planning Commission was adamant that he build a masonry building, split face block with an ornamental fence along Eight Mile. If there is going to be competition, that's fine, but he would like to see a level playing field. Masonry is the way to go, it is better all the way around for all involved. He is building climate controlled units right now. Mr. Hutto stated that 90% of the people who think they need climate control units don't but there are some items that do need climate control such as high end electronics or pharmaceuticals.

Byron Lang – Mr. Lang explained his storage facility are RV and boats. With the setbacks and retention pond he didn't see how the applicant would store the RV and boats. He is currently at 95% full.

Resident – He stated is some additional demand in the Township but it will require a developer who has some patience. Putting in a full blown facility may not be the best thing. He started small and built out as the demand came.

**Motion by Chuck, second by Towne
To close the public hearing due to no further comments.**

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

MOTION APPROVED

Mr. Enlow commented that these people would be putting out quite a bit of money. If they didn't think there was a demand, he didn't think they would be in front of the Planning Commission but he felt there was something to be said about the controlled growth of this type of facility. He had no concern with the special land use regarding this, he had concerns with the site plan but was comfortable with the special land use.

Mr. Campbell agreed with Mr. Enlow's comments. He didn't want to stifle any business growth. He did think the applicant should be tabled due to the number of issues that need to be addressed. He felt the project looks like it would fit well in the area.

Mr. Chuck agreed and felt that the business will take patience. He does like the competitive component too.

**Motion by Towne, second by Campbell
To table AP-15-53 special land use since the criteria does not meet all nine criteria as stated in the McKenna Associates memo dated August 17, 2015 and including all of the comments made and the Township Attorney letter.**

**Roll Call Vote: Ayes: Chuck, Towne, Conflitti, Carcone, Campbell
Nays: Enlow**

MOTION APPROVED

Mr. Towne stated that the applicant did show that they will come back and hit a home run.

3. AP-15-33, Look Self Storage – Site Plan. Property located at the northwest corner of Griswold road and Oasis Center Drive. Site plan review of a proposed 38,550 square foot self-storage facility.

Mr. Doozan reviewed the McKenna Associates memo dated August 17, 2015. He noted that there are several revisions that are required prior to action being taken by the Planning Commission. Failure to address the needed revisions on a new set of plans could delay the approval process. At any rate, approval of the rezoning request must be accomplished before consideration of the site plan by the Planning Commission.

Ms. Zawada referenced the August 14, 2015 CES review letter. On Sheet 2, Fire lanes and schematics for the fire trucks maneuvering around the site need to be provided. The intended use of the gravel area should be provided. On Sheet 3, provide proposed water supply data. The water main shall extend to the limit of the project along Oasis Center Drive with appropriate hydrants for required building coverage. The detention basin outlet shall be provided. On Sheet 4, the forebay and detention basin calculation with volume requirements shall be provided. Ms. Zawada explained for these reasons she is also recommending that the Planning Commission table this item.

Mr. Chuck commented that there are a lot of things to take care and he asked that the applicant make it look good.

Mr. Campbell suggested re-evaluating the setbacks and take a hard look at the turning radius.

Mr. Towne stated he didn't expect them to come back with nothing less than a perfect site plan.

Motion by Towne, second by Campbell

To table site plan AP-15-33 with all comments and the CES memo dated August 14, 2015 and the McKenna Associates memo dated August 17, 2015.

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

MOTION APPROVED

4. AP-15-54, Zoning Ordinance Amendments. Public hearing to consider amendments to the following sections of the Zoning Ordinance: 3:02, 5.02, 11.03, 12.10, 19.03E and 20.02-A-2-c.

Mr. Doozan reviewed the McKenna Associates memo dated August 18, 2015 which provided a summary of the proposed amendments to the Zoning Ordinance.

Mr. Enlow questioned how Section 5.02 will affect what the Planning Commission sees. Mr. Doozan stated he didn't think it would affect what the Planning Commission sees right now, it was more about special events and temporary uses and clarification of certain items. Right now there is a lot of confusion about special events and temporary uses, this language will clarify that.

**Motion by Towne, second by Campbell
To open the public hearing.**

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

MOTION APPROVED

Carol Levitt, 22350 Natasha Lane – Ms. Levitt questioned 3.02 Definitions as to the plan right of way. She asked if this applied uniformly to private property, under the Master Plan they separate out when the road right of way is on a private road. Mr. Doozan stated with a private road it is a little bit different, the setback would be measured from the easement line of the private road. She also commented that she believes it is a waste of time and to compensate that they are heard fairly at the Zoning enforcement level and there is a direct contact with them instead of letters. She confirmed it will still be an ordinance violation if they don't meet the engineering standards.

**Motion by Chuck, second by Towne
To close the public hearing due to no further comments.**

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

MOTION APPROVED

Mr. Towne asked that Ms. Kimberlin comment on 11.03 – Penalties. Ms. Kimberlin commented that the Township Board has already gone through and changed these from misdemeanors to civil infractions and clarifications were made.

**Motion by Campbell, second by Chuck
To recommend approval of AP-15-54 Zoning Ordinance Amendments.**

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

MOTION APPROVED

OLD BUSINESS

- 5. AP-15-24 Windridge PD – Preliminary Review. Property located on the west side of Napier Road, south of 9 Mile Road. Consider preliminary review of a proposed single-family residential development consisting of 103 homes**

on 85 acres.

**Representing AP-15-24: Brent LaVanway, Boss Engineering
Chris Cousino, Diverse Real Estate and Lombardo
Homes**

Mr. Doozan reviewed the McKenna Associates memo dated August 12, 2015. He explained that the preliminary plan review is perhaps the most important step in planned development review, because it is at this stage that the layout and essential design details are decided upon. It is recommended that the final details cited in this memo be addressed prior to consideration of the plan by the Planning Commission.

Ms. Zawada reviewed the CES memo dated August 20, 2015. She commented that most of the items are minor and there are a few items that will need to be addressed before final PD submittal. Most important is the agreement in the offsite water and sewer plans which have not been submitted yet. Those would have to be reviewed and approved prior to final PD before coming to the Planning Commission. She would expect that the applicant would submit for detailed engineering prior to that time as well. They did show the connecting road through ITC and she would expect that they address the Sump Drain.

Ms. Kimberlin referenced her memo dated August 20, 2015. She explained that further clarification is needed with respect to the status of the water/sewer consortium.

Mr. LaVanway gave a brief PowerPoint presentation of the project. He explained that the plan is very similar to what the Planning Commission reviewed in June. The lots were shifted to the ITC property line which provided additional open area in the center of the development. A play area and gazebo were added. A street tree corridor area was also added. He reviewed the areas where the gas main is located and he reviewed the pathway location. Mr. LaVanway commented that they have 33% open space on the site. They do not intend to have street lights within the development. He recognized the comments in the CES letter are conditions of approval to the Township Board.

Mr. Doozan stated that the issue is wetlands and the difference between uplands and wetlands. The figures show 17.36 acres of uplands exist. Mr. LaVanway explained that its' 28 acres or 33%. Mr. Doozan stated that includes a lot of wetlands. Mr. LaVanway stated that they are only allowed to include 4 acres of the total wetland area as part of the open space calculation per the ordinance. The fact is, they have 33% open space because that includes the wetland above and beyond what they are allowed to include per the ordinance. Mr. Doozan asked if they had done calculations if they subtract the 7 areas that are listed in the McKenna Associates memo what they end up with? Mr. LaVanway stated they did not.

Mr. Towne commented he thought they did a great job and it is connected. He thought it was a way through the ITC property and done really well along the wetlands. This is the best project he has seen so far out of all of the projects. The connectivity is there and it all works.

Mr. Doozan questioned the traffic signal at 8 Mile and Napier. Mr. Cousino stated it was

not their intent to contribute to the traffic signal. Ms. Zawada confirmed it is about \$150,000 for a traffic light plus \$10,000 for design. Mr. Chuck stated he would like to see the traffic light happen.

Ms. Carcone stated she is pleased with the open space and the park areas with the playscapes. She liked the tree line as well and felt it would be really beautiful. She liked the roadways a lot and they did what the Planning Commission asked them to do.

Mr. Enlow stated given the 7 areas of open space that were sited that do not meet the definition of open space, if those are removed are they in compliance. As far as the improvements, he had no issues. He asked that they make sure the stub road is coordinated on the sheets.

Mr. Cousino stated that they verbally agreed to construct the stub street. They reached out to ITC with the concept and they are in favor of it but they need to see more documents. Mr. LaVanway stated that he didn't have the exact acreage, but they likely would end up a little bit short on the upland open space area but they would still be at 25-28% on the site. Mr. Enlow stated that is not what their ordinance says. Mr. LaVanway stated that they could consider a pathway that would extend and connect the back end. He felt the site lends itself to the passive open space. Mr. LaVanway questioned if a pathway is installed to meet the numbers is that the goal for this particular site. Mr. Enlow stated there are other upland areas if a lot or two is removed. Mr. Cousino stated that they exceed the minimum standard.

Mr. Doozan commented that the double counting on Shadow Wood was not allowed, which is how it should be done because it is supposed to be a greenbelt not designated as open space. That has never been designated or considered open space in any other PD in the township. Mr. Doozan felt that was a big concern, can't allow it in one and not another. Mr. LaVanway stated that they could reduce the greenbelt to meet the ordinance and increase the open space development but they want a better development and they think they can accomplish that by having more of the landscaping up in front.

Mr. Towne asked if the school bus stops have been certified by the schools yet. Mr. LaVanway stated no not yet. Mr. Towne stated he would do that before final. Mr. Towne thought it would be a nice feature if the gazebos were electrified.

Mr. Conflitti asked how big the bus stops are. Mr. LaVanway stated 10 x 20'. The gazebos are 14' gazebo. The play areas take up about 1/4 acre each. Between the 3 different areas, that would be a total space of under an acre.

Mr. Enlow stated he would like to see the revised open space calculations. Mr. Doozan stated that the open space along Napier Road really bothers him he thought this would open up a can of worms. Mr. Towne asked if the developer can make the open space work. Mr. LaVanway stated that they would have to. Ms. Zawada stated if the plan changes they will have to come back to the Planning Commission before going to the Board.

Mr. LaVanway asked if there is a provision that allows staff to review as long as it meets

the intent if it is narrowed down to this one issue with the open space. The Planning Commission discussed holding a special meeting in order to review the plans that will show the new open space calculations.

Motion by Enlow, second by Chuck

AP-15-24 Windridge PD preliminary review to table until the applicant can provide appropriate open space calculations based on the McKenna Associates memo dated August 12, 2015 siting the 7 areas that did not meet the definition of open space.

**Roll Call Vote: Ayes: Conflitti, Chuck, Carcone, Enlow, Campbell
Nays: Towne**

MOTION APPROVED

6. AP-15-44, Gilden Woods Learning Center. Property located at 58019 Grand River Avenue. Site plan review of a proposed 11,968 square foot day care facility.

**Representing AP-15-44: Steve Witte, Nederveld
Dan Boverhof**

Mr. Doozan reviewed the McKenna Associates memo dated August 10, 2015 He recommended that the applicant address the remaining concerns cited in the memo prior to Planning Commission review and approval. Mr. Doozan did receive a picture of the sign and he provided that to the Planning Commission.

Ms. Zawada reviewed the CES memo dated August 6, 2015. Ms. Zawada recommended approval subject to the conditions listed in the letter and a detailed engineering plan will be required.

Ms. Kimberlin stated she did receive copies of the ownership information she requested. There was a condition placed on the variance for the outdoor play area to limit it to a maximum of 100 children at any one time.

Mr. Witte explained that the concerns in the McKenna Associates memo either have been addressed or will be addressed. The dedication of the right of way, performance bond and the state licensing were added to the general notes on the site plan sheet. There will only be 4 exterior lights. Regarding the sign detail they would prefer a 2' base but they are still under the size. Regarding the east face of the building, they do not want to change from what was proposed because the building is 150' off the travel surface of the road, the whole side is behind a fence so it will be screened. It is also 11' tall to the eaves. There will also be extensive landscaping along the east side with all evergreen trees. This is a site plan and the ordinance does not require any architectural standards on the side of the building so they feel that they meet the requirement and appreciate keeping the east side of the building as presented. Mr. Witte stated he also agrees with everything listed in Ms. Zawada's CES memo.

Motion by Enlow, second by Campbell

To approve AP-15-44 Gilden Woods Learning Center considering the August 10, 2015 McKenna Associates memo and the CES memo dated August 6, 2015.

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

MOTION APPROVED

NEW BUSINESS

- 7. AP-15-55, Unit 6 – Lyon Industrial Research Center. Property located on the west side of Research Drive, north of Grand River Avenue. Site plan review of a proposed 28,906 square foot industrial speculative building.**

Representing AP-15-55: Joerg Hensel

Mr. Doozan reviewed the McKenna Associates dated August 13, 2015. It was recommended that the Planning Commission recommend approval of the site plans for Unit 6 Industrial Building (AP-15-5), subject to revision of the plans to address the concerns cited in this letter, as well as any concerns cited by the Township Engineer or Township Attorney.

Ms. Zawada referenced the CES memo dated August 20, 2015. She recommended approval of the site plan subject to the conditions of the memo.

Ms. Kimberlin noted that an Industrial Activity Statement will be required and if the site requires a septic system, permitting/approval will be required from the Oakland County Health Division.

Mr. Hensel gave a brief overview of the project. He commented that there are no concerns that won't be addressed regarding the McKenna Associates memo and the CES memo.

Mr. Towne stated the applicant did his homework and he had no issues.

Mr. Chuck asked if the applicant would be willing to use vinyl or composite gates for the dumpsters. Mr. Hensel stated he would take that request back to the owner.

Mr. Enlow questioned if the lot to the west is a developable piece of property? Ms. Zawada stated she would have to look at it.

Motion by Campbell, second by Chuck

To approve AP-15-55, Lyon Industrial Research Center based on the criteria in the McKenna Associates memo dated August 13, 2015 and the CES memo dated August 20, 2015.

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

MOTION APPROVED

8. **AP-15-57, Riverwood Estates PD- Minor Amendment. Property located on the north side of 10 Mile Road, north of Currie Road. Consider a minor PED amendment regarding model homes and sales trailers.**

Mr. Doozan reviewed the McKenna Associates memo dated August 19, 2015. He proposed that item 15 be re-written to read as noted below:

Model Homes and Sales Trailers. Builders may have more than one (10 model home for display or promotional purposes, but each builder shall be allowed to use only (10 model home as a temporary sales office. Model homes shall not be used to conduct business unrelated to sales of homes in the development. A model home shall not be occupied until it is connected to utilities.

Use of a model home as a sales office shall cease as soon as all lots in the condominium are sold or in two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Upon request, the Township Planner may grant an extension of the use of the model home for a period of up to two (2) years.

Use of a model home as a sales office shall comply with the appearance and parking requirements specified in Section 19.03, subsection E, of the Zoning Ordinance.

Each builder shall be allowed to install, occupy, and operate from one (1) temporary sales trailer on the property, subject to Building inspector approval. Installation of sales trailer shall not be permitted until general grading of the site is completed and there is gravel or paved access to the trailer. Use and occupancy of the trailer shall terminate thirty (30) days after the certificate of occupancy has been issued for the first home (including a model home) in the condominium, at which time the trailer shall be removed from the property immediately.

Motion by Chuck, second by Towne

To recommend approval of AP-15-57 Riverwood Estates, PD-Minor Amendment based on the McKenna Associates memo dated August 19, 2015.

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

MOTION APPROVED

COMMUNITY REPORTS

Ms. Carcone reported that she worked parking during the Ethnic Festival and the food was great and the entertainment was awesome. She also reported how popular the disc golf course is in the park.

Mr. Chuck reported that the priest from St. Joseph Parish came by and blessed the Ethnic Festival.

ADJOURNMENT

**Motion by Campbell, second by Towne
To adjourn the meeting at 10:20 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 10:20 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary