

Charter Township of Lyon
Planning Commission
Meeting Minutes
June 12, 2017

Approved: June 16, 2017

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

Roll Call: Patricia Carcone, Board Liaison
Jim Chuck, Secretary
Michael Conflitti, Chairman
Stephan Hoffman
Ron Pennington
Kurt Radke
Carl Towne, Vice-Chairman

Guests: 9

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

APPROVAL OF AGENDA

Mr. Doozan explained Huntmoore PD is being removed at the request of the applicant.

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

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the May 22, 2017 Minutes

**Motion by Towne, second by Chuck
To approve the minutes of May 22, 2017 as presented.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

DDA REPORT – None

PUBLIC HEARINGS – None

OLD BUSINESS - None

NEW BUSINESS

1. **AP-17-13, Copperwood PD – Minor Amendment.** Property located on the south side of 10 Mile Road, west of Napier Road. Review of a proposed minor amendment on a planned developed to allow the existing Kroger to install the following: a drive thru pharmacy, an online order pickup area, outdoor seating, and permanent outdoor sales.

Mr. Doozan reviewed the McKenna Associates memo dated June 6, 2017. He recommended that the Planning Commission recommend approval of the Copperwood minor Planned Development amendment to the Township Board, subject to the following conditions:

1. An amended Planned Development Agreement shall be submitted for review, as described in the memo.

Ms. Zawada referenced the CES memo dated May 8, 2017. She confirmed that Kroger does own the parcels and they were combined. There are minor items to be addressed on detailed engineering plans and she had no objection to the Planning Commission taking action.

Ms. Kimberlin referenced her memo dated May 12, 2017. She noted that drive-through uses were previously approved as part of the Planned Development. Drive-through banking and a drive through pharmacy are currently included under the permitted uses, although not in the specific location proposed by the applicant.

Mr. Hoffman asked to be recused from this item due to his employment with Jeffrey Scott Architects.

**Motion by Towne, second by Pennington
To recuse Mr. Hoffman from AP-17-13 Copperwood PD.**

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

MOTION APPROVED

Mr. Koppenhafer provided a brief overview of the proposed project, which will include a pharmacy drive-through and ClickList. The other uses are in line with their approval.

Trustee Chuck stated that he is disappointed someone from operations isn't here. They

need to fix the dumpster in the back. They require vinyl or composite, and it was totally open. The store at Eight Mile and Pontiac Trail is a disaster; you have to be a good corporate neighbor. There is an operation called Westborn Fruit Market; that should be the standard they try to achieve. He understood the evolution of the business, but they have to be conscious of the people that live here, not just the cash register. He would like to see a light at Johns Road. The seating area needs to be pristine and quality.

Mr. Towne stated he is in support of Mr. Chuck's comments. The corner needed to be redeveloped if the ClickList was going to happen. The dumpster is a mess. Something should be done in that corner to block it from the public. Every Kroger store he goes to, he can't get through on the sidewalks. He is against anything on the sidewalks. He liked the outdoor seating but wondered how they would protect the citizens that would sit there. He is not willing to vote on that tonight with how it sits right now. He likes the drive-through.

Mr. Koppenhafer stated the parking will be re-dedicated for ClickList parking.

Mr. Koppenhafer stated he would defer to Ms. Zawada regarding the traffic light. Ms. Zawada stated they approached the Township a year ago to build a signal. Ms. Zawada explained Chase has not negotiated the easement for the signal. It's still on the table, but it's been a struggle. The only reason Chase gives is that it must go through their legal process. Ms. Zawada stated that she felt the branch would benefit immensely, but this is how it works when dealing with corporate. Kroger is willing to build it and install it. Mr. Koppenhafer stated it is the silliest thing that Chase is not going with this; it should have been part of the original project. He agreed the traffic signal is necessary. He has done everything he can to get Chase to work with them. He needs a project to tie this to.

Mr. Koppenhafer stated that the concerns are all things that can be fixed. They want to be a good neighbor.

Mr. Pisko stated they can screen and fix things up to spec up so it's not an eyesore.

Mr. Koppenhafer questioned if there is a way to administratively approve it to put things in place. Mr. Towne stated that the outdoor seating area doesn't look secure; someone could get hurt. Mr. Koppenhafer stated that they could place bollards of a certain color and height. They do not believe it's an issue, but it is their prerogative if they want them to put in bollards. Mr. Radke supported Mr. Towne's concerns. Mr. Koppenhafer stated that they think the raised curb is sufficient.

Mr. Towne stated that every Kroger he goes to has merchandise all over, and 4.5' feet is not enough room to be able to traverse a sidewalk that is covered with merchandise. They can't police the outside storage, so he is totally against it. He doesn't want to see anything sold outside. Nothing should be in the front, with the dominant wind and the traffic. Mr. Koppenhafer stated he respected the point.

Treasurer Carcone stated the dumpster needed to be fixed. She loves the outdoor seating, but she would like to see some sort of decorative fence for security. She does not like bollards. She has a problem with the outdoor storage if they stick to certain

things, not patio furniture. She does not like how it's filled with stuff on the sidewalks; it's messy and people can't walk on the sidewalks with their groceries. She didn't think it was managed properly.

Mr. Koppenhafer stated that they have to choose bollards or a screening fence because there wouldn't be enough space for both.

After discussion, the Commission felt they could accept the list of seasonal items except for the Christmas trees.

Mr. Doozan stated the fence and the bollards can be combined into one.

Mr. Koppenhafer stated he noted beautifying the corner by the dumpster.

Motion by Chuck, second by Towne

To approve AP-17-13 Copperwood PD, along with the McKenna Associates memo dated the June 6, 2017, the CES memo dated May 8, 2017 and the attorney memo dated May 12, 2017 and the Fire Department memo dated June 6, 2017. The dumpster will be fixed and the area beautified, the items for sale minus the Christmas Trees listed on Sheet C1-21, the outdoor seating will have a combination of fencing and bollards surrounding the area.

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

MOTION APPROVED

- 2. AP-17-18, Huntmoore PD – Conceptual. Property located on the south side of 10 Mile Road, west of Milford Road. Conceptual review of a proposed planned developing consisting of 66 single family homes on 60 acres.**

REMOVED AT APPLICANT'S REQUEST

- 3. AP-17-19, Deer Haven at Hasenclever Farms – Site Condo. Property located on the west side of Griswold Road, south of 9 Mile road. Review of a proposed site condo consisting of 14 single-family homes on 15.**

Mr. Doozan reviewed the McKenna Associates memo dated June 6, 2017. He recommended that the Planning Commission approve the site plan for Deer Haven at Hasenclever Farms subject to the following:

1. If a mailbox cluster is required, then it should be shown the plan.
2. The condominium master deed, bylaws, and Exhibit B drawings must be submitted or administrative review.
3. Approval by the township Engineer and Township Attorney shall be required.

Mr. Towne explained they need to make sure Deer Haven Drive is on the plans and not Deer Haven Road.

Ms. Zawada referenced the CES letter dated June 7, 2017. The main concern is storm water management, but that can be addressed during detailed engineering review.

Ms. Kimberlin memo dated June 7, 2017 questioned the exact acreage of the property. She explained there is a comment on sheet 1, under development data, which states that a development under the Section 19.03 F. option requires the minimum open space preservation of 50% of the development area, but the ordinance states that open space preservation developments shall reserve at least 50% of the parcel in an undeveloped state. Mr. Doozan explained since they already existed they wouldn't be counted towards the total calculation, so it's 2.77 acres.

Mr. LeClair provided a PowerPoint presentation. Deer Haven Drive runs through the middle of the project. It consists of two complete parcels. Each of the property owners has signed right-of-way easements. They would chunk the road out and get a dedicated right-of-way. The condo docs would have two pieces: the southerly piece and the northerly piece, and take out the Griswold piece. The road has not been approved yet, and they would dedicate the road right-of-way prior to recording the condominium.

Mr. Towne stated they have run into problems not having the approval up front. Is this a one-shot deal or is it like a preliminary? How do they handle not having the Road Commission approval? Mr. Doozan stated if the Road Commission does not approve it, then it would come back to the Planning Commission. It's a one-time shot.

Mr. LeClair explained this plan preserves the woodland buffer at west, north and south portions of the property. They are proposing 14 lots based on parallel plan. This proposal affects zero regulated wetlands. The layout complies with all minimum setbacks, distance between buildings, and lot area requirements. They are proposing 44 new trees in addition to the required street tree replacements.

Mr. Mancinelli explained the homes will be the same as in Hasenclever Farms.

Mr. Towne commended Mr. Mancinelli. He wanted to make sure the parcel that was cleared facing 8 Mile is going to be replanted. Mr. Mancinelli stated yes, they are going fill in and bring the grade up a little bit and make sure the drainage works. Mr. Towne liked the pocket park, and he confirmed the park wouldn't be deed restricted to the homeowners. This project has his support.

Mr. Conflitti asked how they could get existing homeowners to agree to it. Mr. Mancinelli stated they will get a paved road, electric, gas, sewer, and water.

Lori Petersen, 59411 Deer Have Drive – Ms. Petersen's house is under construction on this road. They should be getting electricity and gas to their home, but they are waiting on this project. She is nervous this project isn't going fast enough. She signed it over for the utilities. She questioned how far the road will encroach onto her property. She questioned if the mailbox cluster applies to her. Mr. Doozan stated it would not apply to her. She confirmed that the open space will be left as it is. She confirmed that the condo residents would maintain the park.

Mr. Doozan questioned there are no street trees on the non-condo side of the road. Mr. Mancinelli stated he would look at where to place them. He didn't want to move any big trees.

Motion by Chuck, second by Towne

To approve based on the McKenna Associates memo dated June 5, 2017, the CES memo dated June 7, 2017 and the attorney memo dated June 7, 2017. Approval contingent upon Oakland County Road Commission approving the road. Including the Fire Department letter dated June 6, 2017.

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

MOTION APPROVED

ADDITIONAL BUSINESS

4. Community Reports

Treasurer Carcone brought the Planning Commission up to date regarding the last Board meeting.

ADJOURNMENT

Motion Towne, second by Pennington

To adjourn the meeting at 8:52 p.m.

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 8:52 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary