

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
January 24, 2005**

Approved as submitted February 28, 2005.

DATE: January 24, 2005
TIME: 7:00 PM
PLACE: 58800 Grand River

Call to Order: Chairman Barber called the meeting to order at 7:00 pm.

Roll Call: Present: Michael Barber, Chair
Ted Soper, Vice Chair
Laura James, Secretary
Jim Dome
Jim Hamilton
Laura Williams

Absent: Dan Cash, Trustee

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Alexis Marcarello, Township Planner
Chris Olson, Township Superintendent

Guests: 7

1. APPROVAL OF AGENDA

The following was added to the agenda:

- Select a Liaison to the Zoning Board of Appeals

Ms. Williams made a motion to approve the agenda for Monday, January 24, 2005 as modified.
Mr. Soper supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Cash

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA NONE

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS:

AP-04-38, Tanglewood Final Phase, Chubb Road West, Reschedule public hearing to consider an amendment to the Tanglewood Planned Development and Preliminary PD plan review.

Mr. Barber stated that they received a memorandum from Alexis Marcarello and Michelle Aniol of McKenna Associates, Inc. dated January 17, 2005 indicating that the public hearing scheduled for tonight for Tanglewood Chubb Road Phase must be rescheduled because the applicant has not provided all the requested information.

Mr. Olson stated that a legal description was not provided so that an ad could be placed in the newspaper. He stated that some prior amendments will come into play with the final amendment that was put forth in the memo that McKenna Associates, Inc. had for review with regard to the number of units that are allowable within Tanglewood at this time. He further discussed the units involved in this development. He noted that this development has been going on for about 13 years.

The Commissioners discussed dates as to when this public hearing could be rescheduled to.

Mr. Soper made a motion to reschedule the public hearing for AP-03-38, Tanglewood Final Phase, for February 14, 2005. Ms. James supported the motion.

Voice Vote:	Ayes: All
	Nays: None
	Absent: Cash

Motion approved unanimously.

Mr. Olson stated that depending upon research, he questioned if this will include the entire PD as well as the Chubb parcel. He stated that they may have a larger issue other than just the design of the Chubb parcel. Mr. Soper felt that if there were any outstanding issues, they would be brought up and discussed. Mr. Doozan concurred.

Bob Freund, Tanglewood, stated that one of the issues is a legal issue with relation to whether the PD is going to be completely reviewed all over again or are the numbers just going to be adjusted. He questioned if the overall Tanglewood development PD is going to be amended. If so, then they already have the legal description for this or are they are just talking about Chubb Road. He stated that it is his understanding that they were going to have a public hearing to amend the existing Tanglewood PD to reflect the actual housing construction numbers that are out there. He stated that this will affect the design of Chubb Road. He further discussed his understanding of what the public hearing involves.

Mr. Doozan stated that it is his opinion that they are trying to amend the PD to allow them to do what they are proposing along Chubb Road. He stated that what they would need is a legal description that encompasses the Chubb Road property. He stated that the number of units that are permitted is really a side issue. He stated that they would have to tally them all up to figure out how many total units are permitted. He stated that they really are not amending the entire PD because it is already closed.

After brief discussion, it was determined that the Planning Commission did not have the necessary information tonight to discuss this issue. It was put on the agenda only to reschedule the public hearing and not for in-depth discussion.

Mr. Olson noted that they will be asking Mr. Freund to fill in a number of missing gaps because of agreements that may or may not have been recorded that they have not been able to locate. He noted that the density issue is a big one.

Mr. Freund stated that he is okay with whatever issue the Planning Commission raises because it will

give him a sense of direction that he didn't really have. He stated that he really hoped to get input from the Planning Commission with respect to the design for Chubb Road. He noted that the design is not yet complete and would like the Planning Commission to criticize it and tell him what they want. He stated that he wants the Planning Commission to help him design it so that they can get it done.

5. **OLD BUSINESS:** **NONE**

6. **NEW BUSINESS:**

AP-03-34, Lyon Ridge Planned Development, South side of 10 Mile Road, between Chubb and Johns Roads, Schedule a public hearing to consider Preliminary Planned Development.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. memorandum dated January 17, 2005 regarding this issue.

Mr. Barber questioned if the Planning Commission can make comments at this new public hearing. Mr. Seymour responded that they could.

Mr. Soper questioned if there are any changes, would they have to amend the motion that was already made. Mr. Seymour responded that he believed that they would have to amend or affirm the motion based on any comments made at the public hearing.

Ms. James asked the applicant if they could have this public hearing on February 28, 2005. Andy Millia, Franklin Properties, responded that they would prefer to have the public hearing on February 14, 2005. He stated that they were advised last week about the sign and contacted three sign companies. He noted that they did have the sign installed during a blizzard to comply with the 21 day requirement.

Ms. James made a motion to schedule a public hearing for AP-03-34, Lyon Ridge Planned Development, for February 14, 2005. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved unanimously.

Mr. Millia questioned if they should do a full presentation or an abbreviated presentation. He noted that they will be present to answer any questions that arise. Ms. James responded that they should be prepared to do some sort of presentation. Mr. Olson stated that they should be prepared to address the situation with the water and sanitary sewer easement, which is a Curtis issue. He noted that the easement had premature tree cutting on it.

Mr. Millia stated that they did reach an agreement for a permanent access easement with Mr. Swiatlowski.

Mr. Olson questioned if the Planning Commission would like to add an update regarding Copperwood to the agenda. He stated that there was a request to have this issue on the February 14, 2005 agenda for a consideration of final.

Mr. Soper made a motion to amend the agenda and add Copperwood update to the end of the agenda. Ms. Williams supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved unanimously.

AP-05-01, North River Properties, 54500 Grand River Avenue, Schedule a public hearing to consider a request for a rezoning from R-1.0, Residential-Agricultural to B-3, General Business.

Ms. Marcarello gave the Commissioners some background information regarding this issue.

Tim Hader, Schonscheck, stated that they will have a sign posted on the property by the 2nd or 3rd of February.

Ms. James made a motion to schedule a public hearing for AP-05-01, North River Properties, for February 28, 2005. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved unanimously.

AP-04-32, Lyon Professional Centre, 58560 Grand River Avenue, west of Township Hall, Site Plan Review

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 19, 2005 regarding this issue.

Clif Seiber, Seiber, Keast & Associates, briefly addressed some of the issues that were cited in the McKenna Associates, Inc. letter. The proposed building is one story, 12,000 square feet with a basement, half of which will be exposed. He stated that the building is very residential looking with the brick, gables and pitched roof. He displayed elevation renderings of the building.

- they will be requesting a variance for the side yard setback on the easterly side of the property abutting the Township Hall. He stated that the Township property is currently zoned residential so they are required to have a 40' side yard setback. He stated that they are also going to request a parking setback variance of 10'. He noted that the closest residential home to this property is approximately 250' away and is separated by a wooded area. He stated that there will be a retaining wall approximately 7' in height along with a row of Arborvitaes along the west property line.
- the reason they will be asking for the variance is due to the long, narrowness of the site. He stated that if they push the building over 10' it will become too narrow. He stated that they feel that they have viable reasons to go to the ZBA with their variance requests.
- they will be approaching the Township for a grading waver and explained why they will be doing this.
- with regard to tree replacement, the site is very heavily treed and they would like to request a waiver for the additional 14 trees. He stated that if they are

unsuccessful in getting the waiver then they would have to try to find space on the site for these trees or plant the off-site.

- with regard to the asphalt pathway, he indicated that this is not a problem. He stated that they will donate money to the Township Bike Path Fund for this.
- with regard to the tree count, they did have the proper count, but felt that there is one circle missing off the plan. He noted that this will be corrected.

Ms. James stated that it seems to her that they are trying to squeeze a very large building and parking lot on a small two acre parcel of land without seeking variances. She stated that when this parcel was rezoned to office, the Township was never told that all these variances would be necessary in order to build on this property. She questioned if there is anyway that the parking lot could be reconfigured to get closer to the required setback. She stated that by doing this it may open more room for tree plantings. She stated that she is not aware of the Planning Commission ever giving a waiver for tree plantings. She stated that the only instance where they let a developer plant trees offsite was because the property was a tree farm and there were massive amounts of trees on the property.

Mr. Seiber stated that they could plant the additional 14 trees onsite but they would be crowded together. Ms. James gave some examples of trees that do not grow very wide. She stated that she would like to see the developer try to plant the trees on site and try to comply with as many of the Township ordinances as possible. She felt that if they make an exception for this developer it may set a precedent.

Bob Langan, Jr. stated that they have really been working hard on this plan. He felt that it is an overstatement to say that this plan substantially does not comply. He stated that the nearest house from where they are asking for setback variance is 220' away. He briefly discussed the surrounding properties and the site elevations.

Ms. James asked Mr. Barber's opinion on how the ZBA may react to these variances since he has been a member of the ZBA for a couple years. Mr. Barber stated that if this plan had complete approval from the Planning Commission, the ZBA would probably take that into consideration, but they usually don't approve things like this.

Mr. Olson stated that this is a recently created lot and with regard to the setback questions, he is not sure that additional property could be acquired immediately to the west. He stated that by doing so it would not be a clean line between this parcel and the Tait parcel. He explained that the Huffman property was a U-shape around the Tait property.

Mr. Soper stated that he would like to see all the trees planting on this property. He stated that with regard to the setbacks, if this whole area between the Township Hall and the Fire Station were zoned all office, there the setbacks would be zero. He noted that in the future this area is planned for all office.

Ms. James questioned if the neighbors were given notice of the meeting tonight. Mr. Olson responded that the ordinance does not require that the neighbors be notified for site plan reviews. He stated that he knows that Mr. Langan has been working with both neighbors with regard to their concerns.

Mr. Langan stated that he has failed miserably in his attempts to work with the Tait's with regard to grading easements, etc. He stated that the Tait's have clearly indicated to him that they want little or nothing to do with what he is trying to do. This initiated the plan to build the retaining wall and screening of Arborvitaes so that they would totally stay off the Tait's property. He stated that

initially they attempted to work with the Tait's to grade the slopes down onto the Tait's property.

Mr. Langan stated that on the Township's side they felt that a nicely graded sloped area with landscaping would be nicer than a poured concrete retaining wall with a fence on top of it. He stated that the sloped area would be a better transition area. He stated that with regard to the west side of the property, they are going to pour a concrete retaining wall one foot onto their property line and that they will not be entering the Tait's property at all. With regard to the property to the north, Huffman's property, Mr. Langan felt certain that Mr. Huffman would let them have a grading easement.

Mr. Barber stated that it is too bad that they have to put a retaining wall on the west. He wished that something could be worked out. Mr. Langan agreed with Mr. Barber.

Mr. Olson stated that in terms of the trees and the grading easement. He stated that he does not know how many trees would be taken out, but they would need a counting of them. He stated that he does not know how much area they are looking for on the temporary grading easement, but if there are trees in that area to be disturbed then those would have to be added to the 14. He stated that with regard to the offsite trees, he felt that as a condition of site plan approval it could be stated that the trees could be planted offsite. He suggested that the trees could be planted in the Township park.

Mr. Olson stated that with regard to the easements this requires a recommendation of the Township Planner, Attorney and Engineer. He stated that with regard to the temporary grading easement, they will need to look at the sloping of the property and the issues of what will happen with the run-off. He stated that owner approval will have to be acquired. He stated that owner approval is something that has to be added to the motion. He stated that he is not sure if this would be a Board issue or if it will be administration, which will require his signature.

Mr. Olson discussed the pond and fence in the southeast corner. He stated that he is not sure if Mr. Doozan has had Mr. Ludwig look at this with respect to the proximity of the pond to the right-of-way. He stated that he is not sure if the extension of the downtown streetscape can happen here with the location of the pond. He further discussed the proposed downtown streetscape plan in relation to the location of the pond.

Mr. Doozan stated that the location of the pond would constrain the Township from doing what they intend. He stated that they would be able to get some plantings in there.

Mr. Olson stated that he does not believe that the Township has any plans for expansion of the Township park or other Township facility into this area. He felt that maybe the applicant should look into a wider temporary grading easement which would make the pond longer and skinnier as opposed to the width of it going down to Grand River. He felt that this may cover the easement situation. Mr. Seiber noted that the pond is located at the lowest part of the property. Mr. Langan noted that there is a gas line along the property line. He stated that the Gas Company was not concerned with them grading within the easement or with them adding dirt on top of the line, but they were extremely concerned about reducing the amount of cover over the pipe.

Ms. James questioned if the plan was massaged a little bit, could the pond be pulled away from the right-of-way. Mr. Seiber responded that right now they have their high water elevation at the future right-of-way line, the 60' half right-of-way of Grand River. He stated that they have recognized the future right-of-way and that they are out of this with their storage.

Mr. Soper stated that he likes the building and feels that it fits. He suggested that some additional property be purchased from Mr. Huffman and that the building be moved back a little bit and then

the pond would be moved back also. Mr. Langan stated that he does not know if there would be any engineering issues with this. He stated that fundamentally, he does not have a problem with doing it. He stated that administratively it would be more time consuming and difficult because he would have to purchase the property, install a sign for rezoning and apply for rezoning.

Ms. James discussed the landscaping. She questioned if black locust trees are on the list of trees that are protected by the Township ordinances. Mr. Doozan responded that it is not on the list that is in the ordinance. He stated that the Arborist, on staff at McKenna Associates, Inc., has indicated to him that the black locust is really a trash tree and not very desirable.

Mr. Langan stated that in the process of determining the replacement trees their landscape architect consulted with the Township ordinance. He noted that the ordinance does have language in it regarding undesirable trees and indicates that there may be list kept at the Township of these. There was further discussion with regard to the types of trees that are on the Township's list.

Ms. James stated that the issues that are left are the setbacks and the pond. Mr. Soper stated that the issue of the setbacks will have to go to the ZBA, if the Planning Commission agrees with them.

Mr. Dome questioned the square footage of medical and the square footage of office. Mr. Seiber responded that there is 6,000 gross square feet of medical, with 4,800 usable square footage. Mr. Dome questioned if the building was made smaller, would the developer still build it. He stated that it seems like the developer is trying to pack ten pounds into a five pound bag. He stated that this is a 12,000 square foot building on a 1.4 acre site in the country. He stated that he would expect to see something like this in Southfield. He commended the developer on making the looks of the building fit in a residential area, but felt that the building should be smaller.

Mr. Langan explained that he had a partner who was going to use the medical office portion of the building. He stated that he no longer has a partner, therefore, he is going to try to pre-lease the building. He noted that his business will be occupying the a portion of the building. He stated that he probably will not begin to construct the building until he finds another tenant.

Mr. Dome stated that a 61' wide building is deep. He stated that if they met the setbacks and the building was 35' wide, in general there would be a more attractive outside wall for tenants. He stated that the 61' indicates to him that the whole thing is going to be medical because they will need a loop circulation pattern. Mr. Langan stated that he is not able to comment on the width, but if his architect were here, he would be able to answer those questions.

Ms. James asked Mr. Langan, based on the comments stated tonight, is he interested in going back and looking into possibly changing the plan to better comply with the ordinance requirements. Mr. Langan stated that with regard to the setbacks along the Township property, he really does not feel that the ZBA will turn them down. He stated that he does not feel that it is fair to impose a setback requirement from property that is being used as office but is exempt from zoning because it is Township property. He briefly discussed his feelings about the setbacks on the other side. He stated that if it is the whim of the Planning Commission that they should go back and sharpen their pencils, then they will have to do this. He stated that he feels that they have done a very good job already, but will try more, if this is what the Planning Commission wants.

Mr. Olson noted that the Township is not exempt from zoning like the schools. He noted that when the fire station on Ten Mile was built, the Township Board had to seek a variance from

the ZBA in order to build.

Mr. Olson asked Mr. Dome, who is an architect, what size building would typically be built on a 1.4 acre lot. He questioned if there is any type of rule-of-thumb that architects use. Mr. Dome responded that there is not. He stated that when he looks at this plan it just looks too tight. He stated that if somebody commissioned him, he would suggest an 8,000 square foot building.

Mr. Hamilton stated that he concurs with Ms. James in that they should table this issue so that the applicant can go to the ZBA.

After further brief discussion, it was determined that the Commission would table this issue to allow the developer to go to the ZBA and possibly take another look at their plan.

Ms. James made a motion to table AP-04-32, Lyon Professional Centre, for up to 60 days to allow the developer to go to the ZBA for a variance of the side yard setback requirements. Mr. Soper supported the motion.

Voice Vote:	Ayes: All
	Nays: None
	Absent: Cash

Motion approved unanimously.

Updates to the Sidewalk and Bicycle Path Ordinance

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 17, 2005 regarding this issue. He reviewed the updates that were made to the ordinance.

Mr. Olson questioned if Section 4.01 would jeopardize the Township's ability to apply for grants. Mr. Doozan responded that he did not believe so. He stated that they would have to use the 10' wide path, which is what is required for grants.

Mr. Olson discussed the maintenance aspect, with regard to edge cracking on the path.

Ms. James stated that the sub-committee never discussed the costs that the Township would incur for maintenance of the bike path. She felt that maybe they should take a hard look at the cost factors before they design all the bike paths.

Ms. James stated that the vast majority of her objections to the bike path have been answered with the proposed amendments to the ordinance. She stated that she still feels that the 10' is too wide.

Mr. Doozan stated that this is an ordinance, which is something that the Township Board would act on. He noted that the Planning Commission is not required to have a public hearing on this. He stated that one course of action would be for the Commission to make a recommendation to the Township Board.

Mr. Dome questioned what happens when the path hits a woodland or a wetland. Mr. Doozan responded that this is where the large paragraph indicated under Section 4.01 would come into play. He stated that basically the bike path would have to be designed to go around or over a woodland or wetland.

Ms. James made a motion to recommend approval of the Planning Commission's revisions to the Sidewalk and Bicycle Path Ordinance to the Board of Trustees. Mr. Soper supported the motion.

Ms. Williams discussed the 1% indicated in the ordinance. She stated that the intent of this was for individual property owners and not for developers. Mr. Olson suggested that they indicate that it is for occupied properties. He briefly discussed SEV versus taxable value.

Ms. James amended her motion to add "based on occupied properties" to Section 3.04, paragraph 2. Mr. Soper supported the amendment to the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved unanimously.

Creation of a Conditional Rezoning Ordinance

Mr. Seymour explained that approximately a month ago there was discussion with regard to the new State Law regarding contract zoning. He stated that this is an attempt to implement the procedure to adopt the powers granted by the State in regard to contract zoning. He stated that this is an amendment to the Zoning Ordinance, therefore, a public hearing is required.

Mr. Doozan stated that Mr. Quinn has asked that they schedule a public hearing for this issue as soon as possible. He noted that February 28, 2005 would be a good date for the public hearing.

Mr. Seymour noted that Chris Doozan has recommended some changes, which they will implement.

Mr. Olson noted that on page 2, item d., definitions, that the list is basically from the PD Ordinance for the qualities desired by the Township in consideration of density.

Ms. James questioned why they even need this ordinance since they have a PD ordinance that they have spent years on polishing. She stated that there really is no difference between this and the PD ordinance. Mr. Olson noted that this is quicker than the PD.

Ms. James made a motion to schedule a public hearing for the Conditional Rezoning Ordinance for February 28, 2005. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved unanimously.

Master Plan Discussion

a. Transfer of Development Rights

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 24, 2005 regarding this issue. He stated that in order to make transfer of development rights work properly, there have to be ample sending and receiving zones. Using a map, he identified the sending and receiving zones indicated. He noted that they have a large amount of sending zones, but have very little receiving zones. He asked the Commissioners for their help in identifying more receiving zones.

Ms. James noted that it would be interesting to put this map next to the Oakland County Natural Features Inventory Map. Mr. Doozan noted that he could provide an overlay with the two maps.

Mr. Dome questioned how much receiving zone should there be. Mr. Doozan responded that there is no mathematical formula for this. He stated that the ideal situation would be to have an equal amount of receiving zone as there is sending zone.

The Commissioners agreed to look this over and think about areas that could be used for receiving zones. This issue will be brought back to the Commission at a future meeting.

Select a Liaison to the Zoning Board of Appeals

After brief discussion, Mike Barber indicated that he would like to remain as the liaison to the Zoning Board of Appeals.

Mr. Barber asked Mr. Seymour if there would be a problem with him being the liaison since he is the Chair of the Planning Commission. Mr. Seymour responded that he did not believe that this would be a problem, but will check into it.

Ms. James made a motion to select Mike Barber as the Planning Commission's liaison to the Zoning Board of Appeals. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved unanimously.

Ms. James made a motion to excuse Dan Cash from the meeting tonight. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved unanimously.

Update on Copperwood

Mr. Olson updated the Commissioners on the two meetings that were held with Copperwood. He stated that there is no reason for Copperwood not to be on the February 14, 2005 agenda for consideration for their final PD.

There was brief discussion as to what is already on the agenda for the February 14, 2005 meeting.

Ms. James made a motion to add Copperwood Final PD approval to the agenda for February 14, 2005. Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Cash

Motion approved unanimously.

7. MISCELLANEOUS DISCUSSION NONE

8. ADJOURNMENT:

Mr. Barber adjourned the meeting at 9:55 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary