

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
February 14, 2005**

Approved as submitted February 28, 2005.

DATE: February 14, 2005
TIME: 7:00 PM
PLACE: 58800 Grand River

Call to Order: Vice Chair Barber called the meeting to order at 7:04 pm.

Roll Call: Present: Michael Barber, Vice Chair
Laura James, Secretary
John Hicks, Trustee
Jim Dome
Jim Hamilton

Absent: Ted Soper
Laura Williams

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

Guests: 47

1. APPROVAL OF AGENDA

Mr. Hamilton made a motion to approve the agenda for Monday, February 14, 2005, as written. Ms. James supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Soper, Williams

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA
- Regular Meeting Minutes of January 10, 2005**

Ms. James made a motion to approve the Consent Agenda consisting of the meeting minutes from the January 10, 2005 meeting as written. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Soper, Williams

Motion approved unanimously.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS:

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

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letters dated February 1, 2005 regarding this issue.

Andy Milia, Franklin Properties, gave a brief Power Point presentation of the development.

Mr. Barber opened the public hearing at 7:21 PM.

Tim Summers, 22450 Chubb Road, questioned if the setbacks would allow for three car side entry garages in this development. It was noted that there is more than enough space to allow this. Mr. Summers expressed concern with the amount of traffic that will be using Chubb Road from this development. He questioned if the trees that are marked along Chubb Road will be removed. Mr. Milia noted that the trees were marked as part of the tree inventory.

Mr. Barber closed the public hearing at 7:23 PM.

Ms. James stated that they have seen a lot of development proposals and this is definitely one of the best plans that they have seen. She stated that the most conservative, anti-growth members of the Planning Commission liked this plan a lot. She stated that the reason they liked this plan so much is because the developer is preserving a large woodland stand and that they are also saving a lot of the wetlands. She stated that in her opinion this is a really good plan and is something that they feel good about saying yes to. She noted that the developer worked with them and changed the entranceway into the development to something that better fits into the community. She stated that she hopes that more developers will look at this plan and say that they too can come up with a plan that will save the trees and wetlands.

Ms. James made a motion to approve the preliminary plan for AP-03-34, Lyon Ridge. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Soper, Williams

Motion approved unanimously.

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

Mr. Doozan asked if there was anybody present from Tanglewood. There was not. Mr. Seymour stated that they received a letter asking that this issue be tabled until the next Planning Commission meeting.

Ms. James made a motion to table this until the next meeting.

Mr. Olson stated that this is a scheduled public hearing and proper notices were made. He stated that the Planning Commission can hold the public hearing tonight and then hold it open for the

residents who did attend tonight to make comments. He stated that they did get at a very late hour on Friday a letter from Freund Associates that appears to be signed by their attorney.

for Mr. Olson stated that the primary concern deals with exactly how many units there are available

the final phase of Tanglewood now that it is at the ninth stage of the development. He noted that this is the final phase. He stated that there was a December 1, 2003 PD amendment which specified 438 units total for Tanglewood. He stated that what they don't know is what legal description this fits. He stated that the letter that was received from Freund and Associates indicates that they believe that 461 units are allowed due to amendments that occurred over time. He stated that he has researched this as well as Ms. Marcarello.

Mr. Olson stated that specifically there is a request for three units to be added. He reminded the Commissioners that Tanglewood was approved in 1992 for 440 units on 498 acres. He stated that the three units they want to add is for the three acres acquired for the maintenance facility, which now sits on Ten Mile Road. He stated that he can't find anywhere in the records that this was even accepted by amendment into the PD. He stated that there were ten acres that were added on Grenelefe a number of years after the PD was approved. There was a set of plans that was conceptualized for that area and there were 18 extra units added in this phase. He referred to the minutes of the Planning Commission meeting of September, 1997.

Mr. Olson stated that the amendments that Mr. Gould supplied with the letter received on Friday refer to Sawgrass Condominium development. He stated that there is a specific reference in there that spoke to a decrease. He stated that he is assuming that any amendment to the PD is going to be consistent throughout time with references. He read a section of the PD Agreement. He stated that to him there is an implication that an increase in the number of units must come back before the Planning Commission and must be approved by the Township Board. He stated that he did not find reference to this either in September, 1997 or in the Board deliberations in November, 1997. He stated that the ten acre parcel was incorporated. There was some discussion and there was a unanimous vote. He referred to sections of the minutes with regard to the density.

Mr. Olson stated that what they are faced with now in the overall Tanglewood PD is either a limit of 440 units or 438 units. He stated that for the 461 units they cannot find any reference. He stated that he does not see where 21 units can be added particularly when they came up with 438 in a specific PD amendment in December, 2003. He felt that this amendment would supercede any of the prior amendments. He stated that they are 30 units apart on the final phase going into the two proposals. He stated that the proposed amendment goes up 125 units, which is even more.

Mr. Olson stated that he is at a dilemma. The documentation that was provided to the Township at the end of the day Friday doesn't really hold water based on the Township's records.

Ms. Marcarello indicated that she did not find any documents that would authorize the increase in units to 461. Mr. Doozan briefly discussed an October 28, 1997 letter he wrote to the Board regarding the additional units.

There was further brief discussion regarding the documentation and number of units allowed.

Mr. Olson noted that after the last meeting, Mr. Freund came in and talked with him and Ms. Marcarello. He stated that Ms. Marcarello gave Mr. Freund a detailed list of things that they need to proceed. He stated that he does not know if the Township has received any of the information at this time other than the letter received on Friday. The letter basically requested that the public hearing be put off and it mentioned the 438 units. He stated that the applicant believes that even though the amendment was proposed by the Freund's, approved by the Township and then recorded by the Freund's, that it was in error. He stated that they feel entitled to the 21 units on

top of the 440. He stated that they

also stated that they would be pleased to prepare the proposed amendment in advance of the next meeting. He stated that he finds there to be a little bit of a logical step missing. He stated that if they are already entitled to it, why would they be proposing an amendment.

Mr. Olson stated that the Planning Commission has a decision to make with regard to the base density. He stated that one real lynch pin that they have is what went into the legal description on December 1, 2003, was it 498 acres, was it 508 acres or was it 511 acres.

Mr. Olson stated that the public hearing was properly noticed and published. He recommended that the Planning Commission take public comments and then hold the public hearing open for as long as it takes the applicant to come in with the information. He stated that the Planning Commission is not obligated to make a decision until they are totally satisfied as to the information that they receive.

Mr. Barber opened the public hearing at 7:44 PM.

Keith Neff, 53767 Nine Mile Road, noted that Chubb Road is in terrible shape. He stated that Nine Mile Road is also in bad shape. He felt that the PD should be maintained within itself and not use the gravel road. He stated that he would not like to see any entrances opened up along Chubb Road.

Tim Summers, 22450 Chubb Road, concurred with Mr. Neff's comments. He stated that he objects to additional density. He felt that the traffic should be routed through the development.

Darcy Hollon, 24300 Martindale Road, requested that the Planning Commission deny the additional density for the following reasons:

- it is out of character with our rural atmosphere
- it would exacerbate already poor traffic conditions
- public opposition
- reasons stated in McKenna Associates, Inc. letters and stated by Mr. Olson
- under the current zoning, they have reasonable use of the property

She stated that she feels that they have already received a density bonus in the prior development and that the Township has been more than fair with the density granted.

Paul Poldink, 53653 Nine Mile Road, questioned if the Nine Mile Road and Chubb Road cemetery will be preserved. Mr. Doozan responded that it is to be preserved. Mr. Olson noted that it is not part of any of this. Mr. Poldink questioned noted that in one version there was an entrance onto Nine Mile Road, is there to be an entrance onto Nine Mile Road. Mr. Barber stated that he feels that the entrance onto Nine Mile Road has been moved closer to Chubb Road. Mr. Olson gave Mr. Poldink a copy of the plan.

Joe McDonald, 56330 Ten Mile Road, concurs with the comments that have been made. He felt that they don't need any additional density. The traffic is bad now on Ten Mile Road, Nine Mile Road and Chubb Road. He stated that he is against this and hopes that the Planning Commission deny this request.

Barbara Broadley, 54839 Grenelefe, felt that this issue should be postponed. She felt that they should not be discussing this issue because the Freund's were not present.

Bob Wheelock, 53285 Nine Mile Road, expressed concerns with the entrance off Nine Mile Road. He stated that the lights at this entrance will shine into his home under the new proposal.

Bob LeFrance, 54401 Nine Mile Road, questioned if Nine Mile Road between Chubb and Currie Roads will be paved and is there going to be an apron coming off the entrance and exit. He

stated that the speed limit is only 25 mph and with the additional traffic there will be cars that will not abide by the speed limit. He noted that there is a blind entrance onto Nine Mile Road on the south side and is concerned that there may be accidents. Mr. Doozan stated that the current proposal does not call for any road paving.

Mr. Barber closed the public hearing at 7:53 PM.

Ms. James made a motion to adjourn the public hearing for AP-04-38, Tanglewood Final Phase, for up to 60 days and keep the public hearing open. Re-notification and re-publication will be paid for by the developer. Mr. Hamilton supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Soper, Williams

Motion approved.

5. OLD BUSINESS:

AP-04-43, Gateway Shops of Lyon Township. Corner of Milford Road and Lyon Center Drive in Lyon Towne Center, Commercial Site Plan Review.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letters dated February 2, 2005 and the February 11, 2005 regarding this issue.

Bennett Donaldson, JB Donaldson Company, explained that they are here tonight for a second review of their proposed development. He stated that he feels that they have made some quality adjustments to the site. He noted that they have improved the circulation on the site. He felt that the new plan offers much more convenience for pedestrian and vehicle traffic. He briefly discussed some of the landscaping on the site. He stated that with respect to the dumpster area there is a significant grade change in that location. He stated that because of this the dumpster cannot be seen from the road.

Mr. Donaldson noted that there is more parking along Milford Road and that they did reduce the size of the building to better accommodate the traffic flow.

Steve Sorenson, JB Donaldson Company, displayed the old plan and new plan. Comparing the two plans, he pointed out the changes that have been made.

Mr. Barber questioned how much smaller is the building. Mr. Donaldson responded that they decreased the size by 180 square feet.

Mr. Barber discussed the gas meters on the side of the building. He noted that they are on the drive-thru side. For safety reasons, he felt that the gas meter should be moved. Mr. Donaldson responded that the gas meter can be relocated, but it has to be a certain distance from the transformer. Mr. Sorenson stated that if the Township does not have a problem with the gas meter and the transformer being on the same wall, he will be happy to move it.

There was discussion with regard to the additional sign that is being requested. Ms. James questioned if the sign would be illuminated. Mr. Donaldson responded that it would. He noted that the it would under the allowable square footage. Mr. Doozan stated that the Starbucks signs are 18.75 square feet. It was noted that along the Milford Road frontage they are allowed 90 square feet of signage. Mr. Doozan stated that if the Planning Commission is inclined to approve the

sign, he suggested that they include the square footage of the sign in any motion that is made.

Mr. Dome questioned if they were to move the dumpster, where would they put it. Mr. Donaldson responded by indicating a location on the plan. He stated that it would be more out in the open in this location than where they are proposing to place it.

Ms. James made a motion to approve the site plan for AP-04-43, Gateway Shops of Lyon Township, subject to the following conditions:

1. The sign on the north wall will be limited to 18.75 square feet.
2. The gas meter will be relocated away from the drive-thru area.
3. The conditions outlined in the McKenna Associates, Inc. letter of February 2, 2005 will be met.

Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Soper, Williams

Motion approved.

AP-03-10, Copperwood Planned Development, 10 Mile and Johns Roads, Final PD Plan and Condominium Document Review

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated February 10, 2005 regarding this issue.

Robert Carson, Attorney, stated that they have worked very hard with the Township's Consultants and are happy to be here tonight to answer any questions the Commissioners may have.

Ms. James stated that Mr. Doozan has made a recommendation that the entrance be changed on Ten Mile Road. She questioned if the applicant is open minded to the idea of scaling the entrance back. Mr. Carson responded that they are.

Ms. James stated that the applicant has made some representations throughout the process to have very high quality homes with nice architecture. She stated that she hopes that they will not downsize any of the homes. She questioned if there has been any grading done on the property. Mr. Carson responded that there has been some work done on the property. Ms. James questioned if any of the road construction has been started. David Johnson, Victor International, responded that they did some grading, which was approved by the Township Engineers and was permitted by the Township Building Department. Ms. James questioned if the wetland mitigation has begun. Mr. Johnson responded that it has. He noted that they do have a wetlands permit. He stated that they do have a conservation easement. He stated that they still have to build a small portion. He noted that they have posted an \$80,000 letter of credit with the MDEQ.

Mr. Olson asked Ms. James what she was seeking in terms of a new entrance. Ms. James responded Mr. Doozan has some recommendations in his letter that she felt were good. Mr. Carson stated that they would be happy to work with Mr. Doozan on this. Ms. James questioned if the applicant would be willing to reduce the sign from eleven feet to something more rural. Mr. Johnson responded that they don't feel that eleven feet is that big, but would be willing to make the entrance structure smaller. He stated that they would be willing to reduce it to 9' which is 20% shorter. Ms. James asked if the sign will be illuminated. Mr. Johnson responded that it will be with ground lighting. Ms. James asked that they use lighting that point downward.

Mr. Seymour asked Mr. Crandell if he wrote a letter to the applicant informing them that there is

no guarantee of water taps. Mr. Crandell responded that he did write a letter. He stated that the letter did indicate that the Township cannot guarantee water taps.

Ms. James questioned when the applicant is planning on starting construction. Mr. Carson responded that as soon as they receive all the approvals and get the permits.

Mr. Hamilton questioned if the applicant had a dollar figure on how much is left after the sewer and water improvements are done on Ten Mile Road. Mr. Carson responded that they believe it would be a substantial amount.

Mr. Dome stated that he is new on the Planning Commission and has a couple questions. He questioned how the applicant is going to deal with the required parking number of 756 spaces. He noted that even with the land banked parking spaces there is not enough, it is 101 spaces short. Mr. Carson responded that they believe with the shared uses in this center there should not be a problem with number of the parking spaces. He stated that the demands will not be running simultaneously. Mr. Dome questioned what types of uses are proposed. Mr. Carson responded that the restaurants may not be at the same time that the supermarket is full, etc.

Ms. James questioned which supermarket will be in this location. Mr. Carson stated that they have not signed anyone yet. Mr. Johnson stated that everybody is sorting out what the affect of Wal-Mart is going to do with groceries, which will be the elimination of several major players. He stated that they have been talking with three or four gourmet markets in trying to get the best one that will be there long term.

Ms. James questioned if the applicant had any idea as to when they will be back for the commercial portion of this development. Mr. Johnson responded that they do not. He stated that their primary focus is with the residential portion of this development.

Mr. Dome stated that there is a possibility of a Kroger, two restaurants and a bank in this center. He questioned if this would fill the entire center. Mr. Johnson responded that it would not. Mr. Dome questioned how much square footage would be left. Mr. Johnson responded that he is not sure. He briefly discussed possible square footage possibilities for these types of businesses.

Mr. Dome briefly discussed the grading. He felt that Ten Mile Road was higher than the commercial buildings and you would be looking down on the building roofs. Mr. Johnson responded that the buildings would be four feet higher than the road grade and you would not be looking down on them.

Mr. Barber asked if there were any public comments regarding this development.

Greg Dobson, 54829 Grenelefe, expressed his objections with the commercial portion of this development. He felt that the commercial is going to be a problem especially with the High School going in across the street. He did not feel that this is the proper place for commercial. He felt there is a rural feeling along Ten Mile Road. He stated that he does not believe that the commercial portion is in character with the area.

Ms. James stated that she understands and appreciates the comments. She stated that they are going to try and push the developer as hard as they can to try and tone down the commercial. She noted that the commercial site plan is not before the Planning Commission this evening.

Joe McDonald, 56330 Ten Mile Road, questioned if the zoning has already been changed. Mr. Doozan responded that it has not. Mr. McDonald questioned if the zoning is still R-1.0.

Mr. Doozan responded that it is. He stated that he would echo Mr. Dobson's comments. He felt that this would add to the traffic on Ten Mile Road and detract from the rural character of the area. He felt that the Master Plan needs to be changed, needs to be updated. He stated that it needs to have this commercial spot removed. He stated that they don't need commercial in this area. He questioned if this is going to take another petition by the citizens to get this reversed.

Darcy Hollon, 24300 Martindale Road, stated that based on the comments made earlier with regard to parking, questioned if there is enough. She felt that with the types of uses, they are going to need more parking. Mr. Barber stated that they have land banked parking so that if they need it they can utilize it. She stated that she is going to request the Board to make sure that there is the full amount of parking on this site.

Ms. Hollon stated that she feels that this is out of character with the DDA. She stated that this will pull residents from shopping in the downtown area. She noted that their tax dollars are funding the DDA. Mr. Doozan stated that this is really a different market than the downtown area. He briefly discussed an analysis that was done. Ms. Hollon stated that, if she is not mistaken, there is still plenty of land currently zoned commercial within the DDA. Mr. Doozan stated that one area of existing commercially zoned land would be within Lyon Crossing, but that would be serving a different area than what this is serving. She felt that the commercial is not good for the community especially across from a High School. She stated that she hopes that the Planning Commission will turn down the commercial portion. She felt that the residential use is a reasonable use of the property.

Mr. Barber stated that one of the things that swayed him about this development is that Novi will be doing something on the other side of Napier Road. He stated that they wanted to be first so that it would draw people from Novi to this center instead of not having it there and having all the people in this section driving to Novi or to the Town Center. He stated if this happens, then they have created a traffic situation. He stated that if they keep this close with small stores then they will keep the traffic down.

Ms. James echoed what Mr. Barber stated. She stated that commercial is a tough call for some of the more conservative members of the Planning Commission. She stated that at this point she really hopes that this goes through. She stated that there will be thousands and thousands of people that will be moving in off Ten Mile Road and just does not feel that it is fair to ask those people to drive 20, 30 or 40 minutes through heavy traffic to get to a decent grocery store. She stated that this area of the Township needs a development like this. She stated that the people moving in have to have a place to shop. She noted that she is not a big fan of a lot commercial but if there were no development on Ten Mile Road at all, it would be fine with her, but they are way past this.

Mr. Hamilton stated that he hopes that this is better than Novi. He asked Mr. Carson if they are going to make people who are buying the homes aware that there is going to be a commercial center in front of them. Mr. Carson responded that they are. He stated that the potential buyer will see the site plan, which shows the commercial portion.

Mr. Dome questioned if the proximity to the school would eliminate the potential for a liquor permit. Mr. Olson responded that it is typically 500 feet from a school. He stated that there was a list provided of possible uses much earlier in the review process, but it was not with the PD documents. He stated that this might be something that the Planning Commission may want to take a look at outside of looking at the site plans. There was further brief discussion with regard to the liquor issue.

Mr. Carson stated that they are working very hard to have this be an upscale center with limited

amount of square footage. He stated that for them to have approval of the residential requires them to pay close attention to the commercial with respect to screening, quality, etc.

Mr. Johnson stated that they are still managing residential communities that they developed over twenty years ago. He stated that those people have a stake as to what goes in up front. He stated that everything will be disclosed to them. He stated that they will be happy people.

Mr. Dome stated that lots 1 through 5 projects a different image. Mr. Johnson stated that the purpose of this, specifically in working with the Planners, was to create a residential barrier so that the commercial could not creep to the east. He stated that they were requested to do this. He noted that they are 450' from the road.

Mr. Barber questioned if there is a traffic light going in. Mr. Johnson stated that their goal is to have Johns Road be the focal point into the Township. Mr. Carson stated that this would have to be dealt with at the County level.

Mr. Dome stated that he has mixed emotions. He stated that he really does not want to see commercial here but he thinks it is a given. He stated that he does not feel that it is fair to tell a developer that they can't put commercial here especially since it has been documented as commercial in this area for quite some time. He stated that he feels a lot like the residents, but in a caveat, he feel that they are committed. Mr. Carson stated that it is their feeling that the Township's representatives, Board and Commissioners have worked very hard to get a unified plan and assure that they had input into this for a very long time.

Ms. James made a motion to recommend approval of the final PD Plan for AP-03-10, Copperwood Planned Development to the Township Board subject to conditions outlined in the McKenna Associates, Inc. letter dated February 10, 2005 with one change, item c should state that Mr. Doozan should be satisfied with the entranceway structure. Any sign that is associates with the project should be down lit and not up lit. The developer should prepare some type of a list of proposed specific uses for the review by the Township Board. Mr. Hicks supported the motion.

Roll Call Vote: Ayes: Barber, Dome, Hicks, James
 Nays: Hamilton
 Absent: Soper, Williams

Motion approved.

Ms. James made a motion to recommend approval of the Master Deed, Bylaws and Condominium Subdivision Documents that have been submitted for AP-03-10, Copperwood Planned Development subject to conditions cited in the prior motion and the four conditions outlined in the McKenna Associates, Inc. letter dated February 10, 2005. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Soper, Williams

Motion approved unanimously.

Mr. Olson asked that the Planning Commission make a motion with regard to lead in advertising at street corners. He asked that this not be allowed. Mr. Johnson stated that they do not have a problem with this.

Ms. James made an addendum to the motion to indicate a fifth condition: No lead in advertising shall be allowed for this property. Mr. Hicks supported the addendum to the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Soper, Williams

Motion approved unanimously.

6. NEW BUSINESS

AP-04-36, Kirkway Estates Condominium, North side of Nine Mile Road between Chubb and Napier Roads, Condominium Document Review.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated February 9, 2005 regarding this issue.

Ms. James made a motion to recommend approval of the Condominium Documents to the Township Board for AP-04-36, Kirkway Estates Condominium, subject to the conditions cited in the McKenna Associates, Inc. letter dated February 9, 2005. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Soper, Williams

Motion approved unanimously.

Ms. James made an amendment to her motion adding the following condition:
- No off-site signage will be allowed to advertise this development.

Mr. Hicks supported the amendment.

Voice Vote: Ayes: All
 Nays: None
 Absent: Soper, Williams

Motion approved unanimously.

AP-04-06, Lyon Trail III, South side of Nine Mile, West of Griswold, Schedule a public hearing to consider Special Land Use Approval for an Average Lot Size development.

There was brief discussion as to the next available date for a public hearing.

Ms. James made a motion to schedule a public hearing for AP-04-06, Lyon Trail III, for March 14, 2005. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None
 Absent: Soper, Williams

Motion approved unanimously.

Nick Mancinelli briefly discussed what he will do if the sewers go through and if they don't go through.

7. MISCELLANEOUS DISCUSSION NONE

8. ADJOURNMENT:

Mr. Barber adjourned the meeting at 9:17 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary