

**CHARTER TOWNSHIP OF LYON  
PLANNING COMMISSION  
MEETING MINUTES  
May 9, 2005**

Approved as corrected June 13, 2005.

DATE: May 9, 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, Chairman  
Ted Soper, Vice Chair  
Laura James, Secretary  
John Hicks, Trustee  
Jim Dome  
Jim Hamilton  
Laura Williams

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

Guests: 29

**1. APPROVAL OF AGENDA**

Mr. Hicks stated that the Board has scheduled a special meeting for Thursday, May 12<sup>th</sup>. He stated that the intention is to have the Planning Commission and the DDA at this meeting. He asked how many Commissioners will be able to attend the meeting. Most of the Commissioners indicated that they will be able to attend.

Mr. Soper made a motion to approve the agenda for Monday, May 9, 2005, as submitted. Mr. Hicks supported the motion.

Voice Vote: Ayes: All  
Nays: None

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA  
- April 11, 2005 Meeting Minutes**

Mr. Soper made a motion to approve the Consent Agenda consisting of the April 11, 2005 meeting minutes with the changes noted. Mr. Hicks supported the motion.

Voice Vote: Ayes: All  
Nays: None

Motion approved unanimously.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. PUBLIC HEARINGS:

AP-05-15, Tanglewood Planned Development, South side of Ten Mile Road, between Currie and Chubb Roads, Public hearing to consider a curative amendment to the approved Planned Development Agreement for Tanglewood.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated May 3, 2005 regarding this issue.

Bob Freund, Freund Associates, stated that over the course of this planned development they have modified it multiple times. He briefly discussed some of the modifications that have been made to this planned development over time. He stated that he is happy with what has come out of the many meetings and discussions that have been held.

Mr. Freund stated that the hold up now is that they are waiting for the Attorney to compile the written document. He noted that the Township Attorney was busy, therefore, asking Mr. Freund's Attorney to compile the document. He noted that he did speak to his attorney today who indicated that the document will be completed by the end of this week.

Mr. Freund asked if the Commissioners could acknowledge that they have had all these changes in the planned development and that they agree with the number of 460 units. He stated that he agrees that there are 108 units left to be built. He questioned if they could have the Attorneys write the document and then have Chris Doozan and Chris Olson get together and approve the document. He stated by doing this he can begin working on the Chubb Road phase of the development, which he originally began over a year ago but has not been able to proceed because of the state of confusion.

Mr. Freund stated that even though the Commissioners do not have the actual written document in front of them, they do have a plan that shows all the various amendments and the correct legal description. He stated that everything is together, all they need is for the Attorneys to write the document. He stated that he would greatly appreciate it if they Commissioners would approve this subject to the Attorney's review.

Mr. Soper stated that if everybody is in agreement with the numbers and all that needs to be done is the paperwork, he did not see any reason why they could not approve this tonight. He questioned if there is a legal reason why they could not do this. Mr. Olson responded that there was really never any clear motion or acceptance enlarging the number of units in the planned development throughout the history of this, and this is the reason for the curative amendment.

Mr. Olson stated that Chubb West Phase is the Township's absolute last opportunity on this planned development to make sure everything is done correctly, all amendments are recorded, everything that needs to be done is done so that there are not any loose ends hanging out there. He stated that this has been a project that has gone on since 1992. As far as the Township is concerned, it is really a case of dotting the "i's" and crossing the "t's" at this point.

Mr. Soper stated that this seems more of a legal issue than a Planning Commission issue.

Mr. Doozan stated that it is and that is why the curative amendment is before the Planning Commission. He stated that he has gone through this from the very beginning and believed that the 460 unit number is the correct number of units. He stated that it was the intent of the Township

that the number would be increased and that the 460 number is appropriate. He stated that what is before the Planning Commission tonight is more than just dealing with a number, it is the entire planned development agreement. He felt that there will be a new planned development agreement that will take care of the discrepancies. He felt that from this perspective it would be inappropriate to take action on this tonight.

Mr. Hicks discussed the issue of paving Currie Road to Doral Drive. He stated that this issue has been discussed many times. He stated that it is his understanding that Mr. Freund has agreed to participate in the paving of this road. He stated that he also understands that there has already been some engineering done on this. Mr. Olson briefly discussed what the Road Commission for Oakland County wants with regard to the paving of this road.

Mr. Barber opened the public hearing at 7:24 PM. There were no comments. He then closed the public hearing at 7:25 PM.

There was further discussion with regard to the paving of the road. Mr. Olson questioned what aspects of the planned development would Mr. Hicks like examined. Mr. Hicks responded that, personally, he is comfortable with the 460 number. He stated that he would like to see clarification of the road issue.

Mr. Hicks made a motion to continue the public hearing for AP-05-15, Tanglewood Planned Development, at the June 13, 2005 meeting. Mr. Soper supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

Mr. Freund voiced his objections to the conversations that have taken place with regard to the road paving and density.

**AP-04-42, Walnut Creek Estates at Woodwind Condominium**, Ten Mile Road, east of Chubb Road, Public hearing to consider a request to amend the approved Woodwind Planned Development Plan to allow a breakaway barrier gate at Ten Mile Road and a private security gate at the Johns Road access to Walnut Creek Estates.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated May 4, 2005 regarding this issue.

Ray Cousineau explained that they would like to put a cul-de-sac with a breakaway gate at the Ten Mile Road entrance to this development. He stated that they did receive Mr. Doozan's letter and have gone over the information with regard to traffic with their Traffic Consultant. He briefly discussed the conclusions they have come to with regard to the traffic issue. He noted that they are concerned with cut-through traffic especially with the High School being there. He stated that they have discussed the break-away emergency gate with the Fire Chief, who has indicated that he has no objection to it.

The Commissioners discussed the traffic movements through the development. Mr. Doozan felt that by having a private security gate at each entrance would be the best alternative. The Commissioners concurred with Mr. Doozan. They indicated that they would feel more comfortable with private security gates at each access point, Johns Road and Ten Mile Road, because of the length of the road.

Mr. Barber opened the public hearing at 7:57 PM. There were no comments. He then closed the public hearing at 7:58 PM.

Ms. James made a motion to recommend approval of AP-04-42, Walnut Creek Estates at Woodwind Condominium, to the Board of Trustees subject to the proposed break-away gate at the Ten Mile Road entrance be changed to a private security gate. The Johns Road entrance will also have a private security gate. Mr. Soper supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**5. OLD BUSINESS:**

**AP-04-06, Lyon Trail III**, South side of Nine Mile Road, West of Griswold Road, Site Plan Review of Average Lot Size Development (Item tabled March 14, 2005 up to 60 days) Recommendation: Table additional 60 days.

Mr. Soper made motion to table AP-04-06, Lyon Trail III, for up to 60 days. Mr. Hicks supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

**6. NEW BUSINESS**

**AP-05-18.a., North River Properties**, 54500 Grand River Avenue, Schedule a public hearing to consider a rezoning request from R-1.0 to I-1, Light Industrial.

Mr. Soper made a motion to schedule a public hearing for AP-05-18.a, North River Properties, for Monday, June 13, 2005. Mr. Hicks supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**AP-05-18.b, North River Properties**, 54500 Grand River Avenue, Schedule a Public hearing to consider a request for a text amendment regarding outdoor display and storage of recreational vehicles in Article 19.00, Site Development Standards Applicable to Specific Uses, and Article 33.00, I-1 and I-2, Industrial Districts.

Mr. Soper made a motion to schedule a public hearing for AP-05-18.b, North River Properties, for Monday, June 13, 2005. Mr. Hicks supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

**AP-05-09, Pinehurst Condominium**, North side of Ten Mile Road, east of Martindale Road,  
Condominium Document Review.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated May 3, 2005 regarding this issue.

Gary Rentrop, Attorney, stated that with him tonight is Susan Morrison, Bruce Michaels and Ed Francis. He stated that they are here to answer any questions that the Commissioners may have.

Susan Morrison asked for clarification of a comment in the Engineer's letter dated April 7, 2005. Mr. Doozan responded that he believed that this item has already been addressed.

Mr. Seymour stated that he has spoken with Mr. Quinn regarding this. He noted that Mr. Quinn is waiting for a reply from Giffels-Webster with regard to the promise of water to this development. He stated that until the Township water system is completely developed, there is an issue as to whether or not water will be available for this development.

Mr. Soper asked the developer if they are aware of the water issue. Mr. Michaels responded that they heard about a sewer issue. Mr. Seymour stated that it is his understanding that the developer has purchased all of their REU's, so the Township has to provide the sewer. He stated that before the Township can guarantee everyone water, they have to loop the water system and they are in the process of doing this.

Mr. Soper asked Mr. Michaels when the projected start date is for this development. Mr. Michaels responded that they are looking at the beginning of July. He stated that the engineering is done and has been submitted to Giffels-Webster last week for review and approval. He stated that they have met with the Road Commission on several occasions, which have approved the plan.

Mr. Michaels stated that in the event that there was not a Township water system available, they were going to add an additional well to the Carriage Club water system that would increase the capacity. He stated that if the Township water system came into place, then the option for an additional well would not be necessary. He noted that they did drill a production well and found a gusher. As part of the PD Agreement, this well could be given to the Township, if they needed an additional well for the water system.

Ms. James stated that for the record, the developer does have a back-up plan for water, if the Township is unable to provide water. Mr. Michaels responded that they contemplated an alternative way in the event that the Township was not going to have water. He noted that their water will hook up to the south side of Carriage Club, which is being hooked to the north water line coming down Pontiac Trail.

There was brief discussion with regard to signs being placed on property other than what is owned by the developer. Mr. Michaels questioned if there is a Township Ordinance indicating that off-site signs are not allowed. Mr. Soper responded that they do.

There was brief discussion with regard to the preservation of the existing buildings on the property. Mr. Francis stated that there is a total of 21 structures on the site presently. He explained which buildings would not be preserved.

There was discussion as to what will happen to the preserved buildings. Mr. Michaels indicated that the buildings will be rented out, with the rental income going into a fund to maintain the buildings.

Mr. Hamilton questioned how many acres are involved in the preservation. Mr. Michaels responded that it is 15.14 acres.

Ms. James questioned if the yellow flags marking the trees along Ten Mile Road belong to the developer. Mr. Michaels responded that they are. He stated that they put the flags on the trees when they did the tree survey.

Mr. Hicks stated that it is his understanding that in order to rent the buildings it would require an agreement with the Township, the Michigan Historic Preservation Group, the owner of the preserved property and either a developer or a successor in the property. Mr. Michaels stated that all these entities have an interest in the property with the way that the documents are structured.

Ms. James made a motion to recommend approval of AP-05-09, Pinehurst Condominium, to the Township Board subject to conditions outlined in the May 3, 2005 McKenna Associates, Inc. letter with the additional condition that no off-site lead-in signs directing people to the sale of units will be permitted by the Township. Also, that the Township cannot guarantee that a public water supply would be made available by July, 2006. Mr. Hamilton supported the motion.

Voice Vote:                   Ayes: All  
  Nays: None

Motion approved unanimously.

**AP-05-13, Lyon Mechanical**, 30100 South Hill Road, Industrial Site Plan Review

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated April 28, 2005 regarding this issue.

Dan Cheresko, Lyon Mechanical, explained that he purchased an existing pole barn building with the intention of constructing an addition onto it to be used as office space. He stated that when he started working on this project, he ran into problems with the building setbacks.

Mr. Doozan noted that the applicant originally went before the ZBA seeking a variance. The ZBA sent the applicant to the Planning Commission for site plan review. He stated that one issue for the Commissioners to look at this evening is the location of the expansion of the building, which would be the front and side setbacks. He felt that most of the other issues addressed in the review letter can be dealt with during site plan review.

Ms. James stated that South Hill Road is not officially a natural beauty road, but it is one of the more scenic drives. Mr. Doozan stated that it is not in this particular area. He stated that in this particular area it is more industrial.

There were several different scenarios discussed with regard to how the office addition could be placed on the building. The consensus of the Commissioners:

- 5 Commissioners felt that the office addition should go on the west side
- 2 Commissioners felt that the office addition should go on the north side

There was no motion made by the Planning Commission.

**AP-05-12, Lyon Ridge Condominium**, South side of Ten Mile Road, east of Chubb Road, Condominium Document Review.



**8. ADJOURNMENT:**

Mr. Barber adjourned the meeting at 9:30 PM.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary