

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
December 12, 2005**

Approved as submitted January 30,2006

DATE: December 12, 2005
TIME: 7:00 PM
PLACE: 58000 Grand River

Call to Order: Chairman Barber called the meeting to order at 7:01 pm.

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

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Michelle Aniol, Planner
Chris Olson, Township Superintendent
Al Hogan, Building Official

Guests: 14

APPROVAL OF AGENDA

Mr. Seymour said that the decision for AP-05-54 was that they do not need a public hearing to propose what they are going to do. It can be handled administratively; there is no need for a public hearing.

Ms. James replied that people came this evening for the public hearing. She asked if a better explanation of what was going on could be given.

Ms. Aniol commented that in the anticipation of a public hearing review by the Planning Commission and by the township board made it necessary to schedule a public hearing. It was announced in the newspaper as a public hearing and put on the agenda. After discussions with Mr. Quinn, the applicant, and the planners, it was determined that the change of ownership (the addition of Sunkarest Farmstead LLC. to the agreement and Phoenix Acquisitions retaining land ownership of the historic preservation easement piece) does not require a review by the Planning Commission. This is because nothing in the approved development was changed other than ownership. The ordinance does allow for minor changes to be handled administratively.

Mr. Hamilton moved “to approve the December 12th 2005 agenda as changed.” Ms. Williams supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

APPROVAL OF CONSENT AGENDA:

- **September 12, 2005 Meeting Minutes**
- **September 26, 2005 Meeting Minutes**
- **October 24, 2005 Meeting Minutes**
- **November 14, 2005 Meeting Minutes**

Ms. James motioned “that the board approve the minutes from September 12, September 26, and October 24.” Also added to the motion was the approval of “the November 14th minutes subject to corrections regarding typos.”

Voice Vote:

Ayes: all

Nays: none

Motion approved unanimously.

PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

PUBLIC HEARINGS:

1. **AP- 05-46**, Talon Development, Public hearing to consider an amendment to the Woodwind Planned Development Plan to allow signage for the day care center site located on the north side of Ten Mile Road, west of Rosemont Drive.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated December 7, 2005 regarding this issue.

Steve Vanden Bossche from Talon Development – Mr. Vanden Bossche passed out a handout to the planning commission board showing the difference between the original sign and the sign now proposed.

Ms. James asked if Mr. Vanden Bossche agreed with all the conditions that the township planner came up with in regards to the signs. Mr. Vanden Bossche said that he does agree with them, but thought that the sign does need to be illuminated. He feels that it is a safety issue as well as a marketing issue.

Ms. James also asked what the hours of operation would be for the day care center. Mr. Vanden Bossche answered 6 A.M. to 6 P.M. Ms. James continued to ask why having the sign illuminated was a safety issue. Mr. Vanden Bossche commented that on a dark evening one needs to be able to see the sign. If one is not familiar with how to enter the day care, it could be confusing without a lit sign. If you can't see a sign and can't find an indicator as to where you are suppose to turn, it can be a safety issue.

Mr. Vanden Bossche continued to comment that they are looking for a solution that will work for everyone. The day care needs signage, needs to be visible, needs to have a sign at ten mile, and the day care wants to make it less commercial. To do this they took out the logo, went to one color a letter, and made the sign

smaller. It is 2 feet by 8 feet. The sign will still be functional, blends into the surrounding character that has been created by the Woodwind development, but will also reduce the amount of commercialization that the planning commission might feel this will present.

Mr. Barber asked if they would like to add their sign to the monument that is already there identifying the neighborhood? Mr. Vanden Bossche said that it has not been examined yet. He commented that it would change the character of the Woodwind sign and he also thought that it would create a more confusing entrance.

Mr. Barber said that the Planning Commission thought it would be a good idea to get a small day care center in there for the neighborhood to keep traffic from going in and out and up and down the roads. The day care has turned into a large operation and they had no idea it was going to be a huge commercial operation in a residential neighborhood. They are planning on drawing people in from ten-mile road and Mr. Barber is the most concerned with that. He does not agree that they need a sign. Mr. Vanden Bossche replied that the original PD agreement allowed for up to 14,000 square feet for a day care center. This center is 11,000. They plan on drawing clients from the Woodwind development and they also want to draw to other clients that want the service. He also commented that traffic studies have been done and it was proved that they would not cause any backups on Ten Mile Road. He argued that having a sign near the entrance point, since there is no direct entrance point off of Ten Mile to the day care center, is a reasonable and appropriate location for the sign to be.

Mr. Barber commented that the board has to be careful. The board is setting precedence and the day care center is asking them to change a lot of things just to get the day care in operation. This is something that will be happening more and more.

Mr. Doozan commented that this is the only non-residential aspect of the Woodwind PD.

Mr. Hamilton asked if the township had any other residential areas with commercial buildings that were allowed to sign themselves. He did not think so.

Mr. Vanden Bossche suggested that this area is zoned PD. The day care site is not zoned residential; it is not zoned commercial. PD zoning allows for the flexibility of these types of things to be part of the zoning, therefore, it is not precedent set. It is just part of the amendments to the PD.

Ms. James asked if they would be willing to agree to some limited foot-candles or wattage, or some type of restriction? Mr. Vanden Bossche responded by saying that he was willing to work with the township. He commented that the sign is lit internally and there is a chase behind where the bulb is located and then each letter is fabricated and attached to that chase. There is a lens on the front that is the shape of the letter and that is the only thing that is luminated. Just the letters are lit up. Mr. Barber said that with a high enough florescent light and voltage, the sign had the potential of being very bright. Mr. Vanden Bossche explained that the sign is a rectangular box that is attached to a panel. The panel is attached to each letter. Mr. Barber explained that the township has a zero foot-candles off the property ordinance and that is what Ms. James is asking for, to see if the day care is going to comply with the ordinance.

Mr. Hamilton clarified that there would be no white light. Mr. Vanden Bossche answered no. The letters would be blue with translucent plastic like material that covers it. There is no white light involved. Each letter is individually lit. He commented that they want to work with the township and have a sign that was not glaring and safe, but the sign needs to be functional.

Mr. Hamilton said that he understands that the day care is trying to get established in the township and suggested a temporary sign that could be removed. Mr. Vanden Bossche said that he appreciated the option but that would not work for the day care center. There is a need to have marketing in many forms and the sign is an important form of that.

Mr. Dome commented that it was his understanding that they already had a sign and the township was not precluding the day care from signage, it is additional signage. Mr. Vanden Bossche answered that that was incorrect; there is no signage anywhere on the building.

Ms. James said that she thought they should give him a sign only because people need to be able to find the building and the restrictions are very restrictive.

Open public hearing 7:30 P.M.

Kirsty Allen 2430 Martindale – She wanted to know if it was possible for the day care center to turn their lights off when they were not open. One of the things she enjoys about Lyon Township is that it is dark and they do not want it to be like the city.

Close public hearing at 7:33

Ms. James made the motion that

We recommend approval of this proposed amendment subject to the conditions outlined in Mr. Doozan's letter of December 7th subject to two additional specifics.

1. The light will be shut off at 8 P.M. Monday through Friday.
2. The only illumination on the sign will be the blue letters and the applicant will work with Mr. Doozan's office on specific measurable limits on the amount of light.

Voice vote:

Ayes: Mike Barber, Jim Hamilton, John Hicks, Laura James, Ted Soper, and Laura Williams.

Nays: Jim Dome

Motion approved.

OLD BUSINESS:

3. **AP-04-39**, New Hudson Plaza Site Plan. Request to extend site plan approval for previously approved development on the west side of Milford Road North of Lyon Center Drive.

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter regarding this issue.

Mr. Soper asked where the township was in getting the road dedicated.

Mr. Olson responded that the dedication of the road was a condition of the PD amendment allowing for the car dealership. The repair was done. He does not know if the Road Commission has found that acceptable. There will not be any car dealerships being constructed on that site unless the Road Commission found the road acceptable. That is done as part of the board's conditions and the Planning Commissions recommendation to them on the PD amendment. Mr. Olson also stated that he thought a full pork chop was

needed there (right turn in and right turn out only) and not a half. This is because people traveling northbound are going to conflict with those southbound attempting to get into the Wal-Mart complex. That mixture is not going to be safe. The driveway on Town Center Drive will be needed even more.

Ms. James asked Mr. Seymour “We approved this site plan a little over a year ago and now we have a lot coverage limit and they have to now plot the subsequently inactivated ordinance. Would you agree with that?” Mr. Seymour responded that he did agree with it because site plan approval is only good for a year. Technically they have not commenced construction on their site plan, so you can impose additional conditions on them. That is why you can force them to apply within a new ordinance. There is a provision in the ordinance that says that you can extend the existing plan as long as it complies with the new ordinances. Ms. Aniol said that their plan does not comply with the existing ordinance. She is recommending denial until they submit a plan that complies with the new impervious surface ordinance.

Ms. James replied that as the planning commission they are expected to enforce our own ordinance.

Joe Galvin – He thinks that it is not necessary for the Planning Commission to deny the request at this time. This is because

1. They obtained approval in November of 2004. Late in the summer all of the engineering plans were complete and they could have requested building permits and gone on with the process. At that time they were negotiating to obtain the cut onto New Hudson Drive, but could not because it was not dedicated. Under the current circumstances, they were informed in late September that it was prepared to be dedicated. That has not been done yet. On October 9th they asked for the extension and to come in at that time before there had been an exploration of the plan and to be put on the next agenda. They received a letter on November 9th asking for a revised plan and to conform to the 60 percent requirement under that ordinance. They decided not to go forward with the engineering that they had, but submitted a revised plan and did everything that was in the prior approval to meet the criteria that is under the township ordinance. He thinks that the Planning Commission should extend the site plan as is. If the Planning Commission is disinclined to do that then he suggested that the Planning Commission approve the extension subject to letting them resubmit a plan that shows the 60 percent and a redesigned curb cut.

Ms. James suggested that the board make a condition that when the drive is dedicated and they put in their driveway, that they must make their Milford curb cut a right turn only. Mr. Soper agreed and said that they need to have that curb cut right from the beginning because that road is going to be dedicated before the building is going to be there. He also mentioned that he has always had a problem with the safety in that area, but the board could not disapprove it because there was no other option. That option is going to come very soon. In his opinion, if the Planning Commission Board denies it, Mr. Galvin is just going to come back with what the Planning Commission wants anyways. Why make him go through the process again?

Ms. Williams asked, “what is the difference between us denying it and approving it with conditions?” Mr. Seymour answered that Mr. Galvin would have to reapply and that the township would get the application fee.

Ms. James commented that they were covering old ground. When Mr. Galvin was before the Planning Commission last time, he was arguing that the road commission told him he could have it and he had the permit from the road commission to have the driveway on Milford. The Planning Commission did not like that so that is why the commission added the requirement to build a second driveway within a year. Ms. James said that it looks like that could be a reality and suggested that they shorten the requirement to three

or six months rather than a year. Then with completion of the second driveway the Planning Commission could ask for the Milford Road entrance to be right turn only.

Mr. Hicks commented that the road commission has studied the entrance to the Sunoco station and it presents a problem just like we are going to recreate. You cannot have a left turn in that area.

Mr. Galvin asked Mr. Barber how long it was going to be before the township will build on the dealership property.

Mr. Barber answered that the township did not know.

The Planning Commission continued to discuss how to approach approving, disapproving, or tabling AP-04-39.

Mr. Soper made a motion “to table AP-04-39 for up to 60 days.” He revised his motion “to also include that the Milford Road curb cut be redesigned after access to New Hudson Drive is consulted. No one supported the motion.

Mr. Galvin suggested that they come back with a plan that meets the 60 percent requirement and contains a note on it that says that the plan shows a fully developed pork chop which will be changed at the time connection was made to the new road.

Mr. Hicks commented that the board has had a lot of experience with Milford Road and there is not a time in the day where there is not cars going southbound on Milford Road turning left onto Lyon Center Drive. He can see no way that the commission can allow any left turns now or when the road is dedicated. He would never vote for that.

Mr. Hamilton said that one of the conditions would be a right turn in and a right turn out only onto Lyon Center Drive. It would be a right turn in right turn out once the road is dedicated.

Ms. James commented that the problem is if the commission told him that he can’t have a left turn into the one and only driveway the county says he can have and we hold up the construction, the commission would be liable. We would be denying him use of his property.

The Planning Commission continued to further discuss their options in approving, disapproving, or tabling AP-04-39.

Mr. Hamilton moved that “we table the motion for up to 60 days.” Mr. Soper supported the motion.

Voice vote:

Ayes: Mike Barber, Ted Soper, and Jim Hamilton

Nays: Jim Dome, John Hicks, Laura James, and Laura Williams

Motion failed.

Ms. James made a motion to grant extension of the site plan approval subject to two conditions

1. That there is a revised plan submitted to Mr. Doozan’s office that contains 60 percent or less approved surface coverage.
2. That the second driveway on New Hudson Drive be constructed within 6 months of the dedication of New Hudson Drive as a public road and upon completion within 6 months the

second driveway is a note that the drive on Milford Road be converted to a right hand turn only with a full triangle with a six inch vertical curb for the purposes of accomplishing a right hand in and right hand out only ingress and egress at Milford. Mr. Hamilton supported the motion.

Mr. Hamilton made “an amendment that we have to review the plans after the change.” Ms. James supported the motion.

Voice vote on amendment:

Ayes: Mike Barber, Jim Hamilton, John Hicks, Laura James, Ted Soper, and Laura Williams

Nays: Jim Dome

Voice Vote for motion:

Ayes: Mike Barber, Jim Hamilton, Laura James, and Ted Soper

Nays: Jim Dome, John Hicks, and Laura Williams

Motion approved.

3. AP-05-37 Crossroads Church, site plan review of religious institution (church) located at 28900 Pontiac Trail, south of Silver Lake Road. Township Board granted special use approval on December 5, 2005.

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated December 7, 2005 regarding this issue.

Mr. Dome asked if the middle portion of the roof was medal. He continued to discuss the architecture of the church. He also asked if the house comes out and the barn stays. He was corrected and it was confirmed that the house stays and the barn goes.

Ms. James suggested that they put a variety of trees on the plan. She also said that Bradford Pears trees do not live long and they are cheap. She suggested that they use a different tree. Mr. Dome said that he agreed and would like to see them cluster the trees together. He suggested that maybe they could come up with a scheme using the existing Maples. He said that there was one Maple back by the garage that was worth saving. Mr. Barber suggested that they use memorial trees.

Mr. Dome asked if there were programs all week long or if there was only activities on Sunday. Mr. Gielow answered that the main activities would be on Sunday, but there will be practices, Bible studies, and youth activities.

Mr. Gielow asked if they were required to stick to the tree plan or were they allowed to use their common sense and plant nicer trees. Mr. Soper suggested that they use administrative approval on that.

Mr. Hamilton asked if they have done anything with the barn and if they planned on using any of its timber in the church. Mr. Gielow commented that they intend to save as much of the timber from the barn as possible. Mr. Hamilton commented that he hated to see the barn go because it was over one hundred years old.

Mr. Dome said that the church would make a positive architectural statement as one comes up the road. His concern is in the landscaping too and he wonders whether they want a play area in the front yard along Pontiac Trail.

Ms. James made the motion

That we approve the site plan for this church subject to the recede of a revised plan that addresses the issues of the December 7th McKenna letter and secondly that the applicant consider alternative landscaping to achieve more diversity in the clustering within the landscaping though landscaping changes could be handled administratively through McKenna's office. Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

4. AP-05-48, Quadrants (VS-17) Industrial Spec Building Site Plan. Site plan review of proposal to construct an industrial building on Helene Drive.

Mr. Hicks motioned "to table AP-05-48 for up to 60 days." Mr. Soper supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

5. AP-05-55, Gardner Signs for LaSalle Bank, schedule a public hearing to consider an amendment to Lyon Towne Center PD to allow an additional wall sign for LaSalle Bank, located on the north side of Lyon Center Drive, east of Milford Road.

Ms. James made the motion "that we table until a date to be determined by our planner." Mr. Soper supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

6. Discussion of site plan review requirements for accessory structures (Section 5.02, sub-section 7).

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated November 14th, 2005 regarding this issue.

Mr. Doozan said that these were issues raised by a township citizen and Mr. Doozan agreed to bring the citizen's concerns to the Planning Commissions attention.

Mr. Barber asked if this was a neighborhood problem. Mr. Soper said that he agreed with what the citizen was saying.

Mr. Doozan commented that he thought he had legitimate concern in regards to the setback.

Mr. Dome commented that he thought the statement in the ordinance was fine. It says it has to be compatible; that does not mean it has to match.

Ms. James said that people move into the country to be able to use their land and if we increase the setback to 30 feet that means that you would be removing 60 feet of property. If people want to have subdivision rules imposed on the community, move into a subdivision.

Mr. Soper commented that it probably would not be an issue with one acre of land, but on a third of an acre it would be.

Mr. Olson clarified that this issue is in a subdivision.

Ms. James said that the citizen has a legitimate grievance. Mr. Soper thought that it was an association issue.

Ms. Williams said that she did not understand the issue in regards to the ordinance.

Mr. Olson clarified that the owner was upset about the proximity of the accessory structure to his home. The subdivision that the citizen lives in has been in the township for a significant period of time and relies on the township ordinances.

Issue was left alone.

NEW BUSINESS: None

GENERAL DISCUSSION: NONE

ADJOURNMENT:

Mr. Barber adjourned the meeting at 9:07 PM.

Respectfully Submitted,

Catherine Culver

Catherine Culver
Recording Secretary