

**CHARTER TOWNSHIP OF LYON  
PLANNING COMMISSION  
MEETING MINUTES  
January 10, 2005**

Approved as submitted February 14, 2005.

DATE: January 10, 2005  
TIME: 7:00 PM  
PLACE: 58800 Grand River

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

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

Also Present: Philip Seymour, Township Attorney  
Michelle Aniol, Township Planner  
Alexis Marcarello, Township Planner  
Chris Olson, Township Superintendent  
Les Cash, Fire Chief

Guests: 42

**1. APPROVAL OF AGENDA**

The following items were added to the agenda:

- Election of Officers
- Training Session for New Planning Commission Members
- Bike Path Discussion

Ms. Williams made a motion to approve the agenda for Monday, January 10, 2005, as modified.  
Mr. Soper supported the motion.

Voice Vote: Ayes: All  
Nays: None

Motion approved unanimously.

Ms. James made a motion to discuss no new business after 10:00 PM and to adjourn the meeting at 10:00 PM. Mr. Soper supported the motion.

Voice Vote: Ayes: All  
Nays: None

Motion approved unanimously.



off the same contract. Mr. Phifer stated that depending upon the height of the tower, etc., it will be approximately \$1,500 annually to do what are the manufacturers suggested maintenance.

Mr. Hamilton questioned how the revenue is created for the maintenance. Ms. Coates responded that if the community assumes ownership of the tower, then the maintenance is up to that community. She stated that one way to offset the maintenance cost is to find someone to co-locate on the tower.

Mr. Soper stated that if there is no co-locator on the tower, then the Township would be liable for the maintenance fees. Ms. Coates stated that this is correct. Mr. Soper questioned who would be responsible for the communications equipment and the building. Ms. Coates responded that the County would be responsible for these, not the Township.

Mr. Olson noted that there is a contractual option with regard to who is going to do the maintenance. He stated that he received a call from Matt Quinn regarding this. He stated that this will be an option they will consider later.

Mr. Soper noted that if they approve this plan, then it is up to the Township Board to determine if they want to take ownership of the tower.

Mr. Barber opened the public hearing at 7:26 PM.

Les Cash, Fire Chief, 29631 Milford Road, expressed concern with the distance between the Arborvitae plantings. He felt that they should be planted 5' apart in lieu of 3-1/2' apart. By planting them 5' apart they will be able see into the area better. He requested that the Arborvitae only be planted on three sides with the south side not being planted at all.

Sgt. Jeff Crockett, Oakland County Sheriff, concurred with Chief Cash's comments regarding the Arborvitae plantings. He explained his reasons why. He also explained the importance of this system. He stated that this is a good system and feels that it is very warranted.

Mr. Barber closed the public hearing at 7:30 PM.

There was brief discussion with regard to the Arborvitae planting distance and the color of the proposed tower. Mr. Seymour stated that these two issues should go before the Zoning Board of Appeals for a variance. He stated that the height of the tower could be approved by the Planning Commission as part of the "essential services" indicated in the ordinance.

Ms. Williams made a motion to recommend approval of AP-04-41, Fire Station Monopole, special land use subject to site plan approval. Mr. Soper supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

Ms. Williams made a motion to approve, AP-04-41, Fire Station Monopole, site plan subject to the recommendations cited in the McKenna Associates, Inc. letter dated December 2, 2004 with the added condition that a variance be sought from the Zoning Board of Appeals for the color of the pole and the planting of the Arborvitae's. Mr. Soper supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

**AP-04-40, Johns Sanitation**, West of Griswold, on Oasis Drive, Public hearing to consider Special Land Use approval for outdoor storage.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letters dated November 19, 2004 and December 8, 2004 regarding this issue.

John Measel stated that he has no problems with the items indicated in either of the McKenna Associates, Inc. letters.

Ms. James questioned the type of fence that will be constructed around the outdoor storage. Mr. Measel responded that it will either be wood or screened. Ms. James noted that the proposed lighting submitted were wall packs which are not allowed in the Township. Mr. Measel stated that they will comply with what the Township requires.

Mr. Barber opened the public hearing at 7:46 PM.

Rick Peters, 22900 Griswold Road, expressed concern as to how the building is laid out. He noted that the doors are facing south and felt that they should be facing west. He also expressed concern with the lighting and noise on this site.

Ms. Marcarello explained that the building is laid out as it is because of the 75' setback on both Griswold Road and Oasis Drive. She noted that it was placed in this location in order to get the parking out of the setback.

Phil Bachelor, 23100 Griswold Road, expressed concern with the fencing and screening of the outdoor storage area. He was also concerned with outside overnight parking of the tanker truck. He noted that the tanker truck does have an odor. He questioned if there have been any complaints from the neighbors at the current location of this business. Ms. Williams responded that she is one of the neighbors. She stated that there is an odor in the summer. She stated that the odor is more of a chemical odor from the chemicals that they use to clean the port-a-johns. She stated that she has never smelled the waste or had any problems with noise issues.

Mr. Barber closed the public hearing at 7:58 PM.

Mr. Measel stated that he has been in business for 32 years. He noted that with regard to the open doors, he does not keep the doors open at his current location. He stated that he is licensed by the State of Michigan, Oakland County Health Department and the City of Detroit Water and Sewer. He stated that Detroit Water and Sewer comes out once a year to inspect the equipment. He noted that the port-a-johns cannot be moved until they are emptied.

Mr. Soper noted that they will probably be tabling the site plan approval so that they drawings could be redone. He asked that the applicant give some consideration to turning the building on the site. Mr. Measel indicated that he does not have a problem moving the building as long as he can stay within the setback requirements.

Ms. James felt that the special land use and the site plan should be considered together. Mr. Soper indicated that they can take care of the special land use and place a stipulation on it that it would be subject to site plan approval. He stated that if the site plan is not approved then the special land use would not be approved. Mr. Seymour indicated that the Commission can place any type of reasonable conditions on a special land use.

Mr. Soper made a motion to recommend approval of the special land use for AP-04-40, Johns Sanitation to the Township Board, subject to site plan approval by the Planning Commission at a later date. Mr. Cash supported the motion.

Voice Vote:           Ayes: Cash, Dome, Hamilton, Soper, Williams  
                          Nays: James, Barber

Motion approved.

Mr. Soper made a motion to table the site plan approval for AP-04-40, Johns Sanitation, for up to 60 days for revised plans to come back to the Planning Commission. Mr. Cash supported the motion.

Voice Vote:           Ayes: All  
                          Nays: None

Motion approved unanimously.

**AP-03-27, Meadowcreek of Lyon (Aspen Group) Planned Development**, South of Ten Mile Road, between Milford and Griswold Roads, Public hearing to consider the Preliminary Planned Development Plan.

Ms. Aniol explained that the applicant did not get the rezoning sign posted on the property in time to hold the public hearing tonight. She noted that the notice was properly published in the paper and the property owners within 300' of this site were notified. She stated that after discussion with the Township Attorney, the public hearing can take place tonight but the Planning Commission cannot have any discussion or action tonight. She stated that the public hearing can remain open until a future date.

The Commission briefly discussed how they would handle this. It was determined, after taking a show of hands of the residents, that this issue would be tabled. A lot of the residents indicated that they would attend the meeting that this is rescheduled to. Mr. Soper asked the applicant if they would be willing to pay the costs of re-noticing this issue. The developer indicated that they would be willing to do this within reason.

Mr. Soper made a motion to table AP-03-27, Meadowcreek of Lyon (Aspen Group) Planned Development, until the February 28, 2005 meeting. This will be re-noticed to the public and in the newspaper at the expense of the developer. Mr. Cash supported the motion.

Voice Vote:           Ayes: Cash, Dome, Hamilton, James, Soper, Williams  
                          Nays: Barber

Motion approved.

5. **OLD BUSINESS:**

**AP-03-10, Copperwood Planned Development**, 10 Mile and Johns Roads, Final Plan Review (Tabled up to 60 days on November 15, 2004, recommend item be tabled an additional 60 days).

Ms. Aniol explained that there are two outstanding issues and that this should be tabled again for an additional 60 days.

Mr. Soper made a motion to table AP-03-10, Copperwood Planned Development, for up to 60 days.

Mr. Hamilton supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

**6. NEW BUSINESS**

**AP-04-37, Asbury Hill Village**, South side of Grand River avenue, east of Kensington Apartments, Condominium Document Review.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated December 14, 2004 regarding this issue.

Mr. Seymour stated that Mr. Quinn has reviewed the documents and found that they do meet all the legal requirements of the Township.

Ms. James made a motion to recommend approval to the Township Board for AP04-37, Asbury Hill Village, Condominium documents. Mr. Soper supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

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

Mr. Seymour disclosed that Mr. Quinn has done some site plan approval work in the City of Novi for Mr. Donaldson's company in the past. The Commissioners briefly discussed this and determined that it was not a conflict of interest and that they were comfortable with this.

Ms. Aniol reviewed the comments indicated in the McKenna Associates, Inc. letter dated January 6, 2004 regarding this issue.

Bennett Donaldson, JB Donaldson Company, gave a brief presentation of the proposed retail center. He discussed the parking requirements and the traffic flow of the site. He also discussed the signage for Starbucks. He noted that Starbucks would like to have signage on the north side of the building in addition to the other signs proposed.

Ms. James questioned if the sign would be illuminated. Mr. Donaldson responded that it would.

Ms. James noted that with regard to the parking issue, she has visited the Wal-Mart site and noted that Leo's Coney Island does not have enough parking. Tony Antone, Kojaian, stated that the difference between Leo's Coney Island and this site is that Leo's Coney Island is a much different use than what is being proposed here. He noted that the proposed building is only 2,900 square feet. He stated that Starbucks would be more like a Quizno's where a customer would come in and then carry their items out.

Ms. James questioned the square footage of the strip mall that has Subway in it. Mr. Antone responded that it is 22,000 square feet and that there are 106 parking spaces. He noted that the

parking is tight because of the Leo's Coney Island. Mr. Donaldson noted that they do not anticipate this site to be a sit down restaurant site, it is more of a carry-out type restaurant.

Mr. Barber stated that he agrees with what is being said about Starbucks, but that there are four other stores that have unknown users at this time.

Mr. Soper questioned the what the percentage of square footage is per parking space. Ms. Marcarello explained that there is one space for every 200 square feet. Steve Sorenson, JB Donaldson Company, explained that the larger center has 207 square feet per parking space and their center has 122 square feet per parking space.

Mr. Cash questioned the setback between Milford Road and the east parking lot. Mr. Sorenson responded that 20' is required and that they have 23'. Mr. Cash noted an area by the dumpster that could possibly hold a few more parking spaces.

Mr. Barber stated that the traffic flow on the site seems dangerous with two-way traffic on most of the site and one-way traffic along the drive-thru section. There was discussion with regard to the one-way section. It was indicated that customers trying to park along this side and finding out that there is no parking spaces available, they would have to turn around. It was noted that there is not enough room for these customers to turn around. After further discussion the Commissioner's determined that they were not comfortable with the traffic flow on this site. The developer agreed to take another look at this.

There was brief discussion with regard to the additional sign. It was believed that they would have to go to the ZBA for a variance. Mr. Antone stated that this is a planned development and has different requirements. He noted that they are under the allowable square footage of signage for the planned development by approximately 30 square feet. He stated that he does not usually ask for additional signage. He stated that he feels that this side of the building should have something so that it doesn't look like a building back. Ms. Aniol clarified that according to the PD Agreement, if the developer provides his written consent, the applicant can request Planning Commission approval of additional signage. The Planning Commission's decision is final. The ZBA cannot grant a variance for signage in this Planned Development.

Mr. Antone noted that the Planning Commission can make the decision with regard to signage according to the planned development agreement.

Ms. James made a motion to table AP-04-43, Gateway Shoppes of Lyon Township, for up to 60 days. Mr. Soper supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

### **Election of Officers**

Mr. Barber made a motion to appoint Laura James as Secretary. Mr. Soper supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

Ms. James made a motion to appoint Ted Soper as Vice-Chair. Ms. Williams supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

Mr. Hamilton made a motion to appoint Mike Barber as Chairperson. Mr. Dome supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

**Training Session Discussion for New Members of the Planning Commission**

There was brief discussion with regard to having a training session for the new members of the Planning Commission. Mr. Seymour indicated that he would get together with Mr. Quinn to see when they can set a training session up.

**Bike Path Discussion**

Ms. Williams questioned when the sub-committee could present their findings to the full commission. After brief discussion, it was determined that the information could be presented at the January 24, 2005 meeting.

7.       **MISCELLANEOUS DISCUSSION           NONE**

8.       **ADJOURNMENT:**

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

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary