

**Charter Township Of Lyon
Planning Commission Regular Meeting
Meeting Minutes
April 10, 2006**

Approved as written May 8, 2006

Date: April 10, 2006
Time: 7:00 PM
Place: 58000 Grand River

Mr. Barber called the meeting to order at 7:00 P.M.

Roll Call

Present: Barber, Mike (Chair)
Dome, Jim
Hamilton, Jim
Hicks, John (Board Liaison)
James, Laura (Secretary)
Soper, Ted

Absent: Williams, Laura

Also present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Michelle Aniol, Township Planner
Chris Olson, Township Superintendent

Guests: 16

Mr. Barber commented that he received an e-mail from Laura Williams and she is working tonight. Her absence is excused.

Ms. James made "a motion to excuse her." Mr. Hamilton supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

Approval of Agenda:

Mr. Hicks made a motion "to approve the agenda as submitted." Mr. Soper supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

Approval of Consent Agenda: March 13, 2006 and March 20, 2006 meeting minutes

Mr. Soper made the motion "that we approve the agenda for March 13th, 2006 and March 20th, 2006 as noted." Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Ms. Williams

Motion approved unanimously

Comments from public on Non-Agenda Items:

Jeff Potter 1099 Staple Lane, South Lyon – Mr. Potter is the County Commissioner for District 8, which includes Lyon Township. He came out to say hello and meet the commissioners. He looks forward to working with the commissioners on the Downtown Development. He also commented that residents are welcome to call him if they have any questions.

Public Hearings:

1. AP-06-02.a., Thompson Hauling, Nine Mile and Griswold Roads, Continuation of the public hearing to consider special use request for a construction clean-up operation; Discussion and action on the site plan following public hearing.

Mr. Doozan reviewed the comments in the McKenna Associates letter dated April 10, 2006.

Jerry Thompson 5065 Seven Mile Road, South Lyon - Mr. Thompson has lived in South Lyon for the past 21 years and for the past 12 years has had a side business of construction clean up. His business has gotten larger, so he had to get a semi, F250 and a Bobcat. His business is currently run out of his home. He would love to have the corner lot and put everything indoors. It is a family operated business. It is very small. There will be no traffic going in and out.

Mr. Barber said that it is only a small pole barn, but he is also on a very small build able area. Mr. Thompson commented that the small area was all he needed.

Mr. Hamilton asked if the semi would be stored inside. Mr. Thompson answered yes. He continued that there is no trash on the site. He has six dumpsters and he will leave a dumpster on a construction site and if it gets full he empties it in a landfill and takes it back. The semi will be parked inside.

Mr. Barber asked if he was going to have fuel on site. Mr. Thompson answered no. Mr. Barber commented that the Planning Commission is considering a special land use and Mr. Thompson is the first of this kind. The Planning Commission does not have a category for Mr. Thompson’s business.

Mr. Dome asked if this was a full time job. Mr. Thompson answered no.

Ms. James said that there were a few conditions that the Township planners wanted to add to the special land use permit which would be 1. Nothing would be stored on site and 2. All vehicles and equipment will be inside the building. Ms. James asked if Mr. Thompson had any problem with that. Mr. Thompson answered that he had no problem with the conditions. Ms. James also asked if he was coming back another day for site plan approval. Mr. Thompson commented that he would take care of whatever the Township asked him to do. Ms. James commented that the special land use looks straightforward.

Mr. Seymour asked if an industrial statement activities report was needed. Mr. Doozan answered yes. Mr. Doozan also commented that an industrial statement activities report was not submitted. Ms. James asked if that was needed for a special land use to be granted. Mr. Seymour answered not before a special land use, but before the site plan.

Mr. Barber opened the public hearing at 7:17.

Mr. Barber closed the public hearing at 7:18.

Ms. James made the motion “that we recommend approval of the special land use request for Thompson hauling subject to three conditions:

1. No debris, junk, or collecting material from construction sites should be stored on site period.
2. All vehicles and equipment shall be stored within an enclosed building.
3. Thompson Hauling must obtain approval of a site plan.”

Mr. Hamilton supported the motion.

Voice vote:

Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

Ms. James made the motion “to table the site plan for up to 60 days for AP-06-02.a.” Mr. Hamilton supported the motion.

Voice vote:

Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

Old Business:

2. Reschedule the public hearing to consider a Township initiated rezoning from RM-1, Suburban Townhouse District to R-0.3, Single Family Residential District of parcels 21-15-101-039, 21-15-101-040, an 21-15-101-041, located on the south side of Twelve Mile Road and east side of Milford Road (Recommend Monday, May 8, 2006).

Ms. Aniol commented that at the last meeting a public hearing was scheduled for April 24th, which did not provide enough time to put two notices in the paper.

Mr. Soper made the motion “that we schedule a public hearing for May 8th for the RM-1 Suburban Townhouse District to R-0.3.” Ms. James supported the motion.

Voice vote:

Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

3. AP-06-13, Miles Christi Reschedule the public hearing to consider a special use request for a religious house and family center, located on the east side of Johns Road, north of Ten Mile Road; discussion and action on the site plan would follow the public hearing (Recommended May 8, 2006).

Ms. Aniol commented that the applicant has asked to wait and have the public hearing on May 8th to allow them time to amend their plan per the issues stated in the review letter.

Mr. Soper made the motion “that we reschedule the public hearing for May 8th for Ap-06-13.” Mr. Hick supported the motion.

Voice vote:

Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

New Business:

4. Discussion and possible scheduling of public hearing to consider zoning ordinance amendments to section 17.02, Performance Guarantees, Section 33.03, Industrial Activity Statement, and Section 16.03. Signs.

Mr. Doozan commented that there are three sets of amendments to go through. To go through each item would take some time.

Mr. Soper commented that the Planning Commission has to schedule a public hearing for this and asked if it would be better to go over all the items at the public hearing so the public could hear about it.

Ms. James said that there was a resident in the parking lot that was interested specifically in the sign ordinance. Ms. James suggested that the Planning Commission take her comments and discuss the item.

Mr. Seymour said that it was proper to take the comments, but it will not be part of the records because it is not a properly noticed public hearing. The individual can make some comments and if that person wants to come back to the public hearing or write a letter her or she may.

Mr. Doozan described the proposed revisions to the sign ordinance. He also clarified that he does not necessarily agree with the proposals, but they deserve a fair hearing. One of the revisions involving the sign ordinance involves adding the definition of a bandit sign. It is defined, as “a temporary portable sign frequently used by the real estate industry to draw attention to a direct potential buyers to residential developments where there are lots, units, and or houses for sale.” In conjunction with that definition, under temporary sign standards in the ordinance, there will be a set of standards that would go along with the real estate bandit signs. They would be permitted in all districts. The type of sign permitted would be portable, maximum size 3 square feet, maximum height 3 feet, maximum number 1 per intersection or 8 per development throughout the Township. A permit will be required and in conjunction with that permit the ordinance indicates that the applicant provide a map showing the location of all permitted sign. Written approval from the property owner for all locations is needed. Times of when the signs will be posted are also required. In terms of required setbacks, the ordinance indicates that a temporary sign may be located in the required setback provided that the applicant has obtained permission from the property owner and the sign does not obstruct the vision of drivers or detract from the visibility of traffic signs or traffic control devices. No sign shall be located within the road right-of-way. Finally the permitted duration is from 10 A.M. on Saturday to 8 P.M. on Sunday. These are the standards that would be applied to what is known as Real Estate Bandit Signs. Mr. Doozan continued to explain that similar revisions are set forth in the proposed ordinance for community special event signs. Political signs will be relabeled non-commercial message signs and a new set of standards will be applied to these signs. The standards come as a result of actions by the ACLU. They have taken action against a number of communities in southeast Michigan with respect to the political sign standards and bringing them in conformance with the constitutional requirements of the United States. Mr. Doozan worked with Mr. Quinn and made standards, which are based on what Novi has in place for their non-commercial message signs. They would be permitted in all districts except that there is one revision “non commercial message signs will be prohibited on property owned or under the control of the Charter Township of Lyon, the County of Oakland, State of Michigan, United States of America and the School District.” The type of signs permitted would be portable, ground, or wall signs with the maximum size of 16 square feet, maximum height of ten feet, there is no limit on the number, there is no permit required. In terms of setback, it could be located within the required setbacks, the same as the bandit signs. In terms of duration, “It should be unlawful to place or display a non commercial message sign prior to the time that the candidates nomination petition certified in writing by the appropriate authority or if the candidate is a write in, from the time he or she files a declaration of intent with the appropriate authority as a candidate running for election. Non commercial message signs that pertain to a specific event should be moved no later than ten days after the event.” This relaxes the standards. That is what we need to do to pass favor with the ACLU in regards to our non-commercial message signs standards.

Ms. James commented that the primary concern of the person she talked with was whether open house signs would be allowed when someone was trying to sell their house. This revision would allow those on the day of the open house, so people can find the house. Mr. Doozan mentioned that under the temporary sign standards, we would be adding a revision for real-estate open house signs. A definition and provisions would also be

added. The signs would be permitted in residential districts as a portable sign 3 square feet in size, 10 feet in height, 1 per subdivision entrance, no permit required. They would be allowed in the setback and allowed on the day of the open house only.

Mr. Olson asked why 10 feet on political messages in terms of height? Mr. Doozan replied he would have to look at his notes. Mr. Olson said his question was related to non-commercial message signs and there are loopholes without identifying candidates (on television or radio adds) where they will be addressing a particular issue. Mr. Olson explained that he was concerned that there could be a 16 square foot sign displaying a message that the Township may not want. Mr. Doozan said that could be adjusted.

Mr. Seymour commented that he thought the Township would have problems trying to limit issues.

Mr. Hicks asked if there was anything in the ordinance discussing semi trailers. Mr. Doozan commented that there was and it is in the existing ordinance.

Mr. Barber asked if the ordinance mentioned people holding signs. Mr. Doozan commented no.

Mr. Dome asked Mr. Olson how the Township was going to enforce this. Mr. Olson answered that this provision is going to require that the Building Official or the Code Enforcement Officer go around the Township and check signs. Is that the best use of a public employees time?

Mr. Soper commented that this is a good way to get rid of people putting up four or five signs in one spot. Mr. Olson commented that the Township has already taken care of that. The Township has a community appearance standard.

Mr. Hicks commented that the signs on the properties that have a proposed rezoning should have a time limit in which they have to be removed once the site has been approved.

Mr. Olson suggested that the Township might want to have locational standards, for example, not behind trees.

John Bell 23113 Currie, South Lyon – Mr. Bell had a question about the freestanding signs the Township has now. The Fire Station has some very nice signs that are 32 square feet. This ordinance requires municipal signs to be 20 square feet. He wanted to know what the standard size for a freestanding sign was currently. He was asking because the Library wants a sign that looks the same as the fire stations. There should be some commonality. Mr. Doozan commented that the fire station is probably too big, based on the current standards.

Nancy Hills 346 N. Lafayette, South Lyon – Ms. Hills is from Real Estate One and she explained to the Planning Commission that all of the realtors are independently contracted. It is not a broker that has the signs out for the open houses; it is the realtors. It is common to have one office with several different realtors showing houses or condos in the area. If she understood correctly, there would be a problem with having three or four Michigan Group signs out on the street. Mr. Barber corrected that they were trying to limit the amount of signs at an intersection or subdivision entrance. Ms. Hill also wanted to call to the attention of the Planning Commission that an open house usually lasts 3 hours and it may be necessary to have multiple signs to direct people to the open house.

Doug Demarous – Mr. Demarous is a realtor and last fall had two signs picked up by Lyon Township. One was an open house sign and one was a fixed sign. The issue with the fixed sign was that he wished someone had called him because that sign was his and the expense came out of his pocket. He is wondering if this is something that can be changed because he cannot afford to lose \$50.00 every time he has an open house.

Ms. James made the motion “that we schedule all of the zoning amendments for the second meeting in May.” Mr. Hamilton supported the motion.

Voice vote:
Ayes: all
Nays: none

Absent: Ms. Williams
Motion approved unanimously.

5. Discussion and possible recommendation to the Township Board concerning amendments to Tree Protection Ordinance.

Mr. Doozan summarized the comments in the McKenna Associates letter dated March 17, 2006.

Mr. Hicks asked if the building envelope included the driveway. Mr. Doozan answered no. The driveway is identified separately.

Mr. Barber asked if this was going to affect any of the people that have already come before the Planning Commission. Mr. Doozan answered that it is going to affect the people who come to the Planning Commission after it is adopted.

Mr. Dome asked why the Township needed it. Mr. Doozan answered that our ordinance is in serious danger of being challenged and if challenged it could be overturned. Mr. Dome asked what most communities are doing currently. Mr. Doozan answered that most communities are at 6 or 8 caliper inches. Mr. Dome asked why the Township is at more risk than anyone else. Mr. Doozan said that our tree protection ordinances are one of the more strict. The Township requires replacement on an inch for inch basis. Many tree replacement ordinances require a tree for tree basis. Also many areas do not require that one replace trees in the building foot print. The Township has many sites that are not buildable according to our tree replacement ordinance.

Ms. James commented that her difficulty with this is currently developers have an incentive to stay out of the woods. "If we make the building footprint plus 10 feet exempt, there is no incentive for them to stay out of the woods. What would you think about capping it instead of completely exempting it? Maybe instead of saying you do not have to replace any protected trees in the building footprint, put a cap of 5 or 10 trees on a per lot basis." Ms. James does agree that something needs to be done. Mr. Doozan commented that he could look into that and it was a good idea.

Ms. James also suggested that the developer shift some of the requirements of the replacement trees on the property owner. That will share some of the burden.

Mr. Soper commented that he was very unsure of getting rid of the entire building envelope.

Mr. Dome said that most communities have specimen trees that you cannot take out no matter what.

Ms. Aniol suggested that the ordinance be worded so that the Township is not in legal trouble, but is still keeping trees.

Mr. Dome commented that he understood that an adjustment needed to be made, but trees are one of the biggest positive factors of our community.

Mr. Barber commented that there have been several developers in Lyon Township and many of them have been very happy here.

Ms. James suggested that they write an exception that describes where the tree protection ordinance constitutes a taking and that the Planning Commission can modify the requirements.

Ray Cousineau, 4147 Delphine Drive, Wixom – Mr. Cousineau suggested forming a sub committee and getting developer input. The subcommittee will consist of two or three developers, Jim Dome, Ted Soper, and Laura James.

Ms. James made the motion "that we table our tree protection ordinance discussion for up to 60 days." Mr. Hamilton supported the motion.

Voice vote:

Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

6. Discussion and possible scheduling of public hearing to consider proposed zoning ordinance amendments to adopt a Towne Center Overlay District and amend Section 19.03, sub-section A.

Mr. Doozan summarized and discussed the Towne Center Overlay District with the Planning Commission.

Ms. James made the motion “to schedule a public hearing for May 22.” Mr. Soper supported the motion.

Voice vote:

Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

7. AP-05-08, Windridge, Schedule a public hearing to consider an Average Lot Size Development located on the west side of Napier, north of Eight Mile Road.

Mr. Soper made the motion “that we schedule a public hearing for May 8th for Ap-05-08, Windridge.” Mr. Hicks supported the motion.

Voice vote:

Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

8. AP-06-06, Performance Springs, 57575 Travis Road, Industrial site plan review.

Ms. Aniol reviewed the comments in the McKenna Associates letter dated March 28, 2006.

Steven Brown and Larry Luchi 57575 Travis Rd, New Hudson – Mr. Brown and Mr. Luchi are the owners.

Mr. Barber asked if this was a new operation. Mr. Brown commented that they make engine valves for racing applications.

Mr. Barber asked if they were going to put up any parking lot lighting. Mr. Brown answered no.

Mr. Soper made the motion “that we approve AP-06-06, Performance Springs, with the two items noted in McKenna’s letter dated March 28th.” Ms. James supported the motion.

Voice vote:

Ayes: all
Nays: none
Absent: Ms. Williams
Motion approved unanimously.

Mr. Barber adjourned the meeting at 8:35 P.M.

Respectfully Submitted,

Catherine Culver
Catherine Culver
Recording Secretary