

**Charter Township Of Lyon  
Planning Commission Meeting  
Meeting Minutes  
May 22, 2006**

Approved as corrected on June 12, 2006

Date: May 22, 2006  
Time: 7:00 PM  
Place: 58000 Grand River

Mr. Barber called the meeting to order at 7:01 P.M.

**Roll Call**

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

Absent: Dome, Jim

Also present: Matthew Quinn, Township Attorney  
Chris Doozan, Township Planner  
Michelle Aniol, Township Planner  
Al Hogan, Building Official  
Chris Olson, Twp. Superintendent

Guests: 16

Ms. Williams made the motion "to excuse Jim Dome. I received an email that he had to stay at work tonight." Ms. James supported the motion.

Voice vote:

Ayes: all  
Nays: none

Motion approved unanimously.

**Approval of Agenda:**

Mr. Soper made the motion that "we approve the agenda for Monday May 22, 2006 as written." Mr. Hamilton supported the motion.

Voice vote:

Ayes: all  
Nays: none

Motion approved unanimously.

**Approval of Consent Agenda:** April 24, 2006

Ms. Williams made the motion "that we approve the April 24, 2006 meeting minutes." Mr. Soper supported the motion.

Voice vote:

Ayes: all

Nays: none  
Motion approved unanimously,

**Comments from public on Non-Agenda Items:**

None

**Public Hearings:**

1. AP-05-47, Pulte Land Development, Public hearing to consider an amendment to Pinehurst Planned Development plan to allow the relocation of lots #1 and #2 in order to construct a pool, clubhouse, tot lot and parking area; discussion and action on the site plan following the public hearing (Recommend additional table up to 60 days.)

Mr. Hicks moved “to table AP-05-47, Pulte Land Development for up to 60 days.” Mr. Hamilton supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

2. AP-06-19, Zoning Ordinance Amendments, 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 reviewed the comments in the McKenna Associates letter dated March 13, 2006.

Public hearing open 7:21

Rob Heath 17557 Wayne Road – Mr. Heath is at the meeting in response to the bandit signs. He believes that the signs will drive traffic toward the neighborhoods. Lyon Township is building up and a lot of people want to move out here. He said that he has a company that will put signs up on Saturday morning and bring them down Sunday night.

Ms. James asked Mr. Heath how he was going to put signs up and keep them out of the right-of-way and have people drive by and see them. Mr. Heath commented that the company has done this in the past and know where to put the signs. “If you tell us where to put them we will follow the guide lines.” Ms. James commented that the problem with the ordinance is if the Township does not allow you to put signs in the road right-of-way, the future road right-of-way of Ten Mile is 125 feet. Mr. Doozan commented that they could put them in the future road right-of-way; it would be the existing right-of-way that they could not put them on. Ms. James asked how far off the pavement a sign could be placed. Mr. Olson answered 17 feet on a 30-foot right-of-way.

Ms. James commented that open house signs are fine, but she does not want to see the bandit signs and with this ordinance she does not think they will be able to be put them up anyway. “If you cannot put the signs in the road right-of-way, you are going to be at a minimum 5 feet from the shoulder and no one is going to see them.” Ms. James also commented that the company that will put the sign up would most likely not follow the guidelines. They would have to have a map to all of the road right-of-ways. She also commented that people put signs up without the property owner’s permission and at intersections. Mr. Heath commented that they were looking to put one sign up at each intersection. Not multiple signs. Ms. James corrected that signs will probably not be allowed near intersections.

Mr. Doozan commented that the Township cannot permit signs in the road right-of-way. The Township does not have the authority to do that. Mr. Heath asked if he could get authority from the Road Commission. Mr. Doozan answered that he doubted that it would be granted.

Ms. Williams said that signs are currently not allowed, yet they show up every once and a while. She thought they should be given a spot to put signs.

Jack Healy 36963 Sleeth Rd – Mr. Healy commented that it would be nice if the signs were not referred to as bandit signs. He also commented that signs are extremely helpful to builders. 75 percent of the people that come to the models come because they saw a sign. That is why the builders go out of their way to put signs up. Mr. Healy stated that the economy is terrible and the builders are trying to get people in their houses. He admitted that in the past things got out of hand (in regards to signs). Some builders were putting up over one hundred signs and some were not building in the Township. He hopes that the ordinance would prevent people from putting multiple signs in one area.

Ms. James asked, “What good does it do? We are not the Road Commission and we cannot tell you that you can put them in the road right-of-ways. What good does it do to give you a sign ordinance when it is not going to be by the road?” Mr. Healy answered that it depends on where you are in the Township. Sometimes the road right-of-way is only 30 feet back from the center of the road. It depends on location. He said the signs would help a lot.

Mr. Soper asked if Mr. Healy could live with the ordinance. Mr. Healy said yes.

Mr. Healy also commented that often developers spend a large amount of money to pave roads or improve roads and have the thought that they would be able to use that area to put signs.

Doug Demarous – Mr. Demarous is a realtor and had an open house sign had been picked up by the Township. He said that the open house signs are desperately needed. It is getting difficult to sell a home and any help he can get is appreciated. Ms. James asked if he was satisfied with the proposed ordinance. Mr. Demarous answered, “It sounds fine.”

Lori Appel – Ms. Appel is a realtor and commented that she has not seen or heard of the Road Commission taking signs down. The Road Commission may have ordinances, but they are not the ones enforcing it. She thought that if the Township implements permits, limits, and limits the amount of signs to be put out, it is a good way for all the realtors to work together.

Mark Menic 2992 Northwestern Highway – Mr. Menic commented that any allowance that could be granted would be appreciated. He appreciates that the Township is willing to take this. The economy is slowing and the directional signs will help. Mr. Menic also pointed out that their sales will help pay for bonds and special assessments that the builders have. If the builders cannot sell, they cannot pay.

John Bell 23113 Currie Road – Mr. Bell asked what the minimum size square footage that would be allowed in a nonresidential, municipal use building. Mr. Doozan commented that needed to be part of the discussion. Mr. Bell commented that the fire station has either a 32 or 40 square foot sign and he would like to get a sign for the library that is similar in style.

Public hearing closed at 7:40

Mr. Soper asked Mr. Olson what the dimensions were for the fire stations. Mr. Olson answered 4 by 8 or 32 square feet.

The Planning Commission continued to discuss the fire station sign and the manual changeable copy signs.

Mr. Doozan commented that an alternative to item number 2 could be that the maximum size of such a sign is 20 square feet except that the changeable copy signs maximum size shall be 32 square feet.

Ms. James suggested that the Planning Commission discuss if they are going to let developers put signs throughout the Township. Mr. Soper said that he thinks that it is fine as long as the developer can live with it.

Mr. Hicks commented that the Township should help when they can and this ordinance will not be forever. There is a lot of development going on. He also commented that they are not particularly pretty, but the signs can be allowed with conditions.

Ms. Williams commented that this could be a way to control the signs from coming up everywhere and in large amounts.

Mr. Olson pointed out that a number of PD's that the Planning Commission has recently approved did not allow off site signage. Mr. Olson asked Mr. Quinn how to handle the situation. Mr. Quinn thought it would be best to put language in the ordinance that supersedes any limitations in contractual zoning.

Mr. Olson also pointed out that in the Master Plan there is no language in regards to this and a lot of time was spent on community aesthetics.

Ms. James suggested having some mechanism for taking away a developer's right to putting up signs if they repeatedly violate the permission and limit on the numbers of signs. Mr. Olson commented that the problem with that was administrating it. Mr. Olson also commented that the Township has not seen any quantitative statistics to show the affect of these signs.

Ms. James told the Planning Commission why she did not approve of the proposed ordinance. 1. She thought that violations may be difficult to enforce. 2. Mr. Olson indicates that surrounding communities do not allow bandit signs. 3. We cannot let them in the road right-of-way. The county Road Commission has valid safety reasons as to why they do not allow them. 4. A lot of people move out here so they do not have to look at that signage.

Mr. Soper agreed that if the Township opens the door it could easily get carried away like before. Mr. Hogan commented that this is where his department would come in. This is a permitted use and on the permit there could be a bond. The board could set the bond so that if they violate it, their bond will be forfeited. Mr. Soper asked Mr. Hogan how he felt about enforcing it. Mr. Hogan said that the Township has a Zoning Officer that will be working Saturdays and Sunday. Mr. Soper asked if that would increase cost for the Township. Mr. Hogan answered no. The Zoning Officer works part-time. Mr. Hogan commented that he did not think this would be too difficult to monitor. Ms. James commented that made her feel better.

The Planning Commission discussed other possible restrictions for the ordinance.

Mr. Soper made the motion "that we make a recommendation for approval to the Township Board for the changes on the zoning ordinance dated March 2006 with two additions. 1. Section 16-07 we add library to that description under G. 2. Under size – the maximum size shall be 20 square feet or 32 square feet for manual changeable copy signs. This ordinance will supersede any previous PD agreements" Mr. Hamilton supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

Amendment:

Mr. Soper made a motion "that we recommend to the Township Board that we approve section 16 sign definitions with the addition of 1. Section 16-07 paragraph G add the word library. 2. Under 2 manual changeable copy signs are allowed to be 32 square feet. 3. This ordinance will supersede any previous PD agreement." Mr. Hamilton supported the amendment.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

Mr. Soper made the motion "that we recommend to the Township Board that they approved as written the general requirements for section 17-02." Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

Mr. Soper made the motion “to recommend to the Township Board that they approved as written section 33-03 Development Standards in Industrial Districts.” Mr. Hicks supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

### **Old Business:**

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

Mr. Doozan reviewed the comments in the McKenna Associates letter dated May 11, 2006.

Ms. James commented that she has spent a lot of time looking at the proposed tree ordinance and she has two problems. 1. The exception of trees in pore condition. If trees with broken and dead branches are not protected then we are not going to have any protected trees in the Township. Ms. James suggests the following language: “ trees are not protected that are dead, in poor, or very poor condition as determined using the current International Society of Arboriculture Guidelines.” 2. Ms. James also suggested that item 4 should say, “Trees are not protected if they have any unusual susceptibility to disease or insects. Ms. James also suggested that the Planning Commission should not have a list of protected trees. There are some stray trees that are going to be planted in the Township that may not appear on the list but are worthy of protecting. Ms. James suggested having a list of trees that are not protected. Ms. James also commented that the historic and landmark and replacement calculations are very confusing. It will generate a lot of paperwork. It relaxes the tree protection ordinance too much. She suggested to leave it as is and jump it up to 8 inches. To cut the developers a break, Ms. James suggest the following: “A developer who donates open land to the Township or another public or private entity in a permanent conservation easement may be fully or partially exempted from the tree replacement requirements if the Planning Commission finds that such an exception is reasonable considering the acreage and quality of the donated land.”

Ms. James also said that she can appreciate all the work that went into the development of the proposed ordinance. Ms. James asked Mr. Quinn how he felt about her proposal to give relief to tree replacement if a developer donates parkland or substantial acreage. Mr. Quinn felt it was worth considering. Ms. Williams commented that there are other things that the Planning Commission should take into consideration as well.

Mr. Olson commented that there is significant relaxation in this ordinance compared to the Novi ordinance. In Novi if they have a land marked tree developers have to avoid it to the extent of changing plans. This ordinance also has a replacement on a one per one caliper inches basis, which is significant.

Mr. Hicks asked if the list of non-protected trees was going to be longer then the protected trees list. Mr. Quinn commented that either way, the list should be included in the ordinance. The Planning Commission to discuss the benefits of having a non protected list. Ms. Williams commented that she thought the non-protected list would cover any trees that would have been missed in the protected tree list. She also expressed concern because it goes up to 8 inches and it goes to tree for tree, which is a big change from what the Township originally had. Ms. James agreed.

Mr. Doozan commented that after looking at other ordinances in neighboring communities, he became aware that the Townships ordinance was very strict. He said that the Township needed to make changes and they were going to look drastic.

Mr. Barber commented that we have gotten down to the property that is heavily wooded. Mr. Hicks said that puts the Township in a precarious position.

Ms. Williams commented that she thought the ordinance went too far and she did not have enough data or information to make a decision. It is extreme.

Ms. James commented that she would like to know what Salem, Milford, and other communities' ordinances look like.

Mr. Soper commented that the replacement rate should go up. He also liked what Ms. James said about developers that donate property. He said that he would like to still see an ordinance that keeps developers out of wooded areas.

Mr. Doozan said that he would take the ordinance back and work on the ordinance.

No action was taken.

4. AP-06-09, Meadowcreek of Lyon Planned Development, located on the south side of Ten Mile Road, between Milford and Griswold Roads, Tree replacement plan review (Recommend additional table to June 12, 2006).

Ms. Aniol reviewed the comments in the McKenna Associates letter dated May 18, 2006.

Ms. Williams asked what the economic hardship specifically was.

David Goldberg said that he was pleased with the direction that the meeting took and the proposed changes. Mr. Goldberg answered that their hardship was the added million dollars that they were not expecting to spend because they thought they did not have to replace any trees. He also commented that the current replacement standard is unreasonable and that is where the undue hardship comes from. He also explained that he looked at the SAD and found that they did not have to replace 623 trees. They also found that there were two species that they thought were undesirable and are protected and 382 trees now have to be planted.

Mr. Goldberg also made comments on his thoughts on the new proposed tree ordinance.

Mr. Barber commented that he did not want to rewrite the ordinance to suit the Meadowcreek development. Mr. Quinn commented that there are many other situations where this is going to apply. Mr. Soper also commented that during the subcommittee other developers were there to offer their ideas and opinions.

Ms. Williams commented that in a way the Planning Commission is negotiating with Meadowcreek because we are working under the existing ordinance and there is no new ordinance yet. Ms. James said that the earliest that they can go to the Township Board is July. The July meeting will also be the time when the Board will be considering the proposed revisions to the tree protection ordinance. It will go hand in hand.

Ms. Williams commented that she went back and looked at some other developments that have been approved in the last six months. Shadow Wood had 3,137 caliper inches to replace which worked out to be 38 inches per net acre. Meadowcreek worked out to be 36 inches per net acre. They are not getting a density bonus either.

Mr. Goldberg commented that they have moved out of un-treed areas and into treed areas to protect and give the Township land. They are saving a large amount of trees. He said that the question is "are there circumstances in this project unique enough that they warrant some type of reduction from the tree ordinance as it currently stands."

Mr. Soper said that if we get the changes that we are talking about right now, that is going to elevate Meadowcreek without having a special meeting. He suggested that the Planning Commission get the new tree ordinance done and Meadowcreek can go to the board with the new ordinance. He stated, "I am uncomfortable with negotiating a side deal."

Mr. Goldberg commented that he couldn't say that just by applying all the standards it is going to be something they can agree to. Mr. Soper commented that it is still more than what other developers had.

Ms. James also commented that she has no idea what their baseline numbers are and what they are based on. Ms. James suggested that they table this. Ms. James and Mr. Goldberg discussed the tree survey.

Mr. Soper made “a recommendation to the Township Board on AP-06-09 Meadowcreek that we don’t allow a reduction of trees under our present ordinance.” Ms. Williams supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

**New Business:**

5. AP-06-21, Schedule a Public hearing to consider text amendments to the zoning ordinance resulting from PA 110 of 2006, Michigan Zoning Enabling Act and re-adoption of the zoning ordinance (Recommended date: June 27, 2006).

Ms. James made the motion “that we schedule that for June 27, 2006.” Ms. Williams supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

Mr. Barber adjourned the meeting at 9:16 p.m.

Respectfully Submitted,

*Catherine Culver*

Catherine Culver  
Recording Secretary