

**Charter Township of Lyon
Planning Commission
Meeting Minutes
April 13, 2009**

Approved: April 27, 2009 as written

DATE: April 13, 2009
TIME: 7:00 p.m.
PLACE: 58000 Grand River

Call to Order: Mr. Barber called the meeting to order at 7:00 p.m.

Roll Call: Mike Barber, Chairman
Lise Blades
Michael Conflitti
Jim Hamilton
John Dolan, Board Liaison
Sean O'Neil
Carl Towne

Also Present: Phillip Seymour, Township Attorney
Chris Doozan, Township Planner
Michele Aniol, Township Planner
Al Hogan, Building Official

Guests: 43+

1. APPROVAL OF AGENDA.

Mr. Hamilton made a motion to approve the April 13, 2009 agenda as submitted. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. CONSENT AGENDA

Mr. O'Neil made a motion to approve the March 9, 2009 minutes as written. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

3. COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

John Bell – Mr. Bell offered some Kite Festival flyers to be distributed to the community and gave a short presentation to the audience explaining what the Kite Festival will offer.

Mr. Barber closed the public comments at 7:04 p.m. due to no one else wishing to comment.

4. PUBLIC HEARINGS

A. AP-08-22, Public Hearing to consider a text amendment to the Zoning Ordinance to allow nursing homes and convalescent homes in the R-1.0 district.

Ms. Aniol reviewed the McKenna Associates memo dated April 8, 2009 with the recommendation that the Commission recommend approval of amendments to allow nursing and convalescent homes as permitted uses after special land approval in the R-1.0 zoning district in Section 23.03, sub-section B, and the standards for nursing homes and convalescent homes in Section 19.02, sub-section V, to the Township Board.

Mr. Barber opened the Public hearing at 7:09 and closed it due to no one wishing to comment

Mr. Conflitti asked how many parcels are in the Township that could meet this requirement. Ms. Aniol stated that they have not done an inventory, but there must be enough that if someone came and didn't have the minimum 3 acres, then they should be able to explain why they should be considered for a smaller area.

Mr. Doozan explained that the Township Board would make the final decision, but the Planning Commission is the recommending body regarding nursing homes and convalescent homes.

Ms. Blades asked if the requirements allow for the particular party that was interested in this revision. Mr. Doozan stated that it is the Mulligans parcel, and they would have enough acreage.

Mr. Hamilton made a motion to recommend approval to the Township Board of AP-08-22. Mr. Towne supported the motion.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

B. AP-09-03, Public Hearing to consider a text amendment to the Zoning Ordinance, Article 16.00, Signs.

Ms. Aniol reviewed the McKenna Associates memo dated April 8, 2009. She explained that they would be asking that the Commission table this item because there are items that still need more time to be fine tuned.

There was discussion regarding temporary portable promotional electrical signs, increasing the allowed size of the sign, offering more of a variety of sizes instead of a one size fits all approach, changeable copy, and allowing coming soon signs. Ms. Blades expressed her concern that they need to be more consistent throughout the document, which would make it easier to enforce.

Mr. Barber opened the public hearing at 7:45 p.m.

Joan Harrington – Ms. Harrington explained that she is the President of the PTSO at South Lyon East High School, and they would like to put in an electrical sign in the front of the school. Mr. Hogan explained that they would have to wait until the ordinance passed. She stated that they would like a bigger sign, more than what is going to be allowed. Mr. Hogan stated it could be 15' from the road, and it would allow 48' per side. Ms. Blades expressed her support of the sign and the benefit that it would provide to the community.

John Hogan – Mr. Hogan explained that he is the Manager at Flagstar Bank and asked that they allow some wiggle room for the businesses because as the manager of this bank, he sees different things for different banks. Some banks are allowed a monument sign and one above the door; he has one sign above the door facing Milford Road that does nothing to pull people in. He is at an extreme disadvantage to earn anyone's business. People always ask him where Flagstar Bank is located. When looking at cost cutting, they would start looking at which banks are not performing, and his branch is at an extreme disadvantage. It would help if he could advertise specials like "Free Checking" or "Free Business Checking". He can go four hours without one person coming into the bank. He stated that his business is dying on the vine, and he needs help. Mr. Al Hogan explained that he could petition the developer to allow a PD Amendment.

Troy Powe – Mr. Powe stated that it is important to allow the businesses to use inflatables, with restrictions, and recommended using regulations like what some of the surrounding communities use. He also felt it was important to maintain sandwich board signs and felt it should be regulated across the board and fair to everyone.

Dave Grimes – Mr. Grimes stated that he is from Fellowship Church and that their sign would be tasteful. He was curious as to how much longer this would go and asked for the sake of the businesses to move this forward.

Mark Mitra – Mr. Mitra asked that they consider being flexible with the signs. He is part of a PD. He felt that they are supposed to be in a partnership with the community and the Township together. There are already many businesses that have left the area. He asked that they help them stay around. They contribute to the community by participating in community events. He explained that he has other businesses in other areas and has larger signs. He has had people come in everyday and say that they didn't even know Arby's was located there. He recommended making this a highway destination. Placing signage at the exits that would help; he felt that they were missing a lot of people going on to the next community. He would like a pole sign with an Arby's logo that would be visible from the highway and the number of businesses on it or a 12'-18' pole sign that he could use to advertise specials.

Tamra Ward – Ms. Ward explained that she is the Administrator for Abbey Park at Mill River. She is happy with the signage. She felt that they were well supported by the Township when they developed the signage package for the site, and they support the onsite signage with a very comprehensive amount of advertising. They need a better sign ordinance because once they get people to the site, they ask what else was available in the area; they have failed to communicate a sense of place and what they can find here. There was not a comprehensive way to communicate community events and activities. She would encourage that they develop who and what they are.

Mr. Barber closed the public hearing at 8:15 p.m.

It was the consensus of the Commission to allow temporary electronic signs. The Commission decided to hold a special meeting on April 27, 2009 in order to move this subject along. Mr. Hamilton asked if the sign committee was going to meet again to consider an increase from 60/40 to 80/20 for the changeable text. Most of the Commissioners were in favor of the increase.

Mr. Hamilton made a motion to schedule a special meeting for April 27, 2009 and have the sign committee reconvene and change what was discussed and bring it back. Mr. Towne supported the motion.

Mr. Barber reopened the public hearing for AP-09-03 at 8:30 and it will reconvene on April 27, 2009.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

Mr. Hamilton made a motion to table AP-09-03 until the special meeting on April 27, 2009. Mr. Dolan supported the motion.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

5. OLD BUSINESS

**A. AP-07-21, Orchards of Lyon PD, Phase II
 Representing Orchards of Lyon: Dan LeClair**

Mr. LeClair explained that they have continued to meet with the neighbors and were working with staff and administration to resolve the issues and commitments that were made on behalf of the original developer so that when they come back, they will have a complete package. Unfortunately, the timing with meeting with the neighbors had not allowed them to get here for this meeting. They were asking to be tabled to allow them time to complete.

Ms. Blades expressed her concerns about the traffic on Pontiac Trail and explained that they have come to a consensus among the Commission that a traffic impact study is needed. Mr. LeClair explained that they did get a consultant to do this and to take into consideration all of the current developments that have gone on since this project was contemplated, and they will have that information at the next meeting.

Ms. Blades asked for clarification regarding the requirements of a traffic study, a minor vs. major change. Mr. Seymour stated that he would have to see the PD and refer to the ordinance and get back with her on that. Ms. Blades stated that she wants to make sure that the data does give them the answers that they need because they have residents that are seeking answers.

Mr. LeClair offered tabling it for 2-3 months to ensure completion. Mr. O'Neil stated that he agreed with Ms. Blades' comments.

Mr. Hamilton made a motion to table up to 90 days conditional upon supplying a traffic impact study. Mr. Towne supported the motion.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

B. AP-07-25, Meijer, Request for Site Plan Approval Extension

Representing Meijer: Bob Dunston

Mr. Doozan reviewed the memo from McKenna Associates dated April 8, 2009 and explained that Meijer has decided to delay the construction of their new store. Since receiving approval the applicant indicated that significant progress in preparing the site has occurred including:

1. Purchase of the property.
2. Secured the necessary easement to accommodate the Pontiac Trail improvements, along with approval from the RCOC of the engineered drawings for the road work.
3. Secured the necessary construction permits from the MDEQ for detention and storm sewer.
4. Completed engineered drawings for the site work and submitted them to the Township Engineer and County Drain Commissioner for review and approval.
5. Completed architectural drawings of the building and submitted them for a building permit.

Mr. Dunston explained that they have purchased the property and made headway with all of the open issues. From a construction standpoint, it is ready to go. The family and senior management decided to delay the project in order to get a sense of what is happening with the economy. They are still very committed to Michigan, and they are still opening stores. Based on this, they are looking to extend the site plan approval for a year, but he is not sure when they would get going again.

Mr. O'Neil suggested not granting the extension until the time is closer to expiration, in case there would be some sort of modification to the ordinance that they would want Meijer to consider. Mr. Dunston stated that he would agree to be open-minded if there are changes to the ordinance. Mr. Seymour explained that if the extension was approved, and the site plan conforms with the ordinance as of April 13, 2009, then they could build it that way even if the ordinance changes.

**Mr. Towne made a motion to approve the site plane extension for AP-07-25 until October 10, 2010.
Mr. Conflitti supported the motion.**

**Voice Vote: Ayes: 5
 Nays: Blades, Hamilton**

MOTION APPROVED

6. NEW BUSINESS

A. **AP-09-04, Crystal Creek Villas, Amendment to the Planned Development**

Mr. Doozan explained that the applicant submitted plans and an application seeking a PD amendment and gave a brief explanation of the project. The applicant wishes to convert a portion of the duplex condominium units into detached single-family condominium units.

Paul Elkow, developer, gave a brief account of the project. He suggested that he would like to move this project forward and salvage this development.

Mr. O'Neil explained that he lives in one of the subdivisions where Mr. Elkow is effectively the Homeowners Association, so if that is a conflict of interest, he would abstain from voting.

Mr. Towne made a motion to schedule a public hearing for AP-09-04 on May 11, 2009. Mr. Hamilton supported the motion.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

7. ADJOURNMENT

Mr. Barber adjourned the meeting at 9:20 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary