

Charter Township of Lyon  
Planning Commission  
Regular Meeting Minute  
May 17, 2010

Approved: June 14, 2010, as written

The meeting was called to order by Mr. O'Neil at 7:00 p.m.

Roll Call: Lise Blades  
Michael Conflitti  
John Dolan, Board Liaison  
Kristofer Enlow  
Sean O'Neil  
Carl Towne

Absent: Ed Campbell

Guests: 12

Also Present: Chris Doozan, McKenna Associates  
Phillip Seymour, Township Attorney  
Jason Mayer, Giffels-Webster

**Mr. Towne made a motion to excuse Ed Campbell's absence. Ms. Blades supported the motion.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**APPROVAL OF AGENDA**

**Mr. Towne made a motion to approve the agenda as submitted. Mr. Conflitti supported the motion.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**CONSENT AGENDA**

**Mr. Towne made a motion to approve the minutes of April 26, 2010 as submitted. Mr. Conflitti supported the motion.**

**Voice Vote: Ayes: Unanimous**

Nays: None

### COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

John Bell reminded everyone that the Kite Festival will be held on June 5, 2010, and it's a free event.

Ms. Blades reminded everyone that the 3 Minutes of Lyon Film Festival will be held on May 21, 2010 at dusk at Atchison Park. On Sunday, May 23 the winner will be announced at The Lyon Theatre in South Lyon.

### PUBLIC HEARINGS

1. **AP-10-02b, Tractor Supply Company – Lyon crossing PD Amendment, PD located along Lyon Center Drive West and Grand River Avenue, west of Milford Road. Public hearing to consider an amendment to the PD Agreement.**

**Representing Tractor Supply Company:** Steve Witte, Project Manager, Nederveld  
Don Kettler, DMK Development  
Chris Kettler, DMK Development  
Anthony Antone, Kojaian Management Corp.

Mr. Doozan reviewed the May 5, 2010 McKenna Associates memo with the following recommendation:

1. Recommend that the Planning Commission recommend approval of the amendments to the Planned Development Agreement to the Township Board, as set forth in "The Lyon Crossing Third Amendment to Planned Development Agreement." Received by the Township on May 3, 2010.
2. Recommend that the Planning Commission approve the site plan for Tractor Supply Company (plans received by the Township on May 3, 2010) subject to approval of "The Lyon Crossing Third Amendment to Planned Development Agreement," and subject to Township Engineer approval.

Mr. Mayer explained that the 1 on 3 slope would work and it was recommended to add ground cover in that area, which could be addressed on the plans.

Mr. Witte explained that the proposal calls for the construction of a 19,097 sq. ft. building and that there will be outside display area. A total of 90 parking spaces are being proposed.

Mr. Towne suggested completing the row of handicap parking spaces in the front of the store. Mr. Witte explained that it could be done, but the small landscape area would have to be removed to accommodate the extra space.

Mr. Witte explained that there is a 10' requirement regarding the dumpster, so the dumpster was moved to accomplish the 10' requirement. They requested 118 square foot sign versus a 100 square foot sign and felt it was in line with the size of the lot and building. The slope was modified in the rear yard for a 1 on 3 slope, and the landscaping was modified to make it look nicer.

Mr. Kettler explained that a Demo Days event is held at the store, and customers can start up and ride the equipment. That happens about 2 times per year from approximately 10:00 a.m. – 5:00 p.m. and is

demonstrated inside the fence area. He continued that the store is located between 1200-1300' from residential areas, and there will be another business between, which would provide a buffer.

Mr. Witte explained that after speaking to several experts regarding the painted block versus impregnated block, the consensus was that impregnated block tends to not be waterproof at the joints and produces a white, milky substance. They felt the painted block was the way to go and requested keeping what was proposed.

Mr. Conflitti questioned when the applicants planned to be open. Mr. Witte explained that the goal is to open in 2010. Mr. Conflitti confirmed that there is no east elevation signage.

**Mr. Towne made a motion to open the public hearing at 7:28 p.m. and closed it at 7:29 p.m. due to no one wishing to comment. Ms. Blades supported the motion.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

Mr. Kettler explained that Tractor Supply stores do hold Chick Days and also offer baby rabbits, which are all kept inside the store.

Mr. Towne requested that the material safety data sheets be updated with the Fire Department when anything new is added to the inventory of the store.

Ms. Blades explained that she felt that the decorative lighting had a whole disjointed feel to it and asked if the decorative lighting would be kept to the outside sidewalk of the development. Mr. Antone stated that, most likely, is the way it will be. Boxed lights would be used for the parking lots.

**Mr. Towne made a motion to recommend approval of AP-10-02b to the Township Board amendment to the Lyon Crossing PD. Ms. Blades supported the motion.**

**Roll call vote: Ayes: Conflitti, Towne, Blades, Dolan, Enlow, O'Neil  
Nays: None**

**MOTION APPROVED**

**Mr. Towne made a motion to recommend approval of AP-10-02a including the 90 parking spots, 118' sign and the 1 on 3 slope with ground cover as well as approval of the colors of Kilwin Beige and Hopsack for the building. Mr. Conflitti supported the motion.**

**Roll Call Vote: Ayes: Enlow, Dolan, Towne, Blades, Conflitti, O'Neil  
Nays: None**

**MOTION APPROVED**

Mr. Kettler thanked the Commission and his staff for doing a commendable job and welcoming them to the community.

- 2. AP-10-04, Allowable Use Amendment to the Zoning Ordinance. Public hearing to consider an amendment to Article 12.00, General Provision, Section 12.02, Allowable Uses.**

Mr. Doozan referred to the McKenna Associates memo dated May 6, 2010, which explained that the amendment to the Zoning Ordinance was being proposed in part to address concerns about medical marijuana use, which was authorized by voters on November 4, 2008. Several communities have expressed concerns about implementation of the medical marijuana program, primarily because of the activities of "primary caregivers". Problems arise when several primary caregivers assemble to open a "compassion center", or dispensary, which may have a negative impact on a commercial district or neighborhood.

One of the easiest ways to deal with this is to rely on federal regulations, which still prohibit use of marijuana. This method would completely prohibit medical marijuana use in the Township.

Concerns regarding dispensing and the use of marijuana were briefly discussed.

**Mr. Towne made a motion to open the public hearing at 7:53 p.m. and closed it at 7:53 p.m. due to no one wishing to comment. Mr. Conflitti supported the motion.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

Mr. Seymour explained that it is still against federal law to use marijuana. Whether the State of Michigan says someone can use it or not, it is still not allowed under federal law.

**Mr. Towne made a motion to recommend approval of AP-10-04 to the Board.  
Mr. Enlow supported the motion.**

**Roll Call Vote: Ayes: Conflitti, Towne, Enlow, Dolan, O'Neil  
Nays: Blades**

**MOTION APPROVED**

- 3. AP-10-06, Saddle Creek PD Amendment, PD located on the west side of Pontiac Trail, north of 11 Mile Road. Public hearing to consider an amendment to the PD Agreement to allow temporary agricultural use on the undeveloped portions of the property.**

Mr. O'Neil explained that a notice was not posted in the correct newspaper; the newspaper accidentally placed it in the wrong newspaper. Therefore, to meet the publication requirements, it will run again in the correct newspaper. He would like to open the public hearing and hold the public hearing to the next regular meeting. At that point, proper notice will have been sent to the community.

Mr. Doozan referred to the McKenna Associates memo dated April 21, 2010, which listed the additional information that is needed.

Mr. Babcock explained that he would like to amend the PD to allow an agricultural use in Phases 2 & 3 and use the land until such time when the economy turns around and they are able to complete the phases.

**Mr. Towne opened the public hearing at 8:05 p.m. Mr. Dolan supported the motion.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**Ken Hamblin, 8325 Rushton Road** – Mr. Hamblin explained that he is the owner of 5H Farms. He explained that he has petitions from 95% of the people that live in Saddle Creek, Trotters Pointe and Pinehurst who supported his endeavors. The residents explained that they would rather see farming than weeds.

Mr. Towne explained that Mr. Hamblin needed to be a certified applicator with the State in order to apply pesticides.

Ms. Blades questioned when the absolute last day could be for planting. Mr. Hamblin explained that June 1 would be the last day.

Mr. Dolan questioned how long Mr. Hamblin has been farming in the area. Mr. Hamblin stated since 1990.

**Travis Raskey, 1036 Cantor Lane** – Mr. Raskey explained his concern regarding pesticides, and he questioned if the farm would be watered. If so, how that could affect his property? He stated that he has never been asked if it was okay to farm that area. He didn't think the approval came from his street.

**Kristy Heist, 26711 Kentucky Court** – Ms. Heist stated she is not opposed to the farming as long as it is kept clean. She has concerns regarding the pesticides that are used, since she has a small child. She questioned how long this farming use could be in effect for and wondered if the unfinished phases could ever be zoned from residential to commercial.

Mr. Babcock explained that no water will be used and that all regulations would be followed in terms of the pesticides and herbicides that are used. Mr. Babcock also explained that they have showed a 30' buffer from any rear property line.

**Ken Elkins, 26700 Kentucky Court** – Mr. Elkins commented that he used to have a swale in his backyard with small trees growing, and those are now gone. He did not want to see the farm creeping in on his property closer and closer.

**Mr. Towne made a motion to hold open the public hearing until the June 14, 2010 meeting.  
Ms. Blades supported the motion.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**OLD BUSINESS**

**1. Master Plan**

**Ms. Blades made a motion to table the Master Plan update until the next meeting. Mr. Towne supported the motion.**

Voice Vote: Ayes: 5  
Nays: O'Neil

**MOTION APPROVED**

**NEW BUSINESS**

**1. AP-10-05, Rezoning Sign Requirements – Amendment to the Zoning Ordinance**

Mr. Doozan stated in the back and forth on the recent rezoning sign, it has become clear that the 21 day notice requirement is in conflict with the 15 day requirement in State law. He recommended changing the ordinance at least 15 days prior to a public hearing.

**Ms. Blades made a motion to schedule a public hearing for AP-10-05 Rezoning Sign Requirements for June 14, 2010. Mr. Towne supported the motion.**

Voice Vote: Ayes: Unanimous  
Nays: None

**MOTION APPROVED**

**2. Fence Ordinance**

Mr. Doozan reviewed the McKenna Associates memo dated May 6, 2010, which calls for a review of the fence regulations which are in Section 12.16 of the Zoning Ordinance.

Mr. Dolan explained the concerns from residents that he hears all the time. He proposed changing the maximum height of a fence from 4 feet to 6 feet for fences that are located in the rear of the dwelling area and a maximum height of 4 feet for fences located in the side or front yards.

Ms. Blades, Mr. Towne and Mr. Dolan formed a subcommittee to review the ordinance and come back with a revised plan.

**COMMUNITY REPORTS**

**Township Board Liaison** – None

**Planning Consultant** – None

**ADJOURNMENT**

**Mr. Towne made a motion to adjourn the meeting at 9:00 p.m. due to no further business. Ms. Blades supported the motion.**

Voice Vote: Ayes: Unanimous  
Nays: None

**MOTION APPROVED**

The Regular Meeting of the Planning Commission was adjourned at 9:00 p.m.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary