

Charter Township of Lyon
Planning Commission
Special Meeting Minutes
May 9, 2011

Approved: as written June 11, 2011

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

Roll Call: Lise Blades
Ed Campbell
Michael Conflitti
John Dolan
Kristopher Enlow
Sean O'Neil
Carl Towne

Guests: 7

Also Present: Chris Doozan, McKenna Associates
Matthew Quinn, Township Attorney

APPROVAL OF AGENDA

**Motion by Towne, second by Blades
To approve the agenda as submitted.**

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

MOTION APPROVED

CONSENT AGENDA

**Motion by Towne, second by Blades
To approve the April 11, 2011 meeting minutes as presented.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

Jay Aldridge – Mr. Aldridge explained that he is a chair for the DDA Design Committee. He would like to present the ideas that have been investigated thus far so that everything can be incorporated into the plans with everyone on the same page.

After discussion, the Planning Commission felt it would be better to let the DDA look at it first and then bring it back for a presentation to be placed on the agenda next month.

PUBLIC HEARINGS

- 1. AP-11-04 Hornbrook Estates PD Amendment, northeast corner of 11 Mile Road and Martindale Road. Public hearing to consider amending the approved PD plan to remove Lot 74 and woodchip path.**

Mr. Doozan reviewed the McKenna Associates memo dated 4/1/11. He explained that upon excavating the basement for the house to be built on Lot 74, heavy amounts of trash were discovered in and under the basement area. It was determined that building on this lot would not be feasible. Consequently, the developer would like to remove Lot 74. He is also requesting a refund for one sanitary sewer REU. Initially, the applicant proposed to install a woodchip path in the central open space. Mr. Doozan asked that the applicant provide reasonable justification for the removal of the woodchip path.

Mr. Doozan explained that the amendment to the Planned Development Agreement and the amended Planned Development Site Plans have not been turned in, so he would recommend tabling that issue.

Mr. Mancinelli explained that he wants to get feedback from the Commission before making a decision, which is the reason he hadn't completed the paperwork.

Mr. Mancinelli explained that the residents do not want the woodchip path. Woodchip paths become weed beds and require a lot of maintenance. He felt the only way to do a path like that would be to use gravel, asphalt or cement.

Ms. Blades questioned why the lot is not feasible. Mr. Mancinelli explained that a lot of piling would have to go on top and piping would have to be placed under it in order to take care of the gas that might be there. That could cost anywhere from \$20,000-\$80,000, and he didn't want the responsibility of someone getting sick.

**Motion by Blades, second by Conflitti
To open the public hearing at 7:18 p.m.**

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

MOTION APPROVED

Shirley Baker, 27239 Stancrest Drive – Ms. Baker commented that area used to be the garbage dump; the whole area used that for a dump.

Tim Zawicki, 26673 Daria Circle West – Mr. Zawicki commented that he is with the Homeowners Association and that they have taken a vote and no one wants a woodchip path and there was really no interest in having an asphalt or cement path.

Jim Myers, 26401 Daria Circle East- Mr. Myers commented that a wood chip path is

nothing more than a weed bed. He would consider other alternatives, but those are cost prohibitive.

Motion by Towne, second by Conflitti

To close the public hearing at 7:20 p.m. due to no further comments.

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

MOTION APPROVED

There was no objection from the Commission to omitting the woodchip path.

Mr. Myers asked if the homeowners would have to pay taxes on that lot. Mr. Mancinelli explained that once it goes back to the association, it goes to tax elimination and becomes public open space.

Motion by Towne, second by Blades

To table AP-11-04 Hornbrook Estates until the Planned Development Agreement and the amended Planned Development Site Plans are received and shows Lot 74 reverting back to the association and becoming open space.

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

MOTION APPROVED

OLD BUSINESS

1. **AP-11-01, Automobile Service Stations – Consider amendments to Section 3.02 and Section 30.02(B)1 of the Zoning Ordinance, which would change the definition of automobile service stations and allow them as a special land use in the B-1 district.**

Mr. Dolan explained that the Board felt that automobile service stations should be restricted to the downtown area instead of opening them up to the entire township. Ms. Blades stated that the problem is that there are places where the Township wouldn't want a gas station, and she was comfortable tightening it up.

Mr. Towne suggested that it could be divided between gas stations and repair shops so that an applicant could do either one.

Mr. Quinn suggested amending the Special Land Use criteria. Mr. Doozan explained that restricting it to the overlay district is an option. Mr. Doozan also stated that the Board didn't want to allow the use where a B-1 or B-2 zoning district existed.

Mr. Conflitti liked the idea of separating the fuel and repair.

**Motion by Towne, second by Conflitti
To table item AP-11-01 Automobile Service Stations until the next meeting.**

**Voice Vote: Ayes: 6
Nays: Blades**

MOTION APPROVED

Mr. Quinn suggested limiting the use to B-1 and B-3 but not allowing it adjacent to residential areas.

NEW BUSINESS

- 3. AP-11-07, Verizon Wireless Monopole Extension, 54740 Grand River Avenue. Site plan review of proposed extension of existing monopole and construction of new equipment shelter.**

Representing Verizon Wireless: David Antoun

Mr. Doozan reviewed the McKenna Associates memo dated April 28, 2011 with the recommendation that the applicant address the items of concern cited in the McKenna Associates memo dated April 28, 2011. The particular concerns are about the structural condition referred to in the report from Paul J. Ford and Company. If the applicant submits a special land use application, he would recommend that a public hearing date be scheduled.

Mr. Antoun explained that they don't own the tower, and it would be better to leave it galvanized gray because it does not rust. He explained that modifications would be done to the height of the tower. He would like to go below the height standards, but it would not cover the phone area needed by their customers. He continued that they could do a brick area but would prefer to match what exists. He explained that the compound is not theirs but belongs to Comcast; they pay Comcast rent to maintain the area.

Mr. Towne stated that he was not willing to move forward without an updated letter from Paul J. Ford and Company. Mr. Anton stated that he knew the tower would not support the addition right now but would once the modifications were completed. Mr. Doozan stated that he would be more comfortable having an updated letter from Paul J. Ford and Company stating that the modifications will do what they say it will do. Mr. Enlow agreed and he asked that the applicant show a need for the height variance.

Mr. Doozan explained that a special land use is also required due to the extension of the towers, so a special land use application will need to be submitted.

Mr. O'Neil explained that the cost would be on the applicant if a public hearing is scheduled. If the applicant is not able to meet the deadline, it would have to be paid for twice. Mr. Antoun stated that he understood that.

Motion by Towne, second by Conflitti

To hold a public hearing on June 13, 2011 for AP-11-07 Verizon Wireless Monopole Extension.

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

MOTION APPROVED

Mr. O'Neil stated that the masonry and the fencing structures are still in the ordinance. Mr. O'Neil stated that those requirements cannot just be waived they would either need to be included or the applicant would have to go before the ZBA. Mr. Doozan stated that the landscaping and the vinyl fence would need to be completed.

**Motion by Blades, second by Enlow
To table the site plan AP-11-07 for Verizon Wireless Monopole Extension.**

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

MOTION APPROVED

- 4. AP-11-08, Blue Cross Blue Shield Landscape Plan, 53200 Grand River Avenue. Site plan review of proposed landscape plan for existing Blue Cross Blue Shield site.**

Representing Blue Cross Blue Shield: Randy Metz, Grissim Metz Andriese Associates.

Mr. Doozan reviewed the McKenna Associates memo dated April 21, 2011. He explained that even though the site will not have the manicured look people are used to seeing, the proposed landscape plan achieves a much higher level of sustainability. If done properly, this plan could very well set the standard for future site plans along Grand River Avenue. Based on these considerations, he recommends approval of the landscape plan for Blue Cross Blue Shield of Michigan.

Mr. Metz reviewed the proposed landscape plan for Blue Cross Blue Shield. It will include meadow areas are rough cut landscaped areas. The plan will be laid out so there are beautiful forms. He explained that the company is working on making their corporate buildings more sustainable. He also explained the phases for development.

Ms. Blades questioned if residents would be able to utilize the space when it's completed. Mr. Metz stated that he would ask and that Blue Cross Blue Shield is excited and wants the public to know what they are doing.

Mr. Towne stated that the sidewalk should be continued on the frontage as well as Old Plank Road. He would also like to see the grass parking area deleted.

Mr. Conflitti asked if there was any concern regarding blocking the sight distance. Mr. Metz stated that it has to be maintained, and the views have to be unobstructed.

**Motion by Conflitti, second by Blades
To approve AP-11-08 Blue Cross Blue Shield Landscape Plan.**

Mr. Towne stated that he would like to see that sidewalks are added to it and that it's noted on the plan that the extra green area for future parking has not been approved. He commented that there is not an original drawing, and it's difficult to approve this when he doesn't have all of the changes.

There was brief discussion as to whether or not a sidewalk would be required. Mr. Quinn stated that they are asking to amend the site plan therefore the applicant will have to comply with the sidewalk ordinance. Ms. Blades stated that she wanted to make sure it was a requirement before going forward. Mr. Doozan referred to Section 40-33 of the Zoning Ordinance. Mr. Quinn also explained that Blue Cross Blue Shield has never paid taxes or made any contribution to the township. Mr. Quinn suggested that the applicant only put on the plan what is being asked for approval, not for future phases.

Mr. Conflitti withdrew his previous motion on AP-11-08.

**Motion by Conflitti, second by Towne
To table AP-11-03 Blue Cross Blue Shield Landscape Plan until the June 13, 2011 meeting.**

Voice Vote: Ayes: Unanimous
 Nays: None

MOTION APPROVED

- 5. AP-11-09, Pinehurst PD Amendment. PD located on the north side of Ten Mile Road, east of Martindale Road. Schedule a public hearing to consider an amendment to the PD Agreement to allow farming in the undeveloped phases.**

Mr. Towne stated that they never received any information regarding pesticides or any kind of license by the State to apply it. Mr. Quinn stated that the applicant is still behind on the plan and is breaching their contract with the Township. The required trees have still not been planted and it's been 4+ years.

No action was taken on this item.

- 6. AP-11-11, Kroger Special Land Use, northeast corner of 8 Mile and Pontiac Trail. Schedule a public hearing to consider a Special Land use request to allow outside display of merchandise for sale.**

Mr. Towne and Ms. Blades commented that they are happy to see that procedures are being followed.

Motion by Blades, second by Towne

To schedule a public hearing for AP-11-11 Kroger Special Land Use for June 13, 2011.

Voice Vote: Ayes: Unanimous
Nays: Nays

MOTION APPROVED

ADDITIONAL BUSINESS

7. Master Plan Designation – Consideration of various parcels designated on the Future Land Use map

Mr. Doozan reviewed the McKenna Associates memo dated May 6, 2011.

He explained that regardless of the Master Plan designation, it would seem that the R-0.3 zoning may remain in place and is valid, pursuant to subsection (4) as long as there is no change in zoning and there is no ZBA action that increases any inconsistency with Airports Land Use Plan.

Ms. Blades stated that she is not in favor of changing the designation on the future land use map, and it should not be changed on this particular parcel. She stated that clearly that area is completely residential. Mr. Towne agreed.

The consensus was to leave everything the way it is.

Mr. Doozan outlined the Master plan adoption procedures. When the Commission is comfortable with the outline, it will be submitted to the Township Board. It will be distributed after approval.

8. Chickens in Subdivisions

Mr. Quinn commented that the current ordinance in the Code of Ordinances defines that prohibited animals include farm animals and the keeping of chickens is prohibited unless living on a farm.

Ms. Blades questioned hobby farms. Mr. Quinn stated that he would look into that and bring it back to the next meeting.

9. Community Reports

Mr. Dolan reported that the Board approved the Twin Pines PD (AP-10-13), the church zoning designation (AP-08-21) and the Asbury Condominium PD Waiver (AP-11-05).

ADJOURNMENT

**Motion by Towne, second by Blade
To adjourn the meeting at 9:15 p.m.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:15 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary