

Charter Township of Lyon
Planning Commission
Regular Meeting Minutes
July 11, 2011

Approved: August 8, 2011 (as written)

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: 6

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

APPROVAL OF AGENDA

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

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

MOTION APPROVED

CONSENT AGENDA

**Motion by Towne, second by Campbell
To approve the June 13, 2011 Regular Meeting Minutes as presented.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - None

PUBLIC HEARINGS

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

Mr. Doozan reviewed the McKenna Associates memo dated 7/5/11.

Mr. Doozan reviewed the responses from the applicant that were received on 7/11/11. There is an insecticide called Cabrio that will be used. The closest existing home to the farmed area is 100+ feet. There are no effects from runoff from the farmland, and there are no odors associated with the use. Soybeans will be farmed on the site. It was also explained that the farmed area would be accessed off of Douglas Drive through an existing parcel that belongs to the farmer's cousin. There will be no machinery stored on site.

Mr. Doozan also recommended that paragraph 2 be revised as follows:

Farming shall be permitted upon the undeveloped portions of the property, based on any and all parameters agreed to by the applicant, until such time that those areas of the property are developed. Farming shall be subject to annual administrative review by the Township, at which time the Township may find that farming is no longer appropriate for the property.

Justin Cecil, Atwell Engineering, representing Pulte, explained that he would answer any questions. He did not have any additional information on the insecticide other than it would be used if needed.

Mr. Towne explained that he would like to see an MSDS sheet in order to know more about the insecticide. He stated it was their job to protect the citizens. Mr. Dolan remembered that the farmer had said previously that he used Roundup. Mr. Enlow agreed with Mr. Dolan.

Ms. Blades questioned the hours of farming. Mr. Cecil stated it would be daylight hours.

Ms. Blades questioned if the crops have been planted yet. Mr. Cecil stated that they have been planted; this practice is what has been historically done on the property.

Mr. Towne stated that he would like authorization in writing from the access property owner giving the farmer permission to access the property. He also stated that fertilizer and even Roundup gives off an odor. He would also like to know if the seed is a Roundup ready seed that will be used. What kind of fertilizer will be used? The insecticide is a huge item, since they don't know what kind it is. He also stated that the fertilizer is important because they don't want phosphates in the sewage system. Mr. Towne stated that the guidelines needed to be set.

Mr. Conflitti stated that farming has already begun and questioned if there have been

any complaints. Mr. Doozan stated no.

**Motion by Towne, second by Blades
To open the public hearing at 7:14 p.m.**

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

MOTION APPROVED

April Talaga, 25001 Douglas – Ms. Talaga stated that the farmers have farmed there for two years, and there have been no problems. She lives next door to Mr. Perfetto, where the farmland would be accessed, and there were no problems. She has not experienced any smells coming from the farm. The farming is done during the day, and there are no issues with loud noises. They would rather have farming than have weeds.

Scott Casebolt, 24513 Ridge Pole Court – Mr. Case bolt stated that he signed the petition to allow farming. It has been positive for the subdivision. This is a farming community, and he has no complaints. He stated he is comfortable with the year-to-year scenario in order to address any concerns that might arise.

Phil Zalewski, 58311 Ten Mile – Mr. Zalewski stated that he agrees with the year-to-year scenario, and he questioned how the administrative review works. He also questioned what the pesticide is that they would be using.

**Motion by Towne, second by Blades
To close the public hearing at 7:21 p.m.**

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

MOTION APPROVED

Mr. O’Neil explained that letters were received from Jack Healy and John Peters in support of the farming.

Ms. Blades expressed her concern as to why these items keep slipping through the cracks. She is in favor of the farming but stated that the Township has been very lucky that this applicant has a positive reputation with support from the neighbors. She is glad this is not a replay of Kirkway Estates, where there were residents that were opposed to the farming. She found it absurd that crops have already been planted without following procedure.

Mr. Campbell stated that he Googled Cabrio, and it seems like a harmless pesticide. Mr. Towne stated that he would still like to see an MSDS data sheet on it.

Motion by Conflitti, second by Towne

To grant preliminary approval to AP-11-09 Pinehurst PD Amendment to allow farming subject to conditions in the McKenna Associates memo dated 7/5/11 including a letter from the property owner allowing access to the property, along with an explanation of Cabrio and how it will be applied along with any chemical/fertilizer that will be used.

Roll Call Vote: **Ayes: Unanimous**
 Nays: None

MOTION APPROVED

2. AP-11-13, Off-Premise Advertising Signs – Public Hearing regarding amendments to Section 16.05, Subsection D.

Mr. Doozan reviewed the memo dated 7/6/11 explaining that the purpose of the amendments is to allow the Township to erect up to three double-sided billboards. The income generated by billboards is the incentive to consider these modifications.

Motion by Towne, second by Campbell
To open the public hearing at 7:31 p.m.

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

MOTION APPROVED

Motion by Towne, second by Blades
To close the public hearing at 7:31 due to no comments.

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

MOTION APPROVED

Mr. Towne stated that billboards on a whole are a way to generate revenue. He felt that a private company should build and run them. He questioned what kind of access community events would have such as the film festival or scouts.

Mr. Enlow questioned where the revenue would be used. Mr. Doozan explained that it would be built on the north side of the park, on virgin ground; the cap cannot be penetrated on the landfill. He did not know where the revenue would go. Ms. Blades asked the amount of the anticipated revenue. Mr. Doozan stated it is in the hundreds of thousands. Ms. Blades stated that they don't have any information that demonstrates the revenue.

Mr. O'Neil stated that these are difficult economic times. In this economy, they are being asked to do something that in a normal economy probably wouldn't be done. He does not have a problem considering this, but he wasn't sure of the balance. It could

be looked at two ways. The Township could be criticized for allowing this to generate revenue or criticized for not doing it. He is not interested in the Township Board raising taxes on the residents. If this would prevent that from happening, then that may be a reason to do it. It's not pleasant either way. He doesn't think I-96 needs more billboards, but a potential budget problem isn't something he wants either.

Mr. Conflitti stated that everyone has had to make concessions, and he feels the Township should take advantage of this opportunity.

The other two possible sites were briefly discussed.

Ms. Blades stated that they were very diligent regarding the sign ordinance. Now that we have an opportunity to make some money, the Township is throwing out the conservative nature to put up billboards. She would hate to see this get approved outside of the thought process that the Township is looking at putting billboards in a park; she thinks it is wrong. Billboards are not intended to be in a park, but it's being written that way so the Township can advantage of it to put things where they were never intended to be put. People have comfort knowing what can be built when they move into a certain zoning district. By making this change, people won't know. This is rewriting an ordinance just so a billboard can go into the park. There is no information as to how much revenue would be generated, what it would be used for, or if the revenue would be used strictly for park maintenance. This is the face of the Township, and she does not want Lyon Township to become strip mall after strip mall. This is a decision that the Township would have to live with forever. She felt it doesn't matter what recommendation the Planning Commission makes; the Township Board will do what they want no matter what.

Mr. Towne stated that it would be written so that billboards would have to be 350' from subdivisions.

Ms. Blades questioned if the Township owns the park. Mr. Doozan stated no. Ms. Blades asked how a park can be allowed in a business district, since the ordinance states that there cannot be a municipally-owned or privately owned park in a business district. She questioned if those ordinances are going to be rewritten. She questioned if the landfill company has been contacted.

Mr. O'Neil asked if the ordinance amendment allows for billboards to be placed on municipal property in any zoning district, then why does the park have to be rezoned? Mr. Doozan stated that there is an act regarding billboards in the State of Michigan that says they have to be on commercial or industrial property. Ms. Blades stated that should be a hint as to what the State wants them to do; billboards in a park or in a residential area are not wanted.

Mr. Enlow asked if there is any regulation as to what kind of advertising would be displayed on the billboards. Mr. Doozan stated that the Township would govern what goes on the billboard.

Ms. Blades stated that if the park gets rezoned, this is the first step. Ten years from now, the Board could say they have commercial property there and then any type of

business in B-3 such as a park and ride lot or open-air display of goods could potentially go there. Mr. Towne stated it is on unstable ground, so nothing could be built.

Ms. Blades questioned if this would be in violation of the current grant with MDNR. Mr. Doozan stated he did not think so.

Mr. Campbell asked why the amount of billboards allowed was capped at ten. Mr. Doozan stated that they wanted to cap the amount allowed in the Township.

Mr. Campbell stated he is in favor of having the revenue for the Township, but he also understands Ms. Blades' points. He didn't think there was a perfect answer. Mr. Doozan stated that he didn't think anyone was in favor of billboards. However, with the way the economy is and the way foreclosures have played out in the Township, there is a need to generate additional funds in the Township. Ms. Blades questioned when the economy is better, could the park be rezoned back to the way it was? Mr. Doozan stated no one has thought of that yet.

Mr. Towne questioned the lumens and the LEDs that will be used and how the lighting would conform to the rest of the area around the freeway. Mr. Doozan stated the lighting would go up considerably, since it would be LED. Mr. Towne suggested looking at the positive side and get creative by using the revenue for items that the community could use. Look at extending electricity, maybe a toboggan hill with a tow rope that is run by electricity. No one wants it, but it is the right thing to take advantage of what we have and gain something positive for the residents.

Mr. Campbell asked if Michigan was looking at limiting billboards. Mr. Doozan stated that it's possible to obtain used licenses, and there is a limit set.

Mr. Enlow stated it would be easier if there were facts and figures in front of them to think about it from a resident standpoint. It would be easier to sell it to the residents if they had information as to where the revenue would go and how much revenue would be generated.

Mr. O'Neil commented that he would also like to have facts and figures so when someone asks him why he was in support of it, then he would be able to answer and feel like he's making a good decision. This is a lifetime sign. He thinks that all of the Planning Commissioners take their duties seriously, and that's why they are struggling with this decision. They want to be fair and reasonable, and they need the information to make a good decision. Ms. Blades stated that the Township Board would still do what they are going to do. Mr. O'Neil stated that the Planning Commission has to do the job that they are charged with doing. He stated he would like to see facts and figures, which company would be doing the work, the upfront costs, the time, the projected revenues per month, and the anticipated monthly income. Also, would the Township be paying for the initial investment or would someone else? The Board is asking them to do something that they would not normally participate in, and it is fair to ask for information.

Mr. Enlow suggested that if the Township is in control of the pricing, they could offer a

free month of advertising or a discount for Township businesses. It would be a public service to the community.

Mr. O'Neil stated that a portion of the revenues should go back to the park fund so it's a benefit for the community as well. If this is something that the community is expected to accept, then there should be a presentation of some sort with a breakdown of where the Township stands fiscally, why it's needed, what the costs are upfront, what the revenues are, and what the risks are. He stated they have no idea. They all live in this community. People would question why the Planning Commission made this decision, and he would have no answer.

Ms. Blades stated that at one time, they were told at the Park Committee level that any money generated by the methane gas had to stay within the park. She reviewed the grant amendment agreement with the MDNR and questioned if a billboard in the park area would be revenue. Mr. Quinn stated that he would have to review the entire document. Ms. Blades stated that if this were the case, it would not help the Township out at all. She would also like to know the entire cost that this process has taken up to this point and beyond.

Mr. Conflitti stated that if this is the Planning Commission's responsibility, they should be concerned with the size of the sign and location as opposed to how much revenue the Township would be making. Mr. O'Neil stated he would like to know that there is justification financially; they can't turn a blind eye to the economics of it, given the economic times.

Ms. Blades stated that she would like to know how much money has already been spent without ever having this on their desks. Mr. Quinn stated that to his knowledge a penny has not been spent. Ms. Blades stated then that was something that she would want to know, because the impression is that the Township has spent money getting engineering done. How much will it cost to rezone the park property if it can't even happen due to the MDNR grant or the landfill company saying no? Mr. Doozan stated that the information would be known before the public hearing stage. Mr. Doozan stated that Mr. Young has had contact with the landfill company and that determination should be coming forward. He felt the initial contacts have been positive.

There was brief discussion regarding the possibility of having a special meeting with the Board. It was decided that an invitation would be sent to Supervisor Young to attend the next meeting or send a letter addressing the concerns of the Commission.

Motion by Campbell, second by Enlow

To table AP-11-13 Off Premise Advertising Signs until the August 8, 2011 meeting and request that Lannie Young be present or submit a letter answering the following issues:

- 1. Would this violate the MDNR Grant?**
- 2. Landfill approval of rezoning**
- 3. What are the upfront costs?**
- 4. How will the revenue be distributed?**
- 5. How much, if any, money has been spent so far?**

6. **What are the risks?**
7. **Where does the Township stand fiscally?**
8. **What is the projected monthly income?**
9. **Will it be privately built ?**
10. **Community use of the billboard**
11. **Timetable**
12. **Locations of proposed sites for the billboards**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

OLD BUSINESS

1. **AP-11-07, Verizon Wireless Monopole Extension, 54750 Grand River Avenue. Special Land Use (AP-11-07b) review of a proposed extension of existing monopole and construction of new equipment shelter.**

Mr. Doozan reviewed the McKenna Associates memo dated July 6, 2011. He recommended that the Planning Commission work with the applicant to resolve the concerns identified in the memo, particularly those dealing with exterior materials and security to be posted upon issuance of a building permit. Compliance with the ordinance should be achievable with both of these items. With regard to the Special Land Use, they recommend that the Planning Commission recommend approval of the special land use to the Township Board, based on the site plan revision dated 5/17/11, and subject to use of real brick on the exterior the equipment building, posting of security in a form agreeable to the Township Attorney upon issuance of a building permit to assure removal of the facility when it has been abandoned or is no longer needed, inspection of the facility annually, vegetation control a minimum of twice per year, and implementation of the engineering recommendations outlined I the letter from Keith J. Tindall, P.E., from Sabre Towers and Poles.

Regarding the site plan, assuming positive special land use recommendation, the recommendation is that the Planning Commission approve the site plan revision dated 5/17/11, subject to final approval of the special land use by the Township Board.

Since the applicant was not present, it was the consensus of the Commission to table the applicant's request.

Motion by Towne, second by Campbell
To table AP-11-07 and AP-11-07b, Verizon Wireless Monopole Extension.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS

5. AP-11-15, Lowe's, 30547 Lyon Center Drive East. Site plan review of a proposed area to temporarily store used appliances and wood pallets that are being collected for recycling purposes.

Representing Lowe's: Dave Sicheneder

Mr. Doozan reviewed the McKenna Associations memo dated July 6, 2011 with the following recommendation:

Given the efforts of Lowe's to recycle used appliances and pallets, the outside storage at the southeast and southwest corners of the building should be allowed, provided it is kept neat in appearance. With respect to the outside display in front, there is room for discussion between the applicant and the Planning Commission. In particular, there is concern whether outside display is needed across the entire front of the building.

Mr. Sicheneder explained that it is a seasonal situation and lasts for a total of about 4 months from Memorial Day to Independence Day. Once that is over, they don't really use the front storage area other than to display items like snow blowers. There is a 53' storage trailer that is used for recycling, and they are willing to plant eight 12' trees or install a fence to block that out completely.

Mr. Towne stated that he was very happy with the store and felt that the residents were as well. He felt they were taking away from the front façade; it should be cleaned up around the doors so that there is a 5' clearance at all times. He felt that there should not be anything stored on the shelves by the loading docks. He didn't think that trees were needed but that a nicer trailer could be used.

Mr. Sicheneder explained that he agreed with the housekeeping items and he would take care of those issues.

Mr. Dolan indicated that he liked the store and visited it often; he had no issues. He wanted to make sure the business succeeds. He felt the outdoor display was fine, and they are doing a good job.

Ms. Blades also commented that she has never noticed the trailer before and felt there was no need to screen it.

Mr. Conflitti agreed with the pillar area by the contractor doors. It blocks the site line and should be empty.

Mr. O'Neil stated that he would not like to see a fence. However, if they are going to plant the trees, that would be great.

Mr. Enlow commented that he has never noticed the trailer and has no problem with it.

Mr. Quinn questioned if there was any fire worry regarding the pallets. Mr. Sicheneder stated that there has never been an issue in the past, and he does not have a solution. He explained that there are surveillance cameras on the rear of the building. Mr.

O'Neil stated it should be confirmed with the Fire Department. Mr. Sicheneder stated that generally the pallets are picked up weekly at this time of the year, and the freight process will get lighter in the upcoming season.

It was the consensus of the Commission to not require the planting of the trees to shield the trailer area.

Motion by Towne, second by Conflitti

To approve AP-11-15 Lowes outside display with modification listed and agreed upon by the store manager in the July 6, 2011 letter from McKenna Associates with the exception to not plant trees to block the storage trailer. Also, to specify that the area by the loading ramp not have anything in the island area and no display so close to the doors.

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

MOTION APPROVED

7. **AP-11-16 Saddle Creek PD Amendment, PD located on the west side of Pontiac Trail, north of 11 Mile Road.**

Motion by Blades, second by Towne

To set a public hearing for AP-11-16 for August 8, 2011.

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

MOTION APPROVED

8. **AP-11-17 Township Park Rezoning**

Motion by Towne, second by Conflitti

To set a public hearing for AP-11-17 Township Park Rezoning for August 8, 2011.

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

MOTION APPROVED

ADDITIONAL BUSINESS

1. **Vehicle Repair Discussion Chart**

Mr. Doozan explained that he only received 4 charts back. The other Commissioners

promised to get those charts to Mr. Doozan.

Mr. Towne offered his suggestions.

2. Community Reports

Mr. Campbell stated that Mr. Bell had asked him to inform the commission that the new Zoning Officer is looking at addressing signs. Ms. Blades expressed her concern with the complaints that she has received from residents regarding the Zoning Officer.

Mr. Dolan reported that the Board was unanimous in their decision to spend no money on changing the ordinance regarding chickens in subdivisions. He also reported that Kroger was approved for their outside storage. Good news was also received that the Fire Department was awarded a grant for a new fire truck.

Mr. Doozan reported that BC/BS has requested to put in 95 more parking spaces.

There was brief discussion regarding the sidewalk fund and how much money is in the fund and what it should be earmarked for such as safe pathways to schools.

ADJOURNMENT

**Motion by Towne, second by Campbell
To adjourn the meeting at 9:04 p.m.**

Voice Vote:	Ayes:	Unanimous
	Nays:	None

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:04 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary