

Charter Township of Lyon  
Planning Commission  
Regular Meeting Minutes  
August 8, 2011

Approved: September 12, 2011 (as written)

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

Roll Call: Lise Blades, Vice Chairperson  
Ed Campbell  
Michael Conflitti, Secretary  
John Dolan, Board Liaison  
Kristopher Enlow  
Sean O'Neil, Chairperson  
Carl Towne

Guests: 6

Also Present: Chris Doozan - Township Planner, 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 Blades  
To approve the July 11, 2011 Regular Meeting Minutes as presented.**

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

**MOTION APPROVED**

**COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - None**

**DDA REPORT** – Michelle Aniol brought the Commission up to date regarding the DDA's participation in the International Council of Shopping Centers, Form Based Code

Educational Workshop, tree watering in the Township, the recommendation regarding a farmer's market, the submitted grant for playground equipment, grant program revisions, mission statement revision, the Grand River Streetscape Project Sewer-Project, Southwest Roundabout Landscape Project and the northeast Roundabout repairs. Ms. Aniol also announced that the DDA is participating in the Oakland County Prosper Magazine and will be featured on the cover. The DDA approved an Economic Restructuring Committee to start working on a plan. The DDA also contracted with CDPA to do way-finding signs, and they are ready to go out for bids if it's approved. Ms. Aniol also reported that two new businesses have opened in the Township, Blue Apron Baking Company and a computer operations located in Crossroads Plaza.

## **PUBLIC HEARINGS**

1. **AP-11-16, 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 farming in the undeveloped area; discussion and possible action.

Mr. Doozan reviewed the McKenna Associates memo dated 7/22/11. Mr. Doozan reviewed the response letter from Lombardo Homes dated 7/26/11, which gave responses to the questions from the McKenna memo as follows:

1. No farm equipment will be stored on the property.
2. No pesticides, herbicides, fungicides or other chemicals will be used on the property other than the previously disclosed "Round Up".
3. No negative impact on the wetland areas will occur as a result of the farming activity.
4. No offensive odors will be generated as a result of the farming activity.

Mr. Doozan stated that the only outstanding issue is if the Planning Commission would require the MSDS sheets.

Mr. Greg Windingland, Lombardo Homes, explained that the farmer is expected to provide the MSDS sheets, and he is not aware of anything else being used other than Round Up. One homeowner has been elected as a board member through the Homeowners Association, and the residents have stated that they want the 100' buffer. There is a crop planted now. The farmer told them there was a process with the Township, and they were not aware of the process. He apologized and explained that it was his fault.

Mr. Towne stated that the procedure needs to be followed, and the MSDS sheets will need to be filed.

**Motion by Blades, second by Towne  
To open the public hearing at 7:19 p.m.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>Unanimous</b>
	<b>Nays:</b>	<b>None</b>

**MOTION APPROVED**

**Motion by Towne, second by Blades**

**To close the public hearing at 7:20 p.m. due to no one wishing to comment.**

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

**MOTION APPROVED**

Mr. Windingland stated that he understood that every November they will have to come in for an administrative review, and he understood that it might not be approved every year.

Mr. O’Neil welcomed Lombardo Homes to the Township and expressed his support of the company.

**Motion by Conflitti, second by Towne**

**To approve AP-11-16 Amendment to Saddle Creek Development to allow farming including the memo from McKenna Associates dated July 22, 2011 with the submittal of the MSDS sheets for any chemicals/fertilizers/fungicides used for each.**

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

**MOTION APPROVED**

- 2. AP-11-17, Township Park Rezoning.** Public hearing to consider an amendment to the Zoning Map to rezone the easterly part of the James F. Atchison Memorial Park from R-0.3, Single Family Residential to B-3, General Business District; discussion and possible action.

Mr. Doozan reviewed the McKenna Associates memo dated July 27, 2011. He explained that this is a difficult rezoning because the Planning Commission is being asked to look beyond the hard and fast rules of the Zoning Ordinance and Master Plan to consider broader objectives that will affect Township finances for years to come. There are four major considerations:

1. Even if the property is rezoned, the use of the property will not change. It will always be a park.
2. We recommend that the Public Land and Quasi-Public Land designation for the site remain on Future Land Use Map. The apparent discrepancy between the zoning classification and the Future Land use designation can easily be addressed in the Master Plan text.
3. Since the use of the property will not change, compatibility with surrounding land use will not be an issue.
4. The rezoning will provide the opportunity to generate revenue that will allow the Township to achieve objectives in the Master Plan, perhaps

including those relating to the park.

Supervisor Young gave a PowerPoint presentation touching on special assessment districts, delinquent properties and the effect those have on the Township. He also reviewed the 2010-2012 budget, along with things they can do. Additionally, he touched on events of concern, billboard revenue potential, and the hurdles as well as the opportunity this could bring for the Township.

Mr. Towne questioned if this would create another position within the Township. Supervisor Young explained that he was not planning on adding an employee but would keep it under advisement. Supervisor Young showed the Commission the approximate location of the sign.

Ms. Blades questioned if there would ever be any other commercial use on the property. Supervisor Young stated no; it couldn't be supported. The Park Lease Agreement would dictate that, along with soil conditions. Supervisor Young stated he would put any kind of roadblock up to prevent that from happening.

Supervisor Young explained that this is a multi-step process with many hurdles to overcome. There would need to be an RFP for the advertising position as well as one to design and build the sign.

Mr. Conflitti questioned the timeline. Supervisor Young explained that if the rezoning went through, a Zoning Amendment would then need to be considered.

Mr. Enlow suggested it might be easier to go through as a Planned Development rather than a straight rezoning. Mr. Doozan stated that a B-3 zoning would be easier.

Mr. Towne questioned from where the money would come. Supervisor Young explained that there are choices, but they haven't fully investigated it. Mr. Towne felt it was a good project for the Township.

Mr. O'Neil commented that they should go all the way and go for the 8 sides and put some of the money back into the park, economic development, and library. They should also have some sort of incentive for new businesses by offering free advertising for a limited amount of time. He suggested that the property could revert back to the original zoning if they are unable to move forward with the billboard.

Mr. Enlow asked there are enough measures in place to prevent someone from building commercial. He has been involved in a project where it's been done. Is there a way to set that up so it could never be developed? Mr. Quinn stated typically the answer would be no, since the land owner here is Republic. The Township has a perpetual lease on the land; there is not a 3<sup>rd</sup> party that could come in.

Ms. Blades asked if they are able to change the lease agreement, what would prevent a further lease agreement change? Mr. Quinn stated that it would still be subject to the perpetual lease and would require agreement by both parties.

### **Motion by Towne, second by Blades**

**To open the public hearing at 8:40 p.m.**

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

**MOTION APPROVED**

**Motion by Towne, second by Conflitti**

**To close the public hearing due to no one wishing to comment at 8:41 p.m.**

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

**MOTION APPROVED**

Mr. Quinn stated that there was a letter received from Terrance Morrone regarding the public hearing.

Mr. Enlow stated that he struggles with the text amendment where it gives the Township special immunity from the ordinance. If it were written into a planned development, then it wouldn't need to be done.

Ms. Blades commented that she is opposed to the rezoning for the sole purpose of installing a billboard. She questioned if the revenue generated in the park would stay in the park and wondered if they would still be held to that. Mr. Quinn stated no, but that could change with further analysis. At the time, it was due to the generation of electricity and any program fees that would be produced in the park.

Ms. Blades stated that when the grant was applied for, the application stated that approval needed to be granted from the DNR to change the use of the park. Mr. Quinn stated that the use of the park is for park purposes. There was income generated before, and now they are replacing income generation from a gas entity to a billboard entity; they are not limiting any of the land in the park to be used for the park. Ms. Blades asked if the DNR had been consulted. According to what the DNR calls the "use", the Township would be changing the "use". Ms. Blades stated that the DNR views this as something other than outdoor public recreation. She continued that all of these items need to be addressed and be true to the contract. She stated that she would be in support of a billboard in any other location.

Ms. Blades stated that if the State says a billboard can only be used in an industrial/commercial district, it means that the State does not want one in a park. She referred to the Zoning Certification where it states that this property was not rezoned solely for the purpose of outdoor advertising.

Mr. O'Neil stated that this must clear several clearinghouses, and the State will have a say in it. It concerns him too. The financial aspect would be broad reaching, and it would affect everyone.

Mr. Conflitti commented that he didn't think the use of the park was changing at all. He

felt this is a great opportunity for the Township to use as a revenue enhancement; he has no problem moving forward.

Mr. Enlow questioned if this moves forward, are there other ways to designate funding into the park or sidewalks/safety paths? Mr. Quinn stated yes, that could be done.

Mr. Towne stated that everyone has had to adjust his or her budgets, and he did not think there would be any long-term fallout. There is no reason not to move forward.

Mr. O'Neil stated that if it is recommended it should include concerns of the future use of the park, funds allocated for the park, RFP for advertising and building/design of the sign and public ads/announcements or other economic development.

Mr. Dolan questioned if the other location would be less complicated. Supervisor Young stated that location does not front on I-96, which was the whole idea. When making a capital investment, assurance is needed that it will pay for itself.

Mr. Dolan stated he was in favor of billboards; the signs help promote businesses. He commented that the State requirements are worrisome, but it is just another hoop to jump through and would not hurt anything in the park.

Mr. Doozan referred to the DNR Agreement and felt that confirmation would still be needed but that it may be that the Township is absolved from the DNR grip at this time.

Mr. Campbell stated that he agreed with Mr. Dolan; he is pro business. The Township needs more businesses in the community and also certainly needs the funding. He does not think of the foot of the hill as the park. Based on the location, he is not opposed to it. He felt that Ms. Blades made very valid points. He was concerned that the sign will be the first thing people see going eastbound on I-96, and he's not sure that bodes well for the community.

Ms. Blades clarified that she does not care that the sign would be located at the foot of the hill and understands that it will not be seen from inside the park. She is concerned with the State and what the application requires along with the Zoning Certification where it states that it would not be acceptable to approve a parcel that has been rezoned solely for outdoor advertising. She would be in favor of any other location that was commercial.

**Motion by Towne, second by Conflitti**

**To recommend approval to the Board for AP-11-17 the Township Rezoning from R-0.3 Single Family Residential to B-3 General Business District with all comments from the July 27, 2011 McKenna Associates memo and all comments from the meeting.**

**Roll Call Vote:                      Ayes:                      6  
   Nays:                      Blades**

**MOTION APPROVED**

## **OLD BUSINESS**

- 3. AP-11-13, Off-Premise Advertising Signs** – Consider amendments to Section 16.05, Subsection D; discussion and possible action (public hearing held on 7/11/11).

Mr. Doozan reviewed the McKenna Associates memo dated July 13, 2011.

Mr. Enlow stated that the special treatment of the Township bothered him with this issue.

Mr. Towne stated that if this moves forward it needs to be changed, it's appropriate.

**Motion by Towne, second by Campbell  
To recommend approval to the Board for AP-11-13 in Section 16.05 as amended.**

**Roll Call Vote:      Ayes:            5  
                             Nays:            Enlow, Blades**

### **MOTION APPROVED**

## **NEW BUSINESS**

- 4. AP-11-14, Heights at Elkow Farm – Replat No. 1**, PD located on the north side of 11 Mile Road, east of Stancrest. Consider proposed Condominium Subdivision Plan, Master Deed, and Bylaws; discussion and possible action.

Mr. O'Neil explained that he lives two lots away from the new phase and offered to recuse himself from the discussion. After discussion, the Commission was in consensus that Mr. O'Neil did not need to recuse himself.

Mr. Doozan reviewed the McKenna Associations memo dated August 2, 2011 with the following recommendation that the Planning Commission approve the Second Amendment to Master Deed of the Heights of Elkow Farms as well as a Replat No. 1, Subdivision Plan No. 1817, The Heights at Elkow Farms, subject to Township Engineer and Township Attorney review and resolution of the floodplain issue on the lots noted in the memo.

Mr. Elkow stated that the floodplain issues has been resolved by raising the land 6" or a foot which takes out the floodplain. He does not believe there is an issue with the floodplain at this point and he will be able to give a certificate stating that. Mr. Conflitti questioned what the ramifications were around the property. Mr. Elkow explained that typically they have to cut out somewhere else.

There was discussion regarding the woodchip path. Mr. Elkow explained that the residents do not want woodchip paths and voted unanimously against them. Mr. Doozan questioned if it would require a PD amendment. Mr. Elkow stated if it required

an amendment, then the woodchip paths would be installed due to the fact that it would cost more to do an amendment than it would to do the woodchip paths.

**Motion by Towne, second by Blades**

**To recommend approval to the Board for AP-11-14 the Second Amendment to the Master Deed of the Heights of Elkow Farms as well as a Replat No. 1, Subdivision Plan No. 1817, The Heights at Elkow Farms with exception to the comments made regarding removing the woodchip paths, the wood chip paths stay.**

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

**MOTION APPROVED**

**ADDITIONAL BUSINESS**

- 4. Windmills** – Amendment to the Zoning Ordinance to permit windmills; discussion.

Mr. Doozan explained that he has received more requests for windmills. After discussion it was decided that Mr. Dolan would bring the issue before the Board in order to get feedback regarding the cost of moving forward.

- 5. Community Reports** – Presented by Chris Doozan and John Dolan

Mr. Doozan reported that Fletcher’s Campground is moving forward and they are investing money. He also reported that Blue Cross/Blue Shield has submitted plans for signage, and there have been inquiries for the Duncan Building.

Mr. Dolan reported that farming at Pinehurst was approved

**ADJOURNMENT**

**Motion by Campbell, second by Blades  
To adjourn the meeting at 9:53 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 9:53 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto  
Recording Secretary