

Charter Township of Lyon
Planning Commission
Meeting Minutes
September 12, 2016

Approved: September 26, 2016

The meeting was called to order by Mr. Conflitti at 7:00 p.m.

Roll Call: Patricia Carcone, Board Liaison
Jim Chuck
Michael Conflitti, Chairman
Kris Enlow, Secretary
Stephan Hoffman
Kurt Radke
Carl Towne, Vice-Chairman

Guests: 8

Also Present: Leann Kimberlin, Township Attorney
Chris Doozan, McKenna Associates
Leslie Zawada, Civil Engineering Solutions

APPROVAL OF AGENDA

**Motion by Chuck, second by Towne
To approve the agenda as presented.**

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the August 22, 2016 Minutes

Mr. Enlow made a small typo correction to the minutes.

**Motion by Enlow, second by Towne
To approve the August 22, 2016 minutes as revised.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - None

PUBLIC HEARINGS

**1. AP-16-27, Zoning Ordinance Text Amendments – Article 16.00, Signs.
Public hearing to consider proposed amendments to the sign ordinance;**

Mr. Doozan reviewed the McKenna Associates memo dated August 2, 2016. He explained that the U.S. Supreme Court handed down a decision in the case of Reed v. Town of Gilbert, Arizona, which had a huge impact on sign regulation across the United States. The case focused attention on the meaning of “content neutrality.” In conclusion, he explained that Article 16.00 of the Zoning Ordinance sets forth the revised sign regulations.

The Reed ruling is perhaps of greatest concern with temporary signs. It is no longer permissible to have different regulations for signs that are distinguished by the content of their message. Consequently, whereas the ordinance might have had separate standards for various types of real estate signs, yard sale signs, construction signs, coming soon signs, grand opening signs, and promotional event signs, these signs will now be regulated under the term “on-site commercial advertising message.”

Political signs, election signs, and ideological signs will now be covered under term “noncommercial message signs.”

Separate sign standards for religious institutions would be content based, so religious institutions will now be covered under the term “signs for approved non-residential principal uses.”

Mr. Conflitti asked how water towers would be treated. Mr. Doozan stated the only ones located in the township would be municipal water towers.

**Motion by Towne, second by Chuck
To open the public hearing at 7:15 p.m.**

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

MOTION APPROVED

**Motion by Chuck, second by Towne
To close the public hearing at 7:16 p.m. due to no one wishing to speak.**

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

MOTION APPROVED

Mr. Towne stated he had no issues with it but would like to see a hard copy, so he

would be in favor of tabling this issue.

Mr. Enlow noted if the square footage is reduced for directional signs, that would put the Township in violation of the ordinance with the wayfinding signs that are in the Township. He suggested leaving it at 8 sq. feet. Mr. Doozan suggested adding another category for wayfinding signs.

**Motion by Towne, second by Radke
To table the AP-16-27 Zoning Ordinance Text Amendment from Article
16.00 Signs.**

**Voice Vote: Ayes: 6
Nays: Chuck**

MOTION APPROVED

2. AP-16-29, Amendments to the Zoning Ordinance, Subdivision Ordinance, Private Road Ordinance, and Bicycle Path and Sidewalk Ordinance. Public hearing to consider multiple proposed amendments.

Mr. Doozan reviewed the McKenna Associates memo dated August 15, 2016. He provided two documents, one that outlines all of the proposed upgrades to the zoning ordinance, and the other that outlines the proposed upgrades to the other ordinances.

Ms. Carcone stated she got 3 memos at the last minute and questioned if they are not getting their information to their consultants so they can make a review. She is concerned because they need to have time to review the information. Mr. Towne agreed and Mr. Chuck agreed. The Commissioners felt that all of the materials should be in when the packet comes out, although they all were in agreement that exceptions happen.

**Motion by Chuck, second by Enlow
To open the public hearing at 7:39 p.m.**

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

MOTION APPROVED

Nick Mancinelli – Mr. Mancinelli asked for the buffer information from Ms. Zawada.

Ms. Zawada explained when this buffer was established there was a 25' non-disturbed buffer and then an additional 25'. Over time, that second 25' foot went away. The original intent why a buffer was ever needed was because individual residents were repeatedly encroaching into the wetlands and taking them over for their yard. When they are administering projects and it goes through the process, the reality is that those detention basins are designed to collect the water in a pond and release it at the agricultural rate. In almost every project that is before the Commission an MDEQ permit is required to ensure the developer followed their permit. She felt this language

should be in there; she needed flexibility during the review, and she explained the Township's engineering standards are the strictest in the County. She is very comfortable that the Township's standards do not hurt the wetlands. The letter from the Huron River Watershed Council bothered her because they don't understand any of the history.

Shirley Baker, 27239 Stancrest – Ms. Baker asked if private roads are grandfathered in.

**Motion by Towne, second by Carcone
To close the public hearing at 7:44 p.m. due to no further comments.**

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

MOTION APPROVED

Ms. Kimberlin reviewed her memo dated September 12, 2016. She explained that Section 12.15 (A)(3) proposes to require that all bicycle paths be constructed of asphalt. Although the current Township policy does not favor the construction of bridges or raised pathways using wood or similar products and the revision, as written, does not allow for this. Mr. Doozan suggested adding "use of other materials shall be subject to Township Engineer approval." The Commissioners were comfortable with that additional language.

The second point of discussion was regarding Section 12.15 (A)(6), which proposes to require that all property owners shovel snow from bicycle paths fronting their properties. It was noted that this places a new responsibility on individual homeowners as well as on condominium associations. After discussion, the Commission was okay with the HOA maintenance of the paths. If there is an individual homeowner though, they would prefer not to have the responsibility of clearing the bicycle path to the individual resident. Mr. Chuck would like to see 3 or 4 other communities surrounding the Township to see how they handle it.

Regarding revisions to Section 41.401, it is proposed to remove the requirement for Planning Commission approval for the reduction of the amount of parking required in the New Hudson District where there is public parking with 800 feet of the property. Mr. Doozan stated he thought it was a minor issue. Typically if parking became available, they could adjust some of the parking on the sites. He didn't know if that would need Planning Commission input. Mr. Towne liked having a vote. Mr. Hoffman stated he agreed with Mr. Towne.

Mr. Enlow commented regarding the wetland and his apprehension. If the Huron Watershed Council is against it, then he would hesitate to be supportive of it. Ms. Zawada stated that they have no jurisdiction over the Township's wetlands, and it bothered her that they sent the letter without contacting her or Mr. Doozan.

**Motion by Chuck, second by Towne
To recommend approval to the Township Board AP-16-29 with all the**

amendments stated in the McKenna Associates memo dated 8/5/16 and the legal counsel memo dated 9/12/16 as discussed at this meeting as it pertains to zoning ordinance amendments.

Voice Vote: Ayes: 6
Nays: Enlow

MOTION APPROVED

OLD BUSINESS - None

NEW BUSINESS

1. **AP-16-30, Maynard Meadows – Extension of Approval.** Property located on the west side of Pontiac Trail, north of 8 Mile Road. Consider a request for extension of approval of a site condominium consisting of 11 single-family homes. Project was approved by the Board of Trustees 11/2/2015.

Mr. Doozan reviewed the McKenna Associates memo dated 8/30/16. He explained that they have found that conditions have not changed on and surrounding the site. Furthermore, the requirements upon which the original approval was based have not changed. Consequently, they recommend approval of a one year extension of site plan approval for Maynard Meadows.

There were no issues.

**Motion by Towne, second by Chuck
To approve the extension of Maynard Meadows, AP-16-30 including the
McKenna Associates memo dated 8/30/16.**

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

2. **AP-16-33a, Huron Valley Guns and Indoor Range – Site Plan.** Property located south of Grand River Avenue, east of Costello Drive. Site plan review of a proposed 39,500 square foot indoor shooting range with firearms retail on 18 acres.

Representing AP-16-33a – **Craig Stockard
Douglas Necci
David LeClair**

Mr. Doozan reviewed the McKenna Associates memo dated September 7, 2016. It was recommended that the Planning Commission table the site plan for Huron Valley Guns for the applicant to pursue the two variances identified and submit revised plans that address the concerns that have been identified in the McKenna Associates memo dated

9/7/16.

Ms. Zawada reviewed the CES memo dated 9/9/16 comments are minor and will be handled at final review.

Ms. Kimberlin reviewed her memo date 9/12/16.

Mr. Enlow questioned that the statement was made that the private road will replace Helene Drive, but the plan shows that it is next to Helene Drive. Ms. Zawada explained they met after the site plans were submitted. The goal is to replace Helene Drive so it's one brand new private road.

Doug Necci provided PowerPoint presentation, which gave a good overview of the site.

There was discussion regarding the Huron Valley Trail location and parking. Mr. Towne stated he is concerned with access from the bike path and the increase in traffic. He also questioned what kind of benefit the Township will obtain from a project like this. Mr. Necci stated the benefits include an increase to the tax base, and this is the kind of project that gets publicity and will end up being a destination. He stated that it is probably the most talked about building he has ever done.

Mr. Towne stated traffic is an issue. He loves the facility, but can we handle that building? It does not fit in the downtown zoning district, and there are issues that are beyond even on a site plan.

Ms. Archer pointed out that there is a drain between the building and the bike path; there is a ditch no one would be able to cross over. Mr. Necci stated there is no relationship to the bike path at this time. Ms. Archer also pointed out that it may be possible to get a trail head in that area.

Mr. Conflitti asked them to be prepared to answer the questions regarding sound, safety, and traffic.

Treasurer Carcone explained the limitations of the parcel and how confident she was that they were able to sell it. She also commented how excited the Police Department is to have a facility like this in the Township. Other people are also excited to have this facility in the Township. She is excited to know that the ring road will be going around it, and there is no way anyone is crossing the ditch from the bike path. She is in support if all the requirements can be met, but she did feel that the parking should be increased.

Mr. Chuck stated that this facility will mean a lot to the existing businesses. This could be the catalyst for future growth in the Township.

Mr. Hoffman stated he didn't see the facility taking away from the downtown. It's a nice private road, like a member of a hunt club. He liked that it brings back the rural feel of the roots of Lyon Township. It conforms to the site and addresses many things. He would vote for it.

Ms. Carcone commented that she was told by Milford that the owner is very giving to

the community.

Mr. Conflitti asked if a bike rack would be on the property. Mr. Necci stated yes.

**Motion by Chuck, second by Towne
To table AP-16-33a Huron Valley Guns and Indoor Range.**

**Voice Vote: Ayes: Unanimous
Nays: Nays**

MOTION APPROVED

COMMUNITY REPORTS

Treasurer Carcone provided an update from the last Township Board meeting.

ADJOURNMENT

**Motion by Towne, second by Chuck
To adjourn the meeting at 9:45 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 9:45 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary