

**Charter Township Of Lyon
Planning Commission
Meeting Minutes
September 11, 2006**

Approved as written on October 9, 2006

Date: February 13, 2006
Time: 7:00 PM
Place: 58000 Grand River

Mr. Barber called the meeting to order at 7:00 P.M.

Roll Call

Present: Barber, Mike (chair)
Hamilton, Jim
Hicks, John (Board Liaison)
James, Laura (Secretary)
Soper, Ted (Vice-Chair)
Conflitti, Michael

Absent:
Jim Dome

Also present: Philip Seymour, Township Attorney
Michelle Aniol, Township Planner
Al Hogan, Township Building Official
Chris Olson, Twp. Superintendent

Guests: 20

Approval of Agenda

Ms. Aniol commented that item number 7 from the agenda should be removed.

Ms. James moved "to accept the agenda for Monday September 11, 2006." Mr. Soper supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Mr. Dome

Motion approved.

Approval of Consent Agenda:

Mr. Hicks moved "to accept the August 14, 2006 meeting minutes as written." Mr. Hamilton supported the motion.

Voice vote:
Ayes: all
Nays: none
Absent: Mr. Dome

Motion approved.

Comments from public on Non-Agenda Items:

John Bell 23103 Currie Road – Mr. Bell suggested that the Planning Commission have a minute of silence to reflect on what happened 5 years ago today.

Chris Roberts 56645 McKenzie – Mr. Roberts said that five years ago, the Woodwind Development was getting its PD. Woodwind butts up to the back of Mr. Roberts' property. Mr. Roberts said that a month ago, the engineer for the project knocked on Mr. Roberts' door and told him that they were digging a large hole to the back of his property. Mr. Roberts said that the hole is about the size to the Township hall and very deep. He indicated that lots 41 – 46 would no longer exist. As the Woodwind Development has been digging, Mr. Roberts' house has been shaking everyday from 7 a.m. to 5 p.m. It has gotten so bad that Mr. Roberts' upstairs is cracking in four places. His sump pump line has been replaced 6 times because the earth has been moving so much; the plastic tubing is cracking in the ground. In the previous years, Mr. Roberts has not had a problem with his sump pump. Mr. Roberts said that he wanted to state his problems on record in case Woodwind refused to deal with the issue. Mr. Roberts wanted to know what the timeframe was for updating the PD. Mr. Barber said that he understood that plans were not supposed to be changed. Mr. Roberts said that he brought this issue to the attention of the Building Department. Mr. Soper asked if the changes had to be approved prior to making physical changes. Mr. Olson said that if Woodwind is going to change the layout of anything on the PD, they have to amend the PD. That has to go before the Planning Commission and the Township Board. Mr. Roberts said that the question is, "Is he required to go before you in a near time frame or not?" Mr. Barber asked if there was a need to have any other investigations. Mr. Roberts said no. Ms. Aniol said that the section of the ordinance that deals with the PD (page 7-19 item i2) says, "Construction has to start within at least one phase of a project following a 24 month period following final approval." Woodwind has done that. Ms. Aniol said that the Township will need to work with Mr. Seymour and Mr. Quinn to see how to interpret this. Ms. Aniol said that the question is does Woodwind had to come in within a particular time frame to amend this plan, or do they just amend the plan before building permits have been pulled?

At this time there was a moment of silence in honor of September 11th.

Public Hearings:

1. AP-06-33, Text Amendment to Zoning Ordinance; Public hearing to consider a text amendment to footnote (ee), of the Schedule of Regulations in the Zoning Ordinance regarding side yard setback requirements in residential districts. Discussion and possible action to follow the public hearing.

Ms. Aniol reviewed the comments in the McKenna Associates letter dated August 18, 2006.

Mr. Soper asked why this matters in the 2.5 and the 1.0. He did not understand why this was needed on the larger lots. Ms. Aniol said to remember that on an average lot size development, there will be a smaller lot size.

Ms. James commented that the way she reads it, the setbacks for a R-1.0 would be reduced from 40 to 30 feet. Ms. Aniol commented that her understanding was that the 40 feet was not going to be changed. It should still say 40 feet. Ms. James said that needs to be clarified.

Mr. Barber asked if this would be helpful in the Downtown Overlay District. Ms. Aniol said no, the Downtown Overlay District has their own rules.

Open Public Hearing 7:21 p.m.

Close Public Hearing 7:21 p.m.

Mr. Hicks moved "to postpone the decision on this until questions have been clarified." Ms. James supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome

Motion approved.

Old Business:

2. AP-06-38, Devonshire Single Family Residential Development; Re-schedule the public hearing to consider an Average Lot Size Development proposed on the north side of Eight Mile Road, east of Chubb Road, Recommended date: October 9, 2006.

Mr. Hicks moved “to reschedule the public hearing to October 9, 2006.” Mr. Hamilton supported the motion.

Ms. James asked if property signs were needed. Ms. Aniol said no.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome

Motion approved.

New Business

3. AP-06-36, Dimoski Rezoning; Schedule a public hearing to consider rezoning request from R-1.0 Residential – Agriculture District to R-0.5, Single Family Residential District, 60475 Nine Mile Road, located on the south side of Nine Mile, east of Pontiac Trail.

Ms. James moved “to schedule the public hearing for October 23, 2006.” Mr. Soper supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome

Motion approved.

4. AP-06-40, Holdenberg Rezoning; schedule a public hearing to consider a request to rezone a portion of a 2.88 – acre parcel located at the southwest corner of the intersection of Grand River Avenue and Costello Drive from B-1, New Hudson Development District to I-1, Industrial District.

Ms. James moved “to schedule a public hearing for October 23, 2006.” Mr. Soper supported the motion.

Voice vote:

Ayes: all

Nays: none

Absent: Mr. Dome

Motion approved.

5. AP-06-30, Lexi Lane Private Road Review, south side of Nine Mile Road, east of Pontiac Trail.

Ms. Aniol reviewed the comments in the McKenna Associates letter dated August 22, 2006.

Ms. James asked if there were any wetlands on the property. Ms. Aniol said she was not aware of any. Ms. James said that there is a barn on the adjacent parcel, and the Township has an ordinance that says a person cannot build within a certain distance from the barn. Mr. Olson said that depending on the height of the barn, it could be creating a non-conformity because there are distance requirements for accessory buildings. The taller the building is, the farther it is past the lot line. Mr. Olson said that the requirements are under Accessory Buildings, Chapter 18. Mr. Olson said that he also wanted to know if the arrangements have been made for the drainage. The plans show that the new private road will drain onto the public road, Mary Lane. He wanted to know if any form of agreement or any aspect of it that has been completed with either the developer of Lyon Trail or any of the adjacent properties. Mr. Olson also made the point that when the issue went to the Zoning Board of Appeals, there was discussion that both parcels would be owned within the family, however, there is a for sale sign on the property. Mr. Heinrich said

that he did not know what was going on with the property, but Mr. Heinrich said that he was going to build on his parcel.

Gerald Heinrich 120932 Aqua Lane – Mr. Heinrich said that the barn was two stories and he also said that his engineer did not make any notes of the barn being to close to the property line.

Ms. Aniol clarified that the ordinance reads, “ Detached accessory buildings and structures shall be no closer then ten feet. The setbacks increase based on height. The side and rear yard setback shall be increased by one foot for every foot in height that the accessory building exceeds 14 feet.”

Mr. Heinrich said that he thought the barn was 25 feet tall.

Ms. James asked where the septic was located. Mr. Heinrich said that it was on the right side of the house. He said it will not be by the barn. He also said that they are really not changing the actual drainage, it already slopes now.

Mr. Hogan said that the barn should be measured before any assumptions are made on how far the property line has to be moved.

The Planning Commission continued to discuss the height of the barn and possible conditions to be placed on the motion.

Mr. Barber asked where the two horses were going to be placed. Mr. Heinrich answered that they were going to be placed in the back.

Ms. James moved “that we recommend the Township Board approve this private road subject to the conditions outlined in the McKenna letter of August 22, 2006, with the additional condition that Al Hogan measure the barn and a decision has to be made on the property line location to honor the Township’s barn setback rules.”

Ms. Aniol said that on a private road, the easement runs to the back of the property. In this case, the question is whether it is of any benefit at this point. The applicant cannot split the property in the front when it has already been split.

Mr. Soper said that if the easement is extended to the back of the property line, the building envelope is affected. That could cause a problem.

Ms. James amended her motion to include that “the Township Planning Commission also recommends waiving the required road easement extension to the rear property line.” Mr. Soper supported the motion.

Jon Vohanen 60624 Mary Lane – Mr. Vohanen said that there used to be a pond behind the barn. This spring, Mr. Vohanen said that his entire backyard was a swamp, and he thought it might be because the pond was filled in.

Ms. James asked if the plans have to go to the Township Engineers. Ms. Aniol said that they have gone to the engineers. Ms. James said that she was not sure if the Planning Commission could do anything at this point.

Mr. Olson said that draining onto a paved road will lead to filling the catch basins with sediments, or there will be gravel sweeping onto the pavement, which is not safe. Mr. Soper said that the ordinance specifies the distance and angles that should be cut. Mr. Olson said that his concern is that the drainage is to sweep onto Mary Lane. He also said that he did not think the road commission would support it. Ms. Aniol said that it is her understanding that the Road Commission already issued permits for the curb cuts.

Ms. James amended her motion to add that the Township engineer shall look at the drainage questions that have been raised by the public and address that in written correspondence.” Mr. Soper supported the motion.

Gregg Hooker 630618 Mary Lane – Mr. Hooker asked what was going to be done about plowing in the winter. Ms. Aniol said that it would be Mr. Heinrich’s responsibility.

Voice vote:

Ayes: all

Nays: none

Absent: Jim Dome

Mr. Barber made a comment for the record that from the first day, he has not liked the property. He said that there are enough experts and engineers looking into it, so he felt safe.

6. AP-06-34, New Hudson Town Center, Conceptual review of a Commercial Site Plan based on the proposed New Hudson Overlay District for the northwest corner of Milford Road and Grand River Avenue.

Ms. Aniol reviewed the comments in the McKenna Associates letter dated September 8, 2006.

Ms. James asked if the dumpsters were going to be next to the cemetery and wanted to know where they were placed before.

Joseph Novitsky – Mr. Novitsky thanked the Planning Commission for meeting with him and said that he was looking for a direction in where to go. He explained that they have been working on this for ten months and have looked at a variety of options. Mr. Novitsky passed out an aerial photo of the area. He assured the Planning Commission that they are not going to encroach on the cemetery. He also said that they want to work with the sloping site, and they are going to break the buildings up into a few different parts. He also explained that there are little pockets in between the buildings, which is extremely successful. They want parking for destination drives that still gives a downtown feel. Mr. Novitsky also explained that he knows that having a drive-thru is a special use. He said that all he wanted to know was if the Township would tolerate it. If the Township will not tolerate it, they will find something else. Mr. Novitsky said that he is not going to build a parking lot that does not comply with the Township's ordinances. Mr. Novitsky did say that he had concerns in regards to the windows. He said that if the Planning Commission looked at the drawings, they have 70 to 80 percent glass on every building. He said that it was ridiculous that the screen walls were counted. They are looking for the first 10 feet of glass. He suggested that the Planning Commission look at that 10 foot mark. He also said he was unsure as to why the pear was not a preferred tree. Other than that, he agreed with everything.

Mr. Hicks said that Mr. Novitsky should get rid of the drive-thru. Ms. James added that it did not look like there was enough room for the drive-thru and parking. Mr. Soper agreed that he did not think the drive-thru was appropriate for the area, but he liked the architecture.

Mr. Ernie D'Ascenzo – Mr. D'Ascenzo said that he felt the best spot for a drive-thru in the Downtown District would be somewhere away from residential and the middle of the ring road. He felt the best area would be in the out skirts of the Downtown District.

Mr. Soper asked how they were going to handle the slope issue. Mr. Novitsky said that they are at roughly 2 percent slope from front to back.

Mr. Soper commented that he liked the layout of the plan and the corner layout. Mr. D'Ascenzo said that they lost over 3,000 square feet to develop this plan. If they were to build a box under the current laws, not the new laws that are trying to be implemented, they would have 3,000 square feet more of buildable area.

Mr. Soper also said that on the sidewalk along Milford Road, there is a 10-foot wide sidewalk and along Grand River, an 8-foot wide sidewalk. However, the letter said it should be a 5-foot wide sidewalk. Mr. D'Ascenzo said that at this point they are more concerned about the concept. He said that as far as the sidewalk and bike path, they can be accomplished.

Mr. Novitsky said that the ordinance in the Downtown Districts requires landscaping out front. He felt that was contrary to the image that is trying to be accomplished. It is either suburban or urban. Ms. James said that was a good point. Ms. Aniol commented that was an issue that could be discussed with Mr. Doozan.

Mr. Soper said that he likes the architecture, and when he looks at the plans, it looks like there is enough glass.

Ms. James explained that pear trees are not good because they do not live very long, are cheap, and tend to split.

Mr. Soper asked what their intent was to help keep customers coming in through the front door. Mr. D'Ascenzo said that he hoped this design would be nowhere near the Wixom design. There is the ability to walk through, and it is visible. He also does not think that there will be a security issue.

Mr. Hicks said that they are discussing at the Board level making it a condition that the front door has to remain open during business hours. He also commented that he felt parking was a big issue.

Ms. James asked about lighting. Mr. Novitsky said that they have minimal lighting. It is not going to be lit like a shopping center. It will have just enough lighting to give the downtown feel. Ms. James commented that in the past, the Township has relied on the California Outdoor Lighting Standards. Ms. James also asked if there was reason to be concerned about the dumpsters being located by the cemetery. Mr. Novitsky said that it looked like the best place to put it, and they will be sensitive to the issue.

Mr. Hicks said that the parking is too close to the road. People that are stopped looking for a parking space will hold up traffic on the ring road. An example of this is at 9 Mile and Pontiac Trail, the CVS pharmacy. Mr. Novitsky said that he agreed. He recommended that they extend the island on Milford Road so that everyone has to turn right.

Mr. Olson said that they may have to add a pork chop. He also said that they are using the old DLZ design with a bar of 230 foot diameter roundabout. The latest information that Mr. Olson has is that it will be a 165-foot 2-lane roundabout. The location of the roundabout has not yet been determined.

Mr. Soper said that the Township cannot limit Mr. D'Ascenzo due to something that might happen. Mr. Novitsky said that they could add the pork chop and make the development work for now and the future.

Mr. Olson said that the best situation would be to have a driveway at the northern most point of the property.

The Planning Commission continued to discuss no left turns by the roundabout and the parking issue.

Mr. Soper suggested that the applicant talk with the traffic engineer.

Mr. Conflitti asked if there has been any discussion on expanding the cemetery. Mr. Olson said that they have discussed getting a new access to the cemetery. Mr. Olson said that there will eventually be an expansion of the cemetery but not in the same location; it is landlocked.

The Planning Commission continued to discuss the drive-thru issue and the possibility to having an entrance for both the new development and the cemetery.

Mr. Barber adjourned the meeting at 8:40 P.M.

Respectfully Submitted,

Catherine Culver

Catherine Culver
Recording Secretary