

**Charter Township of Lyon
Planning Commission
Meeting Minutes
April 23, 2007**

Approved as written on May 29, 2007

Date: April 23, 2007
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)
O'Neil, Sean
Hamilton, Jim
Hicks, John (Board Liaison)
James, Laura (Secretary)
Towne, Carl
Conflitti, Michael

Absent:

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

Guests: 9

Approval of Agenda

Ms. James moved "to accept the agenda for Monday, April 23, 2007." Mr. Hicks supported the motion.

Voice vote:
Ayes: all
Nays: none

Motion approved.

Approval of Consent Agenda: March 26, 2007

Mr. Hamilton moved "to accept the Planning Commission meeting minutes for March 26, 2007 as submitted." Mr. Hicks supported the motion.

Voice vote:
Ayes: all
Nays: none

Motion approved.

Comments from public on Non-Agenda Items:

Mr. Philips – 54390 Meadow Court – They are before the Planning Commission to request a variance. They live in a new subdivision off of Ten Mile that was built by Curtis. There is a drainage and sewer easement in the back of their yard, and they are hoping to build 5 to 7 feet into the easement to have a deck. He provided pictures to show the

Planning Commission the size of the area they have to build in without encroaching upon the easement. They are hoping to encroach upon the easement by 7 feet. They understand that once in a while the city or someone might need to come in to fix the easement, but they are not going to build over it or very close. They are hoping to build a deck a little larger than what they are allowed. They signed the survey when they built the house, but they did not know that they would have to build a deck so small.

Ms. Aniol said that the Township has an ordinance against permitting construction within an easement. However, the builder is continuing to explain on behalf of the residents that this is a real hardship that the builder is creating. They are proposing an amendment to the Master Deed. Ms. James asked who owns the easement. Ms. Aniol said that they are easements to the Township. Ms. Aniol also said that the Township engineer is not comfortable with anything hanging out into the easement because heavy equipment will need to be able to get through. Mr. Hicks also said that this is a problem because it affects 8 other lots. The Township needs to be careful.

Ms. James said that the Township has these ordinances for a reason. If they allow one person to do this, they have to let everyone do it.

The Planning Commission and Mr. Philips continued to discuss the size of the deck and other possibilities, such as moving the AC unit around the corner. Mr. Hogan said that lot 47 has a few options, but lots 48 and 49 have no options.

Gary Grant 22736 Popaline Drive – Mr. Grant said that they are in the same situation as the past couple. They are lot 43. He asked as a taxpayer, how did he get to this point? Ms. James said that when this went through, none of the current people on the Planning Commission were on the Planning Commission then. Mr. Grant said that he understood that, but it is a problem now. Ms. James said that developers make homes as big as they possibly can, and then people come to the Township and expect the rules to be changed. It is tough on the Planning Commission because they do not want to say no, but the area has flooding problems. Mr. Grant said that if had they had known this coming into working with the builder, they would not be in front of the Planning Commission or in this situation. He also commented that for the next Planning Commission meeting, they will have done more homework and hope that they have more answers. He asked what they could do to prepare for the meeting.

Mr. Olson said that what they have is a house that is too big for the lot. There are architectural changes that could have been made to allow more rear yard. When the Township looked at these plans, they did not include plans for decks. Mr. Grant said that common sense says that people would want to build a deck. Mr. Olson said that there was a time when people put in front porches and not decks. Common sense only lasts for so long. What is common for someone may not be common for someone else.

Public Hearings:

None

Old Business:

None

New Business

- 1. AP-07-03, Kirkway Estates, Phase I, Amendment to Condominium Documents, located on the north side of 9 Mile Rd, between Chubb and Napier Roads, discussion and possible action.**

Ms. James moved “to table AP-07-03 until May 14th, 2007.” Mr. O’Neil supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

2. AP-07-04, Woodwind Village, Phase I, amendment to Condominium Documents, located on the north side of 10 Mile Road, between Currie and Chubb Roads, discussion and possible action.

Ms. James moved “to table AP-07-04 until May 14, 2007.” Mr. O’Neil supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

3. AP-07-06, Text Amendment to Zoning Ordinance regarding Section 19.03F.3 to clarify the methods of calculating net buildable area and permitted density for residential development using the open space option, discussion and possible action.

Ms. Aniol reviewed the comments in the McKenna Associates letter dated April 20, 2007.

Ms. James asked if Ms. Aniol wants them to make a recommendation to the board. Ms. Aniol said no. It is up for discussion tonight and depending on what direction the Planning Commission wants to take, a public hearing will be set, and then a recommendation will be made.

Ms. James said that the Township is has gone over this in the past. Mr. Olson said that no one has used the open space option. He also pointed out that a 5% density bonus is given to developers who take the planned development option. He said that this is a question of trade off on the density issue. He also said that it might help with the tree replacement issue.

Mr. Towne suggested that the Township make it a requirement that architects and materials be brought in from within a certain radius within the area. This would help more local businesses.

Mr. Olson stated that there is a desire to preserve some of the woodlands in the Township. Some of the upcoming parcels may benefit from this, such as the Devonshire parcel. If it is the Township’s goal to preserve these areas, then an incentive may be needed. He suggested preserving the natural features already cataloged in the Master Plan.

Ms. James asked if this was a sufficient incentive. Mr. Olson suggested looking at the lot sizes with regard to this.

Mr. Hicks pointed out that this is not addressing the zoning change.

Ms. Aniol said that with the market the way it is, developers are looking to provide a variety of different products while maintaining the quality.

Mr. O’Neil said that this is much more involved and detailed then White Lake’s.

Mr. Hamilton asked about the change of the wording from “shall” to “may” in regards to leaving the open space in a natural state. He also wanted to know if the Township had control over that feature. Ms. Aniol clarified that the Township would not have control over that; it would be up to the developer, as long as it was not a PD. Mr. Hamilton said that he thought the Township should have some say.

Ms. James moved “to schedule a public hearing for the proposed text amendment for the second meeting in May.” Mr. O’Neil supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

4. AP-07-07, Walgreen's, condominium Documents review, located on Pontiac Trail, south of Nine Mile Rd., discussion and possible action.

Ms. Aniol reviewed the comments in the McKenna Associates letter dated April 20, 2007.

David Skidmore 7488 Bold Venture Court, Lewis Center, Ohio – Mr. Skidmore said that they reviewed the letter, and revisions have been made. The primary change was changing the exhibit references: changing the bylaws to Exhibit A, the condominium plans to Exhibit B, and then the legal description is Exhibit C. Ms. James asked if they were comfortable with all of the recommended changes. Mr. Skidmore said that not verbatim, but the intent is to make the document acceptable. Mr. Olson asked what they did not agree with. Ms. James commented that instead of incorporating the legal description into the Master Deed, they have given it a different exhibit letter. They are willing to make A the bylaws and B the condominium plan. Mr. Hicks asked about the cross access easement to Speedway. Mr. Skidmore said that there has not been any movement with Speedway. Mr. Hicks said that Speedway has already agreed to it; it is just a matter of location. Mr. Skidmore said that they have had a number of discussions about a potential location. When it was initially proposed, the intent was to have the access in front of the canopy to Speedway. The setback landscaping requirements keep that from happening. Ms. James said this issue should be in the paperwork. Mr. Skidmore also said that they are very close to going over in terms of impervious surface. He asked what standing does he have with Speedway to make them apply. Ms. Aniol said it was part of their site plan approval. Mr. Hicks said that he does not see them having an issue with the impervious surface. Ms. Aniol said that Speedway knows that a cross access will be needed when the neighboring parcel goes up. Mr. Skidmore said that there is a cross access with the neighboring church.

Mr. Skidmore proposed that they build the cross access easement between the two properties where the current Speedway septic is located, after Speedway receives sewer from the Township and does not need the septic field. Mr. O'Neil said that the idea has merit because it allows for more landscaping along Pontiac Trail. He suggested having the Township take a bond from the responsible party.

Mr. Hicks moved "to approve AP-07-07 conditional upon the comments in McKenna's letter dated April 20th and subject to a bond for the cross access easement prior to certificate of occupancy being obtained and an amended drawing that shows the cross access easement." Ms. James supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

Respectfully Submitted,

Catherine Culver

Catherine Culver

Recording Secretary