

**Charter Township of Lyon
Planning Commission
Meeting Minutes
May 14, 2007**

Approved as corrected on June 11, 2007

Date: May 14, 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
Towne, Carl
Conflitti, Michael

Absent:

Also present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Michelle Aniol, Township Planner
Al Hogan, Township Building Official
Leslie Zawada, Township Engineer

Guests: 12

Approval of Agenda

Mr. Hamilton moved "to approve the agenda for May 14, 2007." Mr. O'Neil supported the motion.

Voice vote:
Ayes: all
Nays: none
Motion approved.

Approval of Consent Agenda:

Mr. Hicks moved "to approve the April 9, 2007 Planning Commission meeting minutes." Mr. Conflitti supported the motion.

Voice vote:
Ayes: all
Nays: none
Abstained: Mr. O'Neil and Ms. James
Motion approved.

Mr. Towne said there are some areas of landscaping that he did not agree with and he did not understand. He thought there should be some discussion. Mr. Doozan suggested adding the item to tonight's meeting.

Comments from public on Non-Agenda Items:

None

Public Hearings:

None

Old Business:

1. AP-07-03, Amendment No. 1 to the Mater Deed for Kirkway Estates, Phase I, Located on the north side of 9 Mile Rd, between Chubb and Napier Roads, discussion and possible action.

Mr. Aniol explained that there is a change to the amendment. The second bullet point that talks about the width of the storm sewer and drainage easements is not being proposed any more. Ms. James asked why they withdrew that request Ms. Aniol answered that they are going to build within their building envelope.

Ms. Aniol reviewed the comments in the McKenna Associates site plan review dated May 10, 2007.

Mr. Hicks suggested that item 3 on the Master Deed have the perspective purchaser acknowledge in writing to the Township. He also wants the statement about the letter in the Master Deed.

Mr. Barber asked what would happen to the people who buy the house from the original owner. Ms. Zawada said that it would be on the Master Deed and in their mortgage.

Mr. Hamilton asked if this would be separate from the deed in other words, if I was buying one of these houses and I was signing the deed, I would not be constructively signing for this acknowledgement. Mr. Seymour said yes. Mr. Hamilton said that this should be in the bylaws, but also get a statement. The two should be separate.

Scott McDonald – Legal representation for Curtis Homes – As far as new owners go, they would sign a plot plan prior to the building of their home. He recommends that a two-prong approach be taken.

Ms. James asked “how long is the master deed?” Mr. McDonald said that it is about 20 – 30 pages. Ms. James said that she agreed with Mr. Hamilton that there should be a disclosure. Also she said the specific word deck should be added. She also said that the utilities statement implies that one may be able to build on the easement once utilities are built. Mr. McDonald said that he understood that the Township has the discretion to bend the rules in ordinance 18.01E, he then read the ordinance. Ms. James suggested that the language from the ordinance be used in the utilities easement.

Mr. Barber asked if any houses were built yet. Mr. McDonald said one house is built and occupied. Mr. McDonald said that the only thing left for them to do is a few administrative revisions to the master deed.

Ms. James said that on first page of the McKenna letter it says that you need to address errors regarding granted easements to the drain commissions, phone company, and gas company. Mr. McDonald said that a paragraph of the master deed gave a very broad grant to the township and county drain commission. Upon reviewing it, the county drain commission decided that they did not have interest in managing the storm drainage within Kirkway Estates. He also said that he wanted to address the storm drainage easement and they made the changes in article 9 Section 8.

Mr. Conflitti asked if fences were allowed on the utilities easement. Ms. Aniol said that if the master deed and bylaws allows fences, it would be permitted subject to Township Approval.

Mr. Hamilton said the people in charge of utilities should take care of it themselves.

Ms. James moved “to table Ap-07-03 for two weeks.” Mr. Towne supported the motion.

Voice vote:

Ayes: all

Nays: Mr. Barber

Motion approved.

2. AP-07-04, Amendment No. 1 to the Master Deed for Woodwind Village, Phase I, located on the north side of 10 Mile Road,

Ms. Aniol reviewed the comments in the McKenna Associates site plan review dated May 10, 2007.

Mr. Barber asked if any decks were built or being built. Mr. Hogan said no. There are plans for a deck on lot 47. These four lots are having problems. The other lots will not have a problem because they will not fill up the entire building envelope. Mr. Hamilton asked how much they were planning on going into the easements on these lots. Ms. Aniol said on lots 48 and 49, the house takes up the entire building envelope and they have a walk out basement on one end and a day light basement on the other. Any type of a deck would go into the easement. It is a storm water and drainage easement.

Ms. James said that this puts the Township in a tough spot. She said that she cannot support this. She pointed out how big of a problem flooding has been in the Township. If the Township grants hardship on this, they have to let everyone build on their easement. She suggested talking to the Township engineer. Ms. Zawada said the storm sewers cannot be reconfigured because these lots also have a thirty foot wide sanitary sewer easement in the back. The sewer easements basically service the entire Township. She also suggested allowing the lots to go into the storm easements which are maintained by the subdivision association.

Mr. Hamilton asked if they would be setting precedence. Mr. Seymour said yes.

Mr. O'Neil said that he felt the builder was at fault. He said that he understood that the homeowner is responsible for knowing what they are getting into, but how many homeowners understand this and do it for a living. When we look at developments in the future we can keep this in mind. He also said that these people have made a significant investment to the community and deserve to be treated fairly.

Mr. Hicks said the builder put this on the Townships lap. The owners should not be penalized.

Ms. James asked if any of the lots have any room for a deck on either side. Mr. Hogan said that lots 48 and 49 have no room. There is one side they could build on; but there is no access from the home to the deck. Mr. Towne asked if they allowed this the way it is, are the homeowners going to be happy with this. Mr. Hogan said that lot 47 would like more of a deck but will take it. Lot 61 said they would happy with this.

Melvin Menick Curtis Building Company – Mr. Menick said in regards to setting a precedence that most homeowners would not go through the added expensive of getting a deck plan approved by a professional engineer unless their backs were up against the wall, like the owners in this circumstance.

Mr. O'Neil moved “to recommend AP-07-04 amendment number 1, subject to the recommendations by McKenna Associates and clarification of the same language as Kirkway.” Mr. Hicks supported the motion.

Voice Vote:

Ayes: Sean O'Neil, Mike Barber, Carl Towne, John Hicks

Nays: Jim Hamilton, Laura James, Michael Conflitti

Motion approved.

New Business

3. Discussion regarding maximum lot coverage in the I-1, Industrial District, possible action to schedule a public hearing following discussion.

Mr. Doozan reviewed the comments in the McKenna Associates site plan review dated April 19, 2007.

Mr. Hicks asked if this percentage is increased, doesn't that mean the calculation has to be adjusted? Mr. Doozan said yes.

Ms. James asked if they could ask for a variance. It is not built yet, but it might be a self created problem. Mr. Seymour said that would not be a practical difficulty. Ms. James also suggested it say "or anything reasonable subject to Planning Commission approval."

The Planning Commission discussed changing it to 75 percent.

Mr. Seymour suggested looking at setbacks in regards to takings. Setback requirements say that 10 to 12 percent of the land is sufficient. If that is all the green space you are requiring and that is 15 percent of your property, then there is really no basis to say that they can only develop 60 percent.

Mr. Hamilton moved "to schedule a public hearing for the first meeting in June." Ms. James supported the motion.

Voice Vote:

Ayes: all

Nays: none

Motion approved.

4. Requested by TDR Associated and Ed Wertenan to discuss the redevelopment of the southwest corner of Grand River Avenue and Costello Drive (56405 Grand River Avenue) for an indoor ice skating facility.

Ed Wertenan 28291Martindale – Mr. Wertenan would like to build an ice rink at the corner of Grand River and Costello Road. It was originally zoned B-1 along Grand River and I-2 in the back. The Future Land Use Proposal does not allow for B-1. Mr. Doozan said that it does not fit in the Downtown Development. Mr. Wertenan said that he has looked at other areas in the Township that are I-1.

Mr. Barber asked how the DDA felt. Mr. Doozan said that they have not approached the DDA. .

Mr. Conflitti asked about time and hours. Mr. Wertenan said that it would be from 12 noon – 10 p.m. Ms. James asked besides the zoning is there other issues?

Mr. Towne said that it would be an asset and the concept has an industrial look.

Tom Rice – It would have been nice to have for his kids. He is willing to work within the ordinance. Plan is for hockey and open skating. He said that he was also looking at property at Grand River and Napier Road. Mr. Seymour suggested a contract zoning.

Mr. Doozan said that if it is allowed on the Holdenberg site, then the future land use map would have to be changed.

The Planning Commission discussed an appropriate place for this concept. They thought the proposed site at Grand River and Castello Drive was not an appropriate area. They discussed possibly putting it at Napier Road.

Mr. Barber asked how close the ring road was to it. Mr. Doozan said that it was not too far away.

Mr. Hicks said his concern is the overlay district.

Mr. Conflitti said that it was a great idea to bring people into the area.

5. **McKenna Associates Letter Dated May 8, 2007 RE: Proposed modifications to the approved entryway landscaping for Pinehurst PD.**

Ms. Aniol explained that in October, Pulte asked for modifications in regards to their entrance on Ten Mile Road. She further explained that they met on sight to discuss the issues. The letter is a recap of the items discussed at the meeting.

Ms. James suggested having them move the trees instead of eliminating them.

Mr. Towne moved “to accept the Pinehurst Meeting minutes for May 8, 2007.” Mr. Hicks supported the motion.

Voice Vote:

Ayes: all

Nays: none

Motion approved.

Mr. Barber adjourned the meeting at 8:50P.M.

Respectfully Submitted,

Catherine Culver

Catherine Culver

Recording Secretary