

**Charter Township of Lyon
Planning Commission
Meeting Minutes
September 10, 2007**

Approved: As Corrected September 24, 2007

DATE: September 10, 2007
TIME: 7:00 p.m.
PLACE: 58000 Grand River

Call to Order: Mr. Barber called the meeting to order at 7:00 p.m.

Roll Call: Mike Barber, Chairman
Michael Conflitti
Jim Hamilton
John Hicks, Board Liaison
Sean O'Neil
Carl Towne

Absent: Laura James

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Michelle Aniol, Township Planner

Guests: 10

1. APPROVAL OF AGENDA

Mr. Hamilton made a motion to approve the September 10, 2007 agenda as submitted. Mr. O'Neil supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. CONSENT AGENDA

Mr. O'Neil pointed out a typographical error in line 106. Recording Secretary made the correction.

Mr. Hamilton made a motion to approve the Minutes of July 23, 2007 as corrected. Mr. O'Neil supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

3. COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

There was no one who wished to address the Commission.

4. PUBLIC HEARINGS

AP-07-19, Brandon Estates, Site Condominium and an Average Lot Size development, located on the south side of 9 Mile Road, east of Pontiac Trail; discussion and possible action on Special Use and Site Plan review request following public hearing.

Representing Brandon Estates: Rubin Dimoski, Owners
Kim Dimoski, Owners
Brent Lavanway, Boss Engineering

Mr. Doozan reviewed the memo dated August 10, 2007 from McKenna Associates.

Mr. Lavanway stated that he was representing the developers of Brandon Estates. He would like to remind the Planning Commission that they were before the Planning Commission and Board earlier this year for a rezoning of the property and they did receive that. There was considerable discussion regarding Russell Lane and Donna Drive regarding the road connection. It appeared that the option of connecting to Russell Lane to the west was not feasible at all. They have explored the possibility of connecting to Donna Drive but that does not look like it's possible either. They have submitted plans with a boulevard entrance, which they believe addresses the issue of emergency access.

Mr. Lavanway continued that they have pursued the average lot size option to allow for an increased buffer and increased view shed along 9 Mile Road. They do exceed the Open Space requirement by about 3 times and that does not include the detention basin. The landscape plan was very significant along 9 Mile Road from the detention basin and around the perimeter as well.

To conclude, they do agree with McKenna's comments and certainly agree to address all of those in the next submittal.

Mr. Conflitti questioned that the applicant was proposing to build a boulevard for the first 600 feet of Crystal Drive, how does that get addressed? Mr. Doozan stated that part of the concern of having an excessive length was for public safety purposes, the road gets blocked and then they don't have access into the subdivision. If there was a boulevard the lane would be separated so in essence they have two roads, which would address the concern.

Mr. Barber opened the Public Hearing at 7:25 p.m.

Mike Cummings, 22195 Donna Drive. Mr. Cummings stated that after reviewing the drawing of 6/11/07 with the boulevard and extensive landscaping he was very pleased with it. His backyard backs up to the lots along the east of the property. He felt the boulevard was a nice compromise and he felt it would be a beautiful project; he had no problem with it.

Doug Collier, 60233 9 Mile Road. Mr. Collier questioned if private roads were supposed to be 600' apart, under the Lyon Township Private Roads? He also questioned that in the ordinance there should be no more than 11 houses allowed on a gravel road? Mr. Doozan stated that spacing between private road easements which are located on the same side of the intersecting public road – 600'. Spacing between private roads which are located on opposite sides on an intersecting public road are 150'. Mr. Collier stated that he didn't believe that there was 600', and it was his understanding that anything over 11 houses had to be an asphalt road and Donna Drive was a gravel road. Mr. Doozan stated that Donna Drive was not involved in the project; they were not going to connect to Donna Drive at all.

Susan Stack, 60139 9 Mile Road. Ms. Stack stated that she was the first house on Donna Drive and she hoped that the connection would be eliminated. She questioned if the decision would be made at this meeting and how would she go about being notified when a decision would be made. She was also concerned with the speed limits.

Mr. Barber stated that there were plans for a bike path along 9 Mile Road. Mr. Doozan stated that the Township does not establish the speed limit; she would need to speak to the Police regarding her concerns of the speed limits.

Mr. Cummings referred to the plan dated 6/11/07, he wanted to clarify that was the only plan that included the stub to Donna Drive, he questioned if that drawing with the stub was up for any type of consideration. Mr. Doozan stated that was only a parallel plan to establish the density.

Mr. Barber closed the Public Hearing at 7:36 p.m.

Mr. Hicks questioned what the exact length was between Donna Drive and the proposed road? Mr. Lavanway stated 600'. Mr. O'Neil questioned if that was right of way or easement to easement or surface to surface? Mr. Lavanway stated surface to surface. Mr. O'Neil stated it didn't look like 600' from easement to easement. Ms. Aniol stated that there were also conditions when talking about subdivisions as opposed to private road developments.

Mr. Seymour stated that he didn't think the Township had the power to force the people who live on Donna Drive to join up with the stub road, unless they wanted to go into an Eminent Domain procedure, and he didn't think that was the way to go. The proper course of action would be that they would ultimately go to the ZBA to request a variance for the length of the private road.

Mr. O'Neil stated that the stub road really doesn't do anything because there was a gap of probably 50' or more from where the stub road would end it would touch the cul de sac so it was not even road right of way or road easement butting up to road easement because Mr. Cummings has property that prevents that from happening.

Mr. Doozan stated that when the rezoning took place and Donna Drive was created, Mr. Dimoski's property was supposed to be dedicated and when the easement for Donna Drive was recorded at the County, the person who did that conveniently took off that portion of the easement. Mr. Barber stated that they eliminated the easement.

Mr. O'Neil questioned what the status of the sanitary sewer was? Mr. Doozan stated that it was proceeding.

Mr. Towne questioned who owned the property at the stub road? Mr. Cummings and Mr. Collier stated that they share ownership of the property. Mr. Towne's stated maybe they would donate the land, Mr. Cummings and Mr. Collier stated no.

Mr. Hicks stated that was discussed at length previously and they made it very clear that they weren't allowing anything that didn't meet the ordinance. The boulevard satisfied him, his concern was the distance, and if it should be 600' then it should be 600'.

Mr. Barber re-opened the public hearing at 7:40 p.m. in order to allow Mr. Collier to make another statement.

Doug Collier, 60223 9 Mile Road. Mr. Collier stated that he took a construction wheel and wheeled it from Donna Drive. 600' does hit the property but it hits the new home that was built and he was sure that he didn't want to do that.

Mr. Lavanway stated that it did end up in front of Mr. Dimoski's house, it was a challenge to get 600'. They met with the Road Commission and they were satisfied with the location and the distance and proximity to adjacent roads.

Mr. Lavanway read the section in the Private Road Design Standards and it stated "where possible private roads shall be spaced as follows" based on that and the site constraints of the existing house, they obviously made every effort to meet the 600' easement or 600' center line to center line.

Mr. Barber closed the Public Hearing at 7:45 p.m.

Mr. Barber asked what the homes would look like. Mr. Dimoski stated that they would be in the half million range.

Mr. Conflitti questioned if the dimensions on Crystal Drive were large enough for emergency vehicles to turn around? Mr. Hicks stated that they had to meet private road standards which are county standards. Mr. Lavanway stated that there are two cuts in the boulevard; the short answer was yes, however, it would have to use reverse and use a 3 point turn. The radius was not sufficient for one single turning movement around the boulevard. Mr. Barber confirmed that there was no parking on the street.

Mr. Towne stated that the applicant had agreed to all of the changes in the McKenna letter dated August 10, 2007. Mr. Lavanway stated yes. Mr. Towne clarified if they would install a bike path? Mr. Lavanway stated yes, 10 feet wide. Mr. Towne asked if the mailbox cluster would be deeper recessed to avoid conflict with traffic. Mr. Lavanway responded yes. Mr. Towne stated that the size of the sign was not noted on the plan so they needed to make sure that was updated on the plan. Mr. Lavanway stated yes. Mr. Towne stated that the condominium documents would be submitted before construction permits. Mr. Lavanway stated that this was their first step. Mr. Towne stated the irrigation for the landscaping on 9 Mile Road would be done. Mr. Lavanway stated yes. Mr. Towne stated that they would change the landscape drawing to indicate the juniper label and other items to make sure they correspond correctly. Mr. Lavanway stated yes.

Mr. Hamilton stated that they did not plan to move on this until they have sanitary sewer? Mr. Lavanway stated correct.

Mr. Barber stated that he liked all of the trees as opposed to the developers that come in and leave it brown clay.

Mr. O'Neil asked for clarification on where they stand with the private road versus the subdivision standards, would the length of the dead end road be an issue considered by the ZBA even though they have provided a boulevard to an extent. Mr. Doozan stated that in terms of the spacing, he felt that the Planning Commission has enough flexibility in the ordinance. In terms of the length, he felt that a variance would be necessary.

Mr. O'Neil made a motion to recommend approval subject to the applicant conforming to all comments in McKenna's letter dated August 10, 2007 for AP-07-19, also, subject to Zoning Board of Appeals approval of a variance for the length of a dead end road. They are not recommending a requirement for connection to Donna Drive. Mr. Hamilton supported the motion.

**Voice Vote: Ayes: All
 Nays: None**

MOTION APPROVED

5. OLD BUSINESS

AP-07-06, Text amendment to Section 19.03 F.3 of the Zoning Ordinance to clarify the method of calculating net buildable area and permitted density for single family residential development using the Open Space Development Option, recommended additional tabling for up to 60 days.

Ms. Aniol asked for clarification as to what type of meeting this would be. Mr. Towne stated that it should be a joint meeting. Ms. Aniol stated that they could consider the first meeting in October.

Mr. Hicks made a motion to table AP-07-06 for up to 60 days. Mr. Towne supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED TO TABLE

6. NEW BUSINESS

- A. Proposal by Michael Harris to reuse Jerry’s Barber Shop as a tattoo parlor, located at 56461 Grand River and part of the Town Center Overlay District; discussion and possible action.

Mr. Doozan reviewed the memo dated August 9, 2007 from McKenna and Associates.

Mr. Harris stated that a tattoo parlor was actually more along the lines of a doctor’s office or a dentist as opposed to a massage parlor. They have to be licensed by Oakland County Health Department and they must comply with annual health inspections two times a year. All of the employees must be licensed with the Health Department.

Mr. Barber questioned how long the lease was for? Mr. Harris stated probably 2 years to start; he has been a tattoo artist for 13 years and felt that he needed to start a shop of his own. Mr. Barber asked if he would have other employees. Mr. Harris stated maybe as time went on, not to start, maybe in 6 months he may bring someone else in.

Mr. Conflitti questioned what happened with the biohazard waste? Mr. Harris stated that used needles or paper towel that had blood on it had to be disposed of by medical waste, it was picked up every 30 days. Mr. Harris explained how the Auto Clave Sterilizer operated.

Mr. Hicks stated that this was not similar to any use that was currently allowed in their Town Center Overlay District and he didn’t think it was a compatible use. Mr. Barber agreed the downtown area was just getting under way. Mr. Harris stated that side of the road down Grand River there was nothing there, better to have business drawing commerce than not.

Mr. Harris stated that the parlor would be a classy establishment. Mr. O’Neil explained that there had been an applicant for an ice rink and it was turned down. Mr. Harris stated that it seemed to him everything was going on around the Wal-Mart not where he was looking. Mr. Barber stated that if they change it, it would be forever. Mr. Hicks stated that if they start off on the wrong foot then all of the hard work was for nothing. Mr. Harris asked what ordinance would be for a tattoo shop if not B1. Mr. O’Neil stated that the ice rink would fall under a Special Land Use and they still told them that they didn’t see it fitting into the grand scheme. Special Land Use does not mean that because it’s listed that way they have a vested right to engage in that use they simply have the ability to petition for that use with special criteria, and it’s really up to the Planning Commission and their vision and that use at that particular time. They are not saying they don’t want him here, just not in this particular location. Mr. Harris stated that there was not a whole lot of location left unless he

