

**Charter Township of Lyon
Planning Commission
Meeting Minutes
June 8, 2009**

Approved: July 13, 2009 as amended

DATE: June 8, 2009
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
Lise Blades
Michael Conflitti
Jim Hamilton
John Dolan, Board Liaison
Sean O'Neil
Carl Towne

Also Present: Phillip Seymour, Township Attorney
Chris Doozan, Township Planner
Michele Aniol, Township Planner
Al Hogan, Building Official

Guests: 2

1. APPROVAL OF AGENDA

Ms. Blades requested adding a discussion item regarding the result of her questions at the last meeting regarding text amendments.

Mr. Hamilton made a motion to approve the June 8, 2009 agenda as revised. Mr. Towne supported the motion.

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

MOTION APPROVED

2. CONSENT AGENDA

The Recording Secretary made a clarification and typographical change to the minutes.

Mr. Towne made a motion to approve the May 11, 2009 minutes as corrected. Mr. Conflitti supported the motion.

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

MOTION APPROVED

3. COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

Chris Stone –Mr. Stone explained that the patio was almost complete on the New Hudson Inn, and he would be holding a luau on July 11 to officially open the patio.

John Bell – Mr. Bell announced that the Lyon Township Kite Festival is now on YouTube.

Mr. Barber closed the public comments at 7:09 p.m. due to no one else wishing to comment.

4. PUBLIC HEARINGS

- A. AP-09-07, Blade Signs Text Amendment. Public Hearing to consider a text amendment to the Zoning Ordinance to allow blade signs in the Towne Center Overlay District.**

Ms. Aniol reviewed the McKenna Associates memo dated June 4, 2009 with the recommendation that following the public hearing, if the Planning Commission was satisfied with the proposed text amendment, they recommend the Commission recommend approval of the Article 41.00 amendments to the Township Board.

Mr. Dolan explained that the Sign Ordinance went through the Board without a hitch. He explained that the Crystal Creek Villas also passed on the first reading with one concern being raised about the distance between homes.

Mr. Barber opened the public hearing at 7:13 p.m. and closed it due to no one wishing to comment.

There was discussion regarding flag type signs being allowed. Ms. Aniol explained that they

could be allowed, but design standards would need to be set up. Ms. Aniol explained that this was for the Towne Center Overlay District only, and these particular signs are pedestrian oriented signs.

Mr. Towne thought that durable material was a vague statement and should be spelled out with more detail. Ms. Aniol recommended that discussion should happen at the DDA level because it was not uncommon for the DDA to set up a design guideline for that district. It encourages creativity and provides incentive to get more creative.

Ms. Aniol explained that the MDOT standard is 10'.

Mr. Towne made a motion to recommend approval to AP-09-07 Blade Signs Text Amendments to the Township Board as presented in the McKenna Associates memo dated June 4, 2009. Mr. Hamilton supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

5. OLD BUSINESS

A. AP-09-06, Amendments to Private Road Regulations, consider scheduling a public hearing to consider text amendments (tabled at the May 11, 2009 meeting).

Mr. Doozan reviewed the McKenna Associates memo dated March 30, 2009, which reviewed the two Zoning Ordinance amendments that would make it clear that site plan review and approval is required for residential condominiums and site condominiums as well as prohibit any new private roads.

Mr. Doozan explained that the amendments that are being proposed have been under consideration for several years, and they have come to a head due to disputes regarding private roads. This was taken up by the Development Review Committee. The changes would not affect existing roads. The Road Commission would not take over any existing private road and, generally, they have to have their inspectors on site when the road is built and meet their standards. Since none of Lyon Township's private roads meet those criteria, it would be impossible for the Road Commission to take over any of the Township's private roads. He further explained that there have been disputes over who has access to private roads and maintenance practices. Also, numerous times the Township has been asked to approve a building permit or a lot split on a poorly maintained private road, putting the Township in a legal quandary. These problems usually end up costing the Township in terms of time and

money. There would be no change in engineering requirements. Of note, state law would require public roads in subdivisions. In terms of private roads for large lot developments, the open ditch cross sections are allowed, but not all road commission roads are curb and gutter roads. The Township has been in a weak position historically to maintain private roads, and the Road Commission has more tools to specially assess residents along a private road to achieve maintenance.

Ms. Blades asked why this wasn't addressed last year when it came to the Board. Mr. Doozan explained that there have been a series of text amendments over the years to deal with issues that came up. Ms. Blades stated that in those meetings there was nothing about eliminating all private roads.

Ms. Blades stated that she does live on a non-conforming private road, and it does present its complications, but it offers people a different way to live without restrictions. As far as the residents were concerned, and based on the Master Plan, they like to have this option. She felt that subdivisions should be set in a different category. Mr. Barber stated that if they eliminate new private roads, then Oakland County would be able to take care of the problems that arise. Mr. O'Neil stated that they should have a Private Road Ordinance and not eliminate the possibility for private roads in the future; he felt that tightening the standards of private roads going forward would be a good option.

Mr. Towne stated that he was not ready for this. If it only contained new Planned Developments, then he would be okay with it. He was not comfortable with continuing a road without bringing the rest of it up to standards. Mr. O'Neil stated that subdivisions, site condos, and the like should be paved and should be County Roads, and he did not think anyone objected to that. He felt that anything that required a site plan should have paved roads, and the Commissioners agreed with that.

Various scenarios and concerns were discussed.

Ms. Aniol summarized the discussion that there was no consensus on the total outright ban of private roads, especially on the metes and bounds parcels, and that there was consensus on requiring all public roads, no private roads ~~in~~ of any type, in residential/multiple family developments, be it a site condominium, detached condominium or planned development regardless of the size. The Commissioners agreed. *Ms. Blades felt that developments of 10 or fewer houses should be exempt.*

Mr. O'Neil made a motion to schedule a public hearing AP-09-06 Amendments to the Private Road Regulations for the July meeting provided it deals with Sections 5, 7 and parts of section 12 pertain only to site condo's, detached condos, plats and planned developments, and the like. Mr. Towne supported the motion.

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

MOTION APPROVED

B. Discussion on Text Amendments

Ms. Blades stated that it was in the minutes that an explanation would be given regarding how text amendments are initiated.

Mr. Seymour reviewed Section 9.01 of the Zoning Ordinance, which states the process. Ms. Blades stated that her concern was that money has been spent on text amendments that neither the Board nor the Planning Commission had initiated. The ordinance states that text amendments are to be initiated by the Board, not one member, and/or by the Planning Commission; she felt they should follow the ordinance. She raised the issues of the private road text amendments, wind energy, and future cases.

Ms. Aniol explained that the Planners function as the Township's Planning Department, and the responsibilities in administrating the process in anticipation of something that may be forthcoming; the wind energy was an example. Ms. Blades stated that she understood that, but it was not urgent. She felt a quick poll of the members would be sufficient to see if there was interest in continuing before it goes forward.

It was decided that an issue could be added to the agenda in order to achieve a consensus to see if it should be moved forward. If the issue is not of any urgency, it should follow the procedure.

6. **NEW BUSINESS**
 None

7. **ADJOURNMENT**

Mr. Barber adjourned the meeting at 9:23 p.m.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary