

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
January 13, 2003**

Approved as corrected February 10, 2003.

DATE: January 13, 2003
TIME: 7:00 PM
PLACE: 58000 Grand River

Call to Order: Chairman Hemker called the meeting to order at 7:02 pm.

Roll Call: Present: Brent Hemker, Chairman
Michael Barber, Vice Chair
Ray Bisio, Trustee
Richard Crook
Laura James
Ted Soper
Laura Williams

Also Present: Dave Gillam, Assistant Township Attorney
Chris Doozan, Township Planner
Megan Masson-Minock, Planner
Loren Crandell, Township Engineer
Chris Olson, Superintendent

Guests: 115+

1. APPROVAL OF AGENDA

Mr. Hemker requested that the following be added to the agenda before the public hearings:
- Lyon Towne Center Discussion

Mr. Crook made a motion to approve the agenda as amended. Mr. Soper supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA:

- **November 25, 2002 Regular Meeting Minutes**
- **December 9, 2002 Regular Meeting Minutes**
- **December 11, 2002 Joint Workshop Meeting Minutes**
- **December 23, 2002 Meeting Minutes**

Mr. Hemker noted a couple typographical errors on the December 9, 2002 minutes for the Recording Secretary to correct.

Mr. Barber made a motion to approve the November 25, 2002, December 11, 2002 and the December 23, 2002 minute as submitted and the December 9, 2002 minutes as corrected. Mr. Soper supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

4. Lyon Towne Center Discussion

There was brief discussion as to when this issue could be on a future agenda. The Planning Commission concurred that they would schedule a special meeting for Friday, January 24, 2003 at 5:00 PM for this issue.

5. PUBLIC HEARINGS:

AP-02-21, Public Hearing on Mobile Home Park Rezoning proposal, Sucher property, southeast corner of South Hill and Twelve Mile Roads.

Mr. Doozan read the December 20, 2002 McKenna Associates, Inc. review letter into the record.

Mr. Crandell stated that the Planning Commission should consider that the Township has a limited amount of sanitary sewer capacity. The Township does have a contract with Park Place Environmental for approximately 3MGD's of capacity. The Sanitary Sewer Master Plan has been prepared, assuming that the Township will develop in accordance with the Land Use Master Plan. It also takes a reasonable, not a conservative approach, which means that they are not estimating high. He explained that sometimes for communities in Southeast Michigan, an engineer will make high estimates.

Mr. Crandell stated that because the Township is limited to 3MGD's of capacity, if they took the conservative approach, they would find that there would not be enough capacity. He stated that they took a reasonable approach and explained how they determined this. He stated that he does believe that the estimates provided are reasonable. He stated that the message is and has been that they cannot increase density over what the Land Use Master Plan states without basically giving away somebody else's capacity. He stated that this is the primary focus of their letter.

Mr. Crandell stated that there are other issues also, that if the rezoning is approved the way that the site plan shows, the method that they are going to connect would be impacted. He stated that their plan shows a pump station on their property and the Master Plan shows the pump station at Eleven Mile Road. He suggested that the applicant construct the pump station in accordance with the Master Plan. He stated that they should construct a gravity sewer down to Eleven Mile Road. Otherwise, by having the pump station up higher there would have to be an extra pump station that would have to be operated and maintained. He stated that more importantly by having it further up stream, it increases the pressure in the sewer system and will have negative impact on upstream pumping. He stated that the Sanitary Sewer Master Plan also shows a future relief main coming from the treatment plant up to Twelve Mile Road. He stated that it is likely that this would have to be constructed as density increases through development.

Mr. Crandell stated that they had their Traffic Consultant look at the traffic report. The most significant thing that they found is that because of the level of service at Haas Road, the felt that more traffic would be using South Hill Road.

Representing the Sucher property proposal is:

- Robert Jacobs, Attorney
- Rod Arroyo, Birchler Arroyo Associates, Inc.
- Jack Hasmer, Financial Consultant
- Pat Keast, Engineer
- Steve Friedman, F&H Holdings

Mr. Jacobs introduced the people with him tonight and noted that they would be giving a brief presentation. He briefly explained the information that was submitted in their package to the Planning Commission. He distributed more information to the Commissioners that would go along with his presentation.

Mr. Jacobs made some observations using the surrounding land use aerial plan, which he displayed. He stated that the area south of this parcel is not a pristine area, it is surrounded by past and possibly continuing mining operations, which Mr. Doozan indicated has been discontinued. He stated that the property cannot be utilized for single family residential. Pointing to areas on the displayed plan, he showed an area that has been greatly disturbed, an area that has a large lake and an area that has high tension lines along the Edison corridor. He pointed to an area that is an industrial corridor, which according to the Master Plan is intended to be a high-tech industrial/research transitional area. He noted that there is an RV park further down the road. He stated that if you look at this area, it is not a pristine area. He stated that the Sucher farm property is property that is bordered on Twelve Mile Road and intersected by Haas Road and South Hill Road. He stated that this property can be served by sewer and water.

Mr. Jacobs stated that there is no question in their minds or their analysis that a private treatment facility could be utilized and adopted with this property. This would be a well system, if it became necessary for the development of this property. He stated that one has to go and personally inspect this property to note what this property is in relationship to the other properties that surrounds it. This is within an industrial transition area. He explained the different zoning and uses that surround this property. He stated that the use of this property for transitional zoning is a proper zoning tool and is warranted for reasonable use of this property.

Mr. Jacobs stated that several years ago other plans were brought before the Township. Those plans were unsuccessful and were not received with any enthusiasm whatsoever. He stated that because of this, the developers and owners of this property consulted to determine what is in the best interest and would provide the most reasonable use of this property. He stated that this property, therefore, was adaptable for this use, which is a proper and reasonable use.

Mr. Jacobs briefly discussed manufactured housing in communities. He stated that the zoning map, which he displayed, depicts all of the manufactured housing in the community. He pointed out the location of each of the manufactured housing communities in the Township. He stated that the Sucher property is less than 1% of the total land area in the whole Township. He stated that looking at the Township's Future Land Use Map, that there is not one area within the Township that is zoned for a manufactured home community. He stated that the two existing manufactured housing communities were built over thirty years ago.

Mr. Jacobs stated that the R-1.0 zoning is not an appropriate or reasonable zoning for this. He stated that R-1.0, Agricultural, with one acre density is not feasible, not logical and does not fit in to what the Township's Master Plan calls for today. The Master Plan shows industrial and transitional. He stated that next to this property is the high intensity lines, the RV Park and the quarry mining operation as well as other aggregate operations and industry in the area. He stated that if you went toward Grand River from this property, all you would see is industrial. There are no homes or subdivisions being created. He stated that the uses surrounding this property make it unique in the fact that there is no piece of property within the municipality that meets these criteria. He stated that manufactured housing will provide a traditional use between the expanding industrial corridor and the lower density residential to the south.

Mr. Jacobs stated that in the material that the Planning Commission has received, there is a demonstrated need for this type of development on this property. He stated that the reason for this is if you look at the occupancy of the other two properties within the municipality, you will see that they are less than 1.8% to 2%, which means that they are under utilized. He stated that there is no housing within the community that is in the price range of manufactured housing. He stated that in the 2000 Census there were under 20 homes that were under \$60,000.00 in the whole community. He stated that the idea of having affordable or alternative housing is to have housing that can accommodate different levels of financial ability of those who have a demand and need for them. He stated that in this community the average house, according to studies and also the information provided by Mr. Doozan under FOIA, shows that there are not homes under \$200,000.00 in the community. The majority of them are at \$198,000.00 and go up into the millions. He stated that all of the proposed developments are catering to this influence. He stated that the Township is doing nothing in this community that he could perceive to accommodate the kinds of alternative housing that can be made available. He stated that according to SEMCOG's analysis, in 2030 there will be 40,000 living in Lyon Township. He stated

that if they continue at this rate, there will be no housing that will be affordable housing for people who desire to stay, work and live in this community.

Mr. Jacobs noted that Mr. Steve Friedman, F&H Holdings is also present tonight and would like to address the Commission with regard to the housing stock.

Mr. Jacobs stated that they have information provided to them from Housings, Inc. with regard to affordable housing. He stated that this will verify that the Township has no single family residential homes that are under \$100,000.00 at this time. He stated that the majority of homes are in the numbers that were indicated earlier. He stated that this property is a unique piece of property because of where it is and what it is. He stated that there is no other property located within the community that is next to the kind of ravaged property that has taken place. He stated that the Township is not going to have the kind of density that the Master Plan calls for because density cannot be built in these areas. He stated that the Master Plan projections, which the Engineer and Planner have cited, are based on density in these areas. They will have to go out the window. He stated that the intensity that would be utilized on this property and the surrounding properties is not indigenous of what high density. He stated that this is a logical extension of what should be in good planning.

Mr. Jacobs stated that he would like to make a couple observations at this time. One thing is that he would like to talk about the burden that this would impose on the municipality. He stated that as far as interior streets, construction of utilities and the infrastructure within the manufactured home community, these are solely the obligation of the developer and not the obligation of the general public. He stated that the same thing is true with garbage pick-up. Therefore, the burdens are less than they would be in a stick built conventional development. Mr. Soper stated that he is a little confused as to this. Mr. Jacobs stated that in a manufactured housing community these items are privately taken care of.

Mr. Bisio stated that with regard to snow removal the only service they have is through Oakland County Road Commission. He stated that most people pay for their own snow removal, so there would be nothing different between this concept and what the Township is doing now. Mr. Jacobs stated that what he is saying is that there is no burden on the community.

Mr. Jacobs stated that there would be an increase in revenue flow by 5.75% from this development. He stated that there would be an increase in the General Fund of approximately 4.86%. He stated that the total revenue generated from this project shall be approximately \$2,800,000.00 per year in additional revenue. The new revenue that is going to generate will create for the Township an excess revenue of \$137,000.00. He stated that permit fees and tap ins would be \$3,720,000.00. He stated that the sewer capacity is sufficient to accommodate and allow for development of this property. He stated that water is available. Should it not be available or should there be a problem, he stated that the alternative is to use a package treatment facility and also a well system.

Mr. Jacobs stated that with regard to the Master Plan and the criteria, the direct access to an arterial or collector road is addressed by Twelve Mile Road and South Hill Road. He stated that they have no problem with providing screening or any of the attributes required for compliance with the Zoning Ordinance. He stated that it is interesting to note that although the Ordinance states "a mobile home district is intended to provide for location, regulation of the home park, it is intended that mobile home parks be provided with necessary community service in a setting that provides a quality of life for residents." This does and meets that criteria. He stated that they will have community services with utilities and sewer and water. He stated that it will be a knockout, stand-out manufactured housing facility.

Mr. Jacobs stated that there is a requirement that a Zoning Ordinance may not exclude a lawful land use when a demonstrated need exists in a Township or surrounding area. He stated that there is no question that there is a need in this community for affordable housing. He stated that there is no question that the use for this location is appropriate, reasonable and proper for this location. He stated that there is no land within this community that is zoned or Master Planned at the current time for manufactured housing. He stated that the Master Plan indicates that they should look for transitional use between different land uses. He stated that this transitional use is a

proper use in going from an industrial or light industrial to a higher density residential and then from there going to a lower or more moderate density. It is a proper use in concept for transitional zoning.

Mr. Jacobs went through the criteria that Mr. Doozan did and specified how they applied. He stated that the following criteria should be used in order to identify appropriate mobile home park locations:

1. They have direct access to arterial or collector roads. He stated that in their case they meet all of these requirements.
2. The mobile home park should have access to a public sanitary sewer system with adequate capacity or an approved community sanitary source and wastewater treatment center. He stated that they believe that they meet both criteria. He stated that they believe that they have adequate capacity and believe that they can provide water. He stated that if they have to go to an alternate system, they do have the capability to do this.
3. The mobile home park should be located within two miles of the businesses and services of South Lyon and New Hudson. He stated that they do meet this criteria.
4. Site plan requirements – a mobile home should be screened from adjacent conventional single family developments and should consist of landscaping or natural wooded buffer. He stated that they meet this criteria and shall meet this requirement even though site plan approval has not been done yet. He displayed a plan for the proposed development. He stated that the plan shows a development that will be properly screened with open space areas, a clubhouse, and amenities. He stated that this will make an attractive residential community of manufactured housing.

Mr. Jacobs stated that they believe that they have met all the criteria. He stated that the without being afforded the opportunity of this development, the Township would be depriving themselves of a need of affordable housing or alternative housing that is available at this time.

Rod Arroyo, Birchler Arroyo Associates, gave a brief presentation with regard to the traffic impact of this proposed development. He stated that in the Commissioner's packet that they received there is a letter from Birchler Arroyo Associates and a sheet with the following bulleted items:

- The proposed 709 homes are forecast to generate 3,410 trips per day, 285 trips during the AM peak hour and 397 trips during the PM peak hour. This equals 4.8 trips per home per day.
- The forecast is based on Trip Generation (ITE). Manufactured housing generates fewer trips per unit than conventional single family due to factors such as household size (3.0 vs. 2.07 in Lyon Township).
- Most site traffic is forecast to initially travel to the east and west on Twelve Mile Road.
East: Haas, Grand River and Wixom to reach Wixom/I-96 interchange
West: Twelve Mile to Milford Road
- Applicant proposes to pave Twelve Mile Road from Twelve Mile access drive east to Haas Road.
- Upon build-out, traffic on Twelve Mile Road, west of South Hill, is expected to be approximately 2,200 vehicles per day. Currie Road, north of Nine Mile also carries in excess of 2,000 vehicles per day.
- Improvements to Twelve Mile Road and South Hill should be made based regardless of development. Expanding the width by approximately 2 feet is recommended.

Mr. Arroyo went through each of these points and briefly discussed them.

Mr. Arroyo stated that with regard to the level of service of the roads, the McKenna report concludes that the project would have a severe detrimental impact on roads and traffic, contributing to an unacceptable level of service at two intersections. He discussed the following intersections:

- Milford/Twelve Mile Road
 - only 2.1% of the total PM peak hour traffic will experience long delays (82 seconds per vehicle for eastbound approach). Over 97% will be at Los "C" or better.
- Grand River/Haas
 - substantial majority of PM peak hour traffic (92+%) flows through without delay or at Los "A". In addition, the northbound Los "F" affecting approximately 8% of traffic is a result of existing and

background traffic, not traffic from the subject property.

Mr. Arroyo stated that the traffic related to the proposed manufactured housing community will not significantly impact the quality of traffic flow in the study area.

Mr. Soper stated that Mr. Arroyo stated that they will pave part of the road, but it is Oakland County's responsibility to widen the road. Mr. Arroyo stated that it is Oakland County's responsibility to approve any improvements that take place within the right-of-way. He stated that in this particular instance it would be paved as a two lane roadway from the project entrance on Twelve Mile Road east to Haas Road. He stated that the maintenance of the gravel roadways within the Township is the responsibility of the Road Commission. Mr. Arroyo pointed to the areas of the roadway that the developer is going to pave as part of this development.

Jack Hasmer, Financial Consultant, explained the impact study that he prepared. He stated that he has met with the Township Superintendent, Township Supervisor, Sergeant of the Oakland County Sheriff's Department, and by phone interview the Township Engineer and the School District representative. He stated that after talking with all these people, he was able to put together a reasonable projection of the costs and revenues.

Pat Keast, Engineer, briefly addressed the Giffels-Webster report dated January 9, 2003. He stated that when they prepared the utility layout for this plan it was with very minimal information and details with regard to the sanitary sewer system along South Hill and the size of the force mains. He stated that he has no doubt that Mr. Crandell's calculations are correct in the sizing of the pipelines and the most efficient places for the pump stations. He stated that they don't normally get into this detail until the preliminary plan approval or prior to any sewer permit issuance. He stated that he believed that they would have not problem working those issues out with the Township.

Mr. Keast stated that with regard to the capacity within the treatment plant, the discharge will allow for 3,000,000 gallons per day. He stated that this project will generate approximately .17 million gallons per day or approximately a little bit less than 6% of the capacity. He stated that the capacity exists, it is just a question of allocation.

Mr. Keast stated that with respect to the 12" sanitary sewer force main and the capacity of it, it may be required that they have to install a larger force main along the property boundary to the treatment plant. He stated that it is not unusual for a project to have to do off-site improvements to the system in order to achieve the proper capacity. He stated that all of these details would be addressed when they get into a more detailed plan. He stated that an on-site facility would be a possibility that they would pursue, if capacity is not available in the existing treatment system that Lyon Township now has.

Mr. Barber stated that the Township's treatment plant was built the way that it is because the allocation was based on the Master Plan Future Land Use Map. He stated that 709 units in this development would put them way over.

Mr. Keast stated that it is a matter of prioritizing. Mr. Crook asked Mr. Keast what he would suggest they tell the people who want to hook up to the sewers in the future when there is nothing to hook up to.

Ms. James stated that it is her understanding that a wetland survey was prepared by King and McGregor. She stated that this was not in the materials that the Commissioners were provided. Mr. Jacobs stated that this is correct.

Mr. Jacobs stated that it is not unusual for manufactured housing communities to utilize an on-site facility which is privately run, not municipally run. He stated that there are almost 1,200 package treatment facilities in the State of Michigan at this time.

Mr. Hemker questioned if that system were to fail, who would be responsible for it. Mr. Jacobs responded that there are guidelines that the MDEQ requires. Technically the responsibility would fall on the developer. He stated that there are contractual obligations and bonding

that goes with the requirements. Mr. Hemker stated that in many years from now the developer will be gone, he questioned what would happen then. Mr. Jacobs responded that if this is the case, there can be SAD's put on the residents of the development. Mr. Crook stated that they have gone over this before, ultimately the Township would be responsible and would have to go after the residents or the developer. Mr. Jacobs stated that there has only been one instance of something like this happening in the State of Michigan that he is aware of.

Steve Friedman, F&H Holdings, stated that they have been involved with this parcel since 1998 when they first brought it to the Township. He stated that they were considering a single family development, of which they presented a number of different plans. He stated that the bottom line to this particular parcel is that the realities are what they have is represented by the surrounding land uses. He stated that this is a very unique parcel. He stated that because what surrounds this particular parcel and because it is a transitional piece, it needs to be looked at differently than just the prevailing one unit per acre. He stated that they have tried several times to achieve some sort of single family development of the character that they are used to, but decided to move forward and try to understand some of the different issues as it relates to this parcel for other uses. He stated that as a single family residential with one unit per acre, it just doesn't make any sense. He discussed some of the issues that they studied and investigated. He stated that based on what they learned, they have decided to go forward with this type of community. He stated that they feel that this would work in this situation. He stated that they have provided all the information and are prepared to answer any and all questions that the Commissioners may have.

Mr. Soper stated that he was not on the Planning Commission at the time, but it is his understanding that a 145 home development was brought before the Commission for this parcel which was approved. He questioned what happened to this. Mr. Friedman responded that when the Selective Group was sold, this property was included in the sale. This property was then brought to the Commission by Sentex Homes. He stated that when Sentex Homes did their due diligence they determined that the piece did not make sense under the scenario that was approved and, therefore, they dropped it.

Mr. Crook stated that through all of this he is trying to come up with some reasoning for this. He stated that the developer is asking for 709 units. He stated that his math indicates that there is approximately 140 acres that is buildable. If services were brought to the site and if given an additional 10%, it would allow 154 units to be built. He stated that the Commission is fairly reasonable. He stated that he cannot understand the justification of 709 units. Mr. Friedman stated that it is the difference between product A and product B.

Mr. Friedman stated that he is not going to say that the Commission is not flexible, because if they do want something they are flexible. He stated that it is clear that the priorities for this particular site aren't there and this is the direction that they need to take. Mr. Crook stated that he would have to disagree. He stated that they are offering the same thing that they offer to other developers. He stated that if services are brought in they are open and are willing to listen.

Mr. Jacobs stated he believed what Mr. Friedman was saying is that after going through the developmental process and applying economics to this property, they came to the conclusion that the reasonable use for this property would be a transitional use, which is a manufactured housing community. He stated that this is the only way that there would be an economic or reasonable economic return investment on the property given the prior density on the property and the need to bring utilities and other features. He stated that he felt that they have demonstrated tonight that there is a substantial need for affordable housing in the community. He stated that by affordable housing he means housing under \$100,000.00 or \$50,000.00 and up. This affords the whole segment of the population the opportunity to own their own homes. He stated that currently there is no viable alternative of this housing available.

Mr. Jacobs stated that there is no land in the Township at this moment that is zoned for a manufactured housing community that has not been developed. He stated that there are utilities available to service this property. Those utilities can be brought to this property. He stated that there is an alternative wastewater system that could be utilized and brought to this

property. He stated that the property is and would make good transitional zoning from the planned industrial corridor and from the surrounding topography and operations, RV Park and what is surrounding it. He stated that this is good planning. He stated that it is a reasonable use of this property under the circumstances.

Mr. Jacobs stated that it is unusual when he goes to a Planning Commission meeting and finds a handout as every resident walks in informing them that they should vote and attend this meeting to protest this project. He stated that he finds this totally inappropriate. Mr. Hemker stated that this handout was not distributed by the Township. Mr. Jacobs stated that it was on the table when he walked in. Mr. Hemker stated that if a resident comes in and hands something out, they have no control of this. Mr. Jacobs stated that the Planning Commission is supposed to be an impartial body that is a recommending body after listening to the facts. All the Commissioners indicated that they did not receive one of the handouts. Mr. Jacobs stated that under the circumstances they have shown that there is exclusionary zoning and would ask the Commissioners to please recommend this project.

Mr. Barber stated that Mr. Jacobs just accused them of making a handout, he wanted it to go into the record that the Planning Commission had nothing to do with this. He stated that they do not have any knowledge of this.

Mr. Bisio questioned if they needed a legal clarification of what was just stated. Mr. Gillam stated that in regard to the allegations that Mr. Jacobs just made, that the Planning Commission played a part in this document or circulating it, the reaction of the Planning Commission indicates that this clearly was not the case. He stated that he did receive a packet of materials for tonight, which he assumes is the same packet of materials that the Commissioners received, and this handout was not in there. He stated that he did not believe that there is any basis of any allegation and whatever decision the Planning Commission makes in this particular issue or whatever recommendation they make is not based upon the information contained in the documents nobody on the Planning Commission has seen.

Mr. Hemker opened the public hearing at 9:04 PM.

Cindy Groene, 54808 Greenlefe Circle, stated that as a property owner she would like to address the ravaged property comment. She stated that she has seen some of the subdivisions, Blue Heron, Island Lakes and Stonewater, with \$1,000,000.00 homes in them, and it was stated that this property could not be developed this way. She stated that they don't have to have one acre lots. She stated that she believed that the owners and developers are interested in this property based on what is good for them and their pocketbook and not what is best for the tax payers of this Township. She stated that with growth and development, future manufactured homes might be considered, but at 20% now, she believed that the Township is saturated. She stated that they have done their fair share. She stated that the Trailer Coach Park Act of 1959 states that mobile homes pay \$3.00 per month in property taxes, which would equal \$36.00 per year. She stated that last year she paid \$3,900.00 in school taxes alone. She stated that she does not feel that she should shoulder the burden for 709 mobile homes. She stated that it would take 108 units to equal the amount of school tax that she paid last year. She stated that once these things start developing and initial planning has been considered, the Township will have no control over what is developed. She stated that according to State Law, they could build the Taj Mahal there or promise it, but they don't have to follow through once approval is granted. She stated that she does not believe that the average household size of manufactured housing is going to be less than single family homes. She stated that if you look demographics given, it clearly shows that lower second socioeconomic households seem to have more children per family than the higher class socioeconomic groups. She stated that they would have the burden of fixing the roads when the current roads they have right now are a mess.

Ray Foley, Attorney, 12 Mile Road, stated that he grew up in Lyon Township and his family has been here since about 1954. He stated that about five years ago he moved in on Twelve Mile Road not far from a lake that he rides his bike around. He stated that in Mr. Jacobs closing comments he mentioned the veiled threat of exclusionary zoning. He stated that he has read Mr. Doozan's report and this is not even remotely close to the situation you have where communities zone out low income housing. He stated that low income housing could also be

apartment complexes. He stated that there is not even a remotely a snowballs chance in hell that this would be treated like the Birmingham situation or the other ones that have come up. He stated that over the past years it has become more popular for mobile home developers to try and force their will on communities by litigation. He stated that this is not a situation where this Board has any risk given the findings and studies that have been presented today.

Barbara Gordon, 26890 South Hill Road, stated that her property is adjacent to this site. She stated that there is no ravaged property around there. The lake is beautiful, it is pristine, it is full sand and you see clear to the bottom, which is 40 feet. She stated that their ravaged property is not, it is absolutely gorgeous there. She stated that she does not know where Mr. Jacobs gets the idea that this is ravaged. She stated that apparently he has not walked back there to see what is really there. She stated that with the road situation now, it cannot sustain any more traffic. She noted that that the Road Commission comes down South Hill Road once a week and grades the road, and it still needs it the following week. She stated that the roads are not good. She stated that the developer is talking about paving a portion of Twelve Mile Road, but everybody will not be going down this one direction to Haas Road. She stated that they will soon have a Wal-Mart and other stores, and these are in the opposite direction. She stated that as far as the school situation is concerned, with the new High School that is proposed, it would be obsolete before they even build it.

Tom Smith, 58557 Travis Road, stated that he would like to address the concern with regard to affordable housing. He stated that yes, there aren't very many houses in the Township that cost less than \$100,000.00, which he felt is a good thing and why the majority of the residents chose to live here. He stated that if you get into a home that costs \$50,000.00 or less, such as a mobile home, in about ten years it is worth a lot less and not more than what was paid for it unlike stick built homes. He stated that as far as the area around the Sucher Farm, even if they were making radioactive bombs, the residents still don't want it.

Phil Mitchell, 27540 T.F. Hicks Court, stated that he has two words, orderly growth. Another two words, Master Plan. He stated that if they want to carry on this fight, they are not fighting the Planning Commission or the Board, they are fighting the residents. He stated that he felt that he could speak for a lot of residents that if they want to push this issue, they are in for the long term in fighting this. He stated that if the developer listens to the residents, they will not waste any more money and find somewhere else for this.

Pam Elandt, 55251 Lee Drive, stated that she moved to this area about 7 or 8 years ago because of the one acre parcels. She noted that she came from the City. She stated that after reading about this in the newspaper, she went around to several homes and got signatures, which she submitted to the Planning Commission. She stated that there are so many residents that do not want this. She stated that they came out here to have better homes, better schools and to bring their children up in a better atmosphere. She states that she lives next door to the horse farm, which is beautiful. She stated that people ride their horses up and down Twelve Mile Road and South Hill Road. There are also neighbors who walk their dogs along there. She felt that this would all be taken away from them, if this were to proceed and be built. She states that she is really against this and knows a lot of people who are also against this.

Cheryl Venious, 29380 Martindale Road, stated that she would like to address the misconception that manufactured homes are affordable. She stated that the average rent on a lot is \$350.00 per month. She stated that if you purchase a manufactured home in Michigan, you cannot get a home equity loan on these. She stated that they are not tied down and the banks do not give a low interest rate for purchasing them. She stated that once you move into one, you are pretty much stuck and will lose money. She stated that it is not a low income type of place. She noted that her sister lives in one, and that she spent a whole year fighting with the park and with the manufacturer to find out that the Manufactured Home Commission in Michigan is comprised of mostly people who own the manufactured home communities. She stated that it is like the fox guarding the hen house.

Marcy Bell, 28401 Haas Road, stated that with regard to Mr. Jacobs' comment about the area not being pristine and not being an attractive area to build homes, she questioned if this meant that it is not good enough for people with nice homes but it is good enough for trailer people.

She questioned what this is say about the community. She stated that she is sure that Mr. Jacobs would not want this in his community. She stated that if Mr. Jacobs or any of these other developers live in northern Oakland County, where trailer park communities are zero percent. She stated that they don't want it where they live and we don't want it where we live. She stated that there is a letter that was faxed to the Township from Wayne Walker, who is out of town, but would like to have the letter read.

Per a request, Mr. Hemker read a letter submitted by Wayne Walker. He stated that letters of objection were also received from the following:

- Elizabeth A. Juntunen 27920 Haas Road
- Diane and James Urbanik 154 Easton Drive
- Eileen M. Foley Realtor Associate
- Wendy R. Green

A petition with 86 signatures of residents who oppose this development was submitted by Pam Elandt, 5525 Lee Drive.

Todd Slisher, 28020 Haas Road, stated that he has a couple of comments on some of the arguments that Mr. Jacobs used to try and justify a mobile home park on this site. He stated that they have been through the pristine use and the only thing that he would like to add is that when walking his dog along this property, he saw eight bluebirds the other day sitting in trees along this property. He stated that they should ask them how ravaged they think this property is. He stated that it was stated that if you look at the map only 1% of the area of Lyon Township is designated as high density. He stated that this is why they call it prime density housing. A percentage of area cannot be used against the area for Lyon Township. You can't use land area, you need to use number of housing units. He stated that he happens to live in the nothing but industrial area that Mr. Jacobs has mentioned. He stated that he is squashed in between the new transition area and the old transition area that exists on the Master Plan. He questioned what would happen to his property if this becomes the new transition area. He stated that he has heard that Haas Road was paved by Holloway and not maintained by the County. He stated that therefore, this would not be a paved artery to Grand River Avenue as was suggested. He stated that this road is not maintained by the County and should not be considered paved. He asked the Commissioners to consider this in their thinking.

David DeSantis, 53003 Twelve Mile Road, stated that they should call it what it is, a trailer park. He stated that they love their pristine area. As far as the gravel pits go, just down the street is White Horse Lake Subdivision, which has large homes developed around this body of water. He noted that there are several other bodies of water in this same area. He stated that if this goes through, his question would be who is going to pick up the slack with taxes because his property value is going to drop substantially. He stated that this is based on the equalized value, and if he can't sell his home for the same value of what it is today, he is not going to pay the higher taxes.

Frank Tartaglia, 59400 Edwards Drive, stated that he would like to thank Mr. Doozan for his detailed approach. He felt that this was a very insightful document. He stated that he would challenge some of the statistics that they have heard this evening. He stated that he felt that they all have enough access to current percentages of these types of homes and dwellings, specifically the newer ones on Eight Mile Road, that they can paint a pretty good idea of what the impact is from infrastructure, roads, revenue generation, techniques to impacts on the schools. He stated that the 709 mobile homes at two kids per is another impact that he believed was omitted in the discussion points. He stated that he would like to echo all the sentiments that he has just heard and totally endorse what everyone has said. He stated that he moved into Lyon Township five years ago and built a stick built home for the same reason everybody else did, quality of life. He stated that when he looks at the logo on the wall, he sees an impact of putting 709 tin boxes on 20' x 40' slabs. He noted that the Selective Group does build very nice stick built homes. He stated that he would question why this could not be proposed for this transitional area. He stated that they should transition it into a positive environment versus one of detriment and impact. He stated that it was indicated that this was product A versus product B. He stated that with a manufactured home, much like a car is built, it is the cost of product. It is not the land. He stated that this is a project that the developer will make a lot of money on

versus making a \$20,000.00 profit on a traditional stick built house. He stated that if his guess estimates are correct, this would be a \$250,000.00 to \$300,000.00 home. He stated that this is solely based on what is in this for the developer.

Margrorie O'Donnel, 26966 South Hill Road, submitted a letter to the Planning Commission expressing her objection to this development. She stated that she lives on the ravaged property on South Hill Road, which happens to be designated as a natural beauty road. She stated that she has been at every single proposed rezoning meeting regarding the Sucher property since 1998. She stated that she has seen it indicated that this site is 155 acres, 150 acres, 151 acres and tonight at 157 acres. She questioned the exact size of this site. Mr. Doozan responded that it is 157.26 acres minus the right-of-way to give it a net of 150.73 acres. Ms. O'Donnel stated that it was indicated that there was a proposed development that was approved by the Planning Commission and what happened there. She stated that it was indicated that it was not feasible. She stated that in 1998 two plans were submitted and both were withdrawn by the developer and in 2000 there was another plan submitted which was denied on the rezoning for higher density. She stated that in 2001 it was submitted again for rezoning and the Planning Commission was willing to work with the developer. She stated that she does not quite understand how it could have been feasible in 2001 and one year later complete unfeasible unless they have 709 units of manufactured homes. She stated that she concurs with all the other comments made tonight by the residents. She stated that there at least 300 additional acres of vacant property within a one mile radius of this parcel that are planned for residential development in the future. If this property is rezoned the future development of these other properties has also been seriously been impacted from an investment perspective financially for those developers.

Steve Groene, 54808 Greenlefe Circle, stated that he would like to clarify the handout that was discussed. He stated that he wrote the bulletin and distributed to several of the tax payers. He did not give it to the Planning Commission, he gave it to the tax payers. It contains information about the taxing on mobile homes. He stated that according to the Southeastern Council of Governments on their web site, they state that manufactured home communities are exempt from local ordinances and inspections because State Law is the local responsibility in approving and inspecting construction of the development. They would be exempt from municipal taxes based on assessed value. He stated that manufactured housing only pays a \$3.00 registration fee per month rather than paying taxes. He stated that they just passed a bonding issue of \$100,000,000.00 for the schools, he questioned how \$3.00 per month per unit going to finance the infrastructure needed for 709 units.

Darcy Hollon, 24300 Martindale Road, stated that she does not live anywhere near this. She stated that she lives at Ten Mile and Martindale Roads. She described how the quality of live for her has been degraded since Martindale Road has been paved. She stated that she used to have a horse farm next to her, but that has been vacated because of development. She stated that it is the developers who are coming in with the growth that are increasing the road volume and the traffic and reducing the quality of life for people. She questioned how much quality of life goes down with every new house that goes up. She stated that she doesn't own land and doesn't have the right to tell the developers how to develop it. She stated that she would like the developers to respect the fact that they are putting people's quality of life below their profit margin.

Donald Patterson, 54874 Walnut Drive, stated that he apologized for some of the heckling that went on and felt that the developer certainly has a right to make their presentation. He discussed some of the issues with the schools and what was stated earlier with regard to utilizing some mobile classrooms. He stated that they have passed all the bond issues because they want a good education for their kids. He stated that while it may not be politically correct the reality of it is that kids coming out of mobile homes or lower scale housing tend to have more behavior problems at school. He stated that the Township already has 20% mobile home housing. He noted that Novi Meadows, which is a manufactured housing development, is also in the South Lyon School District. He felt that the Township is already doing their fair share with more than 20% of the housing being manufactured housing. He felt that by increasing this it would not only be detrimental to the school system but to the Township as a whole.

Amanda Elandt, 55251 Lee Drive, stated that she is a student at the High School. She stated that

the existing High School is already hugely populated. She stated that she is not against trailer park people which do make up a percentage of the student body. She stated that the school system is known for drugs, which is mostly because of these people. She stated that she looked in the paper and was shocked to learn that Brighton only has 1% of their population as trailer parks. She felt that the Township already has enough low income housing.

Dorothy Foley, 56525 Twelve Mile Road, stated that she would like to address the issue of quality of life, in particular, that there has been a nice bike trail developed in the area less than a mile from her residence. She stated that she is concerned that the traffic from this new development would greatly impact her from using her bike along this trail, which she can access from Twelve Mile Road. She stated that another concern that she has is that the same bike trail crosses Grand River Avenue and that there is no way for traffic to know that there is a cyclist crossing that road at that point. She stated that it is a dangerous point today and could only get worse with the addition of 709 mobile homes.

Richard Gordon, 26890 South Hill Road, stated that according to the Township Ordinances, he will have a ten foot bike path running right through his property and every square mile in Lyon Township will have a ten foot asphalt bike path. He stated that this trailer park would be a transition from light industry to residential. He questioned what the transition would be from the trailer park to residential. He stated that he would not want to live next door to it. He stated that he forgot, but he does share the border. He stated that the Michigan Mobile Home Association has a very strong lobby in Lansing. He stated that he would like to go on record that if for any reason there is litigation against the Township because of this, he pledges \$500.00 to help fight it.

William Bowling, 52815 W. Twelve Mile Road, stated that he agrees with all the comments that he has heard so far. He stated that one of his main concerns is with the traffic. He stated that he recently moved to Lyon Township from Novi. He stated that he moved to Lyon Township on five acres for the quality of life. He stated that he could handle the dirt road so that he can have that quality of life. He stated that within the past three years that he has lived here, the traffic has increased greatly. He further discussed the traffic issue.

Jeff Sternal, 53900 W. Twelve Mile Road, stated that he lives about 200 yards from the northeast corner of the Sucher property. He stated that he and his wife feel that a mobile home park of any size would be devastating to the surrounding area. He stated that all of his concerns have been pretty well covered by all the comments this evening. He stated that one thing that was not mentioned was the length of time that it would take to construct this mobile home park. He stated that he has heard that it would be seven years to construct this, so what are the residents going to see for those seven years. He stated that it seems to him that they are going to be seeing a lot of construction traffic going up and down Twelve Mile Road, Haas Road and South Hill Road. He stated that for the record, he and his wife want to make it known that they are opposed to this mobile home park and will do whatever it takes, within the law, to prevent it's construction.

Theresa Burke, 52070 Eleven Mile Road, stated that she has lived in the Township since 1990 and has watched it grow and has been real happy out here. She stated that she was really listening to the gentleman making the presentation with regard to the comparison and what they were comparing them to. She stated that they were talking about this mobile home park producing less than 1 student per home. She stated that she was on the boundary committee when South Lyon Schools opened up Brummer Elementary. She stated that they did their own study and did not look at national averages or census data. She stated that they looked at the data from Lyon Township. She stated that they made hash marks for every kid and figured out where they lived on a huge map. She stated that it came out that the mobile home parks carried 1.5 students per home, so the less than one student is invalid. She stated that the other comparison was with the cost revenues versus vacant land. She stated that she does not believe that this is a valid comparison. This comparison should be done to what would happen if they put single family homes on one acre lots here. She stated that she is deeply concerned about the impact on the school system. She stated that there is already seven mobile home parks within the 88 square miles, unlike any other communities in this area. She stated that she is also concerned about the increase of taxes and taxing the new water treatment facility.

Greg Dobson, 54829 Greenlefe Circle, discussed the comments made by Mr. Arroyo with regard to traffic. He stated that nothing was mentioned about the entrance from the west side of the property and paving up to it. He stated that with 709 homes and two entrances, this is going to be one messed up intersection. He stated that mobile home parks are like a used car lot going up and down the streets with very little parking. He stated that he agreed with all the comments already made this evening by the other residents. He stated that the developer has a right to make a profit and in Lyon Township they have a right to follow the Master Plan that has been put together. He stated that the Master Plan was put together for a reason and there was a lot of thought that went into it and it should be followed. He questioned if the Michigan Manufactured Housing Commission approved Lyon Township's Master Plan. Mr. Doozan responded that they have approved the zoning but they don't approve the Master Plan. He stated that they just approve the standards the Township uses for manufactured homes.

Laura Weekland, 52111 Eleven Mile Road, stated that she wanted to make sure that every one is aware that the 20% of mobile homes in the community has impacted the schools. She stated that this 20% does not include Novi Meadows or Old Dutch Farms mobile home parks in Novi, but is South Lyon School District. She stated that they really don't need 700 more units. She stated that she is for affordable housing. She stated that if the property owners and the developers are so intent on providing affordable housing, they should build 150 affordable homes as it already is zoned.

Margaret Keel, 29447 Martindale Road, stated that the residents have made it very clear to the Planning Commission that they don't want this development and want the developer to leave.

Jennifer Martin, 54805 Greenlefe Circle, stated that she and her husband both work very hard to make enough money to live where they do and they are very proud of it. She stated that they are both opposed to this development.

Tommy Fairchild, 27900 Haas Road, stated that they get enough traffic now and any more traffic would make the situation worse.

Mr. Hemker closed the public hearing at 10:00 PM.

Ms. James stated that it has already been indicated that this would be the ninth mobile home park in the School District when it is done. She stated that Mr. Doozan did prepare an excellent letter, but even that mistook the number of mobile homes in the area. She stated that Mr. Doozan's letter indicated that there are 606 units in Northville Crossing. She stated that promotion literature from Northville Crossing often blows over into her yard and according to the last one, Northville Crossing has 768 lots. She stated that as a trial lawyer the most interesting questions to her about this is "what is going to happen if the Township gets sued?". She stated that the question in her mind if they get sued, "is the Township going to win or lose?". She stated that she has done a lot of research on this and felt that she has the final answer to this question.

Ms. James stated that the most basic and fundamental issue of Michigan Law is zoning and that the Courts do not sit as zoning commissions. If a property owner does not like a Township's zoning decision, elect a new Township Board. She stated that there are more than 100 cases in Michigan that says this. The Court of Appeals has said this exact quote "the Courts do not sit as super zoning commissions" more than 100 times. She stated that she is not going to go into a long winded account of what the general principals of law are that go with zoning cases, because it doesn't really matter. The Courts look at these cases on a case by case basis. It depends on the property, what the uses are on it and what else is going on in the Township. She stated that what she did was to try and find an answer to the \$64,000.00 question. She looked up all of the mobile home park zoning cases ever decided in Michigan by the Michigan Appeals Court. She stated that she found 48 of these kinds of cases in the last 35 years. It was in the late 1960's when trailer parks started becoming year round housing for people and not just summer housing. She stated that is when developers started filing law suits. She stated that she read all of the cases trying to figure out if any Township has ever faced the situation that Lyon Township is facing now. She stated that the answer to this question is "Yes", this is not new.

Ms. James discussed one case that is exactly on point and couldn't be any closer to this situation, should she have written it herself. She stated that it is Guy vs. Brandon Township. In this case a developer came into Brandon Township with a mobile home park proposal. Brandon Township said that they already have 917 mobile homes in their Township. They already have 20% mobile homes in their Township. Brandon Township said that they don't have anymore open land for mobile homes in their Township because they don't want anymore mobile homes, they want a mixture of housing. The developer sued indicating that this is exclusionary zoning and that the Township cannot do this. The Trial Court in this case said that this mobile home park proposal is unreasonable as a matter of law. The Trial Court went so far as to say that the developer is misusing the Court as a super zoning board, which the Court has said time and time again, it is improper. The developer then appealed to the Michigan Court of Appeals and were told that this is not exclusionary zoning. The Township and the Trial Court were correct and Brandon Township won that law suit. She stated that for the Attorneys in the room the citation is 181 Mich Ap 775.

Ms. James stated that the question for her is "if they get sued, will they win or lose?". She stated that Brandon Township got sued and they won. She stated that this case is a written, official, published decision of the Michigan Court of Appeals and has never been overturned. She stated that she is going to vote against this with full confidence knowing that the Courts are going to back the Township up. She stated that if there is a lawsuit against the Township, it would be frivolous. There is absolutely no reason for Lyon Township to be afraid of a lawsuit here. There is absolutely no reason for Lyon Township to settle for a cave in.

Ms. James stated that it is really nice to see this many people stick out this hearing for hours to let them know what they think. She stated that for the record this meeting is standing room only. She stated that also for the record a lot of people left before the public hearing was started. She stated that in two weeks they are going to be discussing the Master Plan and they need the resident's input. She stated that they would like everybody to come out and give the Planning Commission their opinion, because they value it.

Mr. Barber stated that he believed that this would be close to spot zoning, which is illegal. He stated that he would be voting against this after reviewing the criteria for granting zoning changes.

Mr. Crook stated that any time they hear a case he like to keep an open mind and hear what the developer has to say. He stated that he looks at this and wants to know how he is to swallow an increase from 150 units to over 700 units. He stated that he didn't believe that the developer has answered this for him. He stated that he is not in favor of this development. He listened to what was said and did some number crunching and determined that there is nowhere to go with this. He stated that the Planning Commission is reasonable but he just can't swallow this. He stated that the concerns for low income housing in the community is really compelling. He stated that it would be nice to have 154 low cost housing units on this site rather than 709 units. He felt that the 154 units would certainly benefit the Township, but the 709 would not. He stated that if the developer wanted to put 154 units on this property that would sell for \$150,000.00, they could probably work something out. He stated that he tried to understand where the developer was coming from by proposing 709 units, but couldn't.

Mr. Bisio stated that report put together by McKenna Associates, Inc. really sums up the whole situation. He stated that it is a tremendous letter that made the decision real easy for him. He stated that it is pretty obvious that he cannot support this rezoning. He stated that he is glad that both Laura's are on board, it makes his job easier.

Ms. Williams stated that she drove around the property, read the McKenna Associates, Inc. letter and reviewed the Township's Zoning Ordinances and it was very easy for her to come up with the decision that she cannot support this development. She stated that there is no reason that this property cannot be developed as it is currently zoned. She stated that there is no compelling reason to change it to a higher density mobile home park. She stated that this is not consistent with the Master Plan Future Land Use Map or the surrounding properties in the area. She stated that there are traffic issues and road issues. It is not consistent with the Township's Sanitary Sewer Master Plan.

Mr. Soper stated that at the beginning of the meeting tonight he asked why the developer went from 154 homes that was proposed and why they are not doing this now. He stated that the response he was kind of getting was financial reasons. He stated that he tried to look at this in the same respect for the Township, financial reasons. He stated that he is not an accountant but does have a problem with the one pupil per house. He stated that one thing that he would of like to have seen which would have been a lot of help is comparison between vacant property and what a development with 154 homes would have proposed tax wise. He felt that this would have given them a better look at this. He stated that something was mentioned about mobile classrooms instead of building more schools. He stated that they could pass another millage, but none of these mobile homes would be assessed for this millage. He felt that this would be a financial burden not only on the Township but the residents and did not feel that this would be fair. He stated that he cannot support this development.

Mr. Hemker stated that he is the only Commissioner out of the current Commissioners that was on the Planning Commission in 1998 when the plan was brought forward. He stated that they worked very hard at that time when the plan started out at over 200 homes to get it down to 154 homes. He stated that the developer came in with a plan that was absolutely beautiful with nice winding streets and was buffered from Twelve Mile Road and South Hill Road. He stated that he was disappointed when he saw the binder of information for this proposed development a couple months ago and wondered what happened. They went from 154 beautiful homes to a 709 unit mobile home park. He stated that he is also disappointed by the applicant assuming that they did not have an open mind when they saw that somebody had placed a flyer on the back table that did not have anything to do with this Planning Commission or the Township. He stated that they just jumped to conclusions that the Planning Commissioners did not have an open mind. He stated that he is not going to go through his reasons and felt that Mr. Doozan did an excellent detailed letter. He stated that he could go through and reiterate, but he does agree completely with everything that was stated in the letter. He stated that the other Commissioners have given good explanations and thanked the public for coming out and having very good comment as well. He stated that he believed that this is one of the very best public hearings they have had in terms of public comments. He stated that everybody's comments were very well stated and that they were very good comments.

Mr. Olson stated that he has some answers for Mr. Soper's questions. In terms of the values, he stated that there a few things in this information provided by the applicant that were pretty good but there were a few things that were lacking. He stated that what is notable is what is absent, for instance, there is no market study that deals with the rest of the possibilities of the housing. He stated that this is presented as an either or, with this being the only possibility and it does not cover what their rejected ideas were. He stated that in terms of the portable classrooms, Ms. Burke blew some of his numbers because he was using the study numbers instead of the numbers presented. He further discussed the portable classroom and students issue.

Mr. Olson stated that in terms of the taxable values, if you use a \$300,000.00 home, 150 on this acreage, the taxable value would be approximately \$22,500,000.00. He stated that as it stands the proposal is \$6,381,000.00. He stated that he did do some other calculations with increased density and lower value homes, but it just increases proportionately the other figures. He stated that what is really notable is on the debt service for the school debt. For the building of new classrooms, if you utilize the figures presented in the report of \$51,048.00 for the eight mils and divide that by 355 students you come up with \$144.00 per student to fund the new classroom space on a capital base. He noted that this does not include the portables. He further discussed this using different numbers. He stated that what would happen is that this facility would generate a fairly large student body and there is no way that it comes close to the eight mils.

Mr. Olson stated that the Township processes approximately 400 building permits per year. The first phase of development is 120. This would increase the burden on the Building Department 30%. He stated that even if this were contracted out, there is no provision in this report for even the staff processing time. He stated that they would be overburdening the schools finances as well as the Township's operations.

Mr. Barber made a motion to recommend denial of the rezoning for AP-02-21, Mobile Home Park Rezoning proposal for the Sucher property, to the Township Board based on the following:

- the points that are referenced in the Zoning Ordinance
- the McKenna Associates, Inc. letter dated December 20, 2002
- the public comments that were expressed tonight
- the Planning Commission comments that were expressed tonight
- the analysis provided by Chris Olson

Mr. Soper supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

Public Hearing on amendments to wetlands setback standards within the open space regulations.

Mr. Doozan read the December 4, 2002 McKenna Associates, Inc. letter into record.

Mr. Hemker opened the public hearing at 10:32 PM. There were no public comments. He then closed the public hearing at 10:32 PM.

Ms. James stated that there was a case where Highland Township had a 125' setback and the reason for this was because of poor soil. She stated that the developer challenged this and Highland Township won. She stated that the Court of Appeals upheld the 125' setback. She stated that they were worried about 50' being too much but if the Court of Appeals is going to uphold 125' where warranted, 50' is reasonable.

Mr. Roggendorf questioned why the Ordinance changed to 50' rather than a wider setback. Mr. Hemker stated that they debated this issue and decided on 50'. He stated that the Planning Commission proposed a larger setback and the Township Board proposed a smaller setback, and they sort of landed in the middle. Ms. James stated that it has been represented to them that 50' is a common number in the area.

Mr. Soper made a motion to recommend to the Township Board approval under the guidance of the December 4, 2002 McKenna Associates, Inc. letter regarding the changes to the setback from 25' to 50'. Mr. Crook supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved unanimously.

6. OLD BUSINESS: NONE

7. NEW BUSINESS:

Request from Beztak regarding Erwin Orchards Development

Mr. Doozan stated that they received a letter from Beztak indicating that they have an option on the Erwin Orchard property. He stated that Beztak would like to initiate the small area process that they have been going through with Elkow property. He stated that on January 23, 2003 he has a meeting at the Township Hall with Beztak. Kamran Qadeer is going to be presenting information to demonstrate that they are serious about going through this process and collecting the information that is required. He stated that they should probably wait until after this meeting before scheduling joint meeting with the Township Board. The Commissioners concurred.

Mr. Bisio questioned if these meetings are voluntary. Mr. Hemker stated that if there is a meeting scheduled, the Planning Commission can state that the developer pays for the Commissioners to come to the special meeting.

