

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
July 28, 2003**

Approved as submitted September 15, 2003.

DATE: July 28, 2003
TIME: 6:00 PM
PLACE: 58000 Grand River

Call to Order: Chairman Hemker called the meeting to order at 6:03 pm.

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

Absent: Richard Crook

Also Present: Dave Gillam, Assistant Township Attorney
Megan Masson-Minock, Township Planner
Matt Wetli, Township Planner
Chris Olson, Township Superintendent

Guests: 55

1. APPROVAL OF AGENDA

Mr. Soper made a motion to approve the agenda as written. Ms. Williams supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Crook

Motion approved unanimously.

**2. APPROVAL OF CONSENT AGENDA:
- Regular Meeting Minutes of June 23, 2003**

Mr. Barber made a motion to approve the meeting minutes from the June 23, 2003
Planning
Commission meeting as submitted. Mr. Soper supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Crook

Motion approved unanimously.

3. Approval of Erwin Committee Minutes from April 9, 2003 and April 30, 2003

Mr. Soper made a motion to approve the Erwin Committee meeting minutes of April 9, 2003 as corrected and the minutes of April 30, 2003 as submitted. Mr. Barber supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Crook

Motion approved unanimously.

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

5. PUBLIC HEARINGS:

AP-03-26, Single Family Residential (R-0.3) Rezoning Proposal, Township Initiated, Ten Mile and Martindale Roads.

AP-03-27, Pinehurst Planned Development, Ten Mile and Martindale Road, Preliminary and Final Planned Development review.

Mr. Hemker stated that there are two public hearings tonight. Since they are related, they will combine them into one public hearing with one presentation and one review from the Planner.

Ms. Masson-Minock reviewed the comments indicated in the July 21, 2003 McKenna Associates, Inc. with respect to the rezoning request. She then reviewed the comments indicated in the July 28, 2003 McKenna Associates, Inc. letter with respect to the preliminary and final site plan review.

Mr. Gillam stated that the preliminary plan and the final plan would be a recommendation to the Township Board by the Planning Commission.

Representing Pinehurst Planned Development this evening:

- Gary Rentrop, Attorney for Phoenix Land Development
- Bruce Michaels, Phoenix Land Development
- Steve Schafer, Pinehurst Development, LLC
- Mike Labadie, Tetra Tech

Gary Rentrop, Attorney for Phoenix Land Development, stated that much has been said about the relationship between the City and the Township and this developer. He stated that since the City Mayor was at the Township Board meeting and made some statements, they feel that they need to address them. He briefly went through the statements that were made and addressed them. He explained the chain of events that have brought them to where they are today.

Bruce Michael, Phoenix Land Development, gave a brief presentation of the proposed plan and the changes that they have made since the first plan was presented. He noted that the changes have come about because of the comments made by the Planning Commission and the Township Board. He briefly explained some of the improvements that they are proposing to the roads to help with the traffic impact.

Mr. Olson briefly explained the Fiscal Impact that this development would have on the Township.

Ms. James stated that with regard to the density, she questioned the amount of density that the City offered for this development. Mr. Rentrop responded that the City only made one offer, which was R-1A zoning, but said that thereafter, they would consider zoning this parcel to a comparable to the surrounding areas.

Ms. James asked the Mayor what the City's current offer is to the developer. John Doyle, Jr., Mayor of the City of South Lyon, responded that the last proposal was for 139 units. The balance would be on the property in the amount of approximately 150 units. He noted that anything that does come into the City gets a R-1A zoning, which is 15,000 square foot lots. He stated that sometimes this does get rezoned.

Mr. Doyle stated that he is sorry for where they are at today. He stated that the City Council did meet last week and passed a resolution opposing the election and they are going to encourage the voters to vote against this. He stated that they have no interest in dealing with this developer

for this development or others that they may have. He encouraged the Planning Commission not to violate their Master Plan. He stated that the City has no interest in taking this property.

Ms. James questioned how large wetland "b" is. She also questioned if the applicant has their DEQ Wetland Permit. Mr. Michaels responded that they do not have the DEQ permit, they have not applied for it yet. Ms. James stated that according to the timeline, she questioned if the approvals have been received from the Road Commission, Drain Commission and DEQ. Mr. Michaels responded that they have received a response from the Drain Commission, but have not received the others. Ms. James questioned if there is a 100 year flood plane on this property. Mr. Michaels responded that there is not. Ms. James further discussed the wetlands and referred to the Township's Wetland Ordinance.

Ms. James questioned if a tree survey has been done. Mr. Michaels responded that as of this time, they have not done a tree survey. He noted that this will be done by field surveyors as they survey the property and will be provided to the Township.

Mr. Olson stated that he noticed that the developer has had some work done by Insight Environmental. He stated that Insight Environmental also does work for the Township and asked for authorization from the applicant to release the information to the Township for their review. Mr. Michael responded that this would not be a problem.

Mr. Gillam stated that the Township does have a proposed Wetland Ordinance at this time. He stated that it has not been approved as of yet.

Mr. Barber questioned if there are enough roads into the development. He questioned if there are any connections to future developments. Ms. Masson-Minock responded that they do have three entrances, one to Ten Mile Road, one to Martindale Road, and a future connection. The entrances on Ten Mile Road and the one on Martindale Road will be boulevard entrances.

Mr. Gillam stated that since they are combining the two issues into one public hearing, it would be appropriate for the public to comment on the proposed rezoning, the proposed development or both.

Mr. Hemker opened the public hearing at 7:46 PM.

Eileen Bennett, Douglas Drive, expressed concerns with the traffic as it is now and as it will be once this development goes in.

Debra Conrad, 24161 Douglas Drive, stated that the back of her property abuts this development.

She questioned who would be responsible if her well goes dry. She stated that a 367 home development abutting properties that are an average of over 1-1/2 acres would not be

harmonious. She noted that the traffic in this area is horrible and would prefer not to add to it.

Darcy Hollon, 24300 Martindale Road, stated that she felt that the developer is not listening to all the comments from the Planning Commission and the Board, they are only listening to some of them. She stated that the developer offered to put in a bike trail along Ten Mile and Martindale, which she strongly objected to. She explained her reasons why she objected to the bike trail. She discussed the traffic light that is planned for Ten Mile and Martindale Roads. She also expressed her concerns with the amount of traffic that there is now and that will be generated from this development.

Ms. Hollon stated that overall, she feels that this is a really poor plan. She stated that the plan is ugly and dense. The entrances are not enough for this type of density. She stated that there is no guarantee that there will be a traffic signal put in. She briefly discussed the impact on the schools. She questioned how many kids would have to be re-districted with this development.

Ms. Hollon stated that if the Township grants this developer this type of density bonus without justification, there will be many other developers lining up at the door requesting the same thing.

Ms. Hollon stated that this goes against the Master Plan. It goes against what all the residents want. She stated that the residents don't want this to stay undeveloped, it would be unfair. They want this to be developed within a reasonable guideline. She stated that you can't reward bad behavior and bad planning with a density bonus. She asked the Commissioners to deny this plan and explained her reasons why she asked this.

Jim McDonald, 56330 Ten Mile Road, questioned the net financial impact to the Township. Mr. Olson responded that the net impact is \$166,000 per year in the black. Mr. McDonald questioned if there has been any additional studies on the road impact further up Ten Mile Road.

Ms. James stated that they have asked the developer to review their traffic study to take a look at what the impact is really, taking into account the schools. Mr. McDonald questioned the current zoning of this property. Mr. Olson responded that part of this is zoned R-0.3 and part is

zoned R-1.0.

Mr. McDonald stated that if this development is allowed in, how will the Township be able to fight the trailer park that is suing the Township. Mr. Olson responded that there is pending litigation, therefore, they cannot speculate on a whole lot on answers for this. He briefly explained the differences between the two developments.

Mr. McDonald stated that as a resident and a person who lives on Ten Mile Road, he would ask that the Commission deny this plan. He stated that this will overburden a road that is already overburdened.

Kevin Whelan, 59300 Ten Mile Road, stated that he has been a resident of Lyon Township for almost a year now. He briefly discussed the traffic issue with respect to how Ten Mile Road will be impacted. He also discussed the water issue and the placement of the detention ponds. He felt that the Township should stick to the Master Plan.

Mike Bell, 24450 Martindale Road, stated that he borders this development on the north and east. He questioned what his rights are in the future. Is he going to be forced out and not be able to have his horse farm. Mr. Olson stated that the Right to Farm Act requires the developer to disclose in their deeds that there is an active farming operation. He discussed the drainage and how it will affect his property and the surrounding properties. He questioned if utilities would be offered to the homes around this. Mr. Michaels explained how the utilities would be extended and that they would be providing stubs to the edge of their property line, if anybody is interested in connecting.

Russ Duff, 24850 Martindale Road, stated that Ms. Hollon brought up several good points, one of which is the traffic issue. He briefly discussed his concerns with the traffic issue. He also expressed concern with the drainage from this development.

Dave Talaga, 25001 Douglas, stated that whether or not the annexation is the issue as to how big this development gets, the developer is going to put the amount of homes in that they feel is necessary. In reference to the annexation, he questioned if they get all this in place and have a

settled plan, would it stop the annexation or will the vote still be August 19, 2003. He stated that no one has really said that if this plan gets approved by the Planning Commission and the Board that this annexation can't happen. He asked Mr. Gillam if this would happen. Mr. Gillam responded that the election is still going to take place on August 19th regardless of what happens here tonight or at the Board meeting. He stated that in order for the annexation to happen a majority of the voters from the City of South Lyon would have to vote in favor of the annexation and the majority of the voters who reside on the Peters' property would also have to vote in favor of the annexation. There was further discussion with regard to what could happen with the election on August 19th. He stated that whatever is decided on this, they should try to maintain the Township rules. He briefly discussed the traffic issue.

Mr. Bisio stated that he has lost trust in the process and is not willing to take a gamble. He stated that he understands that there is going to be a traffic problem, but realistically roads never keep up with development.

Mr. Talaga stated that in defense of Mayor Doyle, from what he has seen this stuff was going on behind Mayor Doyle's back without his knowledge.

Mr. Talaga questioned the square footage range of the proposed homes. Mr. Shafer responded that they will probably be in the range of 2,000 square feet up.

Mr. Barber asked for clarification as to what portion of the site is zoned R-1.0 and what portion of the site is zoned R-0.3 currently. Mr. Rentrop, using a displayed map, pointed to the different sections.

John Hicks, 29393 Tonester Circle, stated that there are several proposals working their way through the Township and all of them want higher density. He felt that the Commission needs guidelines, which would be the Master Plan. He further discussed the density issue. He stated that they know that this property will be developed, but how dense should it be. He questioned if there will be any access easements to the west for future developments.

Mitchell Zalewski, 62041 Tayberry Circle, stated that he came here tonight because he is interested in the Master Plan discussions. He stated that he is against any kind of high density.

Russ Duff, 24850 Martindale Road, questioned when the developer began discussing this with the City. Mr. Olson responded that the discussions began in May, 2002 related to land

swapping. He

noted that the City had an executive session in September, 2002.

Darcy Hollon, 24300 Martindale Road, questioned if it would be possible to pass this with a limit

placed on the density. Mr. Hemker responded that he did not believe that they could do this on

the rezoning. Mr. Gillam responded that this is correct. As far as the zoning is concerned, it would

either be a favorable or unfavorable recommendation to the Board. The final plan approval

could be a recommendation with conditions. Ms. Hollon requested that the Commissioners put

a condition regarding the density in their recommendation.

Dan Cash, 57097 Cash Street, stated that the fact is that the City of South Lyon has only developed

one development under the R-1A zoning. He questioned how many homes would be allowed

under the cluster option in R-2 zoning. He noted that this is the most popular zoning that the City

uses. He stated that the Township has a great Master Plan and until the Township secures their

boundaries, the Master Plan is totally worthless. He noted that 1,800 acres have been annexed

by the City from the Township. He stated that the property at Eleven Mile and Pontiac Trail that

was annexed into the City under the R-1A zoning will be developed as multiple and commercial.

He stated that this piece at Ten Mile and Martindale Roads, the City can tell you anything you

want to hear, but they could develop it as multiple and commercial just like the property at

Eleven Mile Road and Pontiac Trail. He stated that he would be very skeptical about what the

City is telling the residents.

Mr. Olson stated that according to the calculations using buildable acreage minus the right-of-

ways, wetlands, etc., there is 136.66 acres of buildable land. With 10,000 square foot lots in the

City's R-2 zoning would yield on a net basis 595-1/2 lots. On a gross basis, it would be 653 lots.

Mr. Cash stated that if you drive down Martindale Road in the City, you will see R-2 zoning using

10,000 square foot lots. He stated that he purchased a zoning map from the City and about 70%

of the land that has been annexed from the Township is zoned R-2.

John Hicks, 29393 Tonester Circle, stated that he did not expect the Commission to come up with a specific number but hoped that they would work on some sort of a formula or percentage for the density.

Mr. Hemker closed the public hearing at 9:00 PM.

Mr. Gillam reviewed what the Planning Commission's obligations are tonight and the motions that are required.

Ms. Williams stated that she does not understand the accelerated schedule, if the developer is willing to work with the Township. Mr. Rentrop stated that the election is going forward no matter what, and the further they are in the process, the better it will be.

Mr. Hemker stated that from a planning perspective and looking at the plan, they went from a plan that was ugly at conceptual to a plan that is uglier at this stage. He stated that it seems that they have taken a step backward.

Mr. Rentrop stated that this plan addresses the concerns that were raised by the Planning Commission.

Mr. Hemker noted that there was a tree stand along Ten Mile Road that will be removed. He stated that the first plan had preserved the tree stand so that when you drove down Ten Mile Road you would see trees and not directly into the development. Mr. Rentrop stated that this is something that they can still address.

Ms. Masson-Minock addressed a couple things that came up during the public hearing. She stated that with respect to a future connection to Douglas Drive, Douglas Drive is a private road and by putting a connection to this road it might generate too much traffic for the road to bear. She stated that the applicant stated that the houses would be 2,200 square feet and up, this is not what is stated in the PD Agreement.

Mr. Hemker stated that a letter was received from Eileen Foley and an e-mail was

received from

Chris Roberts. Both of these expressed objection to this development.

Mr. Soper thanked the residents for coming out this evening. He stated that he felt that they should

look at this from planning point of view and let the Board deal with the political aspect.

He stated

that from a planning point of view, he has a problem with this development. He felt that they are rushing through this process too fast. He stated that he is totally against this.

Mr. Hemker stated that whatever happens here tonight, this is not the final step. This does go to

the Township Board, which has the final say on the motions. He stated that the Board makes their

own motions, they don't have to follow the recommendations of the Planning Commission.

Ms. Williams stated that this goes against the Master Plan and the Future Land Use Map. She stated

she doesn't like the way that they are rushing through this. She felt that this will open the Township

up for law suits from other developers who want more density.

Ms. James made a motion with regard to AP-03-26, Pinehurst Planned Development, that they recommend to the Township Board denial of the rezoning request for this parcel for the following reasons:

1. It is inconsistent with the underlying Township Master Plan.
2. It is inconsistent with the Township's Future Land Use Map.
3. There is strong public opposition.
4. It is inconsistent with the existing land use of the lots to the north, east and south.
5. Significant traffic impact without adequate compensatory measures.
6. It is in conflict with the Township's goals and the rural character.
7. There is no Engineer approval and the Township Board has made it explicitly clear to the Planning Commission that they are to act without approval.
8. The wetland impact is unjustified.
9. The front, rear and side yard setbacks are significantly below Township standards.
10. There is no tree survey done to evaluate stands as required by Township law.
11. The stated reasons for pursuing PD zoning are to accommodate "unusual conditions" on the property which are wetlands and utility issues and these reasons are inadequate.
12. The road layout, particularly Mountain Mint Drive violates Township standards.
13. The overall poor layout and it appears that the bottom line is that it appears that this site plan calls for more houses than this particular piece of property can reasonably support.
14. There are too many REU's required.
15. The impact on the schools within the Township.

Mr. Soper supported the motion.

Roll Call Vote:

Ayes:

Barber, Hemker, James, Soper, Williams

Nays: Bisio
Absent: Crook

Motion approved.

Ms. James made a motion with regard to AP-03-27, Pinehurst Planned Development, that they deny the Planned Development preliminary site plan for the same reasons as cited in the prior motion. Mr. Soper supported the motion.

Roll Call Vote: Ayes: Hemker, James, Soper, Williams, Barber
Nays: Bisio
Absent: Crook

Motion approved.

Ms. James made a motion with regard to AP-03-27, Pinehurst Planned Development, that they recommend to the Township Board that they deny the Planned Development final site plan for the reasons as stated in the first motion. Mr. Soper supported the motion.

Roll Call Vote: Ayes: James, Soper, Williams, Barber, Hemker
Nays: Bisio
Absent: Crook

Motion approved.

6. OLD BUSINESS: NONE

7. NEW BUSINESS:

Master Plan Discussion (as time permits):

a. Road Priorities

b. 10 Mile Design Plan

Due to time constraints, the Master Plan discussion was held over for a future meeting.

8. DISCUSSION AND COMMUNICATIONS: NONE

9. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 9:25 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary