

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES AND PLANNING COMMISSION
JOINT WORKSHOP MEETING MINUTES
January 5, 2004**

Approved by the Board as submitted February 2, 2004.

DATE: January 5, 2004
TIME: 6:00 PM
PLACE: 58000 Grand River

Call to Order: Supervisor Shigley called the meeting to order at 6:02 PM.
Chairman Hemker called the meeting to order at 6:02 pm.

Roll Call: Present: Joseph Shigley, Supervisor
Patricia Carcone, Treasurer
Pamela Johnson, Clerk
Steven Adams, Trustee
Ray Bisio, Trustee
Dan Cash, Trustee
Lannie Young, Trustee

Brent Hemker, Chairman
Michael Barber, Vice Chair
Laura James, Secretary
Ray Bisio, Trustee
Jim Hamilton
Ted Soper
Laura Williams

Also Present: Matthew Quinn, Township Attorney
Chris Doozan, Township Planner
Chris Olson, Township Superintendent

Guests: 3

1. APPROVAL OF AGENDA

Ms. Carcone made a motion to approve the agenda as written. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved unanimously.

2. PROPOSED AMENDMENTS TO THE PLANNED DEVELOPMENT REGULATIONS

Mr. Doozan stated that the only significant change would be that the preliminary reviews would also go to the Township Board. He reviewed the comments indicated in a memorandum from him dated December 31, 2003.

Mr. Bisio briefly discussed the Future Land Use Map designations versus the Master Plan designations especially when they indicate commercial.

Mr. Shigley questioned whether or not the Master Plan should be approved by the Board. Mr. Doozan responded that prior to the amendment to the Planning Act approximately 1-1/2 years ago, the Master Plan was totally handled by the Planning Commission. Since this amendment, it allows a Township Board to vote and approve a Master Plan.

Mr. Adams stated that he would like to see the Board get a chance to vote on the Future Land Use Map. He stated that this would be like a double check and it would ensure that the Board and the Planning Commission are working on the same page. Mr. Doozan noted that the Planning Commission is in the process of updating the Master Plan and once they are done, it will be forwarded to the Board.

Mr. Young stated that in his views the Board is a policy making body and the Planning Commission really does a lot of the work. He stated that he is not opposed to this but felt that they need to be careful that the Board does not usurp the authority of the Planning Commission.

Mr. Bisio cited a case from 1999 where the Planning Commission denied commercial at Ten Mile and Milford Roads and the Board approved it. He stated that they don't want to be in this type of situation again. He stated that it is obvious that the Board and the Planning Commission do not see eye to eye on some things. He stated that they have to make sure that they have some consistency and continuity in the Township. The residents are not going to tolerate the lack of consistency in the Township.

Mr. Barber stated that the Future Land Use Map shows what something could possibly be. He stated that when things change in the Township, the Future Land Use Map may change.

Mr. Quinn stated that if there is a Master Planned area for a certain use, there is a body of law that says that the property owner or the person coming in that is going to comply with the Master Plan and seek a rezoning to what it is Master Planned, has a strong argument.

Mr. Bisio questioned if legally if there is a difference between the Master Plan and Future Land Use Map. Mr. Quinn responded that there is not, they are the same thing. Mr. Bisio questioned if these could be construed by a developer as zoning. Mr. Quinn responded that they could not, zoning is a separate ordinance. There is no zoning on the Future Land Use Map.

Mr. Quinn stated that in the text of the Master Plan there is some limiting language. He stated that if there is no limiting language then people can assume that the Township wants the parcel rezoned to the Master Plan use at any time. He stated that it is very important to look at the text as well as the map.

Mr. Adams stated that he felt that there should be two bodies looking at this, the Board and the Planning Commission, because it could be construed and taken accord and then the Township would be stuck. He stated that he is not trying to take away the Planning Commission's authority, but felt that by two bodies looking at this it would give safety and caution to the Township.

Ms. James stated that they have asked a number of times that if the Future Land Use Map is different from the zoning, does a developer have a vested right to what is on the Future Land Use Map. She stated that the answer they have received is that the Township is not wedded to the Future Land Use Map and that a developer does not have a vested right to what is on it.

Mr. Quinn stated that the basis that the Master Plan is changed is because factors surrounding a particular piece of property has changed. He stated that this does not mean that they have to

change the Master Plan everytime there is a change, but indicated that the Master Plan should be looked at every five years. At that time they should look at the circumstances, and if things have changed, then the Master Plan should be changed accordingly.

Mr. Hemker noted that the Planning Commission has done a lot of work on the Master Plan this past year. They have set aside their second meeting every month for the purpose of updating the Master Plan.

Ms. James stated that whether the Board decides to vote on the Master Plan or not, they still need to have dialog tonight about the Planned Development Regulations. She stated that after the discussion tonight, the Board can think about whether or not they want to approve the Master

Plan.

She stated that as a Planning Commissioner, she does not like the idea but if she were on the Board she would want to vote on the Master Plan.

Ms. James stated that she would like to defend the 15% density bonus cap. She stated that this is a number that came out of a sub-committee meeting with herself, Brent Hemker and Laura Williams. She stated that she would rather the cap be 10%, but was talked into the 15%. She stated that the only difference is that a developer who comes in and wants 40%, they will have to go to extra lengths and jump extra hoops. She briefly discussed some of proposals that have come through requested big density bonuses.

There was discussion regarding amenities that might justify a higher density bonus. Mr. Bisio and Mr. Adams felt that some of the amenities would be conservation easements, park land donation and view sheds. Mr. Barber noted that the Township does not have the means or money to take care of anymore parkland.

Ms. Carcone discussed the conservation issue. She stated that she wants to make sure that it is conservation and not something else. She stated that this should be land that will take care of itself.

Mr. Shigley noted that there is a lot here. Mr. Doozan stated that unless the Board has specific issues, he discussed some of the issues that the developers are most concerned about, one of which is the 15% density bonus cap.

After further discussion, Mr. Young stated that as a Board member, he would like some more time to digest and review this information. Mr. Hemker stated that maybe the Board should discuss this and come up with individual concerns and then forward it to the Planning Commission for discussion.

3. **ADJOURNMENT:**

Ms. Johnson made a motion to adjourn the meeting. Ms. Carcone supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The Board was adjourned at 6:55 PM.

Mr. Hemker adjourned the Planning Commission at 6:55 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary