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**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
SPECIAL MEETING MINUTES
March 10, 2004**

Approved April 26, 2004 as submitted

DATE: March 10, 2004
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
Laura James, Secretary
Jim Hamilton
Ted Soper
Laura Williams

Absent: Ray Bisio, Trustee (vacation)

Also Present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Chris Olson, Township Superintendent

Guests: 24

29 **1. APPROVAL OF AGENDA**

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

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

Motion approved unanimously.

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39 **2. APPROVAL OF CONSENT AGENDA: NONE**

40
41 **3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE**

42
43 **4. PUBLIC HEARINGS: NONE**

44
45 **5. OLD BUSINESS:**

46
47 **AP-03-10, Copperwood Planned Development**, 10 Mile and Johns Roads, Preliminary Plan Review
48 and call for public hearing.

49
50 Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated
51 February 23, 2004 regarding this issue.
52

53 Robert Carson, Attorney, questioned what type of action would be taken this evening. Mr. Hemker
54 responded that they will schedule a public hearing for a later date. He noted that they will be
55 giving comments to the applicant tonight.

56
57 Mr. Carson gave a brief history of this development. He explained the many changes that they
58 have made to the plans since they first presented the original plan. He explained the reasoning
59 for having Plan A and Plan B.

60
61 Mr. Carson stated that it seemed to them at the time of the presentation that there was
62 acceptance for the residential concept but that there was still work that needed to be done on
63 the commercial portion. He stated that they suggested that they split this and move forward with
64 the residential and then come back and study and put more work into the commercial portion.
65 He stated that there was a question as to whether the splitting of the commercial out of the site
66 plan would of in any way implied or created a situation in which the Township would then be
67 obligated to go forward with commercial in the future. He stated that for purposes of the record,
68 at that time, that they would stipulate that it would not be in any way obligatory upon the
69 Township to do this nor could the developer say that it was implied in the future. He stated that all
70 parties would have whatever discretion, whatever rights they had in the past without any
71 implication having been made for commercial by having been split.

72
73 Mr. Carson stated that there was a statement made that perhaps if they would have submitted on
74 that basis that they would have been easier to establish as opposed to doing it on the spur of the
75 moment. He felt that if they had done this at the submission time, it would have perhaps
76 maintained the comfort level of everybody. He noted that they have met with representatives
77 of the Township, both Planners and Council, to try to make sure that these two plans went forward
78 in a way that gave the Planning Commission the maximum flexibility without being stuck some
79 legal issue in the future by only having the residential portion go forward, if that is the Commission's
80 choice.

81
82 Mr. Carson stated that what they are trying to do is give maximum flexibility to the Planning
83 Commission. He stated that the Commission can treat the proposal as a package. He stated that
84 Plan A would have a residential component and a commercial component. It would not have an
85 office component. He stated that Plan B would leave the commercial portion on Plan A vacant

86 for

87 whatever future use that anybody decides upon in the future. He stated that they would not be
88 obligating the Township to have commercial on this site in the future.

89
90 Mr. Carson stated that should the Planning Commission and Township Board decide to go forward
91 with only the residential component, such as Plan B, then that is all that would be done.

92
93 Mr. Barber stated that he is not so sure about the blank space. He questioned if there is still a
94 rezoning with this. Mr. Carson responded that there is not. He stated that the blank area could be
95 residential, could be commercial, could be office, it will be whatever the Township approves.

96
97 Mr. Barber stated that with regard to Plan A, there are two restaurants indicated. He asked
98 Mr. Carson if he knew what restaurants would be there. Mr. Carson responded that they have not
99 solicited any restaurants for this center. He stated that they do have a strong indication that there
100 would be a most highly regarded, national supermarket that is interested in this site.

101
102 There was brief discussion with regard to some photographs of businesses that were included in the
103 Commissioner's packets.

104
105 Ms. James stated that with regard to the residential density, she felt that there should not be

106 economic calculations to determine density. She noted that economic calculations are not part
107 of
108 the Master Plan. She stated that the Master Plan does have a list for density bonus criteria rated by
109 desirability, with some being high, some being moderate and some being low. She further
110 discussed the criteria for density bonuses. She did some calculations and felt that what is being
111 offered would only warrant an approximate 5% density bonus.
112

113 Ms. James stated that if the applicant is going to pursue the 14 acres of commercial, she felt that
114 when they return to the Planning Commission they should have very persuasive, fact-based
115 material and research-based reasoning why 14 acres is necessary and why 10 acres will fail. She
116 stated that she felt that the applicant needs to prove why they need 14 acres for the commercial
117 portion.
118

119 Ms. James stated that the main reason why some of the people on the Commission who think that
120 the commercial in this area would be a good idea for ten acres, is that it might reduce cross town
121 traffic. She stated that if this is true, she would like to see evidence in some traffic data that would
122 support this notion. She stated that she would also like to see an explanation, if it is rezoned for
123 commercial, what is going to be the trigger to allow the commercial to be put in place. Is it going
124 to be road widening, is it going to be residential housing units reached in this area, or what?
125

126 Mr. Carson stated that it is his understanding that they did not create the concept of economic
127 enhancements for density. He stated that it is something that has been used in the past in this
128 Township. He noted that they have not asked for 25%. He stated that he has heard Elkow's 25%
129 explained solely in economic terms. He stated that they are trying to propose a well planned
130 reasonable, development that will enhance the community and provide good product to the
131 future residents. He stated that this is why they proposed 100' x 104' lots for this development.
132

133 There was further discussion with regard to the plan. Mr. Carson re-stated that if the Township
134 chooses Plan B, they are under no obligation to ever approve commercial. He stated that they
135 will come forth with and propose commercial at some point in the future, if it makes sense to do
136 so. At that time the Township can either agree or disagree the proposal.
137

138 Mr. Hemker stated that his opinion from the beginning has been that if there is any commercial
139 there, that is what he would consider a bonus. He stated that he felt that the benefits that are
140 being provided will benefit the future residents of the development and not the Township as a
141 whole.
142

143 Mr. Carson stated that they have committed to road improvements that are created necessary
144 by this project and determined by the Road Commission for Oakland County. He stated that they
145 are not going to commit to improve the roads because there is a High School being built there.
146 He stated that whatever the Road Commission requires them to do based on their project, they
147 will do.
148

149 There was further discussion with regard to the benefits provided. It was noted that the
150 commercial
151 parking has increased by 7%, which would cause more impervious surface. With regard to the
152 landscaping along Ten Mile Road, Mr. Carson stated that they are willing to work with the Township
153 Planner to enhance the landscaping.
154

155 Mr. Soper stated that he would like to see the commercial brought in further off Ten Mile Road. He
156 noted that if Ten Mile Road is ever widened and the way that it sits right now, the commercial will
157 be really close to the road on the north side. He stated that he felt that the bonus would be the
158 commercial. He stated that he would prefer to see the residential and the commercial come
159 together at the same time. He stated that he, personally, does feel that there should be some

160 commercial there, but as to the size, he does not know. He stated that he is glad to see that the
161 commercial portion has been reduced. He stated that he does not have a problem with the size
162 of
163 the lots. He stated that as a planned development with commercial, he did not feel that they
164 need to be giving additional enhancements to pay for landscaping. He felt that this should be
165 part
166 of it anyway. He stated that he liked Mr. Barber's idea to have the parking in the rear of the
167 buildings.

168
169 Mr. Carson stated that they reason they left the commercial vacant because they wanted to give
170 the Planning Commission the option of just addressing the residential and leaving the vacant site
171 for commercial or some other use in the future. He stated that they would like to move forward
172 with the residential.

173
174 Mr. Hamilton stated that he has difficulty accepting commercial in this spot because of the flow of
175 traffic on Ten Mile Road. He stated that he cannot see how it would be feasible to have
176 commercial here because of the traffic. Mr. Carson stated that this is one of the reasons that they
177 have offered Plan B. Mr. Hamilton asked Mr. Carson if he would resist the it if the Planning
178 Commission took the commercial node off the Ten Mile and Johns Roads site. Mr. Carson
179 responded that it is not up to him to resist, it is the determination of the Planning Commission.

180
181 Ms. Williams stated that she prefers Plan B. She stated that her concern would be as to what the
182 property would look like with nothing there. She briefly discussed the landscaping. Mr. Carson
183 stated that the entrances would be enhanced. He stated that it would be to the developer's best
184 interest to keep the vacant property neat.

185
186 Ms. James made motion to schedule a public hearing for AP-03-10, Copperwood Planned
187 Development for May 10, 2004 at 7:00 PM. Mr. Barber supported the motion.

188
189 Voice Vote: Ayes: All
190 Nays: None
191 Absent: Bisio

192 Motion approved.

193
194
195 **AP-03-27, Pinehurst Planned Development**, 10 Mile and Martindale Roads, Conceptual Plan
196 Review.

197
198 Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated
199 March 8, 2004 regarding this issue.

200
201 Gary Rentrop, Attorney, gave a brief history of the proposed development, where it was and
202 where
203 it is now. He commented on some of the information contained in the McKenna Associates, Inc.
204 letter. He noted that they are part of the SAD for water and sewer and will be prepaying the taps.
205 He stated that they are proposing a retention pond to help with the flooding on adjacent
206 properties. With regard to traffic, he stated that they will be installing a right turn land at Martindale
207 Road and Ten Mile Road. They are proposing to install an approved light at that intersection. He
208 stated that their traffic report indicates that they will be improving the service level at this
209 intersection.

210
211 Mr. Rentrop stated that he believes that probably the most significant improvement that they will
212 be making is the view shed and the preservation of the Peters' farmstead. He stated that they
213 have employed a Historic Architect to help them with the preservation. They are proposing to

214 restore the barn, the farmhouse to their original condition. He noted that there are other structures
215 on the property, some that are good and some that are not, will be maintained.
216

217 Bruce Michael, Pinehurst Development, gave a brief presentation of the proposed development.
218 He stated that their intention is not to rezone the entire parcel to R-0.5. He stated that their
219 intention is not to create an underlying zoning that would be greater than the PD proposal. He
220 stated that by the time they go to preliminary they hope to have the amount of acreage for open
221 space clarified. Using a displayed plan he indicated what would be included in the open space.
222 He discussed the trees that will be removed and the trees that will be maintained.
223

224 Mr. Michael stated that they are not going to build a detention pond, they will be constructing a
225 retention pond. He stated that the drainage generally cascades to the south and there is some
226 flooding that does occur on the farm now.
227

228 Mr. Michael stated that with regard to traffic there are a lot of questions that will have to be
229 answered. He stated that on page 5 of McKenna Associates, Inc. letter it talks about the level of
230 service at certain intersections. He noted that two of the intersections that were discussed in the
231 letter are in downtown New Hudson. He stated that due to this development and the future
232 increases of traffic that will occur once this development is built out, the level of service at the
233 intersection would reduce "E" from "D" for the AM peak and to "F" from "E" at the PM peak.
234 He stated that the Griswold situation is already at an "F" and will continue to be at an "F". He
235 stated that they are committed to making the improvements at the intersection as proposed by
236 their traffic engineer.
237

238 Mr. Michael stated that with regard to the farmstead, they would like to get input from the Planning
239 Commission. He stated that it is their intention to preserve it so that it will preserve the rural
240 character. He stated that how this is physically done in terms of ownership and acreage, there are
241 a lot of different alternatives. He noted that the current owners will not be staying at the
242 farmstead.

243 He stated that they would stipulate in the their PD agreement that this space would remain as
244 open space and could not be subdivided at a later date. He stated that they are open for
245 comments and ideas on how to handle this.
246

247 Ms. James questioned why they would pursue a rezoning request in addition to the planned
248 development. Mr. Michael responded that there are several different reasons. One reason is that
249 from a planning perspective, it makes sense to create a transition. Another reason is that there
250 seems to be a lot of controversy issues regarding the density bonus concept. He stated that if this
251 was rezoned they would not have a density bonus.
252

253 Ms. James discussed the density of the proposed development and the restoration of the barn and
254 house.
255

256 Mr. Hemker stated that comparing the numbers and going back to the concept of Carriage Club,
257 the numbers that they have indicate that Carriage Club received an increase of 21.3%. He stated
258 that the Pinehurst proposed development is at 27.3%. Mr. Rentrop stated that this is the first time
259 they have heard the numbers. He stated that in his presentation he noted that the Carriage Club
260 numbers were elusive. He stated that he will rely on whatever Mr. Doozan says with regard to the
261 numbers.
262

263 Ms. James questioned how a neighboring parcel is relevant to what density this development will
264 get. She stated that if the neighboring parcel relevant to what density will be allowed on this
265 parcel. She stated that if the neighboring parcels to the east are one acre lots, she did not feel
266 that this was a very persuasive argument. She stated that she has seen the list as to why Carriage
267 Club got this type of density increase. She noted that Pinehurst's list does not even come close to

268 what Carriage Club has given the Township. Mr. Rentrop responded that it is relevant and
269 explained why he feels that way.

270
271 Mr. Soper stated that he likes the view shed setback and feels that it is plus. He questioned the
272 setbacks for the front, rear and especially the sides. He felt that the density should be lower so
273 that they setbacks could be reached. He felt that 10' for the side setbacks is just not enough.
274 He stated that with regard to the historical buildings, he has no objection to the preservation but
275 does not want to see the Township maintain them.

276
277 Mr. Hamilton stated that he would like to see the lot widths increased so that a side entry garage
278 could be accommodated.

279
280 Mr. Barber discussed the traffic light being installed and the traffic patterns. He stated that he
281 really likes the idea of the farmhouse preservation. He felt that there is too much density and
282 would
283 like to see it decreased. He stated that he would like to see side entry garages. He felt that by
284 doing this, the density would be decreased and the lot sizes would increased.

285
286 Mr. Hemker discussed the layout of the development. He stated that the section closest to the
287 City of South Lyon is a much nicer layout than the section furthest away.

288
289 Ms. Williams stated that she likes the view shed and the farmstead preservation. She stated that
290 she feels that the density is too high and that she would like to see larger lot sizes. She noted that
291 she would not like to see a rezoning request.

292
293 This was a conceptual review, therefore, there was no formal action taken by the Planning
294 Commission this evening.

295
296 **6. NEW BUSINESS: NONE**

297
298 **7. DISCUSSION AND COMMUNICATIONS: NONE**

299
300 **8. ADJOURNMENT:**

301 Mr. Hemker adjourned the meeting at 9:07 PM.

302
303 Respectfully Submitted,

304
305

306
307 Deby Cothery
308 Recording Secretary