

**CHARTER TOWNSHIP OF LYON**  
**PLANNING COMMISSION**  
**MEETING MINUTES**  
**August 16, 2004**

Approved as corrected September 23, 2004.

DATE: August 16, 2004  
TIME: 7:00 PM  
PLACE: 58800 Grand River

Call to Order: Chairman Hemker called the meeting to order at 7:00 pm.

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

Also Present: Philip Seymour, Township Attorney  
Chris Doozan, Township Planner  
Alexis Marcarello, Township Planner  
Michelle Aniol, Township Planner

Guests: 88

**1. APPROVAL OF AGENDA**

Mr. Soper suggested that they combine the following items so that they are discussed together:

- Public Hearing Item 1 with Old Business Item 1
- Public Hearing Items 2 and 3 with Old Business Items 2 and 3

Mr. Hemker noted that the Consent Agenda only indicates the minutes from the July 12, 2004 meeting, but in their packets they also received the minutes from the July 26, 2004 meeting, therefore, he requested that these be added to the Consent Agenda.

Mr. Soper made a motion to approve the agenda for Monday, August 16, 2004 with the changes noted. Ms. James supported the motion.

Voice Vote: Ayes: All  
Nays: None

Motion approved unanimously.

Ms. James made a motion adjourn the meeting at 10:00 PM and that any outstanding business be discussed at the end of the meeting to determine when they will be discussed. Mr. Bisio supported the motion.

Voice Vote: Ayes: All  
Nays: None

Motion approved.

**2. APPROVAL OF CONSENT AGENDA**  
- July 12, 2004 Meeting Minutes  
- July 26, 2004 Meeting Minutes

Mr. Soper made a motion to approve the Consent Agenda consisting of the minutes from the July 12, 2004 meeting and the minutes from the July 26, 2004 meeting as written. Mr. Hamilton supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved unanimously.

**3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:**

Darcy Hollon, 24300 Martindale Road, stated that she believes that the agenda needs to be modified because of a conflict of interest issue. She stated that any discussion with regard to the Erwin Rezoning should be held until they have different Legal Counsel to represent the Township. She stated that Beztak is a client of the Township's Law Firm. She stated that they need to be represented as a Township by Legal Counsel without there being a conflict of interest.

Ms. Hollon stated that it is her understanding the Township's Legal Counsel cannot represent the Township unless the Board of Trustees has waived the conflict of interest officially. She stated that to the best of her knowledge, this has not happened. She submitted documentation to the Commission showing that Matt Quinn has represented Beztak in the past in front of the Novi City Council and the Novi Planning Commission. She stated that on Cooper, Shifman, Gabe, Quinn & Seymour's website it lists Beztak as a client.

Ms. Hollon stated that the Township needs to have Legal Counsel on the Township's side, if this issue were to go to court. She stated that even if the Township's Legal Counsel does the best of their ability, they still know things about Beztak. She stated that she would like to have this issue sent to the Board of Trustees so that they may assign different Legal Counsel for this issue.

Mr. Seymour stated that he has not represented Beztak and is not going to challenge Ms. Hollon's claims about Mr. Quinn. He stated that he knows that Mr. Cooper has done some landlord/tenant work for Beztak. He stated that with regard to the conflict of interest issue, he really could not answer this since he is indirectly involved by working for Cooper, Shifman, etal.

Ms. Hollon stated that this is nothing personal, but it is something that they need to look out for down the road, if this does go to court.

Mr. Soper agreed that this could be a serious issue. The other Commissioner's concurred.

Mr. Doozan stated that if this issue were to go to court, it would be the Insurance Attorneys that would be representing the Township, not Mr. Quinn or Cooper, Shifman, etal.

Ms. James stated that they need legal advice at this meeting when making their decision for this development. She stated that they need legal advice on the form and content of any type of motion made regarding this issue, whether it be for approval or denial.

Mr. Doozan stated that one option would be to hold the public hearing and take public comments but hold the Commission's deliberation over until the next meeting. Ms. Hollon stated that this is an option, but felt that they should not do this without Legal Counsel there. Mr. Soper stated that the citizens are going to want to hear from the developer and from the Commission, therefore, he felt that it would be better to table this. He stated that he felt that they need to be cautious. Ms. James stated that this application has lawsuit written all over it.

that Mr. Barber questioned if this is tabled, would they have to re-advertise? Mr. Doozan responded they would.

there Robert Jacobs, Attorney, representing Beztak, stated that they are here today to make a presentation with regard to the rezoning. He stated that this comes as much of a surprise to them as it does to the Commission. He stated that at one time, over four years ago, Beztak had a matter in which Mr. Quinn's firm did represent them. He stated that that matter has ceased. He noted that Mr. Quinn has sat with this body several other times when this issue came before the them. He stated that Beztak is willing to waive any conflict and they do not have an ongoing relationship with Mr. Quinn or his firm. He stated that under these circumstances, he does not believe that is a conflict of interest.

Ms. James stated that for the record, Mr. Quinn did not disclose the conflict in writing until after the meeting. She stated that it was not voluntarily disclosed to the Township. She noted that there have been many meetings between the Township and Beztak. She stated that, in her opinion, that disclosure was required.

Mr. Hemker stated that the paperwork submitted by Ms. Hollon, which she took off Cooper, Shifman, etal's website does show that Beztak is on their list of clients. He stated that he believed that it would be the Board's decision to waive the conflict and not the Planning Commission's decision.

#### 4. PUBLIC HEARINGS:

**AP-04-18, Erwin Rezoning,** Pontiac Trail and Silver Lake and Kent Lake Roads, Public Hearing to consider a rezoning request from R-1.0 to R-0.3.

Mr. Soper made a motion to table AP-04-18, Erwin Rezoning, for up to 60 days or until the Board has made a decision with regard to legal representation. The public hearing will be re-published. Mr. Bisio supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

**AP-03-27A, Pinehurst Rezoning,** 10 Mile and Martindale Roads, Public Hearing to consider rezoning request from R-1.0 to R-05.

**AP-03-27, Pinehurst Planned Development,** 10 Mile and Martindale Roads, Public Hearing to consider Preliminary Planned Development.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated June 30, 2004 regarding the rezoning and the letter dated August 11, 2004 regarding the Planned Development.

Gary Rentrop, Attorney for Phoenix Land Development, introduced the members of the Pinehurst team that were present tonight. He gave a brief introduction to the project using a Power Point Presentation. Mr. Rentrop spoke of the rezoning application, furthering a transition in density between the City of South Lyon and the Township, possible future uses for the Peter's Farms, and all costs for preservation of the farmstead to be paid by the developer and not the Township.

Robert Leighton, Leighton and Associates, reviewed the site analysis, site photos and site plan using a Power Point Presentation. He noted that in August, 2003 they originally presented a plan for 363 lots. The plan that they are now presenting has 295 lots. He spoke of the many lots abutting open space, sidewalks and trails, naturalized plantings, not discharging water off-site, and the Township entry sign on Ten Mile Road. He noted that the retention ponds will have water in them so that

they

will look like lakes instead of dry ponds. He stated that they do intend on putting in pocket parks. He noted that with the large view shed, the development will not be seen from Ten Mile Road. He felt that there are some major differences and improvements with this plan over what was originally submitted.

Mr. Leighton stated that they share the concerns of the neighbors to the east. He noted that they did have a meeting with those neighbors the other night to show them the plan. He stated that they will be saving a lot of the trees along the property line as well as planting four additional 15' to 18' evergreens along each property. He stated that they are trying to be sensitive to the neighbors.

Bruce Michaels, Phoenix Land Development, distributed documents to the Commission that included a letter of intent from the Oakland Land Conservancy, copies of letters to the neighbors and a copy of a letter from the Township's Traffic Consultant. He stated that they did meet with

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Bell's who live abutting the southeast corner of this development to discuss what can be done to help them with regard to drainage. He noted that they will be re-grading that portion of the site to help alleviate drainage problems. He stated that they have committed to screening that portion of the site with evergreens. He stated that the Bell's raise farm animals and expressed concern with children getting into their property through the evergreen trees, therefore, Phoenix has committed to installing a 6' high decorative vinyl fence that would keep kids out.

Mr. Michaels displayed samples of the types of homes that they are proposing for this project. He stated that approximately 1/3 of the lots are sized for side entry garages. He stated that they are proposing a variety throughout the development. He stated that in regard to the traffic impact study that was done by their consultant they are committing to improving Ten Mile and Martindale Roads intersection in accordance with their recommendation. This includes adding a right turn lane to go north on Martindale Road and making the traffic signal a "Smart Light". He stated that the signal is supposed to be installed by the County sometime this Fall. He stated that they would either make these improvements themselves or contribute the money to the Ten Mile Corridor Fund, which ever the Township prefers.

Ed Francis, Historical Architect, discussed the plans for restoration of the farmstead and referred to the Site/Façade Rehabilitation Plans, Books One and Two, as prepared by Gunn Levine Architects. He noted that historically the farm was called "Sunkarest Farm".

Nancy Fiengood, Director of Michigan Historical Network, stated that they are excited about the preservation of this farmstead. She stated that the preservation easement is very similar to a conservation easement. They will hold title to all the building facades and make sure that they are maintained appropriately so that they maintain their integrity. She stated that they will be working with the Land Conservancy in making sure that the farmstead is maintained.

Ms. James questioned if the State would be the title holder for the farm. Ms. Fiengood responded that the Michigan Historical Network is a statewide preservation organization that will hold a preservation easement that will protect the buildings and property. She stated that the farmstead will be protected in perpetuity. She stated that they are privately owned and not affiliated with the State. She stated that the property could be used as a museum or some other use, but any use would have to be approved by her organization.

Ms. James questioned who would be the owner of the property. Ms. Fiengood stated that this is to be determined. Mr. Michaels stated that they have spent a considerable amount of time in meetings regarding this and have made several suggestions:

1. A conservancy or foundation could hold deed to the property;
2. The association could hold deed to the property;
3. The property could be held by the Township, if they so desired.

He stated that there was concern that the Township may not want to hold the property right now because it is not known what it might be used for. He stated that they wanted to give the

Township

the opportunity to have this asset. He stated that in the future, as the Township grows, there may be a need for something like this. He offered to put a deed in escrow so that if the Township ever wanted to exercise their option for the deed for \$1.00 they could have it. In the meantime, if the Township does not wish to own the property right now, then it could be deeded to an organization or the association.

Ms. James stated that this sounds nice in theory, but she would urge the Township not to have anything to do with it for a couple reasons:

1. The Township really should not own a collectible asset, especially when they are being sued left and right;
2. The liability exposure would be tremendous.

Mr. Rentrop stated that maybe Ms. James has a crystal ball that he does not have. He felt the Planning Commission is looking ten years into the future, while what they are proposing to do is hold this property, take care of it, insure it, put it in the trusted hands of the network to hold it so that there is no compromise. He stated that then, someday, the Township may have a historic commission and may want the site. Ms. James stated that she does not disagree, but wanted her comments entered into the record so the Township Board knows that she feels that it could be a liability issue. Mr. Rentrop stated that he would be happy to respond to any comments or questions that the Township Attorney has regarding these issues. He stated that personally, he does not share Ms. James' opinion.

Janine Saputo stated that she did some historical research on this farm to determine if there is any historical significance. She discussed her research.

Jack Peters, property owner whose grandfather established the farm, gave a brief history of the Peters family.

Mr. Rentrop submitted a list of benefits that this project is providing, which he briefly discussed. He then summarized what has been discussed this evening to finish the presentation.

Mr. Hemker opened the public hearing at 8:54 PM.

Phil Zalewski, 58311 Ten Mile Road, expressed concern with regard to the density. He liked the transition phases and historical preservation. He stated that he advocates saving the old houses. He noted that he liked the fact that they have reduced the plan to 265 units in lieu of 295 units. He is concerned about the traffic and the speed limit on Ten Mile Road.

Thomas Moorehead, 312 Main Street, Owosso, stated that he is the successor Trustee for Lucille Peters, who is now Lucille Fisher. He stated that he has sat and watched this for two years now and has not said anything. He felt that it is now time to put some things on the record from his perspective as trustee and not on behalf of the developer or the family. He stated that these are his comments as he sees them. He gave a brief historical history of how he became Trustee. He stated that as Trustee his job is to get the best possible price he can. He stated that it has to be a win/win situation because no one is going to develop this, if the numbers don't work.

Mr. Moorehead stated that he has been frustrated over the past two years as well as the Township, the family and the developer. He stated that he is pleased and proud that the developer is going to save the homestead. He stated that he doesn't know how the preservation ownership is going to be put together, but indicated that it is not that complicated to set up within the condominium by-laws. He stated that if the preservation of the farmstead is not important to the Commission and if the Commission does not believe that it has any value, then they should vote down the project. He stated that if the Commission doesn't care about preservation and this planned development, then as Trustee, how can he care. He stated that as Trustee he would have to go back and find someone else who would be interested in this property. He stated that because this land borders the City of South Lyon, he has to look at this option if something is offered.

Mr. Moorehead stated that he wants to move forward together. He stated that he wants the Commission to allow the heritage and the past to survive in the midst of all this development.

Don Profetto, 24861 Douglas Drive, stated that he does not have a problem with this project coming in behind him. He stated that the developer sat down with him and explained what is to be done on this site as well as on his site with regard to buffering. He stated that the developer is improving his property and making it look good. He felt that this is a great deal and if the Commission turns it down, shame on them.

Kevin Whalen, 59300 Ten Mile Road, expressed concern with the following issues:

- The liability of the Township owning the farmstead.
- The location of the retention pond.
- That there is only 1/3 of the development that will have side entry garages.
- Felt that there should be one house per acre.
- Efficiency of a smart light at Ten Mile and Martindale Roads.

Dave Talaga, 25001 Douglas Drive, concurred with some of Mr. Profetto's comments. He stated that the development is going to help them out with utilities, whether they use them now or in the future, is up to them. He stated that he liked the idea of preserving the farmstead. He noted that he heard conflicting statements during the presentation with regard to the condition of the home. Mr. Francis indicated that it was in poor condition, but Ms. Fiengood indicated that it was in good shape. He stated that it really doesn't make a difference since the developer is going to use their own money to preserve it. He stated that it will all come down to maintaining it. He stated that he is for the development and doesn't feel that there is much that they can do about the density. He noted that the City of South Lyon, if they had the opportunity, would probably put in 400 to 500 homes on this property. He thanked the Phoenix Group for getting together with the neighbors and going over the project and for working with them with regard to the utilities and buffering.

Darcy Hollon, 24300 Martindale Road, discussed the following:

- This project is not consistent with the Master Plan.
- 314 units would be allowed, if this site is rezoned.
- Planning Commission has more control, if this is rezoned with the planned development.
- Required tree survey. It was noted that a tree survey was done for the majority of the

- site. A tree survey was not done for the farmstead.
- Transition areas are unbalanced.
- Converting of unregulated wetlands into detention/retention ponds.
- Density too high.

Mike Bell, 24450 Martindale Road, stated that Phoenix has addressed his concerns with regard to buffering along the back property line and installing a 6' fence. He stated that he would like to see this put on the site plan to make sure that it happens. He stated that it is intended to be done in the third phase of development, but would like to request that it be done sooner. He stated that he likes the new design with the larger view shed. He noted that he works in Wayne and drives through Canton everyday, and there is no view shed. He likes the idea of keeping and restoring the farmstead. He stated that he is in support of this project.

John Hicks, 29393 Tonester Circle, expressed concern with the parking issue, if the preserved farm is to be open to the public for any type of use.

Troy Schilling, 57780 Twelve Mile Road, stated that with planned developments they are basically looking at density bonuses because they are giving the community something. He stated that in his mind, he looks at does the end justify the means, otherwise they should hold to the current zoning and let it be developed as is. He stated that the Township basically trades density for amenities and benefits for the Township. He stated that this development sits next to Carriage Club. He stated that we could look at this for a basis and determine what Carriage Club did for the community versus it's density bonus and compare it to this development. He further briefly discussed the amenities and benefit issue and said that they have to determine whether the ends justify the means. He stated that he is impressed that these developer seem to have actually taken the time to talk to the residents along the perimeter of this development and also work with them.

Bob Seccombe, 56888 Nine Mile Road, stated that awhile back Darcy Hollon talked him into taking the initiative in starting a referendum petition relative to the Pinehurst Development. He stated that as a result, he is the person who initiated the petition to overturn the Board's decision to approve the Pinehurst PD at 363 homes which was a density penalty to the Township of approximately 51% to 53%. He stated that at that time he praised the Planning Commission for denying the request. He also stated that he understood and empathized with the Board's decision because the were threatened with losing the property to the City through annexation. Once the original threat of annexation went away, the Township remained stuck with the decision to permit 363 homes. He stated that he felt that the referendum would be a good strategy to reverse the Board's decision or get Phoenix back to the bargaining table to convince them to reduce their density.

Mr. Seccombe stated that he had two major concerns that might backfire on the referendum strategy:

1. That Phoenix would begin extensive legal action against the Township.
2. That Phoenix and Mr. Peters would immediately apply to the Boundary Commission for annexation.

He stated that the Boundary Commission rulings have been overwhelming in favor of the annexation. He briefly discussed some of the previous cases and noted that the Township has only won two cases.

Mr. Seccombe stated that Phoenix has worked with the Township to reduce the number of units, which comes out to approximately a 20% density penalty. He stated that it is his belief that if they are going to get density penalties, then the only place they should do so is along the borders of the Township on properties that are subject to annexation. He stated that he has reviewed the Pinehurst proposal and believes it to be an attractive attempt to meet the Township requirements and recognizing the fact that denial could still result in the loss of the property to City through

annexation. He stated that this Commission has recently approved the Elkow proposal with 25% density penalty and it sits squarely in the center of the Township. He stated that he has reviewed the Elkow proposal and agree that it is a wonderful concept except for the fact that there should not be a major density penalty charged to the Township for the right to do what is required. He stated that the 25%, if approved by the Board, will be precedent setting for the Township because of the location of the development in the center of the Township.

Mr. Seccombe stated that the 22% being requested by Phoenix will not be precedent setting because of its location along the Township boundaries and the potential of annexation. He stated that because of the history behind this development, he would definitely encourage the Commission to support this request with it's approval and bring this issue to a reasonable closure. He stated that he believes that the Phoenix Group has made a serious attempt to win the Commission's approval.

Alan Sartori, 60815 Deer Creek Drive, questioned the detention pond sizes. Mr. Michaels responded that they are designed to hold two 100 year storms simultaneously.

Mr. Hemker closed the public hearing at 9:40 PM.

Mr. Soper stated that since there are no basins on the northeast corner, which is probably due to the topography, he questioned if there are underground pipes in that area that will move the water to the center portion. Mr. Michaels responded that there is the typical underground system throughout the development. Mr. Soper stated that there will probably be a lot of kids in the development, he questioned what is going to be done to keep small kids out of the ponds. Mr. Michaels responded that the key to any detention basin is design, and it will be designed with a 1 on 6 slope which is a requirement of the Drain Commission and the Township Engineer. He stated that during the course of a storm event, the pond needs to be deep enough to handle it.

Mr. Soper stated that most of the lots are 75' wide, therefore, there will not be side entry garages. Mr. Michaels stated that this is correct. He stated that one of the things that they did show the the Commission during the slide presentation is that approximately 1/3 of the lots are designed so that they can accommodate a side entry garage. He stated that they would be willing to accept this as a condition of the planned development. Mr. Soper questioned the distance between the homes. Mr. Doozan responded it is 30'. Ms. Marcarello stated that she believes that it is 5' on one side and 25' on the other side.

Mr. Soper stated that it was mentioned that the Commission may not be willing to preserve the farmstead which is not the case at all. He stated that part of this property is zoned one acre, which is requested to be rezoned, and part of it is zoned 1/3 acre. He questioned why are the lots only about 9,000 square feet. Mr. Michaels responded that the end result is that there is 32% of the site that is open space. He stated that the acreage that would be in the lots is in the open space.

Mr. Hemker questioned why the developer's calculations come up with 32% open space and McKenna Associates, Inc.'s calculations come up with 20%. Ms. Marcarello stated that this is an error and was based on some other items that were first submitted. She stated that based upon the current plan, it is 32%.

Mr. Soper questioned the large lot on the western side of this development. Mr. Michaels responded that it is for the Peters' family. He stated that it has been agreed upon that this property will never be split.

Mr. Soper stated that he does like this plan a lot better and that the developer has worked diligently with the Township to get to this point. He stated that he would like to see the density a little lower. He stated that he likes the idea of preserving the Peters' farm. Mr. Michaels

briefly reviewed some of the things that they are providing with this development.

Mr. Hemker stated that at one time they talked about matching whatever Carriage Club was because that is what they used at one point. He stated that according to McKenna's letter they had 146 acres and the Commission let them build 252 lots on those acres. He stated that they go from smaller lots against the City and then increase to larger lots as you go through the project. He stated that this is 5 acres less than Pinehurst, but the developer was able to do it with 252 lots.

Mr. Michaels discussed a comparison that McKenna did about a year ago between the Carriage Club and Pinehurst.

Mr. Hemker stated that Carriage Club's gross acreage netted 252 lots and Pinehurst's gross acreage nets 295 lots. Ms. James stated that the handout is incorrect because Carriage Club got to count a fraction of the wetlands into the calculations toward buildable acreage. There was further brief discussion with regard to the acreage calculations between the two developments.

Ms. James stated that they have been talking for years on how Pinehurst compares to Carriage Club. She stated that she still fails to see how this is relevant. She stated that if the density of the neighbors determines Pinehurst's density, then how come they are not looking at the neighbors to the east? She stated that Carriage Club is completely irrelevant in her opinion.

Mr. Rentrop stated that the Township has R.03 zoning all around the City boundaries. He stated that a court would look at Carriage Club and the other developments. He stated that this is fundamental land use planning. He stated that Carriage Club is very relevant to density on this site.

Ms. James stated that with regard to the historical preservation of the farmstead, in her mind, absolutely merit a density bonus. She stated that a lot of developers come into this area and rather bulldoze the buildings than preserve them. She stated that the question is, however, what price is the Township willing to pay. She stated that the Township Board will have their own opinion. She stated that her opinion is that 55 extra houses, 23%, is too high. She compared the cost of what the developer is providing to what they are requesting for density. She stated that any density bonus given has to be related to the density bonuses that they have given out to other developers. She stated that this list of amenities does not even come close to the list of amenities that the Elkow's are providing.

Ms. James stated that the threat of annexation does not exist. She stated that the developer has been honest enough to state this point on the record at two separate meetings. She stated that any Township Board member who relies in whole or in part on an annexation threat to give out a density bonus on this property, shame on them.

Mr. Rentrop discussed the Elkow numbers against the Pinehurst numbers. He stated that amenities are not all quantitative. He felt that if you compared the numbers, Pinehurst is significantly better than Elkow.

Mr. Hemker stated that they could sit here all night and go back and forth with the numbers, but he did not feel that it would get them anywhere.

Mr. Hamilton questioned if on Ten Mile Road the improvements would encroach on the historical site, as far as being close to the house. Mr. Rentrop responded that it would not. Mr. Michaels stated that what they show on their plan contemplate acquiring additional right-of-way.

Mr. Hamilton questioned with regard to the deed in escrow, if the Township could exercise the option at any time. Mr. Rentrop responded that this is correct. He stated that it could be eternity or the Township could exercise the option.

Mr. Hamilton questioned the parking on the farm. Mr. Rentrop stated they originally showed parking and that there is room for parking.

Mr. Hamilton stated that he likes the plan, but does not agree with the lot sizes. He stated that he would like to see larger lots with side entry garages.

Ms. Williams stated that her biggest concern was the concept of transition. She stated that she would like to see more of a mix between 75' lots and 90' lots. She stated that she would like to see more side entry garages. She stated that other than these issues, she is really happy with the preservation of the farm. She stated that she liked the fact that the developer worked with the neighbors.

Ms. Williams noted that it is 10:00 PM and questioned if they needed a motion to continue the meeting. Mr. Doozan stated that a motion would be the appropriate action.

Ms. Williams made a motion to continue the meeting until they finish with Pinehurst and then come to some sort of conclusion what to do with the remaining items. Mr. Hamilton supported the motion.

Voice Vote:                      Ayes: Bisio, Barber, Hamilton, Hemker, Soper, Williams  
   Nays: James

Motion approved.

Mr. Barber stated that he felt that it was a good presentation. He stated that he liked the following:

1. the forest is being saved;
2. the farmstead is being preserved;
3. the fact that the developer worked with the neighbors for utilities and buffering.

He felt that there is still too much density.

Mr. Bisio questioned the cost of the houses. Mr. Michaels responded that they would expect the houses to be between \$270,000 and \$300,000. Mr. Bisio stated that he listened to the comments from the residents and counted eight people who were in favor of this development, two opposed and two had questions. He noted that he was surprised by the number of people who are in favor of this project. He stated that he is in favor of this and felt that it is the right thing to do. He stated that he still has the fear of annexation and knows that not everybody shares this opinion with him. He stated that he feels that they are real close.

Mr. Soper questioned if the developer is willing to sit down and negotiate the density number or if 295 is the number they are sticking with. He stated that the last time this came before the Commission he didn't look at the annexation, he looked at it from a planning perspective.

Scott Drum, Principle, Phoenix Land Development, stated that it has been a long road and they have worked a lot with the Planning Commission, Township Board and the petitioners against the project. He stated that he wants to express to the Planning Commission that they want to be fair but economics have to work as well. He stated that he would rather walk out of here tonight with a decision that the Commission and the developer are happy with. He asked that the Commissioners review the list of benefits that they are providing and tell them what they feel does not deserve to be in there.

Mr. Drum stated that not everybody is privy to what earns a density bonus and what doesn't. Mr. Soper stated that everybody has a different opinion on this. He stated that a planned development, in general, will always get at least 4, 5, or 6%. He stated that for 10% or more, a developer really needs to show public benefit.

Ms. James noted that this is not the only circa 1900 farmhouse in the Township. There are lots of them.

Mr. Soper noted that every density bonus that they give eats away at the Township's sewer system, that is already at capacity. Ms. James stated that they need to preserve the sewer system for the real threats of annexation.

Mr. Rentrop stated that they need a number from the Commission as to what density bonus is amenable for this project. He stated that they are out of steam, out of energy, out of time and out of enthusiasm. Mr. Bisio stated that they need to compromise and suggested 288 homes. He felt that this is probably the last chance to negotiate. Ms. James stated that they should not be negotiating against themselves. She stated that they have a Master Plan. She stated that there has to be a relationship between the benefits and the bonus. She noted that Elkow's got 25% but the three before the Elkow's got 10% apiece.

Mr. Rentrop stated that they have been negotiating for nearly two years now and have never heard a number from the Township. He stated that they are down to the point where they need a number.

Mr. Hemker stated that before Phoenix tried to force the Commission's hand last year they were talking to the Township Board. He questioned what type of numbers were being looked at then. Mr. Doozan responded that he does not recall.

Ms. James stated that when Pinehurst was here last time she suggested that 5% would be a reasonable number, that is 12 extra houses. She stated that tonight she indicated that 10% could be a number that she could hold her nose and vote for, that would be 24 extra units or a total of 254. She stated that this is the absolute most that she would consider to vote on.

Mr. Barber stated that 15% is 277 homes which is less than the 288 homes that Mr. Bisio suggested. Mr. Soper stated that he would be comfortable with 15%. Mr. Bisio stated that they need to get serious and vote this either up or down.

Mr. Hemker reviewed what actions could be taken this evening. He noted that there are two items, the recommendation to the Board for the rezoning request and the preliminary planned development. He questioned if any of the Commissioners think that the rezoning is a reasonable option. Mr. Soper stated that he personally does not like the rezoning because it makes it look like they are trying to hide the density bonus. He stated that he is willing to give some density bonus, but does not want to hide it in a rezoning. He stated that they have more control over a planned development.

Mr. Soper made a motion with regard to AP-03-27A, Pinehurst Planned Development, that they make a recommendation to the Township Board that the rezoning request be denied referencing the June 30, 2004 McKenna Associates, Inc. letter. Mr. Barber supported the motion.

Voice Vote:                      Ayes: All  
   Nays: None

Motion approved.

Mr. Barber made a motion with regard to AP-03-27, Pinehurst Planned Development, that conditional approval be granted based on the following:

1. the total number of homes is 276, 15%
2. the developer returns to the Planning Commission with revised plans
3. reflect the commitments made to the neighboring residents on the plan
4. conditions cited in the McKenna Associates, Inc. August 11, 2004 letter

Mr. Hamilton supported the motion.

Voice Vote:                   Ayes: Bisio, Barber, Hamilton, Soper, Williams  
                                      Nays: Hemker, James

Motion approved.

**5. OLD BUSINESS:**

**AP-04-18, Erwin Rezoning**, Pontiac Trail and Silver Lake and Kent Lake Roads, Public Hearing to consider a rezoning request from R-1.0 to R-0.3.

This item was discussed and acted upon during the public hearing.

**AP-03-27A, Pinehurst Rezoning**, 10 Mile and Martindale Roads, Public Hearing to consider rezoning request from R-1.0 to R-05.

This item was discussed and acted upon during the public hearing.

**AP-03-27, Pinehurst Planned Development**, 10 Mile and Martindale Roads, Public Hearing to consider Preliminary Planned Development

This item was discussed and acted upon during the public hearing.

**AP-03-35, Hornbrook Estates Planned Development**, 11 Mile and Martindale Roads, Final Planned Development Review.

This item was held over to a special meeting scheduled for Tuesday, August 24, 2004 at 7:00 PM.

**6. NEW BUSINESS:**

**AP-04-26, Old Grand River Storage**, located on north side of Grand River, west of Napier Road. Request for extension of site plan approval

This item was held over to a special meeting scheduled for Tuesday, August 24, 2004 at 7:00 PM.

**AP-04-27, Saddle Creek Condominium**, Pontiac Trail between 11 Mile Road and Silver Lake Road, First Phase Condominium Subdivision Plan (Exhibit B), Master Deed and Bylaws Review.

This item was held over to a special meeting scheduled for Tuesday, August 24, 2004 at 7:00 PM.

**AP-04-28, Family Video**, East side of Pontiac Trail, north of Marjorie Ann Street, Site Plan Review.

This item was held over to a special meeting scheduled for Tuesday, August 24, 2004 at 7:00 PM.

**7. MISCELLANEOUS DISCUSSION                   NONE**

**8. ADJOURNMENT:**

Mr. Hemker adjourned the meeting at 10:28 PM.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary