

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
September 27, 2004**

Approved as corrected November 15, 2004.

DATE: September 27, 2004
TIME: 6:00 PM
PLACE: 58000 Grand River

Call to Order: Chairman Hemker called the meeting to order at 6:00 pm.

Roll Call: Present: Brent Hemker, Chairman
Michael Barber, Vice Chair
Jim Hamilton
Ted Soper
Laura Williams

Absent: Laura James, Secretary (sick)
Ray Bisio, Trustee (on vacation)

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

Guests: 93

1. APPROVAL OF AGENDA

Mr. Soper made a motion to approve the agenda for Monday, September 27, 2004 as written.
Mr. Barber supported the motion.

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

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA: NONE

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: NONE

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. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 9, 2004 regarding this issue.

Representing Erwin Rezoning:

- Robert Jacobs, Attorney
- Larry Wilkenson, Beztak Companies
- Kamran Qadeer, Beztak Companies
- Rod Arroyo, Vice-President, Birchler Arroyo Associates
- William Anderson, Vice-President of Residential Services, Atwell-Hicks Engineers

Mr. Jacobs gave a brief presentation of the proposed project. He discussed some of the information that was in the packet submitted to the Planning Commission. He stated that a report submitted indicates that agricultural use of this property is no longer viable. He stated that what they are requesting tonight is to change the zoning of the property from R-1.0 to R-0.3. He discussed the revenue the Township would get from this project.

Mr. Arroyo gave a brief presentation of the site analysis and the traffic impact for this proposed development. Mr. Jacobs distributed a hand-out of a comparison from the prior traffic impact study to what they are proposing now to the Commissioners. Mr. Arroyo argued that the previously proposed planned development for this site was more intense and had more traffic impacts than what could be expected from development under R-0.3.

Mr. Soper stated that under the planned development that was proposed, the developer was re-routing the traffic. Mr. Arroyo stated that they don't need to do this in order to get an acceptable level of service for the traffic.

Mr. Anderson stated that they were requested to review the development costs and the development liability for this property. He stated that he has been in consulting for seventeen years and has been with Atwell-Hicks for the past seven years. He briefly discussed the costs and the revenues for this proposed development. Mr. Anderson concluded there is no market for \$1,000,000 homes but there is a market for \$400,000 to \$450,000 homes. He felt that there was no significant development cost savings from a cluster design.

Mr. Jacobs, in summary of the presentation, reviewed the nine criterion indicated on page 5 and 6 of the McKenna Associates, Inc. letter dated June 9, 2004.

Mr. Hemker opened the public hearing at 7:03 PM.

Mitch Zalewski, 62041 Tayberry Circle, discussed the zoning. He stated that the R-1.0 zoning was a big factor when he decided to purchase and build in Lyon Township. He felt that if this rezoning goes through, the traffic will only get worse instead of better. He noted that a lot of people use the main roads to avoid the traffic jams on the expressway. He stated that with regard to the schools, they are already over capacity. He stated that with regard to the sewers, the Township is almost at capacity and with more density they would need more sewers capacity.

Richard Sobota, 61501 Silver Lake Road, stated that 350 units is too many. He discussed the size of the properties that abut this proposed development, which are no where near 1/3 acres. He stated that the intersection is already over burdened and there have been many accidents. He stated that he would not want to see the schools have to use portable classrooms. He noted that the development would result in a 13% increase for the County tax base in one swoop and an increase in the Township population by 7% in on shot. He stated that density of this type is a total departure from the Master Plan.

Connie Wayne, 62255 Richfield Court, stated that she has lived in the Township for 14 years and owns 2.7 acres of property with a single dwelling. She stated that the reason they purchased their property was because of the surrounding zoning and the fact that it was not like a Canton. She

stated that every year she adds more time onto her drive time to get to the Milford exit of the expressway. She stated that she can't imagine how much more time she will have to add to her drive time, if the rezoning goes through. She felt that it will be a nightmare. She stated that she is opposed to the rezoning of this property.

Rhonna Straub Goldman, 58840 Pontiac Trail, discussed the many problems she is having with the Beztak Companies associated with the building of The Arbors of Lyon. She noted that the Township has worked with her in getting most of the problems taken care of. She felt that there will be more problems, if the rezoning goes through and Beztak is allowed to begin construction on the Erwin property.

Lynn Wright, 27600 Martindale Road, stated that every developer that comes into this community is going to ask for rezoning, they would be foolish not to ask. She stated that if the Township continues to let them do this, developers will keep asking. She stated that everything has a market, some sell faster than others, but eventually they all sell. She indicated that she is opposed to the rezoning of this property.

Florence Markiewicz, 61840 Richfield, discussed the homes in the subdivision that she lives in. She stated that these homes are on 1/2 acres lots. She stated that the new homes will be at least two to three times as big as the homes in the subdivision where she lives. She stated that they will not only have more density, but the homes will be at least 2 to 2-1/2 stories.

Patricia Barlow, 59628 Sunridge Drive, stated that she lives in Martindale Meadows and her home is on 1/3 of an acre. She stated that it is not true that all the R-0.3 zoning is located close to the freeway. She named several of the 1/3 acre developments that are not near the freeway. She felt that the traffic impact of this development will make the traffic a lot worse.

Robert Haas, 60746 Deer Creek Drive, stated that he agrees with all the comments already made. He questioned the if the proposal to put Pontiac Trail through Erwin Orchards was still on the books. Mr. Soper responded that this is not going to happen. Mr. Haas felt that this would definitely solve a lot of the problems with this particular intersection. Mr. Soper stated that the last plan had this, but it not being proposed with this new plan. Mr. Haas questioned if there are any future plans for this. Mr. Soper responded that there are not.

Brian Thelan, 61400 Topsfield Lane, stated that he lives behind the orchards and when he comes home after work at 5:00 PM it takes him 20 minutes to get from Kent Lake Elementary School to Pontiac Trail. He stated that there are new developments going in throughout the Township that will add more cars to the road system. He further discussed the traffic problems in the Township. He stated that he likes the Master Plan that the Township has and that it seems to limit traffic. He stated that he understood, when he moved to the Township, that the orchard would not last forever, but thought that it would remain one acre lots. He stated that if the rezoning goes through to 1/3 acre lots, it will diminish the quality of life that the residents have in this area. After further comments regarding density, traffic and the size of the lots, he indicated that he is opposed to the rezoning of this property.

Lynn Getz, 61420 Richfield, stated that she has six kids, lives by Eleven Mile Road and it takes her a 1/2 hour to drive her son to school. She stated that the traffic is horrible.

Richard Dinsmore, 61130 Topsfield, discussed the traffic impact. He stated that trying to make a left turn out of Orchards Edge Subdivision in the morning is virtually impossible.

Darcy Hollon, 24300 Martindale Road, discussed the roads. She stated that she now lives on a paved portion of Martindale Road and hates it. She stated that she would prefer to have the road left as a gravel road. The traffic has greatly increased on Martindale Road. She discussed

comments made about this development generating excess revenue for the schools. She noted that her daughter is in a classroom with thirty kids and no teaching assistants. She felt that the residents should have a say in the amount of density bonuses that are given to the developers. She stated that the developers do have rights, but not at the expense of the residents.

Todd Wilhelm, 61420 Fairland, stated that he moved to the Township from Brighton because it was getting over populated. He stated that the community is growing too fast and that the roads can't handle the growth.

Carolyn Braun, 61621 Fairland, stated that she has lived in the Township for 23 years. She stated that just like everybody else, she can't get out of her road because of the traffic. She stated that she is opposed to the rezoning.

Carol Wayne, 62255 Richfield, read a note from one of her neighbors, Heather Adams, who is also opposed to the rezoning. Mr. Hemker noted that they received letters from Heather Adams, 61101 Fairland and Jeff Glaus, 61330 Topsfield, both indicating that they are opposed to the rezoning.

Dan Schmidt, 62016 Tayberry Circle, questioned why the developer is asking for R-0.3 zoning when the density that they are proposing would fit on R-0.5 zoning.

Gordon Culver, 28654 Danvers Court, stated that his property is adjacent to the pond area. He stated that he is concerned about this because the pond is now 4' deep.

Chip Schwinn, 60286 Deer Creek, stated that he has lived at this home for two months. He referred to the picture of on the Township's logo and felt that they should keep the Township this way.

Jeff Barton, 29439 Martindale Road, stated that he grew up on a farm and comes from a family of farmers. He stated that felt that the density requested is too high. He stated that the residents of Lyon Township do not want to look like Canton or Lathrup Village. He stated that he can't figure out how they are going to make the intersection at Pontiac Trail and Silver Lake Road better, when on the average it takes approximately 20 minutes to get through at certain times of the day. He stated that they will need to build more schools and then the schools will have to be re-districted. He noted that his daughter, who is in second grade, has already been re-districted twice.

Mr. Hemker closed the public hearing at 7:47 PM.

Mr. Doozan reviewed the criteria in Section 9.03(E) indicated in the McKenna Associates, Inc. letter dated June 9, 2004.

Mr. Hamilton stated that he cannot support this proposed rezoning mainly because the surrounding properties are lots consisting of more than an acre.

Mr. Barber stated that this looks to him like a 50% increase and would impact the Township's sewer system. He stated that if the property was developed as one acre parcels, they may not need to use the Township water and sewer systems. He stated that they can't be concerned with the developer's costs, they only have to be concerned with the planning. He stated that he cannot see any benefit to the residents of Lyon Township by rezoning this property. He felt that they should stick to the Master Plan.

Mr. Hemker thanked the residents for coming tonight and expressing their comments. He stated that they have reasonable zoning on the Future Land Use Map for this property as it stands right now. He felt that the developer was misleading and offered promises but no guarantees. He discussed the traffic and the density. He stated that he normally does not support this type of

density increase, therefore, he cannot support the rezoning.

Ms. Williams stated that she cannot support the rezoning of this property. She stated that the developer is asking for R-0.3 but what is being proposed will fit into R-0.5 zoning.

Mr. Soper stated that Mr. Jacobs indicated in his comments that if the Township turns this down they would be refusing sewer and water in this location. He stated that the Township is not refusing the sewer and water, they are just limiting it to what the developer is due, just like everybody else in the Township. He stated that if they give all the capacity to one person, then there won't be anything for anybody else. He stated that he doesn't understand why the developer is asking for rezoning to R-0.3, if the proposal is for 1.75 units per acre. He stated that he cannot support this proposal because it is not good planning.

Mr. Soper made a motion to recommend denial of AP-04-18, Erwin Rezoning, to the Township Board based on the following reasons:

1. The request to rezone from R-1.0, 150 homes, to R-0.3, up to 557 homes, is a substantial departure from the density allowed under the Master Plan and the Future Land Use Map, which are our guidelines for all developments in our community.
2. The R-0.3 zoning is not consistent with the Sanitary Sewer Master Plan. Lyon Township has limited sewer capacity which must be preserved in part for our boarders, and for the fair use of other Township land owners.
3. The proposed development will threaten the rural character of this section of the Township and is not in character with the surrounding land uses.
4. The additional traffic that an increase in zoning would produce would be a great burden on Kent Lake Road and Silver Lake Road intersection and would exacerbate the already unacceptable level of service of "E".
5. The requested rezoning does not provide any additional housing types not already available in the Township.
6. All items listed and described in the McKenna Associates, Inc. letter dated June 9, 2004.
7. Flaws and inaccuracies found in the petition reviewed and described in the Township Superintendent's letter dated August 9, 2004.
8. The applicant has not proven that the subject parcel cannot be developed under its current zoning.
9. Comments made during the public hearing was not favorable, and local residents of the surrounding proposed development voiced their disapproval of the rezoning plan.

Ms. Williams supported the motion.

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

Motion approved unanimously.

Mr. Hemker stated that this does not stop here. He stated that they have just made a recommendation to the Township Board, who will make the final decision on the rezoning request.

5. **OLD BUSINESS: NONE**

6. **NEW BUSINESS:**

Requests to Amend the Zoning Ordinance:

Master Plan Discussions:

Retail and Office Analysis:

Ms. Marcarello reviewed a rough draft of the Retail and Office Analysis. She asked Commissioners to further review it and provide any changes or suggestions to her.

7. DISCUSSION AND COMMUNICATIONS:

8. ADJOURNMENT:

Mr. Hemker adjourned the meeting at 8:35 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary