

**CHARTER TOWNSHIP OF LYON
PLANNING COMMISSION
MEETING MINUTES
October 11, 2004**

Approved as corrected November 15, 2004.

DATE: October 11, 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
Laura Williams

Absent: Ted Soper

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

Guests: 59

Mr. Hemker noted that Mr. Soper called and said that he would not be able to attend tonight.

1. APPROVAL OF AGENDA

Ms. James requested that the following items be combined:

- Public Hearing No. 1 and Old Business No. 1
- Public Hearing No. 3 and Old Business No. 2

Mr. Hemker noted that Public Hearing No. 2, AP-04-29, Angelo Vitale Concrete Contractors, should be removed from the agenda. He also noted that New Business No. 3, AP-04-29, Angelo Vitale Concrete Contractors, is not a site plan review but on the agenda for a public hearing to be scheduled.

Mr. Barber made a motion to approve the agenda for Monday, October 11, 2004 with the changes stated. Ms. Williams supported the motion.

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

Motion approved unanimously.

2. APPROVAL OF CONSENT AGENDA

- Regular Meeting Minutes of September 13, 2004
- Special Meeting Minutes of September 23, 2004

Some typographical errors were noted for the Recording Secretary to fix.

Mr. Barber made a motion to approve the Consent Agenda consisting of the meeting minutes from the September 13, 2004 and the September 23, 2004 meetings as corrected. Ms. Williams supported the motion.

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

Motion approved unanimously.

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Leonard Miller, 23929 Griswold Road, expressed concern with the speed limit on Griswold Road. He noted that the speed limit used to be 25 mph and is now 40 mph. Mr. Hemker explained that it is the Road Commission that controls the speed limits. He stated that if Mr. Miller were to go before the Township Board, the Board could make a recommendation to the Road Commission about the speed limit. Mr. Bisio suggested that Mr. Miller contact Chris Olson and give him the information and request that this issue be put on the agenda for the Board.

4. PUBLIC HEARINGS:

AP-04-24, RBS Companies (HCMA Property), North side of Grand River, south of I-96, west of Martindale Road, Public hearing to consider rezoning request from R-1.0 to RM-1, Residential Multiple Family.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated June 21, 2004 regarding this issue.

Ralph Stoy, RBS Companies, stated that he felt that all the points have been covered by Mr. Doozan in his review letter and equally addressed by RBS in their application to the Township.

Ms. James questioned why the applicant chose to apply for a straight rezoning as opposed to doing a planned development. Mr. Stoy responded that he is not sure how the Township's PD works. Ms. James stated that it is faster and more flexible. Mr. Stoy stated that they did come to the Planning Commission several months ago on an informal basis requesting help and information. He stated that with the information they received, they felt that rezoning the property would be more appropriate. There was further brief discussion as to how a planned development works.

Mr. Stoy questioned if this piece of property complies with the Planned Development Ordinance. Mr. Doozan responded that the ordinance calls for 40 acres, but there are provisions that would allow a waiver to be granted through the Township Board. Mr. Stoy noted that when they

first

came to the Planning Commission this was not suggested, therefore, they did not consider this.

Mr. Stoy briefly discussed the density. He stated that they, too, have concerns with the trees as well as the distances back from the freeway and things like that, because they are a problem.

Ms. James stated that they are concerned because this is the entryway into the community and is highly visible. She stated that they would like to have input on the site plan. Mr. Stoy stated that he is not prepared for the comments of planned development. He stated that they felt that a

rezoning was the right way to go, therefore, they have proceeded in that direction. He stated that this particular piece of property is being based on the zoning merits and noted that they have to comply with all the site plan requirements of the Township with respect to the zoning classification.

Ms. James questioned who owns the bike path on this property. Wayne Fedders, Real Estate Consultant for HCMA, responded that there is an easement which is part of the sales agreement. Ms. James questioned the width of the easement. Mr. Stoy responded that he believed that it is variable.

Mr. Bisio discussed the Future Land Use Map and the designation of this property on that map. He noted that the Future Land Use Map designates this property as RM-1. Mr. Doozan stated that this has not been adopted yet, it is only in draft form now. Mr. Bisio stated that they don't want to get into a situation like the one at Ten Mile and Johns Roads.

Mr. Hemker opened the public hearing at 7:28 PM.

Mardi Brown, 31001 Bramley Circle, read a statement into the record dated October 11, 2004. She submitted 28 signatures of residents who are against the rezoning of this property.

A resident stated that he would prefer to see homes built on one acre lots.

Conrad Trapp, President, Bramley Circle Association, 30918 Bramley Circle, stated that Mardi did an excellent job in presenting one side of the discussion. He stated that the letter that Mr. Doozan read was very detailed and that he tried to make some notes while it was being read. He stated the letter indicated that the change would be consistent with what is on the plan, but he failed to see some consistency there. He stated that there is sufficient multiple family dwellings in the area already. He stated that another comment was made about this being the entrance into the Township. He felt that this would not be a very pleasant site as an entrance into the Township. He briefly discussed the traffic impact from this development.

Mr. Trapp questioned when the property was purchased was there an assumption on the buyer that rezoning would be available. He questioned if there was any indication given to the buyer purchasing the property. Ms. James stated that she hoped that there was not.

Mr. Trapp stated that they realize that the Master Plan is a guideline and that there will be adjustments made over a period of time. He stated that he feels that the Planning Commission needs to search their souls and decide if they really need more multiple family density in that small parcel. He stated that he has spoken with everyone in his neighborhood and noted that they are all opposed to higher density on this property.

Lynn Bishoff, 31011 Bramley Circle, stated that her concerns are with Grand River Avenue. She noted that the highway backs up every morning which means that a lot of the traffic uses Grand River Avenue. She stated that if multiple family density is added on this parcel, they will never be able to get out of their subdivision. She stated that it was indicated that Grand River could hold the capacity, but it isn't holding the capacity on it now. She stated that she is opposed to rezoning of this property to multiple family.

Mike Potter, 59100 Topping Court, stated that Topping Court is a private road behind Bramley Circle subdivision which doesn't seem to be mentioned on any of the paperwork that he has looked at. He stated that he doesn't have anything to add to what has already been stated. He stated that he is opposed to the rezoning on the basis of everything that has already been stated. He submitted 27 more signatures of residents who are opposed to the rezoning.

Mr. Hemker noted that Mr. Potter has also submitted a letter indicating his opposition to this.

Mr. Potter stated that the letter was from him and his wife.

Jerry Borowski, Bramley Circle, stated that he is concerned with the wildlife in the area. He stated that he is also concerned with the drainage from the area. He is concerned that the area will be destroyed for the wildlife.

Mr. Bonner, 60001 Grand River, expressed his opposition to the rezoning of this property. He briefly discussed other developments in the area. He questioned when the sale of this property took place and if it was advertised. Mr. Hemker responded that this is the same type of transaction that almost took place in Milford. Mr. Bonner stated that if it is going to be rezoned this way then maybe he should join in because he could probably get ten to fifteen units across the street from this.

Mr. Bonner questioned if the Planning Commission would take a vote to see how many people are for this rezoning. Mr. Hemker responded that this is why they hold public hearings so that they can get public input. He noted that once the public hearing is closed, it will come back to the Planning Commission for their comments and action. He noted that the Planning Commission will not be the body to make the final decision, they are only a recommending body to the Township Board, who will make the final decision.

Warren Wells, 31025 Bramley Circle, questioned what makes the applicant think that they are going to be able to fill these units. He stated that they often see signs at the other developments offering special deals in an effort to get tenants.

Conrad Trapp questioned if there will be a second public hearing or is this it as far as the Planning Commission is concerned. Mr. Hemker responded that as far as the Planning Commission, once he closes the public hearing and brings it back to the Commission, they have the option of taking action by either recommending approval or denial or tabling the issue. He stated that if they table this, it will come back to the Planning Commission, but either of the two options it will go up to the Township Board.

Susan Maxwell, 31200 Martindale Road, stated that she has lived here for 37 years and hates to see something like this take place. She stated that the wildlife comes through her yard everyday. She stated that her children play out in the street because their property is on a dead end. She stated that she is opposed to the rezoning.

Mr. Hemker closed the public hearing at 7:44 PM.

Mr. Bisio stated that he is opposed to this 100%. He stated that there is no reason to rezone the 27 acres from R-1.0 to RM-1 because it doesn't make sense to do so. He stated that there are too many reasons against rezoning this property and does not feel that it is the right thing to do.

Mr. Barber stated that when they first discussed what they were going to do with this piece of property and it went to public land, they were considering trailer park. He stated that they determined that there were too many trailer parks in the Township. He stated that they as they get more houses in the Township the 25% of trailer parks would go down, so they felt that this may be a good area for multiple housing. He felt that nobody would want to live by the expressway because of the traffic situation. He stated that they were assured by the traffic people that the traffic would not be increased much, so that is how it was determined multiple housing in the draft of the Future Land Use Map. He stated that this is not written in blood and can be changed. He noted that they also discussed commercial for this area. He stated that he doesn't like voting for something like this because he doesn't know what is coming in there. He stated that he is real uncomfortable voting for this because they have not seen any traffic studies or site plans for this property.

Ms. James stated that HCMA sold this property without really letting the people know anything. She stated that HCMA doesn't answer to anybody and the sale of the property was never in the paper. She stated that when the Milford portion was being sold, it made the paper and there was a huge public outcry and it got cancelled. She noted that nobody ever got any notice of this sale, and the sale went through and now it is done. She stated that they now have a situation where RBS owns the property and that they have a right to develop it. She stated that they are stuck in a bad situation because they happen to be very sensitive to public opinion on what they want to see go in there. She stated that they also have an obligation to follow good planning principles. She stated that if this was a blank slate and if nobody was here tonight, she would agree that there should be condominiums there. She stated that this is between the freeway and the trailer park. She stated that she lives across from a trailer park and it is terrible. She noted that she would never do it again. She stated that she does not know if this is a good place to put single family houses between a trailer park and the freeway. She stated that there are some things that can be done here. She felt that RBS needs to talk to the neighbors and get their input. She felt that there are things that can be done with the trees and buffers. She felt that condominiums should go here and not single family homes.

Ms. James noted that the Township Board is even more sensitive to public comments than the Planning Commission. She felt that the applicant would not get anywhere if they went before the Board. She felt that the applicant should put together a plan and work with the neighbors and try to address some of their concerns instead of having everybody up in arms.

Ms. James stated that if they were to rezone this it would be like giving the applicant a blank slate. She stated that if they rezone this the public has a right to do a petition to get the rezoning reversed. She noted that this is probably what will happen because it has already happened once in the Township not too long ago. She stated that if she was the applicant she would request that this be tabled and go back to square one and try to work with the residents to get something that everybody can live with.

Mr. Hemker questioned if RBS has closed on the property with HCMA. Mr. Stoy responded that they have not yet closed. They have the property under contract.

Janice Skousen, 30979 Bramley Court, questioned why something useful for the residents couldn't be put in this location, i.e., medical offices. She stated that she is not happy at all about putting more families in this location. She stated that she has called the Road Commission to have the light fixed. She stated that it takes forever to get anywhere because of the traffic.

Mr. Stoy requested that the Planning Commission take action on this request this evening, whatever it may be.

Mr. Hemker stated that he has concerns with the additional usage on the water and sewer. He stated that he is also concerned with the traffic issues. He stated that he is very much against density increases and he is really not concerned whether or not it is up against the expressway or not. He cited some examples in the metro area where large houses are being built up against the expressway. He felt that the argument of being up against the expressway is not a strong argument.

Mr. Bisio stated that he is not in favor of millage increases. He felt that the Township needs to do something in order to gather money to purchase properties like this one for the good of the Township. He stated that putting 111 units on this parcel just doesn't make sense. He felt that it would be a burden on the Township's sewer system. He stated that with regard to the comment of putting professional buildings on this property, there really is not a demand for these.

There was brief discussion with regard to how HCMA sold this property and the property they tried to sell in Milford.

Ms. James stated that a lot of the comments expressed tonight are anti-development comments. She stated that they have to balance this against the property rights of the people who buy the property. She stated that they don't like the pace of development in the Township and wishes that the park would remain a park forever, but it is not. She stated that the Planning Commission has to deal with it and it puts them in a tight spot. She stated that she feels that the Township Board is being put in a bind by going forward with this. She stated that if the applicant ran to the courthouse and filed suit they would be putting themselves in an adversarial relationship to the entire community. She stated that she does really believe that there is room here to talk to the folks. She felt that people will be reasonable. She stated that they could keep this in perspective, it is 30 acres. She stated that she knows the residents don't want to hear this but 111 units on Grand River is a drop in the bucket. She noted that other developers have gotten more density by working with the people.

Bob Isenegger, 58966 Travis Road, stated that it is obvious that the applicant has been offered an alternative, but the applicant indicated that he does not want to do this. He stated that the applicant wants to have a decision this evening because they want it to go to the Township Board. He stated that the Township Board will probably say "No" and then the applicant can go to court.

Mr. Bisio stated that the Future Land Use Map is the key for litigation. He stated that this is what is going to get the Township in trouble. He stated that it has not happened yet, but in the future it may. Mr. Hemker noted that the Future Land Use Map indicates that this property is Quasi-Public Land.

Brian Stoy stated that they did not imply to anyone that they will be pursuing a lawsuit as a result of tabling. He stated that it certainly was not implied by them or the HCMA.

Wayne Fedders, Real Estate Consultant for HCMA, stated that HCMA has come to the conclusion that this 30 acres, being separated from the main park by the expressway, will never be used for a proper metro park facility. He stated that it is a very difficult piece of land to think about trying to develop. He further discussed the reasons for HCMA selling this piece of property. He also discussed the easement for the bike trail on the property. He stated that the proposed plan for 111 units incorporates many of the things that the Planning Commission would ask for.

Mr. Bisio stated that they are here to represent the Township residents. He stated that the applicant came in with a proposal that quadruples the density usage. He stated that to him it is a no brainer, an insult. He stated that the applicant is out to make money. He stated that Ms. James made a good suggestion, to table this and come back with another proposal. He stated that the Planning Commission and the applicant have to get closer together and not be so far apart so that they can discuss this issue.

Ms. Williams stated that she agrees with what Ms. James has stated. She stated that it is true that the Planning Commission has discussed what would be best for this particular piece of property, R-1.0 is probably not it. She stated that they did discuss the point that multiple may be an option.

Mr. Doozan stated that even though the Planning Commission doesn't necessarily agree with the fact that HCMA has sold the property, but the fact of the matter is that they did sell it. He stated that they do have to provide a reasonable use for the property. He stated that Public/Quasi-Public designation does not give proper guidance to the Planning Commission or the owners of the property as to what that property could be used for. He stated that it is appropriate to have the discussions as to what that change should be.

Mr. Bisio questioned if the discussion of the Planning Commission should have been done prior to having a public hearing. Mr. Doozan responded that it should.

Mr. Hamilton stated that this is a difficult decision to make because the property is a triangular shaped property and probably would never be developed as one acre lots by anybody. He stated that he is not sure as to which way he will vote.

Mr. Barber stated that they don't get involved with the purchase with regard as to how much has to be paid for the property. He stated that if 111 units are need, then the applicant must be paying a lot for the land, which is only 27 acres. He stated that the Master Plan says they are supposed to look out for the public health, safety and welfare of the people of Lyon Township, therefore, he does not feel that this is a good use for it. He stated that it is too dense.

Mr. Stoy stated that if the density is being questioned now, then the density will be questioned if they were to go through a planned development process. He stated that it would be very difficult for them to develop something less.

Ms. James stated that before the applicant spends anymore time or money at the Township Hall or put any money into a plan, she questioned if the applicant felt that he would get anywhere by talking to the residents. Mr. Stoy responded that he can completely understand people speaking their minds.

Mr. Hemker stated that they are trying to get the applicant in touch with the residents to see what they want. Mr. Stoy stated that he does understand this and that this is not an unusual situation.

Brian Stoy stated that they have listened to the residents this evening. He stated that if it is not them developing the property, it will be someone else behind them. He stated that someone is going to push to develop this property. He stated that they are not necessarily people who pursue high powered law suits. He stated that there will be pressure by someone to develop the property. He stated that the residents indicate that they don't want anything there, but the reality is that there is going to be something developed there in the future.

Mr. Stoy stated that he has no problem submitting for a planned development, but the comments he has heard from the Planning Commission is 111 units is too dense.

Mr. Hemker stated that they don't have any type of a plan before them. He felt that if a plan was brought in they could discuss it and the residents could see what is being proposed.

Mr. Stoy stated that without four per acre, they can't make it work. Ms. James stated that they hear this all the time. Mr. Stoy stated that he does understand that the Commission does not want to hear the economics part, and he is not asking them to. He stated that he is asking the Commission to base this on planning principles. Ms. James stated that the law also says that they can and should take public opinion into account when making a decision. Mr. Stoy stated that every property owner has a right to voice his opinion.

Mr. Bonner expressed his concern with the way that this property was sold. He noted that there were never any signs on the property. Mr. Hemker stated that there are signs posted regarding the rezoning. He noted that they had nothing to do with the sale of the property.

Brian Stoy stated with the way this is going tonight, he does not know what RBS' position will be. He stated that HCMA is going to sell this property and it will be developed. He stated that the trees and the wildlife will still be affected.

Mr. Bisio made a motion to recommend denial of the rezoning request to rezone 27 acres from R-1.0 to RM-1 for AP-04-24, RBS Companies (HCMA Property) for the following reasons:

- the traffic concern;
- the amount of density;
- the strong public opposition;
- McKenna Associates, Inc. June 21, 2004 letter;
- conditions have not changed since the zoning ordinance was originally written to allow the one acre density, the freeway was there and is still there.

Mr. Barber supported the motion.

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

Motion approved.

AP-04-19, Angelo Vitale Concrete Contractors, 23455 Griswold. Public hearing to consider special land use application for outdoor storage in conjunction with a contractor yard.

This issue was removed from the agenda.

Roof Mounted Mechanical Equipment, Public hearing to consider text amendment to Zoning Ordinance to require screening of roof mounted mechanical equipment.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated July 8, 2004 regarding this issue.

Mr. Hemker opened the public hearing at 8:26 PM.

Bill Altgilbers, President, Continental Aluminum, stated that he read about this in the paper last Thursday and questioned if this is a new ordinance or is it a revised ordinance. Mr. Hemker responded that this is revising an ordinance that they have always had. He noted that somebody challenged the ordinance so they are rewriting it. Mr. Altgilbers questioned if this would include stacks. Mr. Doozan responded that he did not believe that stacks would be included.

John Hicks, 29393 Tonester Circle, stated that Pendelton Apartments is a nice development. He stated that he would like to see the meters screened. Mr. Doozan indicated such screening could be accomplished under a separate amendment.

Mr. Hemker closed the public hearing at 8:28 PM.

Ms. James made a motion to recommend to the Township Board that the revisions to the Lyon Township Zoning Ordinance requiring screening of roof-mounted mechanical equipment be adopted. Mr. Barber supported the motion.

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

Motion approved unanimously.

5. OLD BUSINESS:

AP-04-24, RBS Companies (HCMA Property), North side of Grand River, south of I-96, west of Martindale Road, Consider rezoning request from R-1.0 to RM-1, Residential Multiple Family.

Action was taken on this issue after the public hearing.

Roof Mounted Mechanical Equipment, Public hearing to consider text amendment to Zoning Ordinance to require screening of roof mounted mechanical equipment

Action was taken on this issue after the public hearing.

AP-96-06, Carriage Club Planned Development, Phase III, South of Eleven Mile Road, east of Martindale Road, Tentative and Final Preliminary Plat Review (Tabled by PC for up to 60 days at their 9-13-04 meeting).

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

Jack Healy, 3696 Sleeth Road, discussed some of the setbacks. He noted that they developed a table, which was submitted to the Building Department, that worked rather smoothly. He stated that they do have to satisfy all the requirements.

Mr. Healy stated that they do have all their engineering approvals. He noted that there is a question about outside drainage. He stated that one of the detention ponds drain off-site. He noted that some of the water drains across Belladonna into a wetland pond. He stated that some of the residents of Belladonna are concerned that they are going to drain too much water into the pond. He stated that Tim Kniga, Giffels-Webster, and his engineers have been working on this quite a bit. He stated that the Drain Commission was concerned about this when they approved

it.

He stated that they have done everything that they could to downsize the amount of area that drains to that particular pond. He stated that right now there is 25% less area that will drain to the pond. He stated that they definitely don't want to hurt any of the neighbors and have agreed to fix some of the culverts.

Mr. Barber questioned if the pond were to flood, will it flood the backyards of the residents. Mr. Healy responded that he does not believe so and felt that the Drain Commission did not believe this either. He stated that neither his engineer or the Township engineer believe this either. He noted that 27 acres of his property drains there now, but after development there will only be approximately 19 acres draining there. He stated that the area is wet now and that the Drain Commission and the Township engineers have approved this.

Mr. Bisio questioned when Mr. Healy will know if the problem has been resolved or if the situation is under control. Mr. Healy responded that it is under control already in the minds of the Drain Commission, his engineer and the Township engineer. He stated that in the minds of the home owners, he does not believe that they feel that it is under control, but they are trying to address their concerns.

Mr. Bisio questioned the size of the homes that are indicated in the Deeds and Restrictions. Mr. Healy responded that on lots 1 through 86, the minimum floor area is 1,500 square feet for a ranch and 1,700 square feet for a two story. On lots 87 through 251 the minimum floor area is 1,700 square feet for a ranch and 2,100 square feet for a two story. He noted that there was a typographical error, which has been corrected.

Mr. Hemker questioned if they have received any reports from the Township Engineers. Mr. Doozan responded that they have not and that this could be made a condition of approval.

Ms. James stated that the Township Board keeps telling them not to approve things without the Township Engineer's approval. She stated that she would feel more comfortable if they held off approving this until they have the engineers approval.

Mr. Healy stated that the engineers have approved everything. He stated that they have had a pre-construction meeting and that they have all the necessary permits. He stated that the engineer has given them approval to do mass grading on the property.

Mr. Hamilton questioned if Mr. Healy has any responsibility toward Martindale Road in front of his property. Mr. Healy questioned in what way. Mr. Hamilton noted that the road is breaking up. Mr. Healy stated that they did pay to have it paved and the Road Commission accepted it. He noted that they did help pay for some improvements to the road a couple years ago, but technically, it is a Road Commission road.

Ms. James stated that she would feel more comfortable if they tabled this issue. She asked Mr. Healy if he would strongly object. Mr. Healy stated that they would really like to get going on the construction.

Ms. James made a motion to table AP-96-06, Carriage Club Planned Development, Phase III, tentative and final preliminary plat review for up to 60 days pending a written report from the Township Engineer indicating approval. Ms. Williams supported the motion.

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

Motion approved unanimously.

AP-04-29, New Hudson Plaza, west side of Milford Road, north of Lyon Center Drive, Site Plan Review.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 23, 2004 regarding this issue.

Clif Seiber, Seiber, Keast & Associates, Inc., stated that the original proposal a year ago included a car wash, gas station and a retail center. He stated that this proposal has been revised to a completely retail center. He stated that one of the concerns brought up during the initial review by the Planner was that there was a proposed storm water detention basin that used up about half the frontage along Milford Road. He stated that there was a concern from an aesthetic standpoint with having the detention basin located in that area. He stated that they have now relocated the basin to the back of the property, adjacent to the loading areas. He stated that one of the problems they encountered in doing this is that this is one of the highest points of the site.

Mr. Seiber stated that they are requesting a variance from the Zoning Board of Appeals with regard to the basin slope. The basin is located about 50' from the north property line and about 30' from the westerly property line. He stated that they are asking for a variance in order to eliminate some of the retaining walls along the north and westerly property lines. He stated that if they are unsuccessful in getting a variance from the ZBA, then they will simply be providing a retaining wall. He stated that it really does not impact the amount of building or paving area.

Mr. Seiber stated that their other issue is their inability to secure access to New Hudson Drive. He stated that it is noted on the plans that there is a proposed future driveway onto New Hudson

Drive. He stated that once it is dedicated to a public road, they will construct the driveway. He stated that the request for "No Left Turn" from the Milford Road driveway will not be a problem.

Mr. Seiber stated that the issue of entering into an agreement for the maintenance of the storm water basin is not a problem, providing it is an ordinance requirement.

Ms. James stated that it would behoove them to see what the Engineer has to say before they approve a site plan where the storm water detention is on the highest part of the property. She stated that if the water drains off this land, it will go into the worst flooding area of the Township. Mr. Seiber stated that the Township Engineer has seen this and has recommended approval.

Mr. Hemker stated that the last letter they received from the Township Engineers stated that the applicant has to connect to the existing sewer system and have an agreement for this. He stated that this is the same people that they can't seem to come to an agreement with for the road access. Mr. Seiber stated that he has a letter dated a few weeks ago from the Township Engineer approving this plan. He submitted a copy of this letter to the Commission.

Mr. Hemker stated that his biggest concern is the traffic issue. He stated that the last time this was before the Commission, they specifically stated that they want an exit onto New Hudson Drive, which they still don't have. He stated that a left turn out of this site is going to be the biggest traffic hazard that he could think of. He stated that he is extremely disappointed that they don't have the exit onto New Hudson Drive. Mr. Seiber stated that they, too, are disappointed that they don't have this either. He noted that Kojaian wants a lot of money for access. Mr. Hemker stated that this is not their concern. Their concern is for the safety of the residents.

Ms. Williams stated that the approval for the curb cut has expired. She questioned how this will work. Mr. Seiber responded that the Township felt that they had jumped the gun and secured the curb cut before they had site plan approval. He stated that now that it has expired, they will wait until they receive site plan approval before they go back to the Road Commission for approval of the curb cut.

Mr. Bisio asked Mr. Seymour if they could legally defend a "No Left Turn" sign. Mr. Seymour responded that certainly it can be defended. He stated that it would depend on whether or not there is sufficient evidence to overcome any objection that the applicant may have. He stated that if they have a serious concern about the traffic so that you require a "No Left Turn" sign, then he felt that it would be defensible.

Ms. James stated that it seems that the two developers are at a stand-off with regard to the road access. She questioned if there is any mechanism that the Township can use to help get the road dedicated as a public road. Mr. Seymour stated that there should be a facilitation where the Township Officials get involved. Mr. Doozan stated that they have already tried and it has not worked. Ms. James discussed some suggestions as to how they could possibly move this along.

Mr. Hemker stated that with regard to the Engineer's approval, the letter indicates that they can't make a recommendation of approval until the problem with the detention pond is addressed. Mr. Seiber stated that the letter indicates recommend approval as noted. Mr. Hemker stated that item 2, states that they cannot recommend approval until the ZBA discusses this.

Ms. James stated that she wished that Tim Kniga was present so that they could discuss this. She stated that she is not sure how they could have a detention pond on the highest part of the site. Mr. Seiber stated that it will excavated out and constructed.

Mr. Hemker stated that he has concerns with the amount of impervious surface on this site. He

stated that it is above everything that they have discussed. He noted that the Township Board is halfway through adopting the new impervious surface limitations. He noted that McKenna Associates, Inc. letter indicates that the amount of square footage being proposed is excessive and more than this site can bare. Ms. Williams noted that if the applicant reduced this, they probably would not have to go before the ZBA.

Ms. James stated that they really don't have any choice but to table this issue because the Township Engineers' letter indicates that they cannot recommend approval until the ZBA makes a decision. She stated that without the Township Engineer here to answer questions, she does not feel comfortable voting on this.

Mr. Hemker stated that he is not even comfortable tabling at this point due to the impervious surface and the excessive square footage and traffic problems.

Mr. Bisio questioned if the applicant is agreeable to putting a "No Left Turn" sign at Milford Road. Mr. Seiber responded that they are. There was further brief discussion with regard to the entrance onto Milford Road. Mr. Doozan noted that if the applicant had access to New Hudson Drive, then the Planning Commission could prevent the entrance onto Milford Road. He stated that the only reason that they are allowing the entrance onto Milford Road is because there is no other means of access.

Ms. James made a motion to deny site plan approval for AP-04-29, New Hudson Plaza for the reason that the left turn only entrance onto Milford Road presents and unacceptable public safety hazard and for the additional concerns expressed by the Planning Commission tonight including the lack of engineering approval for the storm water detention pond. Mr. Hamilton supported the motion.

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

Motion approved unanimously.

Planned Development Regulations. Consider amendments to Zoning Ordinance and schedule public hearing for Planned Development Regulations.

There was brief discussion as to an appropriate date to schedule the public hearing.

Ms. James made a motion to schedule a public hearing for the Planned Development Regulations for Monday, November 29, 2004. Mr. Bisio supported the motion.

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

Motion approved unanimously.

6. NEW BUSINESS:

Library Update,

John Bell, 23113 Currie Road, gave a brief presentation of the proposed millage and proposed Library site. Jim Mumby, Architect, explained the new Library plan. He noted that they are still in the early stages of conceptual.

AP-04-11, Madi Lane, located between Martindale Road and Pontiac Trail, Private Road Review.

Ms. Marcarello reviewed the comments indicated in the McKenna Associates, Inc. letter dated September 23, 2004 regarding this issue.

Eric Iverson, Stephens Consulting Services, felt that the facts presented were accurate. He stated that they did receive letters from Mr. Doozan and Mr. Kniga, which they did respond to last week. He stated that they answered all the outstanding issues.

Mr. Hemker stated that it is impractical to go to the east and the north, but questioned about the south. He questioned if this is where the drain runs. Bob Isenegger, 58966 Travis Road, stated that the drain is to the north.

Mr. Iverson stated that the reason they could not go any further to the south with their entrance is that the Township Board requires that there be a separation from Tonester Circle. He stated that in order to comply with the ordinance, they placed the entrance in this location.

Mr. Hemker questioned the size of the parcels. Mr. Iverson stated that there are two one acre parcels, a 1.6 acre parcel and an 8 acre parcel. Mr. Hemker asked Mr. Pietila if he is going to be building and living here. Mr. Pietila responded that they are not. He noted that their plans were originally to build and live here, but their plans have changed.

Bob Isenegger, 58966 Travis Road, discussed the airport flight path. He noted that this parcel is right in the flight path. He felt that if they built homes there, the people will be put in jeopardy. He cited several plane crashes in the area. He stated that it does not seem feasible to put homes here. He stated that prior owner farmed this land for years because he could never develop it because of the airport.

Mr. Hemker noted that the FAA does have restrictions for the height of buildings in the flight path. He stated that the information would have to be disclosed to anybody purchasing any of these homes.

Carl Town, 59291 Anna Drive, stated there is one parcel that is 8.7 acres which has a lot of wetlands.

He questioned how long before the applicant could come back to request a lot split for this parcel, if they decide to sell it. Mr. Hemker responded that they could not split it again for ten years.

Mr. Town stated that the integrity of Roediger Park that borders on the north side bothers him. He stated that he does not feel that the turn-around at the end is big enough. Mr. Doozan stated that the cul-de-sac does meet the ordinance requirements of 60' radius.

Mr. Iverson responded to some of the comments that were made. He explained how much of the 8.7 acres that are wetlands. He noted that it is a big piece of property that is un-buildable. He noted that there is only approximately one acre that could have a home built on it.

Helen Mickel, 59331 Anna Drive, expressed concern with the tree line. She stated that she would hate to see the trees taken down. She noted that there have been several planes that have just barely missed her home.

Mr. Doozan noted that the plans have been submitted to the airport. He stated that the airport did send a letter back which he read to the residents.

There was discussion with regard to the wetlands on the property. Mr. Hemker stated that the

applicant cannot go into the wetlands.

Linda Wilk, 59359 Anna Drive, questioned if the applicant can touch the park. Mr. Hemker responded that they cannot. He stated that all the applicant is going to be doing is running a road on the south side of their property.

Ms. James made a motion to recommend approval of the private road for AP-04-11, Madi Lane, to the Township Board subject to final approval by the Township Attorney and Township Engineer. Ms. Williams supported the motion.

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

Motion approved.

Mr. Seymour note that Mrs. Pietila needs to sign all the documents since she has an interest in the property.

AP-04-19, Angelo Vitale Concrete Contractors, 23455 Griswold, Special Land Use Application – schedule a public hearing.

There was discussion as to an appropriate date for the public hearing for this issue.

Mr. Barber made a motion to schedule a public hearing for AP-04-19, Angelo Vitale Concrete Contractors, for Monday, November 15, 2004. Ms. Williams supported the motion.

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

Motion approved.

AP-04-22, Timber Trail Condominiums, West side of Martindale Road, north of Eleven Mile Road, Site Plan Review.

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letters dated September 29, 2004 and October 8, 2004.

Brian Townsley, Tower Development, briefly explained the proposed plan. He noted that they plan on making the walking path out stone rather than having a 10' bike path. He stated that behind the last homes, they will be seeding with wildflower and letting the area grow naturally. He stated that they are saving as many trees as possible, his goal is to take no trees down at all.

Ms. James stated that the plan is great and she wished the whole Township would develop like this. She expressed concern about the negative characteristics of Bradford Pear trees, which is a non-native species. She stated that the plan indicates that there will be 140 Bradford Pear trees planted. Mr. Townsley stated that there will not only be Bradford Pear trees but there are Amer Maples also. He noted that he has been instructed that he can work with the Building Department on the trees issue because he would like to plant more pines. Discussion continued briefly on the issue of the trees.

Mr. Barber made a motion to recommend approval of AP-04-22, Timber Trail Condominium, to the Township Board subject to the conditions cited in the September 29, 2004 and the

October 8, 2004 McKenna Associates, Inc. letters and deleting Bradford Pear Trees from the plan to be replaced with another species of tree. Mr. Hamilton supported the motion.

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

Motion approved.

AP-04-33, Carriage Trace, East side of Pontiac Trail, south of Trebor Court. Call for public hearing to consider request to rezone approximately 10.0 acres from R-1.0, Residential-Agriculture to R-0.5, Single-Family Residential.

There was brief discussion as to an appropriate date for the public hearing.

Mr. Barber made a motion to schedule a public hearing for AP-04-33, Carriage Trace, for Monday, December 13, 2004. Ms. Williams supported the motion.

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

Motion approved.

7. **MISCELLANEOUS DISCUSSION NONE**

8. **ADJOURNMENT:**

Mr. Hemker adjourned the meeting at 10:13 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary