Charter Township of Lyon
Special Joint Meeting
Township Board and Planning Commission
Meeting Minutes
October 30, 2007

Approved: November 12, 2007

DATE: October 30, 2007
TIME: 7:00 p.m.
PLACE: 58000 Grand River

Call to Order: Mr. Young called the Township Board to order at 7:00 p.m.
Mr. Barber called the Planning Commission meeting to order at 7:00 p.m.

Roll Call of Planning Commission:

Mike Barber, Chairman
Michael Conflitti
John Hicks, Board Liaison
Laura James
Sean O'Neil
Carl Towne

Roll Call of the Township Board:

Lannie Young, Supervisor
Patricia Carcone, Treasurer
Daniel Cash, Trustee
John Hicks, Trustee
Pamela Johnson, Clerk
Christopher Roberts, Trustee

Absent: Jim Hamilton, Planning Commission
Brent Hemker, Township Board

Also Present: Philip Seymour, Township Attorney
Michelle Aniol, Township Planner
Chris Doozan, Township Planner
Leslie Zawada, Township Engineer
Al Hogan, Building Official
Ray Cousineau, Builder
Nick Mancinelli, Builder
Paul Elkow – Builder

Guests: 6

1. APPROVAL OF AGENDA

Ms. Carcone made a motion to approve the October 30, 2007 agenda as submitted. Mr. Hicks supported the motion.

Voice Vote:	**Ayes:**	**All**
	Nays:	**None**

MOTION APPROVED

2. CONSENT AGENDA - None

3. COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - None

4. PUBLIC HEARINGS – None

5. OLD BUSINESS – None

6. NEW BUSINESS

Joint Planning Commission/Township Board Workshop regarding Open Space Preservation development regulations.

Mr. Young thanked everyone for attending and thanked the Planning Commission members for doing a great job.

Mr. Doozan gave a presentation covering the existing regulations regarding the Open Land Preservation proposal.

The proposed regulations keep most of the existing regulations intact and they mostly deal with Permitted Density and Dimensional Standards and there was a small change to the Open Space Requirements. Under Permitted Density the first thing that would be changed would be to eliminate the 25% credit for the wetlands. Under the Permitted Density the proposed amendment calls for a 5% increase in density above the underlying zoning. Optional additional 5% increase in density that would be given by the Planning Commission if there was substantial benefit to users in the community as a whole and architectural and site design excellence.

Mr. Doozan reviewed what would be considered design excellence. Regarding the Dimensional Standards the proposed amendment introduced a minimum lot width of 70' in the R-0.5 district and 90' in the R-1.0 district. They are also proposing to introduce minimum setbacks as well. The third major change that was proposed in the amendment was that development of passive recreation facilities was optional rather than required and it would be determined on a case by case basis.

Mr. Conflitti asked for examples of what kind of benefits would be community benefits? Mr. Doozan stated it would demonstrate quality design, building materials, design and site layout so that it preserved the key features of the site and achieved the basic purpose of the Open Space Preservation to maintain the rural character.

Mr. Towne stated that they were there because the Board felt they should have no density bonus at all. The Board agreed. Mr. Towne continued that the Planning Commission felt it was very viable that they still offer the density bonus; he even felt that they could even go higher than 10%. Things are happening all over the country right now and this was the time to test the waters because building was slowing down and this would be a good way to draw homeowners into an area. The builders are looking for open space and to preserve what they have now, this would be the perfect opportunity in his opinion.

Ms. James stated that everyone on the Planning Commission whole heartedly feels that if they don't offer a density they are not going to do it, they have always been conservative on density but this was a way to get developers to save more open land. The builders were in attendance to say that they are not going to do this Open Space Preservation unless there was something in it for them. It's not even worth having it on the books if there was no density bonus. She would be willing to go higher than 10% too.

Mr. Young questioned how successful have the Township/City who have this ordinance in place been? Ms. Aniol stated that Hamburg Township has been the forerunner in Open Space Preservation and it has been

successful.

Mr. Cash stated that they are so successful that they are now the largest community, population wise in Livingston County. Ms. Aniol stated that Lyon has been cautious in density and they are developing a downtown and they need people living in it and close to it. Ms. James stated that they needed to save what they can. Mr. Towne stated this would allow them to control the growth and preserve the open space.

Mr. Barber stated that mini mansions are a thing of the past; he felt that smaller more affordable homes in the downtown area would be the place to offer that. There might be a savings by clustering the homes.

Mr. Cash stated that a 5% bonus for just for architectural design elements didn't make sense, he has yet to see a new sub that he wouldn't want any one of the homes in that sub. Mr. Towne stated they are getting more sophisticated now, they are looking for bay windows, side entry garages, all brick, and sustainable material being brought in, upgraded material. There are many reasons for a bonus. Mr. Cash stated it was subjective. Mr. Towne stated that he agreed and did he think there should be a list? Mr. Cash stated yes.

Mr. Young stated that it was subjective and it's very difficult to determine whether or not it's deserving. Mr. Towne stated he agreed, but they are a sophisticated group and they needed to take chances right now, he wants to see something exciting, sustainable, not cookie cutter. Ms. James stated that the architectural guidelines were a way to make sure that they don't make garbage; the bonus was for land preservation.

Mr. O'Neil questioned what the concerns were of the Township Board? Mr. Roberts stated that he typically takes to the street anytime bonuses were offered, he moved to a rural township and it was quickly becoming a city. He did not think that the intent was to make small developments a Planned Development. They were just trying to comply with the government developers pushed for the Open Space Preservation, by clustering the homes they are achieving economic savings. He didn't think that they needed to give them a lollipop to go with it; they are already going to want to do it. Ms. James stated that the developers will not preserve the land, this new law blew out their one acre lot minimum, this law says that they are allowed to cluster and all she wants was to save more land. Mr. Roberts stated that they would all go to Planned Development bigger than 40 acres. This only comes into play for 40 acres or less, this was for the small places, and he did not think it was a great incentive to start with.

Mr. Young stated that as a group they needed to get a consensus on what they were looking for in terms of housing development in the Township, what was the vision?

Mr. Towne stated that because things are slow, now would be the time to shape the Township. Quality sites whether it be on 30, 40 or 100 acres they would be building quality products that are sustainable.

Mr. Cash stated the downtown was 12 units to the acre and he hasn't seen any movement there. If they took 100 acres and developed it into a subdivision what were the costs vs. clustering on 50 acres. It would be a huge savings in clustering.

Mr. Barber stated that they were still building the same number of homes; the 50% was the savings that they didn't have to put it on. Mr. Cash stated that the infrastructure was also a savings.

Ms. Carcone stated that she was not for a density bonus; people do not get along when they live close to one another. She felt that the Township was already attractive. She thought taking another survey would be a good idea; they were elected to do what the people want. She has no sympathy for developers.

Ms. Johnson stated that the closer people are in a closer proximity the more problems they would have. Everyone moved here for the rural atmosphere. She can understand the viewpoint of preserving the open land that they have left because the money for parks would be very difficult and it would get more and more

valuable but she didn't think this was the method to do it. She can't agree with that kind of density bonus.

Mr. Towne stated that the Planned Development's that are out there now are horrendous and with a density bonus he felt they could get some class in the Township. Mr. Roberts stated that he has walked all of the Planned Developments and some are gorgeous and some are not. Lyon Township was not a tough sell and given the competition of the market they already have to build a better product.

Mr. Mancinelli (builder) stated that he agreed with Mr. Roberts, the quality would have to stay there. He didn't think it should be called a destiny bonus but an economic factor if there was no increase in how many homes they put in money wise it wouldn't work out. Under the normal rules they can't have easements, no wetlands, sometimes the easements are very large so they could be giving up to 70% of the land unless there was an incentive no builder would give up 50% of their land.

Mr. Roberts stated that if they have 5 acres of wetland and natural easements that was there prior to the sale of the land. Mr. Mancinelli stated that the rules and regulations had to be different if they expect already to start out at 50% open space; they can't follow the same guidelines.

Mr. Young clarified what Mr. Mancinelli was saying that if they want to see the clustering developments there would be no incentive to do that over a conventional development because there was not enough savings in the infrastructure cost to do that.

Mr. O'Neil stated that the Planned Development's end up being Open Space Preservation, so why not take the minimum size requirement Planned Development and take it to 10 acres and put everything on the table so everything is for negotiation on all developments and then that would effectively reduce the need for clusters. The clusters would go away because it's not needed anymore because they can negotiate for everything they want in a Planned Development process for every project that was 10 acres and above. Mr. O'Neil stated that they would take what they can get in negotiations such as donations for the bike path fund, or roads, it would all be up for negotiations, this would provide flexibility on both sides.

Ms. James stated that she loved that idea, do they want to see the rest of the Township develop as McMansions or preserve natural areas, cluster the homes on smaller lots and save the natural areas. Ms. Carcone stated that they need another survey to find out what the people want.

Mr. Cousineau (builder) stated that it was great they were considering this option. They do know that the higher end price point was not selling. The only thing that had some life in it was the lower end product, $250,000 and below and the lower the better. The name of the game right now was to stay alive, and there was no profit, the profit was gone. Mr. Cousineau stated that if they can sell a home to cover the overhead than they are doing well. With respect to the proposal he was hearing that the builders were not looking to do the Planned Development's because there was no benefit, without any incentive why put them through a process that was very subjective. He would encourage the open space option, clustering, but he would not like to see them dedicate the open space for the public at large. He continued that nothing had to be done right now so he thought they should take their time and do it right. As far as cost for the infrastructure a lot of the costs are fixed.

Mr. Young questioned if everyone was in agreement that they would like to conduct another survey. Mr. Towne stated that since there was no immediate urgency what if they just left it alone for now without a survey or anything, or they could add it down the road. Ms. Aniol stated that Mr. O'Neil's idea of taking the Planned Development to encompass smaller parcels of land was something to consider, but what Mr. Cousineau was alluding to is that time was money, and the Planned Development process was not streamlined. Ms. Carcone stated then that needed to be fixed.

Brief discussion followed regarding smaller homes vs. larger homes.

Mr. Elkow stated that Planned Developments do stink. If this open space would have been there, he had the kind of ground that would have worked for it. The change in Michigan was something that they needed to get their hands around. Need to figure out a way to keep our kids here, if someone wants to buy 10 acres in Lyon Township then they could do it and there are still a lot of large tracts of land out there.

Steve Azopardi, 60673 Lyon Trail. He questioned why do they have to give a bonus at all? Why give an automatic 5%? He moved away from cookie cutter lots to the big lots, he's not in a McMansion but he has a nice home. He wanted to get away from those and now they were talking about doing it again, he didn't understand it.

Mr. Young questioned where do they go from here? Ms. Aniol stated that they can correct the conflicts in the language and re-visit the density bonus. Mr. Towne stated that they need to look at the big picture and don't rush it. Mr. Young stated that he did not want the Planning Commissioners to get discouraged because the Board doesn't see eye to eye with them on some issues; for the most part they are in agreement. Ms. Carcone stated that people would move where they want to live. Ms. James stated that density was such a dirty word and that the most worthy cause of environmental protection was not enough to overcome the prejudice against density.

There were no more comments from either Board.

7. ADJOURNMENT

Ms. Carcone made a motion to adjourn the meeting at 8:48 p.m. Mr. Towne supported the motion.

Voice Vote:	**Ayes:**	**All**
	Nays:	**None**

MOTION APPROVED

The meeting was adjourned the meeting at 8:48 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary