

Holly Township
Planning Commission – Regular Meeting
Minutes of April 13, 2009

Call to Order: Chairperson LaLaine Kilbourn called the April 13th, 2009 Regular Meeting of the Holly Township Planning Commission to order at or about 7:00 p.m. at the Holly Township Hall, 102 Civic Drive, Holly, Michigan, 48442.

Roll Call:

Commissioners Present:

LaLaine Kilbourn, Chairperson
George Barton
Rick Stevens
Steve Ruth
Ted Gurski
Mark McHalpine

Others Present:

Lisa Easterwood, Gould Engineering
John Carlson
Fritz Cheek
Mark Cornwall
Douglas Arden

Staff Present:

Laura DeVault, Zoning Administrator

Others Present:

Brian Oppmann, Carlisle/Wortman
Janet Leslie
Larry Lilly
Joe Guinn
Erin Cassavoy
Carrie Smith
Ed McLeod
Janet Leslie

Chairperson LaLaine Kilbourn noted former Planning Commissioner Bill Angus has resigned, as he's taken employment out of state.

Agenda Approval:

Commissioner George Barton noted under New Business number 1 the first four words should be stricken (Public Hearing to consider). Number 1 should begin with "special land use".

- **Commissioner George Barton moved to approve the agenda, as amended. Commissioner Ted Gurski supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Public Hearing:

1. Public hearing to consider proposed text amendments to the Township of Holly Code of Ordinances to Chapter 32 Zoning Ordinance, Article II, Supplementary Regulations, Section 32-33 Special use; Chapter 32 Zoning Ordinance, Article II Supplementary Regulations, Section 32-34 Certificate of occupancy; Chapter 32 Zoning Ordinance, Article II Supplementary Regulations, Section 32-36 Performance guarantee required; Chapter 32 Zoning Ordinance, Article VI Site Plan Review, Section 32-238 Expiration of Approval.
- **Commissioner George Barton moved to open the Public Hearing to consider text amendments for Chapter 32 Zoning Ordinance, Article II, Section 32-33 Special use; Section 32-34, Certificate of occupancy; Section 32-36, Performance guarantee required; Article VI Site Plan Review, Section 32-**

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238 Expiration of Approval. Commissioner Steve Ruth supported the motion. A voice vote was taken; all those present voted yes; the motion carried.

Mr. Brian Oppmann, Carlisle/Wortman, stated there are requirements in the zoning ordinance for the posting of performance guarantees for developers. This text amendment would clean up the ordinance language.

Mr. Larry Lilly, 110 Clarence Street, questioned whether Silverman was being discussed.

Chairperson Kilbourn indicated the proposed text amendment would apply to any developer who would come into the township.

Mr. Lilly stated we're mainly talking about Silverman here and questioned whether Silverman owed money to the Township. With Silverman, you should check, double-check and triple check to make sure they come up with all the bonds and everything needed.

Mr. Joe Guinn indicated he has property on Fish Lake and Grange Hall Road. He questioned whether what has been stated are the only things included in the ordinance.

Chairperson Kilbourn stated this is regarding special use, a certificate of occupancy, a performance bond guarantee and then expiration of approval, which is usually one year for a site plan approval. If you haven't broken ground in that year, you have to come back in a year later and file another site plan.

➤ **Commissioner George Barton moved to close the Public Hearing. Commissioner Ted Gurski supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

2. Public Hearing to consider a Special Land Use Permit by Applicant James Guinn, 1772 Clarkston Road, Lake Orion, Michigan to operate a day care center at 2740 Grange Hall Road in Holly Township on parcel number 01-29-427-005. The site is located at the southwest corner of Grange Hall and Fish Lake Road in the C-2 district.

➤ **Commissioner George Barton moved to open the Public Hearing for a Special Land Use Permit by James Guinn on parcel number 01-29-427-005. Chairperson LaLaine Kilbourn supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Mr. Oppmann noted a day care center is a special land use in a C-2 district. This property is located at the southwest corner of Fish Lake and Grange Hall Road.

Mr. Lilly indicated he knows one thing, Ms. Cassavoy is not Silverman. He thinks it would be great for the day care center to be on the corner.

Ms. Carrie Smith, 7015 East Holly Road, indicated her daughter has attended the subject day care for the past year. She would recommend the day care as a good business to be in Holly Township.

Ms. Laura DeVault noted the Township received a letter today from Leonard and Janet Jenson. They live on Fish Lake Road, northeast of 2740 Grange Hall Road. They indicated in their letter they have no objections to Mr. James Guinn's request to operate a day care center at 2740 Grange Hall Road, Holly Township. The Township has received no other phone calls or correspondence relating to this hearing.

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- **Commissioner George Barton moved to close the Public Hearing. Chairperson LaLaine Kilbourn supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Approval of Minutes:

- **Commissioner Ted Gurski moved to approve the special meeting minutes and regular meeting minutes of March 9, 2009, as written. Commissioner Rick Stevens supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Communications: No communications.

New Business:

1. Special Land Use Permit by Applicant James Guinn, 1772 Clarkston Road, Lake Orion, Michigan to operate a day care center at 2740 Grange Hall Road in Holly Township on parcel number 01-29-427-005. The site is located at the southwest corner of Grange Hall and Fish Lake Road in the C-2 district.

Ms. Erin Cassavoy, day care center operator, indicated she has paid for both a special land use permit application and the site plan, hoping the Planning Commission would hear both matters. Time is of the essence for the success of her summer program. Hubbell Roth & Clark's (HRC's) letter recommends signed and sealed drawings be submitted. She hasn't submitted one, as she is trying to cut her costs during this recession. If one is necessary, she would rather have it done once approval is received instead of paying for it twice. The sketch is not to scale, but does show the measurements. There are 19 ½ feet in the maneuvering lane and only 15 feet is required. As of now there is no existing fence that needs to be removed, though a fence is being added. She is only striking three parking spots and adding signs and the fencing to the playground. The playground will not be going in the detention basin at all. The playground is 40 x 50 and all on level ground. She is asking for approval of the special land use permit and states she will do whatever is required following approval. The sketch she submitted reflects there is an ample amount of space for parking.

Mr. Guinn's daughter stated in regard to opening the child care center at 2740 Grange Hall, before the facility can open, it must be licensed by the State of Michigan, who has their own fire and health inspectors, et cetera. Before we started this procedure, we were told by the Holly Township official that she could not see any problems concerning the zoning. The child care center operator, Erin Cassavoy, called the Township planner to find out exactly what was wanted on the plan. The day care operator proceeded to do exactly what was suggested by providing a sketch for the drop-off and pick-up area, as well as the playground area for the children overlaid on the site plan. There is no changing of grades that will involve run-off and detention. There are four evergreens that will have to be transplanted outside the play area. On the original site plan the parking for this amount of square footage is already calculated, which will be more than enough, 3 ½ cars. After we turned our plans into the Township, the Township rejected the plans for a variety of reasons, as you see on the attached report. If we have to hire an architect to review the plan that is only three years old, this will be an additional expense of \$2500.00 on top of the grand total of expenses so far that we've paid in the amount of \$4,831.50. The Village of Holly's occupancy permit fee is a total of \$200.00. In summary, we would like to work out a solution with the Township Board, Township engineer and Township planner and whoever else to resolve these issues. Time is of the essence. If it is at all possible, we would like to get a solution worked out at this meeting which does not entail any further expenses. We want to be a valuable part of the community. We try to keep the facility attractive and groomed and abide by the Township ordinances.

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Mr. Oppmann noted the ordinance provides for four specific requirements that day care centers must meet. This is consistent with state law. The first one is the day care center must be serviced by public sewer and water or a septic system approved by Oakland County. They do have a septic system approved by Oakland County.

Number two, they have to delineate a drop-off/pick-up area near the main entrance. Even though a sketch was provided showing everything, they are going to do some striping and some rearrangement of the circulation pattern on the site. The northern exit on Fish Lake will be an exit only because that is the space Ms. Cassavoy wants to open up. It's on the east side of the building. Most of the tenants are on the west side. This one is on the east side, closer up to the intersection. She wants to create a turn-in on the southern entrance, then go right up the drive that runs parallel, and have parking spaces there for drop-off and pick-up and then have an exit only on the northern entrance. This is a much better approach to traffic circulation on the site. The entrance is so close to the intersection that it could be dangerous otherwise. This requirement has been met.

A day care center must provide off-street parking. The requirement is one space per employee, plus one space for every five children enrolled at the facility. There is ample parking right now on the site.

A fourth requirement is an outdoor play area. They have to have at least 1,000 square feet of outdoor play area. This is delineated on the site plan. It's between the parking on the southern end of the site and the detention basin. He believes the play area will fit there. The main concern is making sure that safety is insured when the kids walk to the play area. Obviously they will have to be supervised. Day cares always have a system for doing these things. It's Carlisle/Wortman's opinion the requirements are met for a special land use for a day care. There are also requirements in the zoning ordinance for any special land use. He believes this application meets those requirements.

There was a little bit of confusion about the site plan. When Mr. Oppmann and Ms. DeVault met with the applicant, they described a different method of doing it, as opposed to what was actually done. There may have been some confusion on how to accomplish that. It is now in the Planning Commission's court to look at the site plan and determine if this is adequate for the Planning Commission. If this were any other use, they could just move in. Because of the determined special land use by ordinance, it triggers site plan review when all she's doing is parking lot striping improvements and adding a play area.

Chairperson Kilbourn noted problems arise when we try to accommodate an applicant coming in instead of sticking by the rules. If we accommodate, then we get into, well, we misunderstood what this was and this was and submitted it this way. That creates bad feelings. We appreciate business in the Township but sometimes these situations happen and they shouldn't. We don't want hard feelings.

Commissioner Gurski questioned whether once the special land use is granted, if something happens where Ms. Cassavoy finds another building, would the subject building stay as a special land use besides the commercial.

Mr. Oppmann noted the special land use would be tied to the land.

Commissioner Steve Ruth noted that if this is approved, a day care would always be an allowed use.

Mr. Oppmann indicated there is a sunset date in the ordinance that if nothing happens, it can be revoked. It's like any other special land use, once it's approved, it's approved unless nothing happens at all.

Commissioner Barton questioned whether the road commission has looked at the proposal. You're close to the corner and generally a day care has drop-offs and pick-ups at fairly peak periods. He's concerned that the road commission would be nervous. If you wanted to go north on Fish Lake, it would be difficult if you have people backed up at the light.

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Mr. Oppmann stated he doesn't believe the road commission has looked at this because the applicant won't be making improvements to the right-of-way.

Commissioner Barton noted you may have to turn south on Fish Lake just to get out of there.

Ms. Cassavoy stated they have a very wide range of times that children get dropped off. A couple children get dropped off at 7 in the morning. Most of them are afternoon spots.

Mr. Guinn noted the road commission looked at the plans on the corner three years ago. About a year ago he put a sign up there. The road commission stated it would be nice if it wasn't lit that close to the corner so he didn't light the sign.

Ms. Cassavoy stated her day care facility is in Fenton right now. She's always wanted to be in Holly. The children in her day care all go to Holly schools. The building is beautiful and very clean. There is no place in Holly zoned for day cares with over 12 children. It's very close to her house and close to the schools.

Commissioner Rick Stevens questioned whether the day care was a nonprofit organization or a for profit organization.

Ms. Cassavoy stated her organization is a for profit company.

Commissioner Stevens questioned, if the school expanded, whether there should be a mechanism for coming back for further approval. He does see a traffic problem there if the school expands.

Ms. Cassavoy stated if the school expanded, she would have to move into the other side of the building, and that exit and entrance would be available also. All the other units are on the other side of the building with an entrance that goes onto Grange Hall.

Mr. Oppmann stated he believes the state licensing requires the operator getting the local government to sign off on zoning approval. If she went up to a larger scale, she would have to come in and get a signature from the Township. That's where the mechanism could be triggered. As she did this time, she came in and was seeking a sign-off that the zoning was acceptable and that's where it triggers this process.

Commissioner Stevens questioned whether the play area would be supervised, including supervision while children go to and from the play area.

Ms. Cassavoy stated the play area is fenced in and the children will be supervised.

- **Commissioner George Barton moved to approve the Special Land Use to operate a day care at 2740 Grange Hall Road, parcel number 01-29-427-005. Commissioner Ted Gurski supported the motion. A roll call vote was taken: Kilbourn: Yes; Stevens: Yes; Gurski: Yes; McHalpine: Yes; Barton: Yes; Ruth: Yes. The motion carried with a 6/0 vote.**

Ms. DeVault noted she forwarded Deputy Fire Chief Doug Smith both the planner's and engineer's review. Deputy Chief Smith had no concerns regarding the traffic circulation pattern. His concern was regarding the playground location in that there might be a risk of rattlesnakes. He was also concerned about the children crossing the parking lot, but he did understand there are state licensing requirements regarding that issue.

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Mr. Guinn stated there are three driveway entrances on the property. Whether you're coming off of Grange Hall Road or Fish Lake Road, there's a way to make it work.

Chairperson Kilbourn stated she wasn't sure why the choice was made to have parents come in the south driveway and out the north because you're coming out really right into the intersection. You will have some problems. Somebody will be making a turn or come through the intersection and you have a car pulling out. She's familiar with a lot of day cares where they all cue up in line and then wait for the child to be brought to their car. They can pull in that north entrance but then they can just go down to the south and start stacking up going back if there are not too many. That way you're also putting your students where they can get in right on the passenger side of the vehicle. If you bring them in from the south entrance, they're having to cross in front or behind the car to get in. It depends; some mini vans have both sides with doors that open. If you brought them in on the north and then back out, they'd have some space to pull out. She is concerned about routing them in the other way.

Ms. Cassavoy stated there is only one spot where the children can get out of the car. There will be a line and only the very first car will have a staff member present to open up the door for the child in the very first parking spot and then walk them in. Then the next staff member would come out and the next car would pull up.

Commissioner Gurski questioned whether there were any items on the planner's or engineer's report that the applicant couldn't address. He understands most of it is state regulated anyway.

Chairperson Kilbourn stated the safety of the children has to be in mind. She knows the applicant had discussions with the Township and the planner regarding the site plan. There was some misunderstanding or discrepancies. The Township's lawyer was asked whether any requirements could be waived. The lawyer has stated the Township should not. If requirements are waived for one business on a site plan, the Township would have to do it for others. That opens the Township up into lawsuits and liabilities for the kids in this site. We'd rather see things done correctly. On the other hand, she understands if they were any other business going in, they could have just gone in and wouldn't have had to do any of this. The special land use drives you bringing the site plan in. Her feeling is the Township will need to have a regular print submitted, an engineered print.

Commissioner Ruth questioned what the official wording was in the ordinance pertaining to site plan preparation.

Mr. Oppmann stated the ordinance requires a site plan be prepared by a registered architect or engineer, signed and sealed.

Commissioner Barton noted Mr. Guinn's engineer should have the property on CAD already, and questioned why he was asking for \$2500.00 to amend one sheet.

Mr. Guinn stated an as built was what was being asked for. That means you have to go through the whole place. The dumpster isn't in the same place that was called for on the plan. There is a loading dock that's not called for, on and on. During the time when it was being constructed the engineer or planner cleared all the changes.

Commissioner Barton stated the Township is just looking for a single sheet, outside layout. You shouldn't have to go back and reconstruct the whole submission. They can pull it up, adjust it and print it. If the guy is worth his salt, it will take him ten minutes.

Ms. DeVault noted item 3 in HRC's letter speaks to the paving requirement for the parking area. There is a parking area that was approved as banked parking as part of the original site plan and construction had been commenced on that area. It will need to meet the Township requirements for paving and be in compliance for final site plan

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approval. Also, any signage as to the parking circulation should all be in conformance with the uniform traffic grade code. That could be included as a note on the site plan if it's not there already so we can insure that item is met for zoning compliance on the site also.

Ms. Cassavoy noted the paving requirement refers to an area planned for employee parking. It's on the west side of the building. She's talking about the little lot on the southeast side. Nothing needs to be done to that.

Ms. DeVault stated if construction has been commenced on the banked parking area, it does need to be in compliance with the Township ordinance. It is part of the site plan for the entire site. What Ms. Cassavoy is requesting is a different item than full site plan compliance.

Commissioner Ruth questioned whether employees would have to use those parking spaces or whether they could use other parking spaces.

Mr. Oppmann noted there may be confusion with the as built drawing that HRC reviewed and what was built there.

Ms. DeVault stated the as built reflected what was installed at that time. After that time Mr. Guinn began construction on additional parking area that is not paved and does not meet the Township requirements.

Commissioner Barton questioned whether the parking area that is not paved is necessary to meet the parking space count.

Ms. DeVault stated the parking space count for the day care center is being proposed for areas that are already there. There needs to be full site plan compliance according to the ordinance standards for the banked parking area that has been commenced prior to Ms. Cassavoy coming forward with her request, that as a matter of compliance with the ordinance for any site plan, that is how it should be met is by paving that area.

Commissioner Ruth questioned if the unpaved area wasn't needed for parking, whether it should be paved.

Ms. DeVault stated Mr. Guinn already commenced construction on it so it has to meet the Township standards.

Commissioner Barton stated he could tear it out and put sod in if he wanted to.

Ms. DeVault stated sod could be placed to return it back to the state it was.

Chairperson Kilbourn noted if the unpaved parking area wasn't required for this site plan, it's a code enforcement issue on Mr. Guinn's site.

Ms. DeVault stated because the site plan is before the Planning Commission, it is a matter that has to be addressed. We couldn't sign off on site plan approval of a site and release the bond for any types of improvement on the site until it is in full compliance.

Ms. Cassavoy noted she is required to have a separate area for push carts and tricycles, and questioned whether she could cone the unpaved area out and use it.

Ms. DeVault stated if the area was indicated on the site plan as additional play area, the Township could consider that. The original site plan approval granted Mr. Guinn banked parking areas. So you would need to be specific that

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it couldn't be included as part of the site plan approval as banked parking area. There is another banked parking area in another location on the original site plan, also, if you wanted to speak to that.

Mr. Guinn stated the reason why Ms. DeVault thinks he was constructing a parking lot is because when the road was being put in in town, he wanted to level out the area where the banked parking lot is on the plan. He had them bring the dirt out. It was leveled out so that if he did need additional parking, all he would have to do is pave it.

- **Commissioner Barton moved to approve the site plan for Applicant James Guinn, 1772 Clarkston Road, Lake Orion, for location 2740 Grange Hall Road for the proposed day care, Sidwell number 10-29-427-005 per the engineer's report, the planner's report and the fire authority report, with the stipulations that the parking area be resolved, a one-sheet site plan submitted, that the bond is posted and the building permit is applied for in one year, and the site plan be submitted, stamped and certified. Commissioner Steve Ruth supported the motion. A roll call vote was taken. Ruth: Yes; McHalpine: Yes; Barton: Yes; Stevens: Yes; Gurski: Yes; Kilbourn: Yes. The motion carried with a 6/0 vote.**

Ms. DeVault stated she would send a letter to Mr. Guinn, itemizing the Planning Commission's findings and provide copies of the ordinance.

2. Presentation by YMCA on forthcoming Phase 1 Site Plan submittal

Ms. Lisa Easterwood, Gould Engineering, gave a presentation regarding a project that's coming up. She is present here with Fritz Cheek, chief executive officer with the YMCA and John Carlson, the deputy director of Camp Copneconic. In 2004 the YMCA presented their Master Plan to the Holly Township Planning Commission. They bought 240 acres for the Camp Copneconic project, altogether they own roughly 683 acres within four townships and two counties. Copneconic Lake is 532 acres in size. There is a half mile of frontage along Thompson Road. There are two existing private roads, Martin Drive and Joseph Drive, that run through the middle of the property and provide access to about five residential homes. The site drops off from Thompson Road down to the lake. Probably 50 percent of the site is wetland and a 100 year floodplain runs along parallel to the lake. There is no sewer or water to the site. There is telephone, electric and gas available. The property is zoned agricultural.

We are now here to go on with Phase 1. There is an all season athletic field, ball field, micro soccer, toboggan run, basketball court and equestrian center. There were three phases identified in 2004 on the master plan. They are moving forward. Phase 1 is a much smaller area. Layouts of the concept plan and additions have been provided to the Planning Commission in a reduced drawing. They have looked at the overall area of Martin Drive to put in a parking lot for Phase 1 and other amenities. The drawing shows Phase 1 and future phases in the Martin Drive area. The nature trail is shown. It's configured a bit different than the Master Plan; they've allowed for an additional loop. The plan also shows the day camp areas.

Phase 1 will consist of improvements along Martin Drive and the cul-de-sac and placement of the parking area by the program building, in addition to the nature trail. The all-season multi-use field will also be placed as part of Phase 1. In the wintertime it will be flooded for ice hockey or skating and in the warmer weather used for football, soccer, et cetera. There is also an overlook area with some drainage structures that are proposed near the wetland.

The landscape buffer along Thompson Road will also be part of Phase 1. They are receiving plantings from the Genesee Conservation District which are native Michigan plantings. They are lilac and forsythia bushes in the front and a variety of evergreens in between. Behind that will be white pine. They are proposing using low impact development design for management of storm water, which is using basic principles designed by nature. That results in maintaining pre-settlement hydrology, conserving existing critical features and minimizing impacts to the land. Southeast Michigan Council of Governors (SEMCOG) put together a manual on low impact development

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design, the only manual in Michigan she's aware of regarding this, but it's very thorough. Some of Mr. Oppmann's colleagues helped work on that, as well as numerous other engineers and landscape architects. Ms. Easterwood presented a hand-out to the Planning Commissioners regarding the low impact development design.

Commissioner Barton questioned whether crushed concrete was considered as parking lot surface material. He noted it is a superior material, totally stable. He has crushed concrete and the only grading he does is just plowing snow off it, it never moves.

Ms. Easterwood stated there are a couple areas where they're required to put barrier-free parking in. With the gravel surface, they need a 3 percent slope for runoff. With the barrier-free parking area, the ADA requirements are no greater than 2 percent. They may pave those areas.

Commissioner Barton noted crushed concrete somehow loses water very quickly compared to other roads. It never ponds. It's half the cost, too. You have to watch who your source is. You have to run a magnet over it to try to get the reinforcement out of it.

Chairperson Kilbourn stated she doesn't know what the YMC A plans to use for the permeable surface. Mott College, in one of their newer buildings in the back, has concrete with grass in it. It looks very nice and grows very well. You don't see the concrete but it makes a good surface for handicap areas with wheelchair use.

The Planning Commission approved this as a conceptual site plan before. She questioned Mr. Oppmann whether trees were called out on the site plan and approved as to what types were wanted and spacing and whether they meet all the requirements.

Mr. Oppmann stated the Township doesn't have a tree ordinance that requires approval of the planting of trees on private property. They are aware of green belt requirements, which they would obviously meet with the amount of plantings they will plant.

Chairperson Kilbourn indicated the manufactured home park included at Camp Copneconic, as manufactured homes became empty they were going to be removed. There have been some removed. She questioned what their time frame is coming back in for a site plan; and, secondly, she would like to see a written schedule of possible removal. What she's seeing now is there appears to be one of the homes has been empty for about a year. There are also campers and pop-up trailers and other things being stored on the site.

Ms. Easterwood stated they are hoping to have something submitted to the Township in May for the June meeting.

Mr. Fritz Cheek stated they had started out with 13 trailers, a house and cabins. Right now there are 3 trailers, 10 have been thrown out this past summer. In the fall there were two trailers owned by individuals that weren't the Y's. Sometime in May the other two trailers will be taken out and also tear down the one cabin. The main house they hope to convert into a ranger's house. They will leave a small block building behind that house to convert into an office and also leave a garage that will be used as a maintenance area. There will be one trailer left where the current caretaker lives. The campers belong to the caretaker and one of the residents there.

Mr. Ed McLeod questioned whether Martin Drive would be upgraded all the way down.

Ms. Easterwood stated Martin Drive would not be upgraded all the way down. The Y approached the home owners in the past regarding upgrading Martin Drive and the home owners were not in agreement with it. They are making improvements that would upgrade the road to meet the Township standards.

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Mr. McLeod stated he has lived on Martin Drive a number of years, nearly 40. He had boulders in it that were unbelievable. He called today and spoke to Mr. Carlson about his concerns about safety and security. Mr. Carlson stated there would be some type of security system there. He still has concerns regarding the use of the road. He questioned who would be plowing the road.

Mr. Carlson stated he would be willing to sit down and discuss road maintenance and other things with the home owners at any time.

Chairperson Kilbourn suggested Mr. McLeod write a letter to the Township and it would be put in the planning commissioner's packets, along with being supplied to the planner and engineer.

Commissioner Gurski questioned whether the trees being put in were designed to block the view of the parking or enhance the area. He has a deer hide at the end of his road that somebody dropped off. If you drive along Thompson Road there's a lot of trash. If you block the area, it may turn into a dumping ground when there are families that need to get down that road to get back to their house or emergency vehicles.

Ms. Easterwood stated the whole point in getting this landscaped is so people will know that there is something happening here. Once that parking lot and nature trail are in, they can start using it, as well as the athletic field. People will understand there is something happening here and hopefully that will help the dumping situation. There will also be regular grounds maintenance.

Commissioner Gurski questioned whether there would be some kind of signage not to allow just everyone to go up and down the road to the cul-de-sac.

Ms. Easterwood stated they would be putting a sign there that states "Private Drive". Visitors are mainly going to enter the drive where they drop off their kids.

Commissioner Gurski questioned whether the buildings would be occupied 24/7.

Mr. Cheek stated they hope to have a ranger on site in the home in the trailer park that would be responsible.

Commissioner Stevens noted he thought it was an excellent meeting back in 2004. Mr. Carlson was there, as well as Mr. Cheeks and someone from Gould Engineering. Three and a half years ago, things can change from previous discussions, as well as people working on the projects can change. He's almost tempted to say we should revisit those questions from three and a half years ago to refresh everyone's memories on what was said.

Mr. Cheek stated they haven't deviated from the original site plan. They think it's a dynamic site plan and gives them an opportunity to impact the site in a great way in terms of the ecology of the site. They are trying to find a way economically to start their first campground with minimal dollars and minimal disturbance to the site. The crucial thing you have to understand is 240 acres, they had to raise money to pay that debt off. It's now free and clear and it's time to move forward with the site plan. Right now, with the economy, it's tough for nonprofits to fund-raise. They have X number of dollars to work with and they are trying the best they can with the dollars they have.

Ms. Easterwood stated she would go through the minutes and address them when the site plan is addressed.

Commissioner Stevens questioned whether a Public Hearing would be done.

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Chairperson Kilbourn noted it was approved as a conceptual site plan back then.

Commissioner Stevens stated there are probably new residents in the neighborhood and other things that have happened. Many neighbors in the area offered some good opinions three and a half years ago.

Mr. Cheek stated they have already gone through the Public Hearing process.

Mr. Oppmann stated that in the minutes of the 2004 Public Hearing it was stated that the Township would notify the residents that are impacted on those two private roads whenever a site plan came in. He believes Ms. DeVault did do that. If she hasn't already, she will for the site plan.

Commissioner Gurski stated the Y camp has always been very up front, always let them know what they're doing. The fences and the trees, they've been working on that for a couple years now. They've always been very cordial, very up front, let everyone know what they're doing.

Commissioner Stevens stated he would like to see at a minimum the questions in the minutes be reviewed.

Mr. Larry Lilly stated he was at the 2004 meeting and he doesn't remember anything about a cluster development, though it's on the map now.

Ms. Easterwood stated what they mean by cluster is they're concentrating their buildings together instead of spreading them out.

Mr. Mark Cornwall, stated he was on a hike at Orion Oaks and they're doing a lot of controlled burning to try to stimulate the natural vegetation. He questioned whether they thought about these types of maintenance activities.

Ms. Easterwood stated they don't anticipate having to do that.

Old Business:

1. Bylaws
2. Green infrastructure draft map review
 - **Commissioner George Barton moved to postpone Bylaws and Green infrastructure draft map review to the May meeting. Chairperson LaLaine Kilbourn supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**
3. Master Plan update

Mr. Oppmann indicated it would be a good idea of to have a workshop meeting where discussion regarding the Master Plan is the whole meeting. It will be a long night. Board members and others have spent a lot of time commenting on it. We will have to go through all the comments and see what needs to be addressed and move on from there. That way it's all an open process. Following that, we can make any changes to the plan and actually set the Public Hearing.

4. Proposed text amendments to the Township of Holly Code of Ordinances to Chapter 32 Zoning Ordinance, Article II Supplementary Regulations, Section 32-33 Special Use; Chapter 32 Zoning Ordinance, Article II, Supplementary Regulations, Section 32-34, Certificate of Occupancy; Chapter 32 Zoning Ordinance

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Article II Supplementary Regulations, Section 32-36 Performance Guarantee Requirement; Chapter 32 Zoning Ordinance, Article VI Site Plan Review, Section 32-238 Expiration of Approval

Ms. DeVault stated Clerk Winchester and herself keep notes when doing zoning compliance of any items that they would like to see tweaked in the zoning ordinance and they worked on them over through discussions with Ms. Lisa Hamameh, Township attorney. Although they appear as four separate text amendments, collectively they come to the same end for the Township. The first item is the special use. Just one word is changed to be in compliance with the Michigan Planning Enabling Act that states that a special use is approved by the Planning Commission, that a site plan “shall” be submitted rather than the word “may”, which leaves some kind of subjectivity there.

Then the next item, certificate of occupancy, the language was changed up a bit so that when a certificate of occupancy is issued as in compliance for the building code, that doesn’t mean that it meets zoning compliance. So it clarifies the language.

The performance guarantee item changes the language so that the Planning Commission does not need to state it in their motion that a performance guarantee must be submitted, reviewed and approved by the Township. It’s something that is automatic; once you submit that, you must comply with that provision.

The expiration of site plan approval, the omission of “or construction” -- again, so that we’re in compliance with the Michigan Planning Enabling Act -- the item doesn’t mean a permit for construction because the Township does not issue construction permits, they issue building permits. That was the attorney’s recommendation so that we’re following the law, but it was also giving us a good working tool so that we knew specifically when a site plan was expired. And as stated previously in the meeting, when we do have site plan approval, administratively she documents all the provisions of the ordinance and gives it to the developer applicant in a letter form, attach any ordinance specific requirement, as well as any of the consultant’s reviews so that they have a good working document that we can use until we get to the point where we have a pre-construction meeting and then we all meet again and go over any items that need to be addressed prior to them breaking ground.

- **Commissioner George Barton moved to approve the proposed text amendment to the Township of Holly Code of Ordinances, Chapter 32 Zoning Ordinance, Article II, Supplementary Regulations, Section 32-33 Special Use; Chapter 32 Zoning Ordinance Article II, Supplementary Regulations, Section 32-34, Certificate of Occupancy; Chapter 32 Zoning Ordinance Article II Supplementary Regulations, Section 32-36 Performance Guarantee Requirement; Section 32 Zoning Ordinance Article VI Site Plan Review, Section 32-238 Expiration of Approval. Commissioner Ted Gurski supported the motion. A roll call vote was taken. Kilbourn: Yes; Gurski: Yes; Stevens: Yes; McHalpine: Yes; Ruth: Yes; Barton: Yes. The motion carried with a 6/0 vote.**

Public Comment:

Mr. Larry Lilly, 110 Clarence Street, noted this was a very good meeting. Special land use permits talk took 50 minutes. Also, the YMCA part took 50 minutes. He’s talked about this for going on ten years, the public does not get any package whatsoever. They don’t know what you’re talking about. They sit there patiently trying to understand. You have all the information. The public gets nothing. They should have some copies. In order for the public to participate, they need a package, they need a copy.

Chairperson Kilbourn stated the Township has discussed getting material together for the public so when items are discussed something will be available for the public when you come in.

Mr. Lilly stated he’s been working on it for ten years and questioned when they would have something for the public.

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Chairperson Kilbourn stated there is a new supervisor and a new planning commission chairperson. It's being worked on.

Mr. Lilly stated he has been waiting ten years. He was at the 2004 meeting on the Camp Copneconic project. He received a copy then. He still has it. Why can't we have that on special land use, get all the information ahead of time. Mr. Guinn has done a fantastic job there with the buildings he has there. All those questioned should be asked ahead of time before your meeting. He would appreciate it. Thank you.

Mark Cornwall stated on his travel back from Orion Oaks over the weekend, coming through our neighboring townships to the east, he saw all the safety sirens. Those people will be alerted when a tornado is bearing down on their house. Most of us in Holly Township won't hear anything until the tornado is about ready to rip our houses apart. He questioned whether any work was being done to advance the concept of having these safety sirens strategically located throughout the township.

Chairperson Kilbourn stated now would be a good time to discuss this with all the federal funding and stimulus packages.

Commissioner Barton stated he was on the board when they were going to put the sirens on any cell phone tower and the county said, no, we will build our own towers. We will not allow you, even if they're within 100 feet of where the target was, we're not interested, we need to spend money. It's not good enough to hang it on a cell tower, it's got to be on a million dollar expenditure of the county tower. They were going to put it on a grid on how many towers.

Chairperson Kilbourn stated the new supervisor, Jesse Lambert, really looks into a lot of that stuff. Maybe he can send some e-mails. We have stimulus money, we should be able to use some of that.

Ms. DeVault noted Supervisor Lambert submitted information to procure safety sirens for Holly Township. He submitted it for four locations. The cost estimates are available. The Township was given a 24-48 hour window to apply.

Mr. Cornwall stated as a 12-year Planning Commission member he heard something tonight that was a little disturbing about the as builts and when site plans are approved. It sounds like, as developments are occurring, it sounds like there are lots of moving things around. He questioned whether the Township was getting back some type of an as built and then that is actually then compared with the original site plan of which was approved.

Ms. DeVault answered yes to Mr. Cornwall. The Planning Commission does not receive copies of the as built plans, submittals or final zoning compliance. The ordinance allows for 10 percent revision from the original site plan can be managed administratively.

Mr. Cornwall indicated it's nice to know, if approved, it sees the light of day. There is sometimes lots of discussion about certain points and it would be nice to know if it was approved that it actually saw the light of day.

Ms. DeVault stated she takes the consultant's reports and checks off everything that's been addressed.

Mr. Douglas Arden, 12248 South Dixie, Holly, stated the residents of the Stoney Run area submitted two petitions at the last combined meeting at the Township to Supervisor Lambert and Clerk Winchester. He would like to know the status on those.

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Chairperson Kilbourn stated the Planning Commission would not know the status of petitions.

Mr. Arden questioned what takes place with the petitions once they're submitted.

Chairperson Kilbourn stated the Township supervisor would have to address that.

Mr. Arden stated Supervisor Lambert sent a letter to the abutting residents of the Middleton pits. He says the engineer stated that there was nothing on the mining site that would increase the contamination of the groundwater in any hazardous way. We would like to receive the official reports on the ground and water samples that Supervisor Lambert said he would get. If you can't see arsenic, we want proof because we came up five times above the maximum allowable limit on the runoff water. He says there is no runoff problem. We watched it run into the aquifer. So either these guys are looking at it through the bottom of a beer bottle or something is not right.

Chairperson Kilbourn questioned whether they could file a Freedom of Information Act and get copies when the information comes back.

Ms. DeVault stated they don't need to do a Freedom of Information Act. They can come in at any time while the office is open and get copies of anything.

Mr. Arden stated Supervisor Lambert also stated the slopes on the abutting properties are stable. They're collapsing. He took pictures today of collapse and where runoff troughs were flushing down into the pit. Something needs to be addressed there.

Chairperson Kilbourn stated the mining companies are coming in for their permits soon. She questioned specifically when that would be.

Ms. DeVault stated the mining permits should be done for the May Planning Commission meeting. She doesn't have the submittals for all the operators.

Mr. Arden stated there should be a moratorium on mining permits until an environmental impact study is done on the properties. He would like to know what the mining engineer and Supervisor Lambert came up with as far as their determination as to the gravel availability on the Middleton pit because we don't want it mined down to the aquifer.

Ms. Janet Leslie, 460 Otter Run, stated she would like to gently suggest – and she doesn't mean to offend anyone – but if there is a member of the public that is verbally attacking an employee of the township, for example the zoning administrator, she would like to see the commissioners find a way to gently show support of the Township employee while still allowing the member of the public to speak. She supports the public showing their anger and their frustration if that's what they feel but permitting name calling is too much.

Mr. Lilly questioned who was attacking Ms. DeVault.

Chairperson Kilbourn noted Ms. Leslie was referring to Mr. Guinn. He was frustrated and showing his frustration.

Mr. Lilly noted Mr. Guinn (sic) brought a sample in and all he's asking for is the results from the sample.

Ms. Leslie clarified she was referring to the gentleman who spoke regarding the day care center.

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Mr. Lilly agreed that Mr. Guinn was out of line.

Reports:

Commissioner Stevens stated he observed that the speed limit on Quick Road was changed between Holly Road and Fish Lake Road to 45 miles an hour through the subdivision. He remembers driving through there it used to be 25. If it's 45 miles, somebody should be aware of that situation.

Mark McHalpine noted the state legislature changed the laws in regards to dirt roads, where dirt roads are no longer 25 miles an hour.

Commissioner Stevens questioned whether all dirt roads were 45 miles an hour.

Commissioner Ruth clarified that they're just not 25.

Commissioner McHalpine noted on public roads, even if it says 25 it's not enforceable.

Commissioner Ruth noted Oakland County stated they would not spend the money to take the signs down. The speed limit could be anywhere from 35 to 55.

Commissioner McHalpine noted, however, the police can write a ticket for driving in an unsafe manner.

Commissioner Barton noted driving through the UP, the minute you leave Wisconsin and come into Michigan, it's a dump. The State of Michigan doesn't do anything to empower a planning commission to do anything effective. His son happens to live just north of the City of Milwaukee. The City of Milwaukee has about 5,000 acres of agriculture inside the city. You couldn't develop it if you had to, they won't let you. When you drive out of Green Bay and head for Escanaba, you'll throw up when you hit the state line because it's obvious you just entered Michigan.

Commissioner McHalpine: No report.

Chairperson Kilbourn noted Supervisor Lambert told her about an NSP program, neighborhood stabilization program, where they're looking to get federal money. If that comes to be, they're talking about using it for tearing down buildings or building buildings. The Planning Commission may see a few things before them down the road in regards to the NSP. They're hiring a company that would come in and take care of all this.

- **Chairperson Kilbourn moved to approve a thank you letter being drafted for former Commissioners Bill Angus for the years he's served on the Planning Commission. Commissioner Steve Ruth supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Commissioner Gurski noted it would be nice to receive direction from the new members of the Township Board as to their vision for the Township. They knew the former supervisor's direction; keep things green, follow the Master Plan and if there was anything they were doing or not doing, going through Commissioner Ruth. If the need arises where they need extra money for Carlisle/Wortman, it would be good the new board members are aware of it and there are no surprises. Also, if the money was running short, to let the Planning Commission know before they try to ask for something; give a heads-up, we have X number of dollars.

Commissioner Ruth noted over the last couple of years as requests for zoning changes or site plans come up, he hears often Planning Commission members question traffic. He questioned what responsibility or authority the

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Planning Commission has regarding traffic flow. The Planning Commission members have opinions, but can they stop or allow something based on that? For example, tonight the assistant fire chief said the traffic pattern was okay by him.

Commissioner Barton noted where you see you may have a problem, you have the prerogative to ask the question. It is not something that's outside of our area of interest. We aren't the person that's going to decide on the curb cuts, we aren't the person that's going to decide whether or not you get a fire engine through there, but we have every right to ask questions regarding safety. The Planning Commission has the right to turn something down because it's a terrible traffic situation. You can reject on what they've got. To suggest something different, you're getting into a gray area.

Commissioner Ruth questioned if we don't have the power to change or force someone to do something, we can only ask the question.

Commissioner Barton stated the Planning Commission can accept or reject based on what they feel is the traffic law.

Mr. Oppmann referred to Section 32-233, the criteria for site plan review. There are 15 standards that the Planning Commission would use in approving a site plan. Many of them are not strict standards, but it covers that the landscaping is appropriate, all the ordinances are met. One of those is, number two, property relation between major thoroughfares and proposed service drives, driveways, parking areas, provisions have been made for acceleration/deceleration, passing lane or approaches as to preserve the safety and convenience of pedestrian/vehicular traffic. That is what empowers you to make a decision. You could reject a site plan if you felt that that standard or other standards are not being met.

The Planning Commission relies on HRC to provide expertise to help you determine the parking and the circulation, as well as Carlisle/Wortman. You rely on their expertise and determine best practices to determine whether those things are adequate in your opinion. You don't have to agree with your expert advice, but ultimately that's part of what goes into reviewing site plans. When you approve a site plan, ultimately the 15 standards go into meeting the general health, safety and welfare of the township.

Commissioner Ruth noted pulling out of a parking spot is the responsibility of a person driving a car. If it takes you five minutes to wait, that's a problem if you have to wait five minutes every time you move. But you determine the safety of pulling out when the traffic is clear. He wonders where the Planning Commission's ability is to determine that.

Ms. DeVault noted traffic is discussed in the Master Plan also.

Commissioner McHalpine noted traffic studies ultimately end up in the lap of the Road Commission of Oakland County and they determine what is needed. Holly Township drives the requirement for them to do the traffic study.

Commissioner Ruth stated once they do their study, if there is nothing there, case closed.

Commissioner McHalpine questioned, if Mr. Guinn's building was a floral shop before and at the back end they did working, if they're putting in drop ceilings to make it more like a facility that will be occupied by 25 people, 20 being kids, has anybody addressed the issue of sprinkler systems?

Mr. Oppmann stated that would be discussed in conjunction with the building code review. Ultimately the International Fire Code gets wrapped up into the building code. That would be an issue for the building official, in conjunction with the fire chief.

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Commissioner Gurski questioned whether the Township was doing everything they can to keep the public informed. He used to attend meetings before being a Planning Commissioner and used to go talk to the supervisor at the time or anyone that was in there and he would receive all the information. The same information the Planning Commissioners get in their packet is obviously available to anyone that comes in to ask for it. He asked Mr. Lilly whether word hasn't gotten out to him that everything is available to him.

Mr. Lilly stated when he would like copies of things, he comes to the Township to get them. He stated what he would like is a package for coming to the meetings.

Chairperson Kilbourn stated discussions have been held regarding having information available to the public as they come in.

Commissioner Gurski noted when Mr. Guinn came up to the Planning Commission and shook their hands, he told Mr. Guinn that he was out of line because he didn't let Ms. DeVault finish what she was saying and he said he didn't hear Ms. DeVault. He told Mr. Guinn Ms. DeVault was actually complimenting him. He says this because even though Mr. Lilly knows how to get the information, he has never stood up and said here's how you get the information; you come to the Township offices the night before and you have it.

Mr. Lilly stated you have to pay for the information and you shouldn't have to pay for a package of information.

Chairperson Kilbourn noted Supervisor Lambert is doing an e-mail, "Jesse's Lowdown", gives an update every month. More residents are starting to get familiar with it. He's also working on upgrading the web site so it will give more information and working with Comcast to have information on one of the cable channels.

Mr. Cornwall noted he agrees with Mr. Lilly's comments regarding the public being more informed. Who goes to the post office to get their 1040 forms anymore; you go on-line and download. So the electronic age is here and we should be up and running.

Mr. Lilly noted when you go to the Village you have to pay for everything. When he receives copies from the Township, it doesn't cost him anything, he always brags about that.

Adjournment: Chairperson Kilbourn, hearing no other business, adjourned the meeting at 9:41 p.m.

Zo Turner, Recording Secretary
Holly Township