

Holly Township
Planning Commission - Regular Meeting
Minutes of November 10, 2008

Call to Order: Chairperson George Barton called the November 10, 2008 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:

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

Others Present:

Brian Oppmann, Carlisle/Wortman
Jim Eppink, Silverman Development
Larry Garon, Silverman Development
Robert Jacobs, Silverman Development
Mary Blanchard, Headwaters Trails

Agenda Approval:

Chairperson George Barton moved Item 4 under New Business to Item 1 under New Business.

- **Commissioner LaLaine Kilbourn moved to approve the Agenda for November 10, 2008, as amended. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Public Hearing:

1. Special Use Permit Application by Silverman Development Company for a Planned Development Option in the Grange Hall/Fish Lake Overlay District known as the Riverside Commons for parcels #01-28-301-005, 01-28-101-008, 01-28-101-009, 01-28-01-010, 01-28-10-013, 01-28-101-014, 01-28-126-012, 01-28-126-013, and 01-28-326-002.
- **Commissioner LaLaine Kilbourn moved to open the public hearing for the Special Use Permit Application for Silverman Development, parcels #01-28-301-005, 01-28-101-008, 01-28-101-009, 01-28-01-010, 01-28-10-013, 01-28-101-014, 01-28-126-012, 01-28-126-013, and 01-28-326-002. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Mr. Brian Oppmann, Carlisle/Wortman, indicated the applicant proposes to construct a planned development option, which is part of the Grange Hall/Fish Lake Road overlay district. Part of that development option allows for varying types of uses, conserving natural resources and energy, encourage innovation of land use plan and other criteria that have to be met. The applicant is proposing a variety of uses this evening over the course of about 100 acres. The majority of the area is the rest of the Riverside development on the north side of Grange Hall Road. There is also a small portion on the south side of Grange Hall Road, right before the multiple family developments on Riverside Drive.

Mr. Jim Eppink, a land planner in Michigan, is representing Silverman development tonight. The original plans approved in 2002 envisioned a mixed use, fairly dense neighborhood and was a large development. Because of the change in the economy and other stressors in Michigan, single family homes aren't viable. Almost every developer in the state is walking away from their commitments, walking away from their projects; leaving them with the bank or with the township. Silverman has chosen to invest time and money to work with the community to create a viable project.

There would be benefits to the community of additional people, additional businesses and additional tax base by moving the project forward, as opposed to letting the property sit vacant for another 12 years. Financial institutions are putting pressure on the developing community to check on two things: Number one, do you have a viable project; and, secondly, is the community going to get behind this project.

Silverman Development is not asking for final approval tonight; there will be countless opportunities for these individual phases to come back to the community for very detailed scrutiny. The timetable isn't Silverman's, it's a timetable that financial institutions are putting on them and every other developer in Michigan to prove that this land is worth developing. Silverman is asking for a special land use approval under the newly created overlay district, tying it specifically to the uses on the site plan. The site plan will change but ideally we can move forward in this first step by acknowledging a special land use approval, tying it to the uses of the site plan and, of course, by the conditions set by the consultants who are here tonight.

The blue line on the zoning ordinance is the overlay district. They're asking for special land use approval up to that blue line with the conditions that were talked about. And then as it moves north, they will be requesting to expand the overlay district, which in some minds was always the intent; it would go up to Quick Road. There are a number of reasons why that blue line is there, but ultimately they'll be asking for special land use up to Quick Road and conditional approval of that special land use under the condition that that becomes part of the overlay district.

The overlay district is in fact part of the Township's master plan. This plan goes right along with that overlay district. The site plan, itself, is 100 acres. It's a combination of retail, commercial, different types of senior living and residential units. They've maintained the

existing buffers and the tree canopies throughout the site in connection to the community to the east. They don't have tenants, other than Phase 1, which would be the T&C Federal Credit Union, who will be coming here next month.

There are 12 building locations that range from an acre to two acres. They've depicted different uses, anything from an additional bank, a day care, small office buildings, et cetera. When a parcel is sold or a user is identified, that parcel would come forward to the Planning Commission and to the Board for final site plan approval. It would give the Planning Commission at least 19 opportunities to take another look at each individual site plan.

Understanding that a real good community starts with commercial at the road and moves to residential as they move back, they're not proposing any commercial as they move north. These would be apartment buildings. They have 10 apartment buildings or 160 apartments, two-story buildings, that would be created around open space, around a clubhouse, be well landscaped and well cared for.

When you create a mixed use development and work with the overlay district, there may be some use that the township may want. They've set aside about 1 ¾ to 2 acres of land at the top that might become a township park or a location for a fire station, anything like that. They need to show the bank that they have changed away from a non-viable single family development to a more viable project, that the community actually already has it in place and that they've begun this private/public partnership moving forward and convince the larger community that this is the place to develop. He knows that the consultants worked hard and put together some review letters.

The following people made remarks during the Public Hearing:

Mr. Del Albright, 14486 Vanessa Drive

Ms. Mary Blanchard, 3444 Oak Creek Drive

Mr. Philip Comfort and Mrs. Margaret Comfort, 3076 Quick Road

Ms. Jean Dery, 15083 Fish Lake Road

Mr. Joe Guinn, Guinn Construction Company

Chris Harbowy, 500 Parkside

Ms. Vickie Helleman Kelly, 3221 Quick Road

Mr. Hank Helleman, 3221 Quick Road

Ms. Stephanie Combs, 3045 Grange Hall Road

Leonard Jensen, 15389 Fish Lake Road

Ms. Dot LaLone, 11000 Davisburg Road

Mr. Jessie Lambert, 14413 Hess Road

Mr. John Lauve, 200 North Saginaw

Ms. Janet Leslie, 460 Otter Run

Mr. Larry Lilly, 110 Clarence Street

Mr. Tom Maynard, 3086 Quick Road

Mr. Larry McGaw, 213 Washington Street

Ms. Laura Newman, 14474 Vanessa Drive

Mr. Timothy Scal, 977 River Rock

Mr. Roger Stolpin, 3136 Quick Road

Public Hearing Remarks:

- 200 people attended a 2002 public hearing at the new Holly High School. Silverman was going to give us everything. We gave them everything. Check, double-check and triple-check when you're dealing with Silverman. Holly Township has spent years and years developing a master plan.
- She wouldn't have known about this meeting had not her neighbors walked door to door, letting people know about it. This development is a small city. Holly is a rural area located very near Seven Lakes State Park. It would have two outlets onto Quick Road, which is a dirt road with many trees, and she would not even back out of her driveway at this time. It calls for a supermarket and Holly Foods is barely staying in business. There's retail space on the southwest corner of Fish Lake and Grange Hall Road and the businesses change every three, four months because no one can make a go of it. With all of the homes for sale, the apartments that are already in the area, businesses vacant, where is the need for this?

Chairperson Barton commented that the plan for a higher density population on the west side of the village goes back to the original Holly master plan from the 1960s.

- The plan doesn't show the number of vehicle movements that will be associated with the plan. 160 apartments, stores and medical centers, a quick calculation says at least 300 extra vehicle movements per hour. Who is going to pay for the improvements and the infrastructure that will be necessary. Previous plans he's seen never had outlets on Quick Road. He's not even sure they had outlets on Fish Lake Road. If all traffic goes in and out on Grange Hall Road, that road isn't adequate to take the 300 extra vehicle movements per hour. He hasn't calculated for the grocery store. He didn't know how big it was going to be. But a grocery store like that will have at least 10 customers per minute, otherwise they can't even survive. That's 10 vehicles per minute. That's a lot of extra traffic.
- The developer can't develop the land the way it is with the economy the way it is. They can't sell the land with the plan that's already approved because no developer will take it off their hands. They're trying to rezone the property to something they can sell. They're already up for tax sale in February because they owe over \$80,000.00 worth of back taxes and they can't pay that either. They already owe Oakland County and the Township money they can't pay over deals they've made. Why should we go out on a

limb and give them carte blanche to do what they want so they can sell property; then again in another year or two sit fighting for another plan that some other developer has come up with.

- There are one or two aspects that are wonderful, but Quick Road is low density housing. It has no water, no sewer, no garbage pickup and, most importantly, no police. That's on a corner where you intend to tuck 160 apartment units. And on top of that, there are two roads within a quarter of a mile or less opening onto Quick Road. They also tell us how there's going to be all this screening. Well, we don't have a line of trees even between us and the proposed clubhouse. Is she supposed to party with the clubhouse every night?

Mr. Silverman is coming to the Township for a rezoning so he can unload it quickly before somebody claims it. She has a copy of a foreclosure notice which was next to her driveway and that was some months ago. According to this, he's not got long.

- With all the extra shops and stores and medical offices, you're taking away from downtown Holly.
- The property taxes apparently have not been paid on this property. The economy won't support this. Two additional outlets on Quick Road, who is going to pay for that? The community as a whole has been against the development for a long time. The zoning did get through but that was after having the community at large at several meetings make it very clear they did not want improvements on this sort of scale.
- It seems real odd to have a state park on one side of the street, then all the commercial on the other side of the street with a lot of parking lots and things like that. It doesn't seem like a real good mix. He's walked back near the water tower and back through the roads and seen all the vacant property and a handful of houses. He hopes we don't end up with another project that starts out with high expectations and ends up like that.
- The drawing is a town inside of a town. You have to also look at police, fire and our schools, which are already overcrowded. Response time now for fire and police is 25 minutes based on an experience she had back in January. Another resident indicated it took three hours for the police. We'll no longer be the quaint rural town.
- The township needs to determine whether they want to jump through all the hoops to satisfy Silverman's need to support the value of their property. If Silverman doesn't have interested parties that would like to develop here, why are we going through this now just because they have to report to their bankers? If they don't have planned businesses going into all of those sites, how do they determine which types of businesses will, in fact, want to locate there? What studies have they used to determine that and how would

construction be planned to minimize the time that buildings stand vacant? We have plenty of vacant lots already in the township and further eyesore should be avoided.

The majority of this looks to be senior living or senior housing. Would that likely be tax-exempt housing? And, if so, then we would need to think about what economic benefits that would have to the community and jobs, those kind of things. Would those benefits offset the likelihood of increased medical runs due to the age of the residents? It should be looked at as an overall cost to the community and what the benefits would be by putting the focus on assisted living. Are these residents likely to be insured? This would have implications for our fire authority.

She would assume the sidewalk along Grange Hall is part of the plan. It would be great. It would be a benefit to the merchants and residents. But the question would have to be asked, who bears the cost for that; would that be incurred by the developer? And if that were done, are there further plans to continue a sidewalk from the new development to where the sidewalk starts again, which is all the way up to the Rite Aid by Grange Hall and North Holly Road?

As people have mentioned, you're looking at the plan, it does not look very compatible with a rural landscape; however, architecturally it could be accomplished. So she would ask how does the architectural landscape design support the rural character of the township, what design aesthetic is attempted to be used here and what percentage of the land will be left in its natural state. It doesn't look like there is much left natural there at all. Only two acres designated for common community use is a very low percentage. That's two percent of a hundred acres. The community would have a right to ask for a higher percentage designated for community use. Where are the recreational trails to Seven Lakes State Park, which was always part of the Silverman proposal?

- Does the old development site need to be rezoned at this time or can parts of the development site be rezoned in different stages through the overlay plan, thus allowing the developer to do bits at a time and give the township time to obtain the feedback as to successful development with each zoning change along the way; therefore, not just throwing it all out in the open?
- When all this was proposed years ago, there was supposed to be a bunch of houses. Later on it becomes site condominiums, which looks like a house but you can cram those in real close together. Now there's apartments. It's like a bait and switch; you start out with something that people don't object to and it slowly morphs into something else. This is a pretty high density level of apartments. If you know anything about apartments, you get a lot of riff-raff that come and go. You don't want that where your house is at. A good point was made about the police; and you know they will need to tie into the village water system and sewage system. Pretty soon this will be added to the village in a

425 so there will be no tax benefits to the township. When you have a grocery store, you're going to have shoplifting runs of 20 a day.

- In 2002 there were only two people that supported Silverman's project, and Silverman was one. The township decided the high density was the way to go and gave the township the problem they have today. That program had apartments near Grange Hall Road. Now they want to migrate it up and put it right next to rural people, subjecting them to this monstrosity next to them, destroying their land values. It's all pavement and it's an affront to the plans and concepts that this community stands for.
- One of the things that seems to be missing is the trail concept to the plan. They did mention that that's supposed to be included, but it does not look to be on the site plan. Copies are being passed out showing where a trail may be feasibly put in; and, if possible, have it included in the beginning part of the project so they don't lose out like they did in the Pulte area. Headwaters Trails, in addition to working within Holly Township, is also working with Oakland County and outside of Oakland County in connecting trail systems. Portions of the trail are already built moving up to Patterson Elementary and along parts of other sections and towards Seven Lakes. It should be continued. Also, because the seniors seem to be the primary focus of this, they do feel that the trails would be beneficial to them for exercising and recreational opportunities, as well as students and the public. And this trail system is part of the Master Plan of Holly Township and the Village currently. Open space and non-motorized travels is in keeping with the future vision of the Holly area.
- This would be a good idea for baby boomers and other residents. It will help the businesses there. It would be good to get sewer and water on that corner. A lot of details need to be worked out. Neither the planner, nor the engineer have given an opinion on what they thought the impact would be on the community. Many questions could be avoided if the planner and the engineer gave their reports ahead so residents were enlightened. There are a lot of things that could be done to change it around to make details available like bike paths, certain amount of green paths and all that. Basically it's not a bad idea.
- The ordinance states the proposed type and density of use shall not result in an unreasonable increase in the need for or burden on public services, facilities, roads and utilities. Increased traffic has been discussed and also police protection. Take into account your own code when you make a decision. This is a good idea, but it also doesn't abide by another section that says the intent of the overlay district is to create a coordinated development pattern that is consistent with the character of Holly Township.

This is an extremely dense development that would be right in the middle of Holly, a rural community.

- There was a previous development that was going to be there and some infrastructure has already been done, such as water main and sewer. He's curious if the sanitary sewer and water main is capable of handling a commercial development.

Mr. Eppink indicated they have already met with Marsha Powers and Mark Swanson at the Village and last Monday evening they were at the Village Council meeting where the plan was discussed. They reviewed it informally, made them aware they were coming to the Township and they've already sent it to the community to take a closer look at the sewer and REUs. Essentially the original PUD or the original cluster plan was approved with 1,000 REUs from the Village. They were proposing this development to use about 540. So in addition to the density being significantly below what was already approved with the cluster plan, which had about 547 units, they're proposing about 218 units. So they're bringing the density down with the proposal. The REUs are residential equivalency units or sewer capacity. The Village is anticipating and, in fact, hoping that they will begin to tap in and purchase those REUs. The capacity is there and the infrastructure is there and they will develop way below what has been already approved.

- They have two parcels zoned light industrial. A similar situation happened to property they owned in Farmington Hills. A large development came around and their zoning was switched. They don't oppose it, they haven't thought in depth on it except for how it will affect their parcel personally. They would like to know the issue of the zoning. Other issues would be police control. They had a break-in about early September and they have yet to have a police officer respond. She has called numerous times.

Chairperson Barton stated he has been on the planning commission about 20 years. He has never heard or in his time ever seen where a third party would come and change someone's zoning.

- Mr. Kent Barnes, the head of Holly schools, had to leave. He wanted to know about the traffic situation at Grange Hall Road by Patterson Elementary, given the density of cars that are there now; what would be brought in from this density; and what will be done as far as traffic lights.
- There is a propane factory at Grange Hall Road. They have tanks in the ground and everything. The department may be called to a fire or an explosion there.

Ms. Stephanie Combs indicated Northwest Propane is a tenant of theirs and there are no underground tanks.

Mr. Oppmann indicated propane tanks are inspected by state and federal agencies and he's sure they are up-to-date or they would not be in existence.

- **Commissioner LaLaine Kilbourn moved to close the public hearing for the special land use permit application for the Silverman planned development option. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Approval of Minutes:

1. Approve draft minutes of regular Planning Commission meeting of October 13, 2008.

Commissioner LaLaine Kilbourn noted a change on Page 3, Line 35. She would like it to read "no longer designated as a manufactured home complex" instead of the word "trailer park".

- **Commissioner LaLaine Kilbourn moved to approve the minutes of October 13th, 2008, as amended. Commissioner Ted Gurski supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Communications:

1. Letter dated October 31, 2008 from Holly Township clerk to planning commission re: Annual report.

Commissioner Mark McHalpine noted letters where people wrote in regarding the public hearing were not listed under Communications and they should be added.

Commissioner Kilbourn indicated there was one letter and about four or five people called in. Susan Bator sent a letter and also called in and is opposed to it. Most of the reasons have been stated here tonight. Mr. Yuri Pola called in concerned about the retail stores and whether it was viable with the economy slowing down. Mr. and Mrs. Comfort from Quick Road objected. George Renew, it looks like, called for more information on it. Kent Barnes has been spoken to and Dave Mazur stopped by to get more information.

New business:

1. Special use permit application by Silverman development company for a planned development option in the Grange Hall/fish Lake overlay district and conceptual site plan application known as the Riverside commons for parcels #01-28-301-005, 01-28-101-008, 01-28-101-009, 01-28-01-010, 01-28-10-013, 01-28-101-014, 01-28-126-012, 01-28-126-013, and 01-28-326-002.

Chairperson Barton indicated the planner's report and the engineer's report finds the plan lacking in many ways. Unless they hear from both the planner and engineer that the plan

isn't lacking, not much can happen tonight. This parcel had a good stand of timber, which made up for cutting the rest south of Grange Hall Road. If there were no other resistance, there are people on the Planning Commission that would object because Steve Robinson guaranteed 16 or 17 acres of trees that would be left intact. We can go back and check the minutes.

Mr. Eppink indicated the density is slightly less than has been already approved.

Commissioner Kilbourn indicated they are not talking about the stand of trees Mr. Eppink referred to. There was another stand of trees that originally Silverman decided to take out and the Township didn't like it. Then recently, within about the last year, year and a half, the developer has come back in and, for giving us the trees, the Township gave Silverman something. It was either a higher density someplace or a variance someplace. Something else was given in exchange for saving those trees. Now you're coming back in and saying you're wiping them all out. Just so you know the history of it, it was given in exchange for something we gave you.

Mr. Eppink stated he would look into that. This is meant to be a conceptual site plan and they can shift things around to save the trees. He is a landscape architect and a horticulturist. Again, we're talking about uses and meeting the general parameters of the overlay district as it relates to the final site plan. That's the next step.

The density is significantly less, about half the residential density as the previous plan. There are more commercial uses along Grange Hall but the residential density is significantly less than what has been already approved. In terms of trip generation and traffic, certainly if we compare this plan to a vacant field, yes, there will be more traffic than was currently coming out of this land. If we compare it again to the already approved plan, we're reducing the density. And the density they do have in large part comes from senior living. Senior living from a trip generation point of view has significantly fewer trips per day than a similar family home.

As far as the traffic light, Pulte home builders has agreed to pay for that and they've put that money in escrow. They have requested several times and he believes the township supervisor has requested several times to Oakland County that that light be put in. It's strictly controlled by the county. They would like to see it now. The money is already sitting in escrow, it has been paid for. The reality is the county will not put in lights until the density begins to grow more. And once that need is met, then that light will be paid for and will be put in.

The same is true with police coverage and other things. Certainly as the community grows, the tax base grows and services would grow along with the tax base. There will be more police presence. The best part about the plan is it's projected to be a

multi-unit plan so it's not as though on day one so much would be added that emergency response would be required.

Nothing will be built until there is a tenant in place. In other words, the days of building strip plazas and just putting up a sign Available, those days are gone. As has happened here with the T&C Federal Credit Union, T&C has identified a large portion of the community who are already members, they've identified this is a terrific community to be in and put together a site plan they're submitting next week for site plan approval. T&C will build a building and immediately occupy it. That's the way it would be handled. They would identify a tenant, market to those tenants, they would come in with their assistance and go through the site plan process.

In a commercial development, a mixed use/residential development like this, these investors count on knowing what's there next to them. So from a regulation point of view, from a township point of view and from a marketing point of view, it would make more sense to rezone it to the already existing overlay district and then take it on one piece at a time.

Mr. Eppink indicated that Mr. Oppmann commented if they could provide sufficient information as it related to those five questions, at least according to the way he read the letter and Mr. Need's comments, that that may perhaps allow the Planning Commission to take motion on this and that's what they are here for.

As these parcels come into play, certainly there will be accel and decel lanes through the engineering process that will be put into place at the entrances. Again, they're as anxious as everybody for that light and the money is already in place. From a traffic circulation point of view, they know that the developers as they puts in these parcels will be responsible for those accel/decel lanes and the money is already in place for that light and any accel/decel lane.

They can certainly identify alternative ways to eliminate access to Quick Road. Again, this is meant to be a driveway, not a through street. They're not really a gated community home builder but there are control methods they could put on that access driveway so they don't have through traffic.

He appreciates all the comments. It is a big project, they recognize that. It is a project they feel meets the Township's overlay ordinance and it is less dense than what was previously envisioned for the area. For those reasons, for the need to move forward to at least begin a conversation and create this public partner relationship as opposed to letting the land lay fallow for another 12 years, they would appreciate a motion tonight to grant special land use approval as it relates to the overlay district boundary.

Mr. Robert Jacobs, representing Silverman, stated they are not asking for final approval here today. All they are asking for is the approval for the overlay district and that they may utilize certain uses. For each one of the uses they'd have to come in with a site plan and have to meet all the required criteria the consultants and engineers require.

As far as the taxes, he doesn't know if Pulte or someone else hasn't paid the property taxes. They certainly are not letting this property go on foreclosure. There is too much of an investment. This plan is a great plan. What they are here tonight to do is to ask for approval of this portion, just the overlay. Conceptually you're just approving uses that are acceptable in the overlay district, not for approval of a site plan.

He's heard a lot about services, about fire and police. This can create a tax base. It may not be yesterday, it won't be ten days from now, it may be ten years from now. This is a stepping stone. Without a tax base, you don't have taxes for the general fund, you don't have taxes to pay the school funds, the fire department doesn't get their hook and ladder. The police department doesn't get additional police. Communities that don't want development, do not want change, those communities suffer in the long run.

We have an aging community as we are all getting to a certain age, which necessitates a certain type of housing. We want smaller housing, we want convenience, we want the ability to live in a community and to be able to go and have medical care and to not be a burden to anyone. This offers that. This offers alternative housing and commerce services that are not here today. It isn't going to be done at one time. What they are asking today is please look at this. They're only asking for approval of the overlay district and consideration at some future time to be part of the district, as well.

Mr. Oppmann indicated what they have on the table is a special land use request. Part of the process with a special land use and specifically the overlay district is responding to the criteria in the ordinance. There are seven criteria and they're similar to planning and development criteria. In fact, they're almost identical. But the applicant has to demonstrate that they meet all of those.

Mr. Oppmann reviewed his letter with the Commission and stated, in part, that the proposal has to result in a material benefit to the ultimate users, long-term protection of natural resources or if there is a non-conforming use, that that is rectified. There is no question in our mind that this project has some positive features to it. On the other hand, there are some areas that are undefined at this point. One concern is the number of out lots and no clearly defined use at least narrowed down as to types of commercial uses.

They provided in their report aerial photos. You can see the large tree stand everyone has been talking about. There were substantial areas that were going to be preserved. Some of the woodland was going to be removed for apartments and further development, but there were substantial stands that would remain. We want to make sure at least substantial stands can be preserved.

Chairperson Barton commented in talking to Administrator Laura DeVault there was a concern that because this has been approved once and now they're coming back, whether the approval is final as opposed to a preliminary because we've already given an approval

once. And he doesn't know the answer to that and he doesn't know if Greg Need has responded to that.

Mr. Oppmann indicated he would look at Mr. Need's letter.

Commissioner Bill Angus questioned whether all the proposed uses were compliant with the overlay district.

Mr. Oppmann indicated with the caveat that the out lots are not part of the overlay. Their suggestion was either narrow it down a little bit or eliminate it from the plan at this time because you don't know what they are.

Commissioner Ted Gurski indicated if the out lots were eliminated from the plan, whether that would change the course of action for the whole development.

Mr. Oppmann indicated if you're going to want to approve the special use tonight, you have to know what the uses are. You pretty much know by looking at the footprints what they could be but that doesn't necessarily mean that the footprint is going to be a fact. You can attempt to narrow it down to a more defined use or eliminate uses.

Mr. Garon indicated they certainly would be more than happy to agree on a list such as a bank, day care, a quick serve restaurant, sit down restaurant, have the community and them together put together a list of what would be desirable here. What he would be leery of doing is saying that this building will be this because really they could find a tenant that instead of two small restaurants might say, boy, I'd like to put a nice sit-down restaurant here and the final site plan would come back and it would be one building instead of two and one path instead of two. They certainly anticipate those to be what most would be considered typical out lot type uses; banks, small medical office, pharmacy, quick serve restaurants, sit down restaurant.

Mr. Oppmann indicated the Commission should know exactly what kinds of uses Silverman is thinking about. You can't narrow it down to a specific tenant or retailer at this point, but at least you have a general idea. He stated the final site plan will come down to does this meet the ordinance or not. Some of this may need to be developed in blocks because you may need shared parking.

Mr. Garon stated they have specifically designated these as commercial outparcels so they could be retail uses or professional office uses because they're not sure who will want to go where. Ultimately they will bring in the site plan and may ask to combine two parcels, here is the user, here is the parking requirement.

Commissioner Gurski stated this is less dense than what was originally planned for. He would hate to hear a year from now that originally 268 parking spaces, 4 buildings; now we know we need 260 parking spaces. That's not much of a give and take. If we do approve it conceptually, how much leeway do we have with changes. You know what you need to make a profit, we don't. We just know we're trying to do what's best for the township, not have traffic piled up at the corner.

Mr. Garon indicated they recognize they will come in for site plan approval on every one of these uses. They ultimately believe that the users who will come here will be embraced by the community because they will be users who want to be here and hopefully they'll be uses that the community is in need of. Over time this will start to materialize slowly. It's not going to happen overnight. The traffic isn't going to happen overnight. Everything will be built into the engineering and approval processes.

Commissioner McHalpine stated his concern that when the overlay district was first spoken of, it was to keep the commercial type projects along the Grange Hall corridor and not bleed up towards the residential areas. When this first began, the Planning Commission was told there was not going to be any access to Quick Road. The overlay district should not extend to Quick Road.

Mr. Garon indicated they are trying to create a cohesive plan that works together. In terms of the Quick Road access, obviously they weren't sensitive enough to that point, that that was a concern that effected the residents on Quick Road. This plan can be reworked to eliminate those access points on Quick Road.

Commissioner McHalpine commented all traffic was to be kept to Fish Lake south, going to Grange Hall and along the Grange Hall corridor. We don't want the folks in the northern area being disturbed by any development because that's not what they moved there for. If you have the dense population in apartments, how is the fire department going to access that?

Mr. Garon noted under the approvals they already have there, they can do a lot of development there, and dense development. They're trying to create a development now that will fit better with the future and create an environment that will service the seniors and have the convenience and commercial needs to make it easier for seniors. This will be a small microcosm of the Township and Village and will be in an area the Township has always designated for more dense development. They're trying to comply with the Master Plan and the new overlay district. It's not significant density. It has more open space than all the small lots.

Commissioner Rick Stevens questioned whether the Planning Commissioner needed to determine first if the project being proposed qualified for the overlay district. The attorney's opinion seems to suggest just going to a special land use approval.

Mr. Oppmann stated if it meets the planned development option criteria, then it would essentially qualify for a special land use. That's how the ordinance reads. The special land use is the vehicle for approval of a project if they choose to do a planned development option.

Commissioner Kilbourn indicated she would request the tape from the meeting be saved. In the past we've requested during meetings with large developments coming in that we save the meeting tape. There's been some issues in the past of things that have been promised. And if it's not in a motion, then it's forgotten and nobody gets anything done.

We don't appreciate strong-armed tactics, which there has been some she's heard of. This is a long process. She's not comfortable coming in and approving something in one night. There's the planner, the engineer and the lawyer have a lot of different concerns. She has a lot of concerns regarding the whole development. If you're looking for something from her tonight, she's not going to approve anything.

Originally the apartments in the plan were taken out because they weren't viable. Apartments in Fenton, Holly and Grand Blanc had huge vacancies. That was a sign of the times. Now the economy has gone the other way and you can't put in single family homes, they're not selling. And in times of bad economy, rental properties are doing well because people can't afford homes so, therefore, they rent. She's concerned the plan changes every time the economy goes up and down. Let's say the apartments go in. Five years down the road, they're all vacant. She doesn't want to see more of what they see now in the majority of the Silverman development; many vacancies, homes not built, condos not built. She would like to see this broken out into phases. The whole project should not be approved at once. It should be looked at phase by phase as end users are identified.

She will refer to prior minutes for information on the trees. Those trees were to be saved because the Township gave Silverman in return.

She is totally against the apartments. Originally they were lower in the development where higher density was going to be closer to Grange Hall. The density was to be lower as you traveled north. Now the apartments are across from the state park and near residential. It's not the place for it. She'd like to see the apartments gone.

Trails have to be added on the map. The assisted living, the elder care, et cetera is a big market. That's viable for the future. They have several good developments along Baldwin Road in Grand Blanc that are very nice for Alzheimer's, memory care, assisted living, et cetera. That's something the population is going to and that's something that

would be utilized. It wouldn't just end up as a vacant lot. She can see small stores. Most of the population is torn in the township. They want to keep it rural, but yet they want some places to go to and they want a tax base so we can get police and other infrastructure.

This is a long process and there are still many changes that have to be made.

Commissioner Steve Ruth noted a lot of effort has been put into this and it's appreciated. The idea of the elder care is intriguing, as we'll all be moving into that area. He questioned why residents were concerned about Silverman's financial status or solvency.

Mr. Garon indicated there is no concern about Silverman's financial status whatsoever. Silverman has made a tremendous investment in Holly Township and this property. Silverman has never defaulted on any loans or any properties. He's not sure what the residents are talking about.

They're not trying to strong-arm anybody. They're trying to come to the community with a plan that they think is marketable and will be good for the future for both the community and the viability of the property. It's incumbent on them as a responsible owner of property to create a plan that can be effectively utilized.

Clearly, financial institutions today are in crises mode. They look at everything very, very carefully. Silverman wants to show them that the community cares about the success of the property and that Silverman cares about the success of the property and they have a plan that's viable to the future. If they sense there are no plans viable for the future, they can choose not to loan money on the property in the future. That doesn't mean Silverman won't continue to own the property or they'll forfeit on it. It would make things more difficult and makes the banks feel insecure about their investment in the community.

It's hard to get financing today, period. So when you have financing, you want to keep the financing. They're clearly cognizant of wanting to make this property work, be able to sell things in the future and keep their relationship strong with their banks. They want to get an approval consistent with the Township's Master Plan and overlay district.

Commissioner Ruth indicated there were other concerns relating to how senior housing will affect the tax base. He questioned how 60 percent of the commercial related tax base would compare to what single family homes would generate.

Mr. Eppink indicated they haven't done the calculation, but clearly a commercial base of taxes would be much larger than single family homes. The senior housing would also have a lower impact on the schools and other infrastructures.

Commissioner Ruth noted at least 60 percent of the land is relative to commercial. He questioned how much of that is paved parking lots and buildings.

Mr. Eppink indicated they haven't done the calculation, but could provide that to the Township.

Commissioner Ruth indicated he believes there are too many apartments. He questioned what their thinking was to the rental value; lower, middle, upper.

Mr. Gorman stated he believes it's middle to upper, not lower. They can't guarantee anything today. When the project is sold and built, it will be based on a thorough market analysis which will dictate where the market is.

Commissioner Kilbourn noted the credit union was a possible tenant. She questioned whether the credit union coming in was contingent on Silverman getting the whole plan.

The representative of T&C Credit Union stated they are intending to build there and will be submitting their plans this week.

Commissioner Stevens noted the Commission needed to be somewhat cautious. If they vote on anything tonight, they need to keep in mind the ordinance and the overlay district. His problem with the proposal presented tonight is they are more or less leaving it up to the Planning Commission to determine if their proposal creates a traffic situation. For example, Silverman should address the ordinance specifically. For example, (b), proposed type and density shall not result in an unreasonable increase in the need for or a burden on the public services, facilities or roads and utilities. That's up to Silverman to tell the Planning Commission they conform to (b) in the overlay district.

There are others. The proposed development shall not result in unreasonable, negative economic impact upon surrounding properties. Mr. Oppmann indicated we may want to ask our assessor to get involved to determine that type of thing. Your proposal on paper is interesting, it's something the township may eventually need. When you invoke the overlay district ordinance, it's up to you to submit supporting information in the ordinance to justify your project. It's not up to the Planning Commission to say there will or will not be traffic problems. It's up to you to state there won't be a traffic problem on Quick Road or Fish Lake Road. It's up to you to state that you will increase the economic impact.

You probably have other projects where it's benefitted the community and surrounding areas. It's up to you to state those things, it's not up to the Planning Commission to interpret what your proposal is. If the Commission had more information in that regard, and since it is the ordinance you're submitting your proposal under, he

might find it easier to accept. But just to interpret gray areas is not the way to go. This was your chance to answer some questions specifically related to the ordinances that you are applying for and he doesn't see any answers. He sees interpretations of the ordinance but no specifics.

Deputy Fire Chief Doug Smith indicated Jim did a good job of addressing the concerns of the fire department. They had five specific comments concerning the overall density of the project, primarily as it relates to some of the parking. They were concerned about the 90 degree parking in these areas and he indicated this road will probably go away. From a conceptual standpoint, what they prefer is the way the design has been done on the grocery store, the parking is away from it. The assisted living, the access to the rear is all through a parking lot.

As far as density, when you take a look at some of the radiuses and what it would take to make a turn into it, they said they'd address it in the final design. Over time this will impact the fire department on the number of runs. Potentially it could add an additional run a day in medical. It may result in an additional full-time paramedic to be able to cover the community when the ambulance is off to the hospital and they have a second run. That would build over time, as the development progresses. It was indicated the multiple family units would be medium to higher end. They tend to see a higher frequency of runs as the rent decreases.

Commissioner McHalpine questioned whether Presbyterian Village paid property taxes.

Chairperson Barton indicated he wants a letter from the attorney saying good to go, he wants a letter from the planner saying good to go and he wants a letter from the engineer saying good to go. He wants a traffic study and a review internally to make sure every prior agreement is addressed to make sure nothing is lost in translation before we go even further. We have a history of things falling through the cracks from one phase to another.

What Silverman has brought to the Commission has been invited because of the overlay district and there was preliminary discussion to get to this point. Nobody in the discussion expected the size of this when the overlay district was proposed. This is a lot bigger than anybody imagined.

One thing he would give Steve Robinson credit for is nothing was ever done without two to three months' notice. He would typically show up, be the last one on the agenda and roll out some plans and say, okay, I want your comments. Tonight is the first time the Planning Commission has seen this. It's unfair to expect a vote on this without due diligence.

Mr. Jacob indicated they respect what the Planning Commission is saying to them and they are heartened by it. This was a new ordinance, something they thought was an

opportunity to do something they feel is a benefit to the community and something that would entice people to come; developers and other users. They were deferring many things because each one of the phases and uses will come to the Township as part of the development process and part of the planning process, where each one would stand on its own. That's why they were asking for the type of approval tonight as they have. Please don't think they were trying to disengage the Planning Commission or not answer the needs of the community. They have spent a considerable amount of time meeting with people and consultants, trying to make a viable use of a piece of property because it's a great piece of property and will be a good use for the community.

Commissioner McHalpine noted discussion has been held regarding making this a golf cart friendly community and somehow intertwining the downtown Holly area with the Holly Township area. If you're planning a senior community, you may want to incorporate paths for golf carts where the seniors can go from their apartment or condo to the doctor's office, a restaurant, a grocery store and back and forth. That would be very unique.

Chairperson Barton indicated if a special meeting is necessary, the public will get noticed.

Commissioner Kilbourn indicated they like to see an applicant come in first, let the Commission take a look at it and give their opinions, the planner and engineer have time to do their report. Then it's tweaked to what they think the residents want before the Public Hearing is set. That way the public doesn't become concerned, resulting in long meetings. Things go smoother for everyone because the public gets a better idea what the picture is.

Mr. Goran apologized, stating it took a while for the overlay district to be approved and they felt a need to get in here and get the property moving. They needed to find a good solution for the future of this property and they've been working hard to do that. It was a little premature until the overlay was officially approved for them to come in and suggest the uses they have. They certainly want to accommodate the community and do something everyone can be proud of.

Mr. Lilly questioned if the matter is tabled, will there be another public hearing?

Chairperson Barton stated the applicant has met their legal requirement for a Public Hearing. He indicated if anyone comes to the next meeting where this item is on the agenda, he will recognize people and listen. This will be in the paper. Also,

Administrator DeVault at extension 305 can inform anyone when the next meeting is where this is listed on the agenda.

Commissioner Stevens indicated he would like to see what the tax benefit would be if these are not non-profit businesses that are being proposed.

- **Commissioner LaLaine Kilbourn moved to table the special land use permit application by Silverman Development for the planned development option for parcels #01-28-301-005, 01-28-101-008, 01-28-101-009, 01-28-01-010, 01-28-10-013, 01-28-101-014, 01-28-126-012, 01-28-126-013, and 01-28-326-002. Commissioner Mark McHalpine supported the motion. A roll call vote was taken. Angus: Yes; Kilbourn: Yes; Stevens: Yes; Gurski: Yes; McHalpine: Yes; Barton: Yes; Ruth: Yes. The motion carried with a 7/0 vote.**

Commissioner Kilbourn noted the overlay district ordinance has just been written but there's one word she'd like changed in it. It's on Page 2, item 2. It's got mobile home park zoning. She would like to see that changed to manufactured home zoning.

2. Mining Permit Application by Middleton Sand, Gravel & Nursery owner George Reeves for an annual Mining Permit, parcel #10-12-251-001, 01-12-251-009, and 01-12-251-010.

Commissioner Gurski noted the Sidwell numbers on the application are different than the Sidwell numbers on the subject property. He would like someone to review that.

Mr. Oppmann indicated the parcel numbers on the application are correct, the drawing is incorrect.

- **Commissioner LaLaine Kilbourn moved to approve the mining permit application by Middleton Sand, Gravel, parcel #01-12-251-001, 01-12-251-009, and 01-12-251-010. Commissioner Mark McHalpine supported the motion. A roll call vote was taken. Ruth: Yes; McHalpine: Yes; Barton: Yes; Stevens: Yes; Angus: Yes; Gurski: Yes; Kilbourn: Yes. The motion carried with a 7/0 vote.**
3. Planning Commission By-Laws update per Michigan Planning Enabling Act PA 33 of 2008.
- **Commissioner LaLaine Kilbourn moved to approve the By-Laws update of 11/05/08 per Michigan Planning Enabling Act PA 33 of 2008. Commissioner Ted Gurski supported the motion. A roll call vote was taken. Kilbourn: Yes; Angus: Yes;**

Gurski: Yes; Stevens: Yes; McHalpine: Yes; Ruth: Yes; Barton: Yes. The motion carried with a 7/0 vote.

4. Zoning Ordinance update per Michigan Planning Enabling Act PA 33 of 2008 (set public hearing).
 - **Commissioner LaLaine Kilbourn moved to set a Public Hearing for December 8, 2008 for the Zoning Ordinance update. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Old Business:

1. Annual Report

Chairperson Barton stated he will work on the annual report and may ask for assistance from other Planning Commission members.

Commissioner Kilbourn questioned why the annual report was done at one time by a member of the Planning Commission, then the staff wanted to do it. One hasn't been seen now for many years, maybe four or five years, and now it's being put back on the Planning Commission. She'd like to know whose responsibility it really is to complete the annual report.

Chairperson Barton noted something should be on file in the spirit wanted. A quick summary can be done of what the Planning Commission has done for the year.

2. Master Plan Update (motion to send to Township Board for distribution).
 - **Commissioner LaLaine Kilbourn moved to recommend to the Board of Trustees sending the draft of the Master Plan update out for distribution. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Public Comments:

Mr. Lilly indicated he doesn't think the Township should deal with Silverman. He doesn't believe they've done anything positive for the Township. They don't take care of the land they did have here. What happened on East Road shows they don't take care of it. They still don't have it straightened out. What they've brought here tonight does nothing for our community. We have a credit union here, we have a bank here, we have grocery stores here. We have everything we need. The decisions the Planning Commission makes effects 10,000 residents. Some members have been on the Commission for 10 to 20 years and you should learn from your mistakes. Silverman is looking out for Silverman only. Pulte was looking out for Pulte. He questioned when

they said they didn't need any street lights because of reduced security. Didn't get street lights and now they have problems over there. We all have to work together with our community and look out for one another; not the developers, speculators and builders.

Commissioner Angus stated Mr. Lilly indicated their proposal offers absolutely nothing for the residents of the Township. If everything on their proposal is built, there's probably 500 to 600 jobs there for the residents of the Township.

Mr. Larry McGaw, 213 Washington Street, indicated he liked the concept of what they've proposed. He thinks in the future there will be a need for a senior community where they can get around easy. There are a lot of parts he didn't like; the tree line that everyone wants to save, they were going to demolish those and have a few trees here and there. A rural part of our township would be destroyed. They've dealt with Headwaters Trails in the past and now pay no attention to them, as if they don't exist. He's sure they're talking to people about the development to get them in here. They need this approval. What they're asking for would be a worst case scenario for our community. It would draw a lot of business out of the downtown area. There would be no way for seniors to drive golf carts into the downtown area. They didn't offer what property taxes would be developed. He didn't know whether the senior living was for profit or non-profit corporation. He's glad they didn't get an approval tonight.

Mr. Dale Smith, 6262 East Holly Road, outgoing Township Supervisor, expressed his thanks to the Planning Commission for their time. The Planning Commission is under appreciated for what they do. Many of the things the Township Board deals with are mundane and the Township Board doesn't see all the processes; the Planning Commission get the hard stuff. Mr. Smith stated, I appreciated working with the Planning Commission. Thanks you, and I hope you're all here for a long time. You've all done a great job.

Reports:

Commissioner Stevens reported the ghadevelopment.com website can be viewed on-line. There's more work to be done, but it has links to the Village, Township and Oakland County Planning.

Commissioner Kilbourn, on behalf of the Planning Commission, thanked Mr. Dale Smith for all of his years of service, stating they're sad to see him go. Treasurer Bernice Alexander will also be missed.

Commissioner Kilbourn has passed out to the Commission what was submitted to the newspaper for the photo contest for the cover of the Master Plan. So far she's

received by e-mail about 90 photos in one day. The completion date is December 1st, which allows a month. The decision date is December 9th, the day after the next Planning Commission.

The Planning Commission may want to take a look at the green infrastructure disks for next month's meeting to see if anything needs to be added or subtracted to.

Mr. Oppmann indicated he's meeting with Jim Keglowitz Monday and will mention to him they are still keeping the options open. Mr. Keglowitz was happy to hear a section was put in the Master Plan regarding the green infrastructure.

Commissioner Kilbourn questioned whether six or seven things on the disk showing photos and different maps could be put in the Master Plan.

Mr. Oppmann indicated he would look at it to see if it can be an appendix.

Commissioner Ruth: No report.

Commissioner Gurski: No report.

Commissioner Angus: No report.

Adjournment: Commissioner Barton, hearing no other business, adjourned the meeting at 10:27 p.m.

Zo Turner, Recording Secretary
Holly Township