

Holly Township
Planning Commission – Regular Meeting
Minutes of December 8, 2008

Call to Order: Chairperson George Barton called the December 8, 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

Staff Present:

Jesse Lambert, Supervisor
Janet Leslie, Trustee
Laura DeVault, Building & Zoning Administrator

Others Present:

Brian Oppmann, Carlisle/Wortman	Doug Smith, N.O.C.F.A.
Jim Eppink, Silverman Development	Larry Lilly
Larry Garon, Silverman Development	Roger Studley
Robert Jacobs, Silverman Development	Peter Clemens
Jack Fosmer, Silverman Development	Ken O’Connell
Timothy Affolder, Genisys Credit Union	Philip and Phyllis Comfort
Dan Parker, Parker Engineering & Design	John Lauve
Del Albright	

Agenda Approval:

Chairperson George Barton amended the Agenda under Old Business to move Items 1, 2 and 2 to the January 12, 2009 Agenda.

- **Commissioner LaLaine Kilbourn moved to approve the Agenda for December 8, 2008, as amended. Commissioner Mark McHalpine supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Public Hearings: No public hearing.

Approval of Minutes:

1. Approve draft minutes of regular Planning Commission Meeting of November 10, 2008.

- **Commissioner Rick Stevens moved to approve the minutes of November 10, 2008, as written. Commissioner Ted Gurski supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Communications:

1. Planning Commission By-Laws approved November 10, 2008.
2. Township of Holly Community Sewer Ordinance adopted November 18, 2008.
3. Letter dated November 6, 2008 from the City of Fenton re: Draft Master Plan.

New Business:

1. Site Plan Application by Timothy Affolder, Genisys Credit Union, 2525 Telegraph Road, Suite 204, Bloomfield Hills, Michigan 48302-0288 for part of parcel 01-28-301-005.

Mr. Timothy Affolder, representing Genisys Credit Union, is requesting a site plan approval for a new branch of the credit union at the corner of Fish Lake and Grange Hall Roads. There will be two drive-up lanes and an ATM/night deposit transaction lane. The branch will employ between five and seven employees. The interior service will consist of four teller stations, one drive-up teller station and management offices, et cetera.

Employee parking consisting of seven spaces will be located on the north side of the property. On the south side of the property there will be 15 standard parking spaces and 2 handicap spaces. On the east side of the property is additional public parking. The public entry is on the south side of the building. The reason for more parking spaces than what's required is to provide additional parking during their critical hours where many members use the facility between 2 and 5 p.m. People have a tendency to park in no parking areas when there isn't enough parking available and they certainly don't want to create a public hazard. They've never had a problem because they do provide additional spaces. It also makes good business sense.

Mr. Affolder read the planner's review. He has met with the planner, Mr. Brian Oppmann, and submitted a preliminary plan that is almost identical to what has been submitted to the Township. He asked Mr. Oppmann early on whether there would be any impact based on what was submitted and Mr. Oppmann assured him there wouldn't be.

Mr. Brian Oppmann, Carlisle/Wortman gave a brief summary of his report. He indicated they are very happy with the way the site is being proposed. This is in the Grange Hall/Fish Lake Road overlay district so there are additional standards that have to be met; specifically with parking, signage, et cetera. They meet all the setback requirements in the ordinance. There is a future right-of-way at Grange Hall and Fish Lake so they would ask the Applicant to shift the building three feet to meet the future right-of-way requirement. There is a green belt between the east parking area and the building where it can be shifted. The ordinance doesn't speak to the future right-of-way, but there should be conformity at the intersection.

One of the major requirements in the overlay district is the parking requirement. It states that no more than 40 percent of the parking can be located in the front yard. This particular site plan doesn't meet that requirement. There are options the Applicant has, such as moving some parking to the rear, although that would interfere with the drive-up lanes; they could also request a variance from the Zoning Board of Appeals.

Commissioner Mark McHalpine noted there is a new safety path ordinance. He doesn't see anything on the site plan relating to a safety path, or bond money that would be placed according to the ordinance.

Mr. Oppmann commented that the ordinance is in place, the draft map is in the draft Master Plan update and a bond could be a condition of approval to put up money in lieu of construction.

Mr. Doug Smith, N.O.C.F.A Assistant Fire Chief, indicated his response centers on the water supply that may be available in the future, looking at the parcel as part of the overlay district. If and when the balance of the property is approved and a water supply runs into the development, with this being a stand-alone parcel, it would be very easy not to have water extend to the parcel. He has asked that if this application is approved now or in the next few weeks, that some type of bond money be provided to show water coming down to two locations on that site; or if the Silverman project is pushed off many years, he would ask there be a single point water source.

Commissioner LaLaine Kilbourn questioned whether the Applicant was opposed to a safety path or had plans to put one in.

Mr. Oppmann indicated a safety path was not shown on the drawing. Administrator DeVault will check what the requirements are for a safety path and provide the information to Mr. Affolder. It can be put in as a condition to any motion and handled administratively.

Commissioner McHalpine indicated the ordinance basically states that the estimated cost to develop the safety path would be paid. It would be held in escrow until there's enough money to connect the Village sidewalks all the way up Grange Hall Road. The path would be put in piece by piece as they connect up.

Chairperson Barton questioned the Applicant what his plans were for water and sewer and whether there was an inter-governmental agreement regarding it.

Mr. Affolder indicated a lead will be extended from the Silverman property and they will be able to tap into it when it's available.

Commissioner Kilbourn noted the planner's report stated signage was undetermined and questioned what signage was being proposed and whether it was ground level.

Mr. Affolder indicated signage will be brought to the Township for approval.

Commissioner Kilbourn questioned whether the lighting met the Township's requirements.

Mr. Oppmann stated there is almost no glare with the acorn-type fixture and it makes for a better site.

Commissioner Steve Ruth questioned why the Applicant chose that location in Holly.

Mr. Affolder stated the credit union has between 650 and 700 members in a three-mile radius of the site. With the site on the corner, members can easily make a left turn at the traffic light. Grange Hall Road has a traffic count of about 16,000 a day and they know what the peak hours of travel are on Grange Hall and what their peak hours are. If they had to relocate their parking, they would not be interested in the site. If parking had to be at the back of the site, no member would park in the back and walk through the drive-thru lanes, through traffic, to get around to the front door. They need a safe, productive area. They were told by the planner to do the site plan according to the existing right-of-way, not the future right-of-way. Much time is wrapped up into preparing the site plan, as well as about \$16 to \$17,000.00, but that would just be the cost of doing business. If it isn't going to work for them, it doesn't make any sense to be there. The three-foot offset wouldn't break the deal, but the parking would.

Commissioner Kilbourn noted the Township would like to see the credit union in the Township and it appears to be a nice building. Some other design could be worked on to accommodate the parking. While she would like to recommend it for approval, her feeling is the Township created the overlay district and everyone will have to adhere to it. If the Township gives the Applicant other than what's specified, the next person down the road is going to ask the same thing. She would hope the Applicant could work on the amount of parking spaces with the Township.

Mr. Larry Garon indicated he wanted to impress upon the Planning Commission how important it is for them, as well as the Township, to help get this development in the overlay district off the ground. The overlay district is written in a very broad sense. He understands even though the overlay district is now in place, they have to come forward for special land use approval to adopt the overlay uses to their property. The credit union's piece is already zoned commercial. It was expressly indicated to the credit union that the site plan would go in under the existing zoning, and the overlay district wouldn't impact them or affect them.

Commissioner Ruth noted, looking at the bigger picture, there's an out-of-business party store there and a huge gravel field. It seems the parking could be worked out.

Mr. Oppmann indicated the applicant is under the existing commercial zoning, but the overlay still applies. Part B of the overlay, 32-162(b), applicable area and requirements, Grange Hall/Fish Lake overlay district encompasses the area as illustrated in the map, which is attached to and made part of the official zoning map. Requirements of the section shall be applied, in addition to the requirements of the underlying zoning district. He knows the planned development option was discussed when meeting with the Applicant. Every property within the overlay district must meet the standards of the ordinance. Silverman assisted the Township in writing it. The ordinance is clear they have the ability to seek a variance on the parking. He understands they may have a case for a variance due to public safety and welfare. It's a tight site and hard to work with because they want to incorporate this into the rest of the development. That is also contributing to the challenge on site design. You could conditionally approve it based on a variance being received, but he would recommend that not be done. He would recommend going to the BZA first.

Commissioner Kilbourn suggested approving it per the planner's and engineer's report. Then if they have something approved by the Planning Commission and choose to do a variance, fine. If not, they take their business elsewhere.

Commissioner Rick Stevens noted he would like Mr. Affolder to relate to the credit union the Township is sincerely interested in their business being in Holly Township. As Commissioner Ruth stated, that corner has been an eyesore now for ten years or better. He assumes Holly residents may even be employed there. The site plan should be approved. He assumes building wouldn't start until spring.

Mr. Affolder indicated they would like to begin taking down the building on the site and get the site cleaned up. They're concerned because the site plan has been worked on for several months and the architect and himself have had meetings with the planner. Friday afternoon he received notice that parking and setbacks were an issue. They take very seriously how they use their members' money and these issues should have been brought to their attention early on.

Mr. Roger Studley indicated he has shared with a number of people in the room his concern that the 2-inch force main would be better for the overall planning in the community if the sewer were allowed to run down Grange Hall Road, as there are nine commercial pieces there at the moment that will never be served by sewer otherwise. He doesn't understand why the sewer couldn't be routed down and the other commercial properties share the expense. You could also satisfy the need for fire protection.

Chairperson Barton indicated the inter-governmental agreement would need to be modified. Years ago the Planning Commission approved a much larger sewer district in the greater Grange Hall/Fish Lake Road area that extends west of Fish Lake. It was never recognized by the Village. Everything the Township could do has been done. The Township is not in a position legally to do anything more. There should be a way to connect the additional properties, but it will take cooperation from the Village, as they're in charge of water and sewer.

Mr. Peter Clemens, speaking on behalf of the Village of Holly, indicated the Village hasn't been approached by the additional land owners for water and sewer taps.

Mr. Garon indicated they went through the process for the credit union because they also were not part of the sewer district approved in the inter-governmental agreement. They had to go before the Village and ask them to expand the district to include the property, which they did, and they also asked for REUs to the property. The Village wants to see the taps used, also. He met with Mr. Studley and told him to apply to the Village and see what they say about it. He believes the Village would be receptive. If they were, then Silverman would also have discussions with the other land owners.

Chairperson Barton suggested it should be discussed. If you're putting in a 2-inch line or a 3-inch line there's not a lot of difference money-wise if you know you'll have the extra customers. You could size it now.

Mr. Ken O'Connell, Austin's Body Shop, indicated they are interested in tapping in. He would like to put in a wash bay and cannot do that, as they have no drains in their shop.

- **Commissioner LaLaine Kilbourn moved to approve the site plan application for parcel 01-28-301-005 for the Genisys Credit Union, per the engineer's report, the planner's report and the N.O.C.F.A. report, with the provision that the safety path meets the Township's safety path ordinance and the Applicant meets all required bonding. 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 by a 7/0 vote.**

2. Site Plan Application by Daniel Parker, 2465 Holly Heights, Holly, Michigan, 48442 for parcel 01-29-427-001.

Chairperson Barton questioned whether the building would be used as an office only.

Mr. Dan Parker, Parker Engineering & Design, stated the building would house their office only.

Mr. Oppmann indicated this is simply a change of use and all ordinance requirements are met.

Commissioner Stevens expressed his thanks and appreciation to the Applicant for moving his business into Holly Township.

- **Commissioner LaLaine Kilbourn moved to approve the site plan application for parcel 01-29-427-001, per the planner's report and N.O.C.F.A.'s report. 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.**

Old 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, 01-28-101-010, 01-28-101-013, 01-28-101-014, 01-28-126-012, 01-28-126-013, and 01-28-326-002.

Mr. Jim Eppink, Silverman development, indicated they received feedback from Holly Township officials, the planner and the community at the November 10, 2008 Planning Commission meeting and it has been helpful. They have also met with community members and officials since then. They took what they heard very seriously and have tried to respond appropriately. They are requesting special land use approval within the overlay district. The revised plan eliminates Quick Road access points, which creates a larger civic space, going from about 1.7 acres to 2.4 acres.

They spoke with Mr. and Mrs. Comfort and their neighbors and created large landscaped buffers, moved the apartments to the middle of the property and the senior care living to the north. The mixed use building with retail on the first floor and apartments or condos on the second floor has been eliminated. The original plan included a very elaborate sidewalk system throughout the whole plan. That still remains. They've added in a trail system connector. They will work with Headwaters Trails to make sure the trail system is where it should be.

Originally there was a 175 unit assisted living building. The building has changed shape on the revised plan, though the density remains the same. They worked closely with Mr. Smith and N.O.C.F.A. Modifications suggested by N.O.C.F.A. have been incorporated with additional access points so the fire apparatus can move through the development freely. The 65-bed memory care facility remains the same. They moved the development over and are now maintaining nine acres of woodland.

Probable uses have been outlined. Individual parcels will be approximately 1 ½ acre sites and everything will be community-friendly. They do not envision big box users. Each individual user will be required to come before the Planning Commission for site plan approval.

They are asking for special land use approval saying this meets the overlay district and the uses are appropriate so they can begin marketing the property. Each phase will come in for site plan approval. The public and the Planning Commission will have a hard look at each phase.

Mr. Garon indicated a considerable amount of money was spent in creating a traffic analysis which reflects the difference between the old cluster plan and the new plan in additional traffic generated. The traffic analysis shows a fair amount of additional traffic would be generated when the plan is completely built out. Some would be internal to the development, but a fair amount wouldn't be. With Fish Lake and Grange Hall Roads being under the jurisdiction of the Road Commission for Oakland County (RCOC), they will have to go back to RCOC and the Township for every single phase. Because it will take a number of years for the development to be built out, any additional traffic analysis would be an effort in futility.

There was also a financial impact analysis done to compare cash revenues that would be generated from the old cluster plan and cash revenues that would be generated by the new plan, as well as expenses for servicing the developments. The study shows when this is built out, there is plenty of revenue to cover all of the uses and there's even a surplus under both scenarios.

Mr. Oppmann indicated there are a lot of positive improvements in the site plan. The real unknown is time in terms of how long this will take to be built out. It isn't going to happen overnight. There won't be drastic traffic impacts instantaneously. It will be a process that will occur over a few years. They will have to meet the requirements of RCOC and also work with the Village on a continual basis on sewer and water capacity. The project does meet the goals and objectives of the Master Plan.

Commissioner Ted Gurski stated it's difficult to remember where everything started due to the many different requests. At one point trees were going to be taken out, then the trees were left, then they're gone, then they're left. The Planning Commission has received so much information, it seems at times the developer is using the best language out of this ordinance and the best off that ordinance, then the best off the overlay and the best off the cluster option; then there's still a path that hasn't been done on the other side of the road.

Mr. Eppink indicated that developers react to a market. The overlay district was visionary enough to respond to the changing market. This will create a nice activity center for the community. From a density point of view they tried to balance what was approved with the original cluster and not exceed anything. It's an appropriate plan that doesn't dismiss what was done in the past.

Commissioner Gurski stated the revised plan looks like a fine job and he appreciates Silverman giving the Township the opportunity to have a development like this in spite of the difficult economy.

Chairperson Barton noted there was comment regarding not knowing where the safety path goes. It does connect to a walking entrance to Seven Lakes State Park. Headwaters Trail, where it

exits the property, should be 90 degrees across the road with the current walking entrance to Seven Lakes State Park.

Commissioner Kilbourn questioned what area was being requested for a special land use and whether this was a conceptual site plan.

Mr. Oppmann indicated the special land use request was for the area from the blue line down. He stated if the Planning Commission approves a special land use for the development, a conceptual plan should be tied into it. It would tie in the uses and general location of the uses. He suggested also requiring that the development be done in individual phases.

Commissioner Kilbourn questioned if a special land use plan were approved, would the developer be tied to what they're saying they are going to put in.

Mr. Oppmann stated the density would be tied down for however many phases they come back with for site plans. The Planning Commission would review each site plan similar to how cluster plans were reviewed for previous phases in the past, looking at how they match up with the preliminary plan; for example, is there less square footage of office space or more and also looking at the ordinance as far as what is allowed for parking and other requirements.

Commissioner Kilbourn stated the request isn't broken out into phases and questioned whether the development would be done in phases and whether it should be stated as a requirement in any motion.

Mr. Oppmann indicated a motion could require the developer to do the project in phases.

Mr. Eppink indicated each building or each building type would be individual phases. They may come in because they have many interested users and request four buildings be done as one phase. At this point they're recommending that each building or building type be a phase.

Mr. Oppmann stated developing it as 18 or 19 different phases could be difficult from a planning standpoint. The intent is if the market is good and there are four users, you can actually develop sections of it and it will be better from the planning standpoint to do it that way. It would create a much more cohesive development.

Commissioner Kilbourn indicated she does like what the developer has done. She stated one of the medical buildings appears to have been removed.

Mr. Eppink indicated Building O has been removed. The other building has changed shape. It creates better circulation in the plan. The two-story medical building shifted to the center.

He stated, after additional questions, the original development appeared to have 18 acres of woodland throughout the entire area.

Mr. Oppmann indicated there are about eight or nine acres being preserved now.

Commissioner Kilbourn indicated she doesn't like developers coming in on the very first night with their lawyer. It seems they've listened more to residents than to the Planning Commission. They have made good changes and she appreciates that they've listened to residents and the Commission. The letters that have been submitted aren't necessary; the Planning Commission is doing what they need to do for the residents. Also, a trip generation forecast has been submitted, not a traffic study. It's done by another planning company who is very developer-friendly. She totally discounts anything in there. Regular planner and engineer reports request a traffic study and other developers have done them for the Township.

Mr. Garon stated the reason he brought the team with him is certainly never to offend the Township. There are a lot of new faces at the Silverman Company. He has a lot of catching up to do and he needed help from them to make sure he was doing what was in the best interests of the community and the development company. Because this has been a long-term project and there has been a gap in the knowledge base, he wanted to make sure he dotted all the I's and crossed all the T's.

Commissioner Kilbourn indicated the apartments have been moved and units have been increased from 160 to now 192.

Mr. Garon noted it's from 184 to 192. There were 24 apartments in the mixed use building they eliminated and 22,000 square feet of commercial, which allowed room to add 8 more apartments. The apartments are labeled as rental homes.

Commissioner Kilbourn stated she isn't comfortable with the three-unit independent living condos in the northern area of the development. Larry Garon stated they are not requesting approval for that area tonight. She indicated if it were approved as a conceptual site plan with the basic intended uses and they didn't get some of the restaurants or the grocery store, she didn't want it to end up like the current half-built subdivisions.

Mr. Garon indicated they listed the smaller parcels as commercial outlots because they're not exactly sure what the uses will be. There could be various uses. When they have a user, they will bring in the site plan with a specific user. That would be the intent also with the grocery store. They can't guarantee there will be a grocery store, but they believe there will be because it would be an excellent place for one. They may have a big box user interested and that would go

there and would still comply with the conceptual site plan approval. The overlay district allows all these uses. This plan will dictate somewhat the density, road configuration and locations.

Commissioner Stevens stated the Township is very fortunate to have a developer still in business in these trying times and it appears they are sincerely trying to help the community. They will have to bring their A game to the project for marketing. He's not sure Holly is on the top of a lot of people's list to bring their business currently unless you go out and sell it. The commercial aspect should be the top priority, as there will be some costs involved.

Mr. Garon noted there is no question the market has slowed down and the A game is needed. The development is fortunate to be located on a hard corner where there's a traffic light and 17,000 cars traveling past it daily. They have great motivation to see the commercial and residential develop; especially the commercial, as there's more value to both them and the Township in the commercial parcels.

Commissioner Stevens asked about the northern portion where a club house is indicated. He asked if on the 2.5 acres a multi purpose community building could be built. It would help sell the project. Mr. Garon stated they intended to donate the 2.4 acres to the community to be used as a park or civic building.

Commissioner Stevens suggested problems could be avoided ahead of time if there were an oversight committee which included the Township supervisor, a representative from Silverman and possibly the Planning Commission chairperson meeting on a quarterly basis. It would allow more permanent communications.

Mr. Garon stated Commissioner Stevens has an excellent suggestion and they would be happy to meet with the Township quarterly.

Commissioner Stevens noted with the newly elected United States President and new administration, interest rates may be lowered and other things done to help people own their own homes. He questioned whether that would steer people away from apartments.

Mr. Garon indicated apartments always have a place in every market because there are people who aren't ready for homes, can't afford them or are transient. They won't be developing anything on a speculative basis. They will have a buyer or apartment developer who is committed and has financing in place to want to build the development. There have always been apartments planned. You can do a phase of an apartment building that has 60 units in it. When they build it, there will be a market for it.

Commissioner Stevens questioned if the site was approved for a specific number of apartment units, whether that would be the maximum or would it be subject to further discussion.

Mr. Oppmann indicated it would be looked at as a maximum. In the past every phase of Riverside came in with fewer units than what was originally approved. Site conditions and how it gets developed could dictate there may be less.

Mr. Garon noted one thing that's important to make commercial work is to have a core density that is attractive for commercial businesses. The credit union said they have almost 700 members within a three-mile radius. There are approximately 10,000 people between the Village and the Township. There needs to be a more dense population.

Commissioner Stevens indicated he reviewed his notes from 2002. He realizes things are being adjusted to the market. Previously there were 125 apartment units and now there are 160 or 190 units planned. He realizes the traffic report was not a traffic study, but he appreciates the information that was brought in. With the tax information, it appears to be a win/win situation. The grocery store parking area in the conceptual plan submitted by Silverman has almost 300 parking spaces. VG's in Fenton has 200 spaces. He questioned when the phase comes through whether the parking is a flexible number.

Mr. Oppmann noted if a grocery store user came in for a site plan review, the parking would have to be approved by the Planning Commission.

Commissioner Stevens indicated the proposal shows the number of exits on Fish Lake Road is five. The more exits on the road, the more potential traffic problems. He suggested having their traffic expert take a look at that.

Mr. Garon indicated RCOC would dictate that. It all has to do with site distances and other things. The proposal is set up so there's good circulation. They don't want to create a development that no one wants to go to because they can't get in or out easily or negotiate their vehicle. Ultimately they will be subject to what RCOC allows them to do. There may not be that many access points.

Commissioner Stevens stated he appreciated their answers. He complimented them on going to the citizens around the area. He questioned whether any movement would begin on the project within the next 12 months.

Mr. Garon replied he did hope so. He indicated money is accessible for projects when you bring in users. They're not interested in speculating on the development, they want to create a development that will work by knowing that the users are there. You don't want something

that's built that no one is going to. They're not going to do that. If there's not a market for apartments, they're not going to put them there. If there is a market for them, that will be a good thing. They will be apartments that people will want to live in and they will be productive people in the community.

Commissioner Stevens commented if they start the project and it fizzles out would be a bad thing. Mr. Garon replied they will not do that.

Commissioner Ruth stated he discounted the traffic study, as well, but for different reasons. He questioned what control the Planning Commission had over traffic.

Commissioner Kilbourn indicated traffic has to meet the Master Plan and can't have an undue impact on residents. The impact is determined by the traffic study.

Commissioner Ruth commented that they did need the traffic study done. Commissioner Kilbourn agreed with Commissioner Ruth and stated that the planner and engineer required a regular traffic study. What they provided is not a traffic study. Commissioner Ruth noted the Planning Commission didn't need the traffic study tonight, though it will be required, that it is not part of the decision making tonight. RCOC will dictate that road improvements will be needed.

Mr. Oppmann stated that they would need to provide to the RCOC what is proposed and then RCOC will tell them if they acceleration or deceleration lanes. Ultimately, there will be an impact improvements on Grange Hall and Fish Lake Road. A multitude of factors could come into play.

Commissioner Ruth questioned how important the apartments were on the overall economic viability of the project.

Mr. Garon indicated if the apartments weren't there, it would be a problem. Part of the process is to create a plan that has a mixture of uses that brings residential density or people to the site on a 24-hour basis so that they'll use the retail facilities.

Commissioner Ruth questioned the impact of the apartments being in the middle of the development and the number of children in the area. There doesn't appear to be any common areas where children can play.

Mr. Garon indicated they have listened to what the residents and Planning Commissioners were saying regarding density and tried to create a less dense area closer to Quick Road. This area isn't being addressed today, as it's under the cluster option and already has approvals in place.

Commissioner Ruth noted the cluster option allows apartments or condos.

Mr. Oppmann stated the cluster option is governed under a separate approval. They will address that area at a later date.

Mr. Oppmann replied to Commissioner Stevens that they may lock in the general locations as part as the approval. They will look at how it is improved and put all the conditions in place. The challenging aspect of this project is there are so many variables.

Mr. Eppink noted the safeguard is that in every step there is a site plan approval process.

Mr. Garon indicated when they get to the site plan approval process; they will work with the Township. They have listened to what the public is saying and engineers and have tried to create a less dense area closer to Quick Road.

Commissioner Ruth questioned what the square footage of the individual apartments on the proposal was.

Mr. Garon indicated they are proposed at 800 to 900 square feet.

Commissioner Ruth commented he would like to see upper scale apartments that wouldn't deteriorate over time.

Commissioner Kilbourn indicated with the apartments where they are, children will be running past elderly housing to get to the school, stores and restaurants. She suggested moving them so they were more interior to the development. There would be better access to assisted living and memory care on Fish Lake Road. If the apartments remain where they are, she would want berming and screening along Fish Lake Road.

Mr. Eppink noted typically there was resistance to larger buildings around residential such as on Fish Lake Road. During the site plan process those types of suggestions come forward.

Mr. Garon indicated the first step is to get approval for the uses in the overlay district. They don't have a problem tying it conceptually to a site plan so everyone has a picture in their mind what is being discussed. They also may come back and say they have an apartment developer who wants the apartments in another building or the medical office building says they won't go here unless they have direct visibility on Fish Lake Road. They will work with the Township to create a plan that will work.

Commissioner Gurski questioned whether everything the Township asked for in previous agreements was completed. He asked if all that was approved. There are items on the Township attorney's letter which haven't been addressed. He wondered if approval of the special land use request would negate everything else previously agreed to and if the proposal is approved would they need to put up the money for the safety paths now.

Mr. Oppmann stated that the cluster option gave higher density in the south in exchange for larger parcels in the north where the zoning is SR. The number of apartments in the cluster option special use was granted based on the overall density. Mr. Oppmann noted that would be a discussion between the two attorneys. Logistics are still being worked out on what the conditions were for the original Riverside development. This new proposal would be removed from the Riverside cluster development and be under the new ordinance provisions of the overlay district.

Administrator DeVault indicated she spoke with the attorney and she understood approving the special use being requested would, in effect, amend the previous special use. The items that have not been addressed to this date could be included as a condition of approval. A motion could be tailored to allow prior special uses to remain the same.

Mr. Garon stated the commitments provided for in the previous clusters that haven't been developed and completed remain in place.

Commissioner Kilbourn noted three or four years ago you couldn't have rented out an apartment. There was a glut on the market. Now, as the economy goes down, rentals go up. If the market turns again, there may be many vacancies. She questioned if approval was given for property south of the blue line in the overlay district, that nothing above the line was being approved, nor was the Township committed to approving it later.

Mr. Oppmann stated she was correct. He indicated the Planning Commission is only deciding on uses within the blue line.

Mr. Garon said it was their thought that the cluster option was to create a mixed use development and they cannot have that type of use without adequate parking and adequate density. There was discussion on the number of units approved in the original special use and what the current layout density is proposed.

Mr. McHalpine noted that the proposal presented is assuming that the northern part will be approved as part of the overlay district and asked Mr. Oppmann if that was correct. He replied, no, that originally last month they did discuss requesting a change in the overlay district line and are not now. Mr. McHalpine recalled that at the last meeting they stated their plan is in synergy

with the applicant asking for the overlay district to the north. He asked if the plan is depicting an overlay district to the north.

Mr. Eppink replied that they did want to move that line north to have commercial uses there as well. Their belief now is that they have a similar density that was permitted here with the similar residential units. If they refer to the original condo documents it talks about the density that was allowed in this particular portion allowing for residential single family, condos and townhomes. That still needs to be hashed out and agreed upon. His understanding is that that area will remain as a cluster option and that this density and usage in their interpretation would be permitted in the cluster.

Mr. McHalpine asked Ms. DeVault if she was in agreement that the northern area permitted apartments. Ms. DeVault replied no, as it is zoned SR and the master plan designates that area with a future land use as planned residential and not multi family.

Mr. Opmann stated he spoke with Attorney Need and that there is a development agreement in place for the entire Riverside development that essentially supersedes regular zoning laws. It sets the density and the types of uses. Mr. Need and Mr. Jacobs talked about the types of the uses that are permissible there.

Mr. McHalpine noted that the original cluster agreement had houses there and no townhouses and no apartments up in that region at that time. Mr. Opmann agreed. He said that those are elements that need to be worked on.

Mr. Larry Lilly, 110 Clarence Street, indicated he attended the meeting Silverman had with residents. He believes the special land use concerns 10,000 residents that live in the Township. Out of 10,000 residents, there were 10 at the meeting. The special land use is new to everyone. The bottom line is money and this affects the whole Holly community. There should be a public hearing and give everyone in the Township an opportunity to give their input. There shouldn't be a vote unless all 10,000 residents are notified. When Silverman is involved, you should check, double check and triple check things. He doesn't believe the Township is getting the true facts.

Chairperson Barton noted the public hearing was held at the last Planning Commission meeting.

Mr. Philip Comfort stated Silverman was in the business of rezoning.

Mrs. Phyllis Comfort questioned if everything was approved, whether the location of the buildings could be moved around in the development.

Chairperson Barton indicated this is a conceptual site plan in that it's a special use for them to start to solidify their plans within the area. The overlay district has been approved for almost a year. Now the compatibility of what they're suggesting is being looked at.

Mrs. Comfort stated there's a retention pond where hundreds of trees were. Trees were all taken out and now there's a big dirty hole. There are roads all over Holly with nothing on them.

Commissioner Kilbourn indicated she would require the development to be done in phases. For each phase they would have to come in for approval of their site plan and a public hearing.

Mrs. Comfort indicated a number of years ago Quick Road was being considered as a natural beauty road.

Mr. John Lauve, 200 North Saginaw, stated the ordinance states it shall demonstrate there's no unreasonable negative environmental impact on the subject site. He hasn't seen any table that shows what the situation was before compared to the new plan; number of units, distribution, et cetera. To have this up for approval without having data to substantiate their claims is premature. This would be irreversible and they could have some vested rights. The Township had some vested rights, too. We have to make sure the Township gets some benefit out of it.

Mr. Del Albright questioned whether access drives to Quick Road were eliminated from all future consideration.

Chairperson Barton stated nothing north of the blue line is being considered, though he doesn't expect any curb cuts on Quick Road.

Mr. Garon indicated the cluster option that was approved didn't have any curb cuts on Quick Road either. He noted the overlay district allowed for all the uses they were requesting. The cluster option approved previously had an area zoned for multi-family. The overlay district ordinance would have to be rewritten to exclude any uses provided currently in it. They would like to market the property for the uses included in the overlay district. The Township has many requirements in their site plan approval process that will ensure a nice development. You're starting all over if you say you don't want apartments on the southern portions of the property because that's where the density has been planned.

Commissioner Kilbourn noted she lived in Grand Rapids for a number of years. There were wonderful apartment complexes with lofts or fireplaces, wooded areas and porches. Those were the apartments that had waiting lists to get in them.

Commissioner Kilbourn questioned whether the parcel numbers on the agenda were parcels strictly to the south of the blue line and in the overlay district.

Administrator DeVault indicated they were not.

Chairperson Barton noted the motion could include property within the overlay district only.

- **Commissioner LaLaine Kilbourn moved to approve the special land use and conceptual site plan application for the Silverman development for only the overlay district per the planner's report, the engineer's report, the N.O.C.F.A. report, the attorney's report and that it also meets the Master Plan and the overlay district, with the stipulation that when it's brought back in, it's to be brought back in in phases and that it also complies with the safety path ordinance and agrees conceptually with the drawing provided at the December 8, 2008 Planning Commission meeting. Commissioner Ted Gurski supported the motion. A roll call vote was taken. Kilbourn: Yes; Angus: Yes; Gurski: Yes; Stevens: Yes; McHalpine: Yes; Ruth: No; Barton: Yes. The motion carried by a 6/1 vote.**

Public Comment:

Mr. Lilly commented that good questions were asked tonight but there weren't good answers. You have to check, double check and triple check when Silverman is involved. The special land use is like a big puzzle and it should be watched closely.

Ms. Janet Leslie complimented the Planning Commission on approving the application. She noted higher quality apartments will invite young professionals into the community. She knows people who work in Holly but live in Grand Blanc because there are nicer apartment complexes in Grand Blanc.

Reports:

Commissioner Kilbourn produced photographs submitted by residents of Holly Township for inclusion in the Master Plan document. Planning Commission members and others present voted on which photographs would be included.

Chairperson Barton: No report.

Commissioner Stevens: No report.

Commissioner McHalpine: No report.

Commissioner Angus: No report.

Commissioner Gurski: No report.

Commissioner Ruth: No report.

Adjournment: Chairperson George Barton, hearing no other business, adjourned the meeting at 10:20 p.m.

Zo Turner, Recording Secretary
Holly Township