

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED PUBLIC HEARING MINUTES**

**TYRONE TOWNSHIP BOARD REQUEST FOR PARSHALLVILLE ROAD
PARCEL REZONING**

**Zoning Ordinance Article 29.00 - Amendments
March 28, 2006 7:30 p. m.**

PRESENT: Robert Byerly, Sally Eastman, Joseph Fumich, Dave Hanoute, Steve Hasbrouck, Mark Meisel, Laurie Radcliffe

CALL TO ORDER: 7:300 p.m. by Chairman Hasbrouck

READING OF THE PUBLIC NOTICE: The notice was read aloud by Secretary Radcliffe

CORRESPONDENCE: The following correspondence was received and placed on file:

March 16, 2006 - Questions from Marlene Vance
March 26, 2006 - Comments from Maria-Antonia Pellillo
March 26, 2006 - Comments from Graydon D. Stuckey

Chairman Hasbrouck commented that correspondence from Ms. Pellillo was not in favor of the rezoning and the correspondence from Mr. Stuckey was not in favor of the rezoning

PURPOSE OF THE HEARING:

The purpose of the hearing is to receive comments regarding the request of the Tyrone Township Board to rezone a portion of property at 9227 Parshallville Road, Parcel ID #32-200-031, from RE (Rural Estates) to R-2 (Single Family Residential) with Cluster Option, pursuant to a conditional / contract rezoning agreement.

Because of the number of people who had asked to address the Planning Commission and in order to allow time for additional comments, Chairman Hasbrouck asked the members of the audience to limit their comments to two minutes if possible.

COMMENTS FROM THE APPLICANT:

Attorney Joe Galvin said he was in attendance on behalf of Tyrone Park Associates Limited Partnership to support the Township Board's rezoning application for approximately 35 acres of land shown on the site plan prepared by Bartow and King (Feb. 20, 2006; 1 of 11) from its current RE zoning classification to the R-2 classification with the Cluster Option. The request is being presented tonight pursuant to a contract / conditional rezoning agreement which has been entered into between Tyrone Park and the Township. That agreement has been presented to everyone in the room tonight. Essentially it says that notwithstanding the fact that it will be placed into the R-2 designation with the Cluster Option, we will be permitted to develop in accordance with this plan (Bartow and King; Feb 20, 2006; 1 of 11, copy attached) and only in accordance with this plan, subject to the specific limitations which are contained in the agreement. Those conditions include that the property may only be used for single family homes which are only constructed on site and for no other use; that no more than the

total of 125 lots which are shown here may constructed on the land, even though the R-2 district might otherwise permit more; that no lot may be smaller than 5,500 square feet and no home smaller than 1,000 square feet; that a minimum of 15 percent of the land will be preserved in green space and shall be maintained in that way; and that a baseball field of approximately 40,000 square feet is to be constructed on the site on or before 50 homes are constructed. There are other provisions concerning utilities, sewer taps, water service, roads and other specific construction standards outlined on the site plan. We respectfully request that this Planning Commission favorably recommends to the Township Board for a couple of reasons. The first is obvious. It is to be done pursuant to this agreement between the Township and the Applicant.

If the Commission goes through the normal criteria for rezoning, we meet that. We are to provide in the Township a use which is consistent with the goals of your master plan by providing affordable housing as a transition from the existing manufactured housing community and other single family uses which are within the area. We are a single family use. We are specifically limited to on site construction of the homes which is something that was desired by the Township in our discussion.

We have all of the necessary infrastructure to service the homes provided for in the agreement. The agreement provides limitations from the standards contained in the Ordinance which are helpful in the enforcement of the goals and policies within the Master Plan. We have met the criteria contained in the Ordinance in that we are compatible with the site's physical and natural features. We are preserving the part that the creek passes through and the other natural features in that area. We are within the capacities of the public services. We are meeting a recognized demand and we are consistent with recent development trends in the area. For those reasons, and because of the contract agreement, we ask that the Planning Commission recommend favorably to the Township Board this rezoning. Miss Riegler and I are here to answer any questions that the Commission may have.

COMMENTS FROM THE PLANNER:

Township Planner Greg Milliken of McKenna Associates said he would limit his comments to the process at this time. Although the request is for conditional rezoning, it follows the same zoning procedures as a conventional zoning. This is the Public Hearing before the Planning Commission. Following this, at some point there will be a recommendation from the Planning Commission at which time the whole package will be forwarded to the County for review. The County will have 30 days to review the information and then the comments from the Public Hearing, the recommendation from the Planning Commission and any recommendations from the County will go to the Township Board at which time the final decision to approve or deny the request is made.

PLANNING COMMISSION COMMENTS:

Ms. Eastman asked Mr. Galvin if he was representing the Township Board at this hearing. Mr. Galvin replied that he was here on behalf of Tyrone Park. The Board made the rezoning application and he is here to support the Board's application concerning the rezoning. Ms. Eastman commented that she knew Helen Bantle, the owner of the parcel to be rezoned, but

Ms. Bantle is no longer with us. She asked if it would be more correct to say that her estate was requesting the rezoning. Mr. Galvin said that the estate does own the property, but Tyrone Park has a contractual arrangement with the estate for its purchase.

Ms. Eastman said she didn't understand what Mr. Galvin's obvious reason was for passing the request. Mr Galvin said it was because of the agreement. Ms. Eastman replied that she had not seen the agreement.

Mr. Fumich asked if the agreement had already been signed by the Park and the Board. Mr. Galvin said that it had been signed. Mr. Hasbrouck commented that the Planning Commission's copy of the agreement had no signatures on it. Mr. Galvin said that to the best of his knowledge the agreement had been signed by the Board. He was positive that it had been signed by his client and forwarded to the Board.

Mr. Hanoute asked what the purpose of the hearing was if the contract agreement had already been signed by the Board. Mr. Galvin said they wished to implement the statutory requirements for a conditional or contract rezoning that Mr. Milliken mentioned , hold a hearing before this Commission, and follow the procedures set forth in your ordinance. We are following all your procedures to rezone the property in accordance with the Township.

Mr. Fumich asked if that wasn't putting the cart before the horse.

Ms. Eastman commented that she had heard that the rezoning would provide the Township with buyers of taps for the sewer system, while there is a clause in the agreement that says you have up to ten years to develop this project. Mr. Galvin said that was an outside limiting condition. Ms. Eastman said that ten years wouldn't really help us solve our immediate need for dollars. At the last couple of meetings she was told that an important reason to vote for this was because you would bring us 125 dwelling units. Mr. Galvin said that the taps they would be able to utilize would come from the existing mobile home park number, and then the others would kick in. He read from the agreement (Page 3, Item 5):

"Tyrone Park has purchased 622 REU's of sewer capacity which are allocated to the land described on Exhibit C ("Cider Mill Parcel"). Tyrone Park agrees to connect to the sewer system through lines located in the Cider Mill Parcel. Tyrone Park may utilize the 622 REU's allocated to the Cider Mill Parcel to develop the property."

Mr. Galvin explained that thereafter, Tyrone Park Associates would agree to pay the connection and user fees for development of the property at the then prevailing rates and we would annually account until we get to the end of 622. We believe that meets your immediate needs.

PUBLIC COMMENTS:

Debra Hense, 6223 Linden Road, said she wanted to summarize her views and then follow up with a report tomorrow. The number one thing is that the proposal here isn't the one that should be considered. Instead, Tyrone Park should be coming to us asking for rezoning of the mobile home park (Cider Mill Crossing) to make the space that's already existing at 11 percent capacity into the R-2 zoning.

Their request is inconsistent with the Master Plan. Mr. Galvin said that it's consistent with the Master Plan because it is going to be residential—R-2 with a Cluster. What they are not saying is that these lots will be half the size the R-2 Cluster Option allows for. Nothing within our Zoning Ordinance allows for something this dense. That's why they have to have this special contract rezoning agreement.

The area is zoned RE Rural Estates now, but the Master Plan, which is a forward seeing document for the benefit of our community, says that it should be rezoned to R-1 or R-2. Not R-2 with a Cluster and not an R-2 even more dense than the Cluster Option. That is not in the Master Plan so this is inconsistent with it and therefore should not be considered for that reason.

Also, they say they are following the process. The process has eight criteria for amendment to the Zoning Ordinance. This proposal fails to meet five of those amendment requirements. The first is density. The proposal violates the most dense residential zoning that we have which is R-2. They say it is consistent with the mobile home park that is east of it. That Park only surrounds 7 percent of the perimeter of this parcel. The other 93 percent of this parcel is surrounded by vacant land or single family homes with an average parcel size of 11 acres. The smallest parcel size is two 2 acres, the largest size is 23 acres. Zero point one five (0.15) acres isn't anywhere in there. What she sees is an extension of the mobile home park, not a transition.

Ms. Hense said she has all the data to support her conclusions and will provide packets for each Planning Commission member tomorrow (March 29, 2006). Secondly, as mentioned, the request isn't consistent with surrounding proprietries. Thirdly and fourthly are the safety and traffic issues. She asked the Planning Commission if there was not a dissent decree passed down regarding Landon or Tyrone Park or Cider Mill Crossing or whomever. She thought that one of the things was that there should not be access from Parshallville Road for the mobile home community. She believes that to be true and believes that should be investigated.

The use of Parshallville Road, according to Tyrone Park's Engineer will more than double the traffic it has now. Almost everybody she sees drives down the middle of Parshallville Road so they don't bang into the bumps on the side. Imagine everyone trying to use the middle of the road with twice as much traffic, and then the ten weeks or so when the Cider Mill is operating increases the traffic by three times on that road. That needs to be considered too. That use does not meet traffic or safety requirements.

Lastly, Mr. Galvin said there is a demand for this type of housing. That is not true. Right now, Cider Mill Crossing has 622 sites available. Seventy-one of them are occupied with people in homes. There are 153 more homes just sitting unoccupied. It's been four years that they have been in there and people aren't banging on the door trying to get in. That tells me there isn't a demand to get in there. We need to fill that up before we even consider extending these terms to an abutting property.

Compare that to other developments in the area. Parshallville Ponds is a 25 acre development off Parshallville Road. There will be 25 homes and they have put in twenty 20 already that have all been sold. That's 80 percent capacity. Shannon Glen on the other side of this proposed parcel is at 94 percent capacity. They have sold 94 percent of the lots in

there that are 1 1/2 acres in size or larger. That's the type of home that is selling in this community. Not these really dense homes that weren't included in the Master Plan. She hopes that justice will prevail and the amendment criteria for Zoning will be followed.

Ed Siwik, 6225 Linden Road, asked if the contract had already been signed. Neal Nielsen, the Township Board Attorney, said the contract has been signed. Mr. Siwik then asked if this was an "after the fact" hearing. Mr. Hasbrouck explained that it is a Public Hearing none the less, and the Planning Commission will make a recommendation.

Mr. Siwik asked how anything we say now could breach or void the existing contract. Mr. Hasbrouck replied that is a question he has no answer for. Mr. Siwik asked who the current owner of the property is. Mr. Galvin said the owner is the Bantle estate. They own the land. The proposed developer is not the owner of the property. Mr. Hasbrouck explained that the developer had an option to buy the property from the estate.

Mr. Siwik commented that there would be 125 lots. Figuring a husband and wife and 2 children on average, that is about 500 people. Taking into consideration the 40,000 square foot baseball diamond they are supposed to put in for the first 50 houses, and then backing out the other things like roads and sewers, you will have less than a half acre per house. If your read what they said about the distance between houses, they will be 20 feet wall to wall. That density brings up problems with human relations.

Right now there are problems with the Park. We have problems with the School Bus and the kids not going to the Center of the Park to be picked up, but coming out along Parshallville Road where the bus stops at every house for the convenience of the kids. It seems there hasn't been any consideration for picking up kids. You are going to put a 40,000 square foot baseball diamond for the first fifty houses. What do the other houses get. Are you going to put in a 40,000 square foot baseball diamond for the next 50 houses and then a 20,000 square foot soccer field for the remaining students. You are asking for a lot of high density problems with kids.

The kids from the Park come down Parshallville Road on their skate boards all the way down the hill towards the Mill. They are a traffic hazard and the little park that was deeded as a parking lot for the Cider Mill is beginning to be a place for kids to congregate. You increase the density of teenagers and you will have a real big problem.

Mr. Siwik asked if an impact study been done on the community, the schools, the water system, the sewers, fire and police. Drainage will be a problem and he asked if the baseball field will be the only recreational facility. If kids don't have something to do it will become a breeding ground for gangs, and that's the last thing we want. What will be the financial impact on Tyrone Township for that. To him, this sounds like a speculative venture. Somebody buys the land, locks it up to sit on until the land appreciates, and then sells it. Is there anything in the contract that makes sure that this is not what they are doing and they haven't been pulling the strings of the Board to lock it in for their benefit. The thing that really concerns him is that the contract has already been signed and what good will the hearing be. We can't force them to undo that contract. If construction doesn't start for ten years, and the buyer isn't anxious to get in and start building, then what happens. He questioned the validity of the contract because there is a certain procedure to be followed.

Rick Chouinard, 6100 Linden Road, asked how the places would be taxed. Would it be as mobile homes or permanent homes. The biggest thing he fears is that the buildings are only going to be 10 feet apart. He has been in 2 fires and both times the fire department arrived in 25 to 27 minutes. They have had a fire in the Park already and they didn't save it. What will they do with 125 more houses.

Eleanor Conaway, 8425 Parshallville Road, said as a former Hartland Township Planning Commission member she knows the zoning is not appropriate. It is way too dense for the surrounding area so she had to ask herself why the Township would even consider approving it. Now she realizes the Planning Commission hasn't approved it.

Many residents were involved six years ago when the Landon Corporation was trying to build the mobile home park. They used the carrot and the stick. On one hand they threatened to create a law suit and on the other hand they bribed the Township with a sewer system. As she reads between the lines, they haven't come through with their sewer promise. Landon

Corporation is failing and the project is failing, so the solution to their problem is to build this other section. If they can't comply with the first project, why would the Township go into a second agreement with them. These people are not credible.

She doesn't begrudge the Bantles their desire to sell this property. We would like them to be able to make a profit on their land, but it should be something that is consistent with what is around it not just a little bit of the part where it touches the mobile home park. One of those is enough.

Marvin Frankel, 8529 Riverwalk Drive, said that having heard the statement that the agreement had already been signed indicates to him that the hearing is a sham, you have been hoodwinked, and the deal is done. The only way it can be undone is by petition and referendum. There is nothing to accomplish here. What will you do after we offer to you what we think about what is taking place out there. The answer is nothing. It is signed. The Board even violated your own Amendment Ordinance, Section 29.04, which says that in reviewing a petition for zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and make recommendations to the Board before the Board acts. Well, the Board acted and we all found it out tonight.

Linda Harwood, 9028 Green Hickory Lane, asked if the rezoning of the property has been done. Mr. Hasbrouck said it was his understanding that the mobile home park property has been done by agreement. The Bantle property has not been done yet. That the agreement has been signed, doesn't make it a full rezoning.

Ms. Harwood asked what would have to be done about the rezoning. Mr. Hasbrouck said that the Planning Commission would have to make a recommendation to the Board and the County Planning Commission. Ms. Harwood said she thought the Board had voted on the rezoning and Mr. Hasbrouck said he didn't have the information whether they had or not. She asked if she could call on someone from the Board and ask them.

Mr. Nielsen told her that the Board has agreed to enter into the contract for rezoning. What has not been explained to the audience is a number of other factors. Cider Mill property sits to the right on the site plan and part of the agreement is that it will not be a mobile home park.

The mobile home park as we know it is going away. Part of the requirement is that it will all be stick built homes with the exception of 22 trailers. Mr. Galvin commented that it would be a minimum of 22. There is the option that there could be more.

Mr. Nielsen said that what the audience has not heard is that the mobile home park that you have all objected to over a period of years will not be that which you were concerned about some time ago. In answer to a question about the sewer, he said that the sewer plan has been implemented. There is a need to make sure that there is a certain number of homes per year within the sewer district added to it to pay for the cost of the sewer plan. If that is not done, there will be cost to the Township to pay for the debt retirement for the sewer plan. That is not any different here in Tyrone Township than it is in any other municipality around.

Any time a public improvement is installed it is done with public financing which requires a payment of so much per year over the life of the bonds. The question is how are those bonds paid. The bonds are paid in part by the tap in fees and the hook up fees to the various units as they grow through time.

What also hasn't been told to you is that there is an agreement that the developer will be paying \$400,000 towards the construction of a fire hall. All too often, you hear about developments that come in where nobody pays the cost of roadways, or water, or sewers, or schools, or fire or police. In this particular case, this whole project is contributing \$400,000 towards the cost of the "to be built" fire station.

This particular project is serviced by its own water system. It is monitored and overseen by the Michigan Department of Environmental Quality. It is not done as a cost to the Township. It is done as a cost to the property owner. There are a lot of details to this particular arrangement that haven't been addressed or brought to your attention. There are factors that have gone into the analysis about how to deal with this particular property as well as modifying Cider Mill's concept from a mobile home park to stick built.

Peggy Cottrell, 9043 Riverwalk, commented that Mr. Nielsen indicated that we haven't been told a lot of things. It seems that it would be suitable to have explained all of the things up front before it was voted on. It is totally wrong that we haven't been in the loop before it was adopted and signed.

Darlene Kimmel, 9069 Green Hickory, said she doesn't understand how the mobile home park is going away. Where is it going or is that being rezoned. Mr. Hasbrouck said it is being rezoned and there will be stick built homes in there. Ms. Kimmel said she came here this evening thinking the property on the left (Bantle) was being rezoned and now we hear that the rest of it is being rezoned. Mr. Hasbrouck explained that the meeting tonight is for the thirty-five acres (Bantle) and that is what the Public Hearing is for. Ms. Kimmel asked when the other portion will be rezoned.

Mr. Nielsen asked Mr. Hasbrouck why he was telling them the Mobile Home Park was being rezoned. There is no rezoning of the Mobile Home Park. There is a prohibition on putting mobile homes there and there is a requirement and an obligation to construct stick built homes. Why are you telling these people it's being rezoned. I never said that.

Marty Forsmark, 7172 Driftwood Drive, stated that he has lived on Driftwood Drive for 42 years. Now we have a Board coming in and making agreements before we even have a hearing and then we have an Attorney telling us there are things we haven't heard yet when we have come here to hear them. Then he tells us about a fire hall.

This morning about 6:30, ten cars were lined up at Old 23 trying to get to the Expressway. It took him about ten or twelve minutes to get onto Old 23. Think about what is going to happen when there is going to be, according to the document, about 6,000 in bound and out bound cars all trying get through there. All the entrance ways for the complex will be on Parshallville Road. Obviously we will need stop lights. The developer will definitely have to double pave the road and he has to think that the Road Commission will not agree to have this without doing a big road study. He hasn't heard anything about one. He wanted to know if anyone from the Road Commission or the Drain Commissioner had been invited.

Robert Conaway, 8425 Parshallville Road, said that he keeps thinking of the word sham. The whole spirit of cluster housing is to take a site and cluster the houses close together to free up open space for the rest of the site so it is useable for the homeowners that are there. They use the term "cluster" but this is a build out. You squeeze as many houses in there as you can except for where the pipeline is and where we need a detention pond, which happens to border right where the creek and the nature center is. All the materials from the surface water from all those streets is going to end up in the detention pond. All the anti-freeze and battery fluid is going to end up there. Then I hear that by state law you have to have a public hearing first before the Board makes a decision. I think you have violated state law, which is a shame.

Edward Gren, 5850 Cullen Road, asked if the interveners to the consent agreement entered into by Landon were involved in this or if they had signed off on it. On the last go-round, he was part of a law-suit and signed off on it then. He was supposed to be contacted if the agreement was opened again and he wondered if the Township had heard anything about it.

It's five years later, there's a different Board and it's deja-vu all over again—cluster style Landon-Tyrone Park mega development. Development, according to the dictionary, means to improve or advance the community interest it serves. The high density of this cluster style development clearly does neither. The adverse effects are obvious, inadequate road system, water shed and drainage concerns into the adjacent nature preserve and Ore Creek, increased crime, slums, signs advertising "Own Your Own Home With Nothing Down," lower property values, and a lower quality of life for the people of Parshallville. Referring to the life experience comparison between city and country living, he noted that Parshallville is a rural hamlet with no commercial business other than a day care center and the three month fall Cider Mill season.

The unrealistic cluster development density of this development is not compatible with most inner city zoning laws let alone the rural village of Parshallville. The newly built homes on the South side of Parshallville Road average 6.6 acres per home, Mill Pond Place on the south west side of the Millpond averages 2.5 acres per home site, Settlement Residential, which encompasses the whole village, is 1.74 acres per home site, and your own Tyrone RE Rural Estates zoning is 1.4 acres. Parshallville Ponds, a new development is .7 acre per unit. Should this development be approved, for six tenths of a mile from Parshallville Road, traveling east, you would have about 735 home sites on 183 acres on the Tyrone side of Parshallville Road as compared to 10 home sites on the 183 acres on the Hartland side of the

road. The population on the north side of the road would be 74 times the population of the south side of the road and 10.5 times more population than the entire Village of Parshallville. Clearly, the R-2 Cluster Option density of Tyrone Park does not reflect the rural estate topography of the surrounding countryside, your own master plan, and the current density in the village of Parshallville. He can't believe that a rational thinking Board member would even consider approval of such a disastrous development and say it was based on sound planning principles.

John Daniels, President of the Lake Shannon Association, 7520 Ore Knob Drive, asked for clarification of what Zoning had been changed. Mr. Hasbrouck said that the mobile home park zoning had not been changed, but there were some restrictions that had been put on the use.

Mr. Daniels recalled that the developers said there was a demand for this type of housing. We have a number of trailer parks sited in Tyrone and none of them are full. He didn't see a need for more low income high density housing in this area. He lives on a lake controlled by a dam fed by Ore Creek. Parshallville rebuilt their dam so they can dump more water, which they had to do because of all of the development, and it now exceeds the capacity of the Lake Shannon dam. More development with more surface water run off is going to have a disastrous effect on the lake. When they worked on US 23, Old US 23 was decimated, but now we have more development and more trucks. We just went to neighborhood trash pick up to minimize trucks in our neighborhood. More development would make our roads even worse than they are now.

Mr. Daniels asked if the developer had purchased 622 sewer REUs from the trailer park. Mr. Hasbrouck said they had been purchased from the sewer district system which is administered by the Livingston County DPW. Mr. Daniels asked if that meant they could be used for the trailer park or the new development. Mr. Hasbrouck said that was one of the conditions until they got to the 622 unit figure.

Mr. Daniels thought it would be nice to hear from one of the signatories to the contract and asked who signed it. Mr. Hasbrouck replied that he had not seen the contract and couldn't answer the question, but there are Board members at the meeting.

Sandra Bartz, a resident of Cider Mill Crossing, said they were frightened to death that Cider Mill would throw them out. With the rezoning, they don't know what will happen. They would like to know who they can find that out from. They get no straight answers from Cider Mill. They are really worried. There is supposed to be a road coming through and they are the last home in the park. Will that new road come through their property. Mr. Hasbrouck said that they were proposing to build a road close to where it is shown on the drawing.

Mr. Galvin asked Ms. Bartz to show him the location of her mobile home on the site drawing. Ms. Bartz said she had put a lot of money into this and had built a garage. They were as much a part of this community as everybody else.

Dr. Ken Shelton, representing the Church of God at 6317 Old US 23, had a question about the prohibition on mobile homes. If you have a prohibition, how come you will allow 22 of them. A second concern is the density of the proposed new mobile home park. All together, 747 units are going to be built. He can't even picture in his mind what 747 homes would look like built that close together. He isn't sure that is a good trade-off. He also requested that if

possible, a berm be considered for the north side of the entire project. There has been an increase in vandalism on their property, several thousands of dollars since the mobile home court went in, and police reports have been filed. A berm and a fence would be greatly appreciated and mutually helpful since they hold state-wide events for 107 churches there. They would like to be good neighbors and he isn't sure that headlights in bedroom windows would make good neighbors.

Mr. Galvin said he would like to deal with some of the questions that have been asked and some of the comments that have been made. What we are about tonight concerns stuff over here (points to the Bantle property site drawing). To go to the first question, there is an explicit prohibition on houses which are not built on site. When he started he said all of the homes to be built must built on site (Bantle property). They are not to be manufactured homes, they are to be so-called stick built homes. That's how you have a prohibition and a 22 existing mobile home minimum with respect to that one (points to the Cider Mill site drawing). There is an absolute prohibition in this direction (Bantle property) and in this direction there was permission to allow all of this to be manufactured (Cider Mill), but there has been a change in the consent judgment.

Step two is the question that often asks, "How are these homes to be taxed." Everything on this side of the line (Bantle property) will be taxed the same as those of you who do not live in a licensed mobile home park are taxed. There is no difference because these either will be developed as a site condominium or a platted subdivision. These will be taxed as real property. Did they pay for the sewer, yes they did. This is not an extension as has been suggested by others. These will be the same type of houses you live in and I live in.

Gerald Dankhouse, 8323 Parshallville Road, said he talked to County Commissioner Dave Domas and they walked down Parshallville Road and he saw how bad it was. Mr. Domas told him it would cost \$1,000,000 a mile to redo the road as it is now. If they put that development in there, what do you think it will cost to do the road then. Another issue is he visited a friend who lives in a mobile home park three days after there was a fire in there. Three of them went up at once. If they put those houses that close together, it will burn down the whole area, it will burn the woods, and it will burn the church camp.

Mike Lewis, Township Supervisor, said he wanted to answer some of the questions. The contract that is in effect right now was signed by the board. Unanimous. Our previous Board got us into a lawsuit. The suit pending against us was in excess of \$2,000,000 for the installation of the sewer system that is in place today. The Landon Group put the money up front, the pipe was put in the ground, and here we were assessing for the pipe that was put in the ground in addition to what they had already paid. We came up with a settlement. There was due diligence and it wasn't a snap decision done over night. There are several thousands of dollars the Township is paying out in legal fees. This has been going on for years. We are trying to put this to rest. With the sewer system that we have in the ground, we have two very large bonds that the Township has to pay back. If we don't pay them back it will cause us to go insolvent.

The buildings are going to go up right next to a fire hall on Parshallville Road. It's true that one of the units in Cider Mill went up, but there are different specifications for a stick built home versus a manufactured home or a modular unit. They are built on site to the same standards as the type of house you live in. Currently the mobile home park brings \$36.00 per

unit as far as taxes go. The houses that are being built will provide taxes of approximately \$1,000 per unit, contributing to the betterment of our Township.

Another thing that is very positive is that we need a fire hall in our Township to better serve the southern end. We haven't had the where with all to build ourselves a fire hall. It was turned down at our last election, so the Landon Group has been gracious enough to contribute to the Township. The Landon Group will also be paying for the taps that are going in. If we don't get the taps paid for, our Township will become insolvent. We have to foster growth. If you go down there and drive through the mobile home community we have now it is well kept. They are nice homes. Landon developments are first class.

There are pros and cons for everything. He is as concerned as anybody else about water runoff and traffic. The Township is growing at a quick pace and our regular dirt roads need servicing. If we don't have the tax base to bring the money in to do repairs on our roads, it's just not going to happen. This new development that is coming in, along with the other mobile home park that has not been built, is going to be stick built. You can get a mortgage. Even though it is going to be a little denser than you are accustomed to, we had to do something.

Beverly Namindola, a Cider Mill resident, said she was proud to live there. She moved here because it was in the country. They liked the surrounding area and they are both retired. They don't have the money for these \$200,000 homes, but they did have money to buy a nice home that we could afford to live in until we are gone. She is just tired of everybody talking it down like it's a trashy trailer park. Sure there aren't a lot of homes in there, but that isn't their fault. It is still a decent park to live in.

Diane Denner, 5789 Cider Mill Drive, said she was told that there were mobile homes and there were going to be two story stick built homes with 5 homes on an acre lot. She wondered what would happen in 10 years if the development didn't happen. Would it revert to the old mobile home park zoning. Mr. Hasbrouck explained that the rezoning was for the 35 acre parcel. We didn't have information about the mobile home park. She wanted to know if it went back to a mobile home park, could they kick the people out of their houses. Mr. Hasbrouck said they would have to begin the project within 10 years. If they don't do anything with it, the zoning would revert back.

Margaret Andreen, 7050 Lake Shannon Court, said she was really concerned about the environmental impact of the project and hadn't heard anything about that tonight. Mr. Hasbrouck said environmental information was submitted in the packet and it would be considered when the Planning Commission makes their recommendation. Ms. Andreen said she hated to see the sand hill cranes go. Every year there were fewer and fewer birds.

Terry Spellice, 8115 Parkwood Drive, asked about the the Bantle property. If Mr. Lewis was talking about taxes of \$1,000 a year, that would bring \$125,000 into the Township, but what would it cost going out. You should do both sides of the study. That might be enough for two school teachers.

Roger Braun, 9311 Parshallville Road, said he was an intervener in the last suit with Landon. Looking at their site map, he saw a road proposed where it was agreed that there would be no road. He has a paper from a judge, saying you can't do that. He kept all of the documentation from the court settlement.

County Commissioner Dave Domas, 7146 Ledgewood, wanted to make the point that the development is inconsistent with the community standards and is inconsistent with community's desire to protect the rural environment. There isn't a place in the Township where it would fit. He hopes that the residents won't lose faith in government by the way the proposal has been brought forward and hopes there are people who are willing to step forward to see that the community continues to improve for the better. He is available to work with the residents. No one should have surprises like this sprung on them.

He asked Mr. Galvin about the \$400,000 gift that the Township received from his client for a fire hall. It was his understanding that a special assessment district will be established for the mobile home park and the new parcel and the Township will float bonds against that special assessment district. That is where the \$400,000 will come from. He wasn't aware that companies like Landon were in the habit of giving gifts.

Mr. Galvin said Commissioner Domas was wrong. Number one, if there is a special assessment district it will include only the land in the trailer park. The \$400,000 will be through a special assessment for which proceedings have been taken. He genuinely and truly believes that the Township has cut an excellent deal. There is no special assessment district formed for the 35 acres. It is not a gift from Landon, but it is a donation because Landon pays it, whether they pay it all at once or in installments.

Keith Kremer, 9054 Green Hickory Lane, wondered if the Township was looking for a magic way to pay for the sewer hookups. They (Tyrone Park) haven't sold the 625 they already have and they are going to add another 125. What is the Township going to do if they don't sell more. Does this really solve the problem or create another one.

Joe Pellatt, Parkwood Court, asked Mr. Lewis and Mr. Galvin if this was such a great deal for the Township and we are being gifted \$400,000, why the apparent cloak of secrecy and why was the Planning Commission by-passed. Why wasn't this great deal bought forward.

Mr. Hasbrouck said the Planning Commission was aware that there was negotiation and discussion going on through past conceptual discussions with the Landon people. It only recently came to the full Planning Commission.

Mr. Lewis said he wanted to address the cloak of secrecy. That didn't exist. Two of the Planning Commission members were at every meeting that the Board had with Landon Corporation from the very beginning and there have been five Public Hearings to date. Mr. Hasbrouck commented that there was no one present from the Planning Commission when the Board signed the document. Mr. Lewis said they didn't have to be there and Mr. Hasbrouck couldn't sign the document anyway, but he was at all the meetings prior to that. The agreement was signed at a regular Board meeting and it was posted.

Lois Campbell, 9256 Parshallville Road, wanted to know about the access from the thirty-five acres to Parshallville Road and if they had taken into consideration the traffic from the pumping station. She counted at least seventy-five to one hundred huge vehicles going to the pumping station for repairs. The pumping station is also lit up like a carnival at night. Mr. Hasbrouck said that the conditions in the agreement state that the position of the road has not been determined. Mr. Galvin said it had all been considered.

Mr. Lewis commented that the pumping station has been signed over to the Drain Commission's department.

Carol Fergus, said she had come to a rural community to get away from city living. To put all those houses in that little spot just seems to be basic greed.

Joy League, 8372 Parshallville Road, asked what would happen to the schools when this development gets built. She wanted to know when Tyrone Township was going to build some schools to accommodate all these people and where the people would come from. They would bring people from Flint and Detroit, but she wanted her kids to stay safe. Mr. Hasbrouck explained that the costs for schools were shared equally. He didn't think that Tyrone Township would ever form its own school district.

Ms. Bartz asked Mr. Galvin about the 22 mobile home sites that would be left. She said most of us took everything we had to invest in there. How do you determine which 22 sites will be left there and the ones that aren't, what are they supposed to do. Mr. Galvin replied that the word "minimum" was used and there may be more than 22 sites. We are looking at how to configure those which will remain manufactured homes and those which will be stick built. The undeveloped portion will be stick built. Some of the other portions will also be stick built. A portion of the property will be left for manufactured homes, but he can't tell about the particular sites. We are here tonight seeking the recommendation of the Planning Commission with respect to the Township Board's request for rezoning pursuant to the agreement.

Joe Smalski, 8198 Driftwood Drive, asked if the Township would have signed the agreement if there wasn't any money involved with it. Mr. Lewis said it was either that or become insolvent. We had to solve the amount that was owed for the pipes in the ground. They could have requested all the amount due plus all the back interest plus the consulting and management fees to put the pipe in the ground. After due diligence and several meetings with Landon and our Attorneys we came to the conclusion that we owed Landon \$1,900,000 for the pipe in the ground. We paid that, but we didn't pay all the interest that accrued on that. Right now the Township is running at minimum capacity. Our general funds are depleted, our road fund is depleted, our revolving fund and our rainy day funds are all depleted. We have to solve these lawsuits and come to terms. We have over half a dozen law suits pending against our Township that we had to get off our back. The Township Board has not sold out. We would like you to come to our meetings and provide input.

Mr. Smalski wanted to know if they would have signed the agreement if there was no money involved. Mr. Lewis said they had to. Mr. Smalski asked Mr. Lewis to forget the insolvency part and the money part, would he have signed it. Mr. Lewis said there was a law suit in place. Mr. Smalski asked him to forget the law suit and asked if he would have signed it on merits only.

Tom Green, 7428 Driftwood, said there is a procedure to follow. Not only is the cart ahead of the horse, he seriously questions the legality of this. Even though they need to be rezoned, this is not right. He read in the paper where the Township had to pay Landon \$1,900,000 and then Landon gave \$400,000 back.

Ron Gordon, 7335 Old US 23, asked if it was true that the Board could approve something, even if the Planning Commission does not recommend approval. Mr. Milliken said that was

correct. Mr. Gordon said we can make a big deal that the Planning Commission didn't come first, but they could have not recommended it and it and still could have been approved. Mr. Hasbrouck said that was correct. Mr. Milliken explained that at some point following the Public Hearing there will be a recommendation from the Planning Commission one way or the other, and then it will get forwarded to the County Planning Commission. County Planning has 30 days to review it and provide feed back or not. When that is returned it will be combined with the information from this meeting and forwarded to the Board with the Planning Commission recommendation.

Dave Kuzner, Township Clerk, said our law suit was for \$1,900,000 and that was because of the County's refusal to pay the Landon bill for 3 years. Now if you take \$1,900,000 and take our suit, interest could be 8 or 12 percent on that money and then take the \$400,000 they are giving us and that is a \$1,000,000 swing.

Take the money aside. A lot of people ask if you wouldn't do this for the money, but the county didn't pay them for three years and if we wouldn't have went with this settlement, that interest comes back on the people of Tyrone Township. Now where are we going to come up with \$600,000 to satisfy the judgment. Ask yourselves that when you get your tax bill. The other consideration is you have a mobile home park, nothing wrong with mobile home parks, but everybody hates them. The mobile home park is going away as we know it. It is going to be converted to stick built homes. He heard a lot of conversation about schools. Three dollars a year is what mobile homes pay to school tax. Stick built homes pay the same per home value that you pay.

We keep talking about 700 hundred homes. Whether we did anything or not, there are going to be 622 there. He keeps hearing 700, 700, 700. Whether this never happens you still get 622. Your are losing site of that fact. No matter what this Board did, we're still going to have 622 homes there. That traffic is still going to be there, all the infrastructure problems are still going to be there. We have a site plan for a development that's supposed to have 622 homes.

We are looking at 125 homes on 35 acres. The math is 3.5 homes per acre, not 5 or better which I have been hearing. The mobile home park math is 4 to 4.5 homes per acre so it is a drop in density and there are density levels that will decrease to the outside. Is it perfect, absolutely not. Is it the worst case scenario, absolutely not if you take it in it's entirety. What do you do as a Township Board, spend \$1,000,000 to pay a judgment or work with a developer to find the best solution you can without causing the taxpayers of Tyrone Township a millage. That is what you would end up with if we wouldn't have done something to take a positive effect. We get rid of mobile home park. That's what we've done. It's going to be stick built. We add tax paying revenue instead of nothing to the coffers of the Township which was going to be there regardless of what we did.

We are going to add future sewer users to the sewer system that was put in place. That's a \$16,000,000 debt over 20 years. That \$16,000,000 debt is not structured by current users, it is structured by future users. There are supposed to be 40 or 50 homes a year added to that system every year to make that debt payment. We have gone by with three years on that system. The cushion is being eaten up. Where is that sewer money going to come from. If we don't add users to that system, it is going to come out of your pockets because the Township's full faith and credit is signed for those bonds.

There will always be 620 units whether they're there today or in ten years. The plan states that. It isn't what you think it is. It is a contract rezoning which is completely different. It's a brand new legislation that nobody's dealt with before. Nobody has. There are no rules on this, we are making them tonight. It is not like the Board went out and did this behind people's back. We're in litigation. You can't bring it because you're solving a litigation. You don't go out in public and discuss your negotiations. We finalized it and we brought it to a public hearing. That's what's happened. Nobody's gone behind your back. People have done the best they can with the situation they're in. We can ignore it, we can say no development, nothing, get your check books out and solve it that way. When people elected people they said I don't want to pay any more taxes, I don't want to pay any millages, I don't want any special assessments. We've done it without any of that to people. We have done what he thinks is the best economic and political decisions we could have made.

Cheryl Gren, 5850 Cullen Road, wanted to know if the Board had asked the tax payers if they would be willing to pay an assessment instead. You don't know what people will think until you ask. She wondered why Mr. Lewis had referred to Landon as being gracious. Part of the mess you are in is because of lawsuits by them and now they are blackmailing the Township to rezone. If they are so gracious, instead of compounding it and making it even worse than it was before, why aren't they required to build their own fire station to handle the increase of all these homes on the south end of the Township.

Les Baxter, 9098 Parshallville Road, said he was part of the original intervener group that dealt with the other Board. It certainly needs to be considered that there are 2 intervening families that were signers of the consent agreement still around. Any change to that consent agreement requires their signatures. He strongly recommends that the Planning Commission

recommend to the Board a long hard look at that. Everything you can dream up has been moved to the south border of the Township. He hopes the Planning Commission will give a negative recommendation.

CLOSING PLANNING COMMISSION COMMENTS:

Mr. Fumich asked if Tyrone Park Associates Limited Partnership is the same as Landon. Mr. Galvin said it is not Landon. It is a limited partnership that contains some of the same principals as Landon. Mr. Fumich thought that if this was associated with Landon, why didn't they just build the 125 homes in the Mobile Home Park. Mr. Galvin replied although they involve some of the same principals, they are not the same corporation. Tyrone Park has contract rights to this new property.

Mr. Hanoute asked if the special assessment would be applied to the existing mobile home park to cover the cost of the \$400,000 bond. Mr. Galvin said it would. Mr. Hanoute said that would become a direct assessment against the property owners within the park, so that doesn't come out of Landon's pocket. Mr. Galvin said that wasn't correct. It would not be paid until the lots were sold in the future. At the time the property is sold, to the extent that there is a special assessment on a particular parcel, that assessment goes to the purchaser.

Mr. Hanoute then asked for explanation of the minimum mobile home numbers. Mr. Galvin said he didn't know how many will remain. There are really 3 distinct groups to look at. There is an area which has been developed. The infrastructure is in place with water and roads and

the like. There is a large area within the existing manufactured housing community that has not been developed. The undeveloped area will be all stick built. A portion of the developed area will remain and a portion will not. Mr. Hanoute commented that could be a decision that would be made later, but at the present time there was no limit on the number of mobile homes that could be placed. Mr. Galvin agreed that there is no limit—it can be either / or. They can be mobile homes or stick built. As Mr. Nielsen said, "The manufactured housing community as you know it is going away."

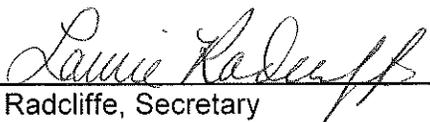
Addressing Mr. Lewis or Mr. Kuzner in the matter of insolvency, Mr. Hanoute asked what the projected cost to each tax payer of the Township would be to cover the costs of the law suits and the sewer versus the rezoning. Mr. Nielsen wondered why Mr. Hanoute would even ask that question. That has nothing to do with the rezoning.

Since the project has already been approved, Ms. Eastman wanted to know if the Planning Commission would get to see the site plan. Mr. Nielsen said they could see the site plan, but the plan has already been approved as part of the contract agreement. She said her concerns were about safety based on the site plan. They should build the new access as soon as the first house goes in. With only one road, it is a disaster waiting to happen, especially after the talk of fires tonight.

An unidentified resident asked if this meant that Landon was no longer involved with the park and they were merging the two together. Mr. Galvin said, "No." Most real estate developments are put into an entity, in this case a limited partnership. The principals involved in Landon are involved with the principals in Tyrone Park. It's just a way that companies hold land. They can bring in a partner, develop it themselves, or sell all or part of it.

CLOSURE:

There being no new questions, Chairman Hasbrouck closed the hearing at 9:30 p.m. and informed the residents that the Planning Commission will discuss the matter at a regular meeting. The time and date of the meeting will be posted. In this case, there will be no mailing, but you can call the office for more information.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

- Page 2, Line 13: (...with the goals ...)
- Page 3, Line 1: (...understand what the Mr. Gavin's...)
- Page 5, Line 41: (...the validity of **the** contact....)
- Page 6, Line 22: (...we offer to you...)
- Page 7, Line 11: (...you hear **about**...)
- Page 7, Line 13: (...contributing \$400,000 **towards** the cost...)
- Page 8, Line 7: (...so it **is** usable...)
- Page 10, Line 6: (...in this direction there was a permission...)
- Page 10, Line 11: (...because these either **will** to be...)
- Page 11, Line 5: (...home **park** part has not been...)
- Page 12, Line 39: (... signed over to the **Drain Commission** ~~Planning Commission~~)
- Page 13, Line 17: (...owed Landon \$1,900,000 for the pipe **we** in the ground)