

GENOA TOWNSHIP BOARD
Public Hearing
August 11, 2004
7:00 p.m.

MINUTES

Supervisor McCririe called the Public Hearing of the Genoa Township Board to order at 7:00 p.m. at Three Fires Middle School. The Pledge of Allegiance was then said.

The following persons were present representing the Township Board and Planning Commission: Gary McCririe, Paulette Skolarus, Robin Hunt, Jim Mortensen, Todd Smith, Mark Snyder, Teri Olson and Curt Brown. Also present were Township Manager Michael Archinal, Township Attorney Rick Heikkinen, Joe Galvin (Miller Canfield Paddock & Stone), Township Planner Kelly Kolakowski, Brad Strader and Jeff Purdy of LSL, and approximately 60 persons in the audience.

Attorney Joe Galvin addressed the board and audience. Galvin – We are here to discuss the future use of the land that the existing golf course is on when it ceases to be a golf course. Landtec is going to the ZBA for a use variance. The law states that they must exhaust their administrative remedies, which they are doing. The township denied the petition but it does not mean that the problem is resolved. Landtec must show at the ZBA that there is no viable use of their property under the current zoning. We do not think they can do that. But for tonight, assume the golf course may not be a reasonable use for their property under the current zoning. We are here tonight to talk about an alternative and reasonable application for the use of this land. The Township Planners will present basic background information. Then residents will be asked for their comments.

Jeff Purdy, Planner (LSL) – We want to discuss a feasible development that would be acceptable to surrounding residents. That is why we are here this evening. Along Hughes Road there are many different types of residential use: high density, residential homes, and detached condos. Our ordinance requires new development less than 18,000 sq. feet to be served by sewer and water. One to five acre parcels do not require those utilities. Hughes Road is a narrow 2-lane road with increasing traffic, however, the road commission has determined that it is not as yet at capacity. This site contains natural wetlands and ponds, and other areas have a high water table that would require municipal sewer and water.

A call to the public was made with the following response: Unknown - Why not a golf course? Galvin – Yes. The golf course is viable, but development pressures exist and this is the opportunity for you to present your concerns and recommendations. What do you think would be a good viable use other than a golf course? Glen Nelson – Does Landtec own this property? McCririe – No, but they have received authorization from the owners of the golf course to seek a rezoning. This forum, tonight, is being used because quality of life is the issue. Nelson – The GUARD has proposed that the golf course be purchased by Oceola and Genoa Townships to retain the existing use.

GENOA TOWNSHIP BOARD – Special Meeting – August 11, 2004

Ron Rogers – We are trying to get our proposal on the ballot to purchase the land as a park. Should the township purchase the land and run a golf course; it could prove to be a revenue provider. Once this property is developed it is gone forever. Other communities own golf courses. Three of the existing 14 golf courses in Livingston County are asking for rezoning. Ed Altounian – Genoa Township has grown and the present owners have let the golf course run-down. Chemung Hills is trying to obtain a liquor license and they are packed. The township should consider the purchase and lease of the site with group management.

Jack Pike – We have listened about the poor economics of golf courses, yet they continue to be built. Genoa Township should make a concerted effort to retain this golf course.

Frank Quigley – I agree that this county needs golf courses and parks. We are expected to grow 400% in the next 20 years. The county and not just the township should be interested in keeping this property open. Was there ever a proposal that involved 300 units with the retention of part of the golf course? Purdy – That is an option that we are here to discuss tonight.

Steve Wildman – The golf course is real cheap. They did not want to be part of the original sewer special assessment district so why should we re-design our existing facility to accommodate them now. Fred Jones – I used to play golf with the past owner.

Someone should go through the books to determine how profitable the company really is. The park does not shut down on Labor Day as has been stated. They continue to do business and receive revenue in September, October and even November. Tom Bahen – No doubt growth is coming to Genoa Township and we need recreation. I am concerned with the capacity of our aquifer and water table. One thousand condos would create a huge problem for the surrounding area. Is it true that Landtec says they were denied sewers? McCririe – No application was made by Landtec to bring that property into the sewer district.

Bahen – How can you make the owner show a financial burden if they want to sell?

Galvin – The rule of law to grant a use variance requires the property owner to show the inability of the parcel of land to generate a reasonable return under the existing zoning. They must show that they cannot use the land within the district.

McCririe – The property has been sold to Landtec through the purchase agreement. It may be available to us at some time in the future; it is not available now.

Andrew Lutman – My first choice is a golf course. Should this property be developed in another manner, I would like to see a low density (250 single family homes), cluster type development with high end housing, walking paths, parks, open space with sewer and water. William Billmeier – We have enough dense development in this area. Without municipal sewer it should be limited to two or three acre parcels. History has already shown us that their development of a septic system will only fail.

Walter Ogle – I don't like to see a golf course with homes around it. Faulkwood is considered to be one of the finest in Michigan. Claire Bahen – I have written a letter to

GENOA TOWNSHIP BOARD – Special Meeting – August 11, 2004

Kelly Kolakowski that I will restate. 50% of the land should remain open space, with tree-berms between the existing residences. The developer should be responsible for irrigation and the paving of Golf Club with at least a new base coat.

Frank Quigley – Landtec says they have a right to make a profit. Galvin – Landtec doesn't have a right to make a profit. The property owner has a right to a reasonable return on the land. Landtec has the right to go to court. We have to look at the bigger picture and what happens if... The ZBA can deny and Landtec must prove their case. Quigley - The existing roads are not anywhere the condition to accommodate this development. Galvin – You cannot place that burden on Landtec because they have not as yet impacted those roads. Quigley – Then let's have 100 houses with sewer.

Don Green – You have got to feel for the people who at the last two meetings asked that you 'just say no'. I have lived here for 29 years and Hughes Road cannot handle more traffic, neither can Golf Club or Latson. Fred Jones – I didn't realize the property was "sold". McCririe – They have a bonafide purchase agreement on the land, but it has not closed. We don't know the terms of the agreement. Jones – Is there water available for this development? McCririe – The Township controls the sewer and water. Jones – Please keep any development low density. Don't you people deal with the road commission? Years ago we asked for bike/walk paths along Hughes and the L.C.R.C. said no but now we can put more traffic on Hughes. Galvin – Our Planners know the statistics about road capacity. The engineers indicate that the road still has capacity for more traffic. We are the good guys here. Purdy – Any new development requires a traffic impact study. We look at that in contrast to the current capacity. We often require additional improvements after review of the impact study. Strader – Traffic would not be a good reason to deny a petition simply because they were the last parcel to develop.

Glen Nelson – I work at Oakland County golf courses with much higher figures. Golf courses generate five-digit income on many days. Sharon Mendelson – Have we had counsel working with Landtec, who has a poor reputation. The purchase agreement would be contingent on rezoning with a limited time frame. Have you prepared documents about previous projects that they have developed? Galvin – One-year would not be unusual for a purchase agreement. The issue is whether the zoning allows the owner a reasonable return.

John Zimmerman – There was a plan to have 75 residential units on each side of the road. What if they wanted to strip the land? Galvin – The law and the Constitution says that an owner must have reasonable use of the land. As an example land with an agricultural zoning may not be reasonable just because a person is a poor operator of the business. The point is not a verbal game; it is an economic reality. This is a serious challenge – with a public recreational zoning the argument for rezoning is not unreasonable. We are asking for alternatives to the golf course.

Joyce Matevia – There is a nice sub on Hughes Road with ponds, trees, greenways and clustering of homes. I am concerned with the destruction of the existing land, trees, ponds, etc. We have sewers to protect our lake. Whatever you do keep it far away from

GENOA TOWNSHIP BOARD – Special Meeting – August 11, 2004

the lake. I work with Handy Township and the future golf course should retain at least nine holes.

Joann Kimblack – I am disappointed. I had understood that the development was totally shot down. Why can't this land remain a golf course? Why can't the township purchase the land? I am concerned with density, and traffic. We should maintain it as it is. Do we need to choose an alternative here tonight? It's always about the money – what about the impact to Lake Chemung?

Ed Altounian – Where is the nearest baseball diamond? We don't have any parks. A bare minimum of 20 acres should be set aside for parks without disturbing the green space. George Theleritis – I moved here a year ago and look at the 15th green - from the time I get up in the morning until I get home from work it is busy. I love that golf course. Progress is progress, but at what expense. Is Landtec in a good position? Galvin – I think they have a long fight ahead of them. George Theleritis - Please come into our neighborhood and see what is there. We don't want it taken away. The GUARD will support you 100% if you fight for us.

McCrie – Times change, residents change and the board changes. We unanimously turned down the re-zoning request. We also want your opinions as to what would be a feasible use for the future. This will be an expensive fight, but if we lose...it will cost all of us a lot of money. It could cost tens of thousands or hundreds of thousands. Thomas McDermot – It may cost millions. The next time you have a meeting, could you send out a mailing.

Gerald Matevia – Thank you for your previous decisions. We know that you are standing up for us. Look at the big picture. If this development goes through it will mean more impact to our schools, roads and water system. Please push against this developer.

Robert Huber – I am from Lake Chemung Resorts and I have seen development. This development needs to be controlled. Has anyone contacted the owner of the golf course telling them of the interest of the Township? McCrie – We were not aware that the golf course was on the market or of the sale. Galvin – A binding contract is in effect with Landtec. As an attorney I would advise the Township not to contact Faulkwood.

Gertrude... - Is there a moratorium the Township could put into place with regard to rezoning? McCrie – Generally, that is not a good idea unless there are extenuating circumstances.

McCrie – We will meet again one week from today. We will go to the ZBA to appeal our case. The Zoning Board includes five members and they may say yes, no or something in between as a compromise with Landtec.

The public hearing of the board was adjourned at 8:45 p.m.

Paulette A. Skolarus
Genoa Township Clerk



(PA08/18/04)