

(corrected)
GENOA TOWNSHIP
Regular Meeting
Held at Three Fires Middle School
June 1, 2004 (Tuesday)
7:00 p.m.

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Township Board to order at 7:00 p.m. The Pledge of Allegiance was then said. The following board members were present constituting a quorum for the transaction of business: Gary McCririe, Paulette Skolarus, Robin Hunt, Todd Smith, Anthony Combs and Jim Mortensen. Absent – Jean Ledford. Also present were Township Manager Michael Archinal, Township Attorney Rick Heikkinen and approximately 100 persons in the audience.

Moved by Mortensen, supported by Smith to approve the Agenda as submitted, hearing petition no. 5 first under Action Items for Discussion. The motion carried unanimously.

A call to the public was made with no response.

Consent Agenda:

- 1. Payment of Bills.**
- 2. Approval of Minutes of May 17, 2004.**

Moved by Hunt, supported by Mortensen, to approve the Consent Agenda as submitted. The motion carried unanimously.

Action Items for Discussion:

- 3. Request to regretfully accept the resignation of Chris Hensick from the Zoning Board of Appeals and appoint Kevin Brady to fill his un-expired term.**

Moved by Smith, supported by Combs, to regretfully accept a letter of resignation from Chris Hensick. The motion carried unanimously. Moved by Skolarus, supported by Smith, to appoint Kevin Brady to the Zoning Board of Appeals to fill a term expiring 06/30/2006. The motion carried unanimously.

- 4. Request for approval the impact assessment corresponding to site plan for a proposed 2,076 sq. ft. addition to the existing childcare facility (School Bell Childcare Center) located on the south side of Grand River between Hubert and Euler Rd., Section 13, petitioned by In The Pines Inc. as discussed by the Planning Commission 05/10/04.**

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Moved by Smith, supported by Mortensen, to approve the petition for School Bell Child Care Center contingent upon the following:

1. The building height will conform to the Township Ordinance, and the final approval will be handled administratively.
2. The site lighting will meet Township Ordinance.
3. Township Staff will determine the residential equivalent user for sewer connection.
4. The petitioner will ensure that the construction of the sidewalk along Grand River avoids utility structures.

The motion carried unanimously.

5. Request for approval of a rezoning application, environmental impact assessment, and review of conceptual site plan to rezone 177.66 acres (Faulkwood Shores Golf Course) located on both sides of Hughes Rd., ¼ mile south of Golf Club Rd., Section 3 & Section 4, from PRF (public/recreational facilities) to MDR (medium density residential), petitioned by Landtec Realty, Inc., and discussed by the Planning Commission 04/26/04.

Mr. Thomas Kalas, an attorney representing the petitioner presented his plan for 1,016 residential homes for this development.

Paul LeBlanc (L.S.L.) made reference to a letter dated 03/02/04 from Jeff Purdy: The petitioner is proposing to build 1016 units; however, the maximum number of units (1400) should be considered when rezoning. The applicant has still not addressed all of their concerns of the planners, especially the inconsistency of this request with the Township's goals, policies, Master Plan, and future land use map. There has been no substantial evidence that this property could not be used as it is currently zoned as well as the need for more MDR zoning in the Township. They have concerns regarding servicing this site with a private wastewater treatment plan and water system and how this may impact the surrounding properties as well as the groundwater. The traffic study has been provided; however, there are details still lacking. Also, regarding the off-site improvements noted by the petitioner - the Township does not have the authority to require these improvements nor has the petitioner offered any funding. We have concerns regarding the compatibility of this density with the surrounding uses. The petitioner noted that all of these issues could be addressed during the site plan process; however, it would not be good for the Township to rezone this property without getting into the details of the actual final plan. In addition soil borings are necessary to determine the maximum density allowable to this site. Installation of a wastewater system would be a long process with the MDEQ. There would also need to be aquifer testing to determine if there is an adequate supply to service this many homes and not cause trouble for neighboring property owners.

Township Engineer Deb Huntley raised the following four issues:

1. The petitioner has not complied with the Livingston County Drain Commission and has not addressed the concerns of the residents regarding lake levels.

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2. Water Service – She would like a determination that the aquifer in this area could service 1400 residential units. She also raised concerns about a central water softener system that would eliminate individual water softeners that create problems with sodium chloride being discharged into the groundwater. She would like to see plans for a central water softening system.

3. Any Wastewater Treatment Plant facility would have standards for discharge and there is no plan in place for this.

4. Two critical intersections, Hughes Road and Grand River and Hughes Road and Golf Club, need to be reviewed for traffic impact based upon current traffic and future traffic to be generated by this site. If these two intersections cannot handle the traffic generated by the 1,400 units, then the rezoning should not go forward.

A. Call to the Public.

A call to the public was made with the following response: Andrew Lutman – I live on the golf course. What market impact will there be to my home? Ron Rogers I live in an area just to the north of this site. 17 homes were allowed on 65 acres. In the approximate 2500 acres directly around this site there are only 1600 homes. This development would generate an 88% increase to the whole area on a mere 7% of the property. Jack Pike – I have lived here for 34 years and this is not a good development. Jim Pratt – If this project should go forward, please make sure that there is enough land available for a second sewage treatment plant should this one fail. Our Township Ordinance requires 1500 sq. ft. of play area for every so many homes. This plan would require 40 acres for play area. Irene Cahill – I was on the Novi Planning Commission and would like to know specifically what kind of sanitary sewer facility they are planning to construct. Reynold Fracassi - So many arguments have been raised – no water testing, no bonding, no perk tests, and no road enhancement. I don't want to see ten years of construction traffic on Hughes Road.

Susan Phillips – Please do what is right and deny this request. Lynn McHale – What safeguard mechanisms are in place with regard to traffic and traffic density? Please consider use of this golf course for recreation or 1 acres homes. Mr. Wildman – The golf course wants to sell since the father passed away. Why not keep it as a golf course. Golf courses are packed every day in this area. David Best – Landtec presented data using 4 to 5 year old data and a 5% growth (based upon Livingston County standards). They should have made a determination based on actual traffic along these roads and the actual population increases specific to Genoa Township. Noreen Martin – The “S” curves on Golf Club Road have caused three accidents in the last ten days. What will that do with the additional traffic? Shannon Hoskins – Has the school issue been addressed? McCririe – Any growth will require additional schools.

Rick Novak – I am not opposed to growth. We do not need cookie-cutter homes here. Keep our rural atmosphere aesthetically pleasing to all, but consider the impact to our community. Mike Wysocki – I am concerned with the amount of water they will be taking out of the ground. My yard is actually sinking right now. My very existence is in danger. Approval of this request is a matter of my survival. Sandra Widner – I am a new

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resident. When we chose to live in Genoa Township it was because it appeared that the decisions made by our elected officials were made with concern and with controlling growth. Please deny this request. Eugene Corrigan – I own a ranch home off Hughes that is located 25' from the road. I cannot keep my house clean now because of the massive trucks driving in front of my house creating large potholes. Children walk along this road and one day there will be a terrible accident.

Kelly Gadegan – The petitioner has asked that he be treated fairly, but he is not treating us fairly. Sewers are required in my area. If I am required then why should this developer be allowed to go forward with something different. This developer will take all our resources and then leave with his profit and these homeowners will eventually pay the bill when things fail. We put our trust and faith into our elected officials; please do not allow this plan to go forward.

The call to the public was closed and the board raised the following issues: Smith – Who denied your access to the sewer district? Kalas – Our original request was for 386 units – requiring sanitary sewer. We were denied but did not formally submit a request to the township board. Smith – Did you know that a community well proposed for the nearby Woodland Springs could not produce enough ground water? Kalas – No. Smith – How many rounds of golf were played there last year? Kalas – The number of rounds of golf is not indicative of the profit or loss. Smith – Did you evaluate this as a golf course? Kalas – No, but our original request did include open space. Smith – Why is there no traffic level determination at the intersection of Hughes and Grand River? Kalas - I do not know. We supplied all the information that was available. Smith – You make reference to surrounding properties that are zoned similar to your request, however all those sites are RPUD. Why did you not apply for RPUD zoning? Kalas – To get to that point we need the MDR zoning.

Hunt – I am concerned with the wastewater treatment plant and surprised that you have not started formal application. I am also disappointed that you have not provided the return on investment for the golf course. Based upon the recommendation of our planner, I cannot support your project.

Skolarus - I have worked in Genoa Township for 19 years and I am appalled by the magnitude of this development. Faulkwood Shores Golf Course never asked to be included in our sewer and water districts – even though public notice was given. Now, a buyer has the audacity to ask that we rezone a public recreational facility to a zoning that would allow the construction of 1400 homes. Our sewer facility does not have capacity and the petitioner has not formally requested inclusion in either the sewer or water district. This development will require over 200 million gallons of water a year for each and every year hereafter. Just how much ground water is available in the aquifer you propose to tap? This developer proposes to build his own wastewater treatment plant. That simply is not a viable proposal for two reasons:

1. First, we have just seen the failure of an onsite treatment facility at Hidden Ponds Subdivision. The 35 homeowners living there will now have to come up with

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\$366,000.00 to connect to the Lake Edgewood wastewater treatment plant – while the developer has walked away with his profit.

2. Second, the Lake Edgewood development was allowed to build its own wastewater treatment plant and the problem is that the operational cost is exorbitant and must now be divided between a small numbers of users. The homeowners, who were looking for affordable housing, are stuck with huge sewer and water bills – while the developer has walked away with his profit.

The bottom line is that this developer should look elsewhere or provide a plan that is just and equitable. The people who live in this community have set standards for development – we are a zoned community- and we should have the final say.

Mortensen – I have an appointed position to the Planning Commission and my concerns are included in the Public Hearing Minutes of those meetings. I am still recommending denial. The petitioner has not met the standard required by Section 22.04 or our consultant’s concerns.

Combs – I live on a two-acre parcel and cannot even imagine how 16 families could possibly live in such close proximity on that size of property. The sheer numbers on this property are overwhelming.

McCririe - The following need to be considered prior to making ANY change to the official Zoning Map:

- a. *Consistency with the goals, policies and future land use map of the Genoa Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;*

- The Plan CLEARLY is NOT consistent with the goals, policies or the future land use map. The future land use map designates this area for PRIVATE RECREATIONAL. MDR, which allows up to 8 units per acre, is a quantum leap from recreation.

- b. *Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.*

- There are serious questions if the soils on much of the site can accommodate foundations.
- There is no PUBLIC water and sanitary sewer facilities available as required in section 6.45 of the Ordinance.

- c. *Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning;*

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- The applicant has shown absolutely NO evidence that they cannot receive a reasonable return on investment under the current zoning short of stating that they cannot with no supporting documents.

- d. *The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;*

- The proposed rezoning is not compatible with surrounding land uses and specifically
 1. Impacts on the environment, Lake Chemung and adjacent private wells for a significant municipal well
 2. Potentially severe environmental consequences in the development of a sewer plant
 3. Significant traffic impacts on a road that is currently operating near capacity and adjacent intersections that cannot handle the traffic that will be created by a development of this size. We are talking, at a maximum density of between 1,300 and 1,400 (10 x 1300), that equates to 13,000 trips per day. Add this to the traffic currently on Hughes and it would equal the traffic that is currently on Latson Road between Grand River and M-59.
 4. Location of this dense of a development in this area could adversely impact property values by making the area undesirable to potential home purchasers.

- e. *The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township;*

- Placement of a separate water and sewage treatment facility on this site poses a significant health hazard to the surrounding area and a significant burden on the future taxpayers of this community.
- f. *The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand;*

- The applicant has not offered any information about the demand of the product they are proposing except to say they can sell them. There remain significant stocks of attached units in the community.

- Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

- The request is not reasonable; therefore, there is no determination necessary. No offer of a more appropriate district has been offered by the applicant.

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g. The request has not previously been submitted within the past one (1) year, unless

A. Recommendation regarding rezoning application.

Moved by Smith, supported by Skolarus, to deny the request citing Section 22.04 of the Township Zoning Ordinance – items a, b, c, d, e, f and g that have not met compliance. Further, to include the comments from the Township Planner and Engineer (as previously stated above) as reasons for denial. Further, to note that the Livingston County Planning Department and the Genoa Township Planning Commission have recommended denial of this petition. The motion carried by roll call vote as follows: Ayes – Smith, Hunt, Combs, Mortensen, Skolarus and McCririe. Nay – None. Absent – Ledford.

B. Recommendation regarding impact assessment.

Moved by Smith, supported by Mortensen, to deny approval of the impact assessment since the rezoning was denied. The motion carried by roll call vote as follows: Ayes – Smith, Hunt, Combs, Mortensen, Skolarus and McCririe. Nay – None. Absent – Ledford.

The regular meeting and public hearing of the Genoa Township Board was adjourned at 8:45 p.m.



Paulette A. Skolarus
Genoa Township Clerk

(PA 06-17-04)