

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
November 22, 2004  
6:30 P.M.  
**MINUTES**

The work session of the Planning Commission was called to order by Chairman Don Pobuda at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Don Pobuda, James Mortensen, Curt Brown, Teri Olson, Dean Tengal, and Mark Snyder. Also present was Kelly Kolakowski, Township Planner; Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. and Tesha Humphriss from Tetra Tech, MPS. By the end of the work session, there were a few persons in the audience.

Items scheduled for action during the regular session of the commission were discussed.

Mr. Purdy noted that the ZBA noted some additional changes that should be made to the zoning ordinance. Chairman Pobuda and Commissioner Mortensen advised they would not make a recommendation to amend the zoning ordinance without seeing anything in writing first. Chairman Pobuda suggested having Mr. Purdy discuss the changes during the Planner's Report and then send what was recommended by the Planning Commission at the last meeting to the County and then after the Planning Commission sees the proposed changes by the ZBA, it can be sent to the County as an addendum.

Ms. Kolakowski stated that the proposed changes by the ZBA are very minor, such as cleaning up grammar, etc. There were no substantial changes. She would prefer to send the complete copy to the County.

After a brief discussion it was decided that the agenda for this evening's meeting will be amended to add "Agenda Item #3 – Recommendation to incorporate the comments made by the ZBA at their November 16, 2004 meeting regarding the amendments to the proposed zoning ordinance amendments in Article 23".

GENOA TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
7:00 P.M.  
**MINUTES**

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:02 p.m.

The Pledge of Allegiance was recited and a moment of silence was observed.

**Moved** by Mortensen, seconded by Olson, to approve the Agenda with the following addition:

1. **Agenda Item #3** - Recommendation to incorporate the comments made by the ZBA at their November 16, 2004 meeting regarding the amendments to the proposed zoning ordinance amendments in Article 23

**The motion carried unanimously.**

The call to the public was made to discuss items not on the agenda. There was no response and the call to the public was closed at 7:04 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

**OPEN PUBLIC HEARING # 1...** Review of special use application, sketch plan and impact assessment for a proposal to display all terrain machines on Grand River Avenue in the parking lot located at 3220 E. Grand River. Sec. 5, petitioned by William Riddle (Livingston County Moto Cross). (04-27) (tabled 11-8-04)

**Planning Commission disposition of petition**

- A. Recommendation regarding special use
- B. Recommendation regarding impact assessment
- C. Disposition of sketch plan

Mr. William Riddle and Mr. Robert Fleck, the owners of Livingston County Moto Cross, were present.

Chairman Pobuda noted that he and Commissioner Mortensen met with Mr. Fleck and Riddle to discuss some possible changes that could be made to the site.

Mr. Riddle stated they will be constructing three display pods – 5' x 4' x 30" high – made of pressure-treated lumber with gaps for water damage. There will be no signs at the road side.

Mr. Purdy recommends adding additional shrubbery to the front of the buildings as well as the pods. The petitioner agrees to this request.

Ms. Humphriss questioned if there is any new asphalt being proposed at this time. Mr. Riddle stated it may be changed when the buildings are demolished in about a year; however, there will not be any increase in the parking lot area at this time. She had no issues with the plans.

Commissioner Tengel feels the detailed plans for the pods need to be provided and reviewed. This could be done administratively. He would also like to see a better sketch plan showing exactly where the pods will be placed, what

landscaping is proposed, etc. Commissioner Mortensen agreed. A much better sketch plan will need to be presented to the Township Board.

Mr. Riddle showed on his sketch plan where he is proposing to but the trees and shrubbery. Mr. Purdy noted that the trees need to be at least 60 feet from the center line of Grand River.

The call to the public was made at 7:20 p.m. with no response.

**Moved** by Mortensen, seconded by Tengel, to recommend to the Township Board approval of the Special Land Use for the outdoor sales and storage of all terrain machines on Grand River Avenue in the parking lot located at 3220 E. Grand River. Sec. 5, petitioned by William Riddle (Livingston County Moto Cross) with the following conditions:

1. The Special Land Use permit will be granted for a period of approximately two years, expiring on December 31, 2004.
2. The petitioner may petition for a renewal of this Special Land Use permit and if granted, further upgrades to the site may be required.
3. The property owner will post a bond to construct an eight-foot wide concrete sidewalk across entire property covered by one tax code. The installation of which must be completed by June 30, 2007.
4. Three pods will be permitted with one ATV being displayed on each pod for a total of three ATV's.
5. The vehicles will be displayed only during regular daily business hours and will be moved and stored in the building at night.
6. No major servicing of vehicles will take place on the site.
7. All Federal, State, and local laws, ordinances, and other regulations with regard to the handling of hazardous materials will be complied with.
8. The building from which the ATV's will be sold will be painted a beige, earthtone color with brown trim and a silver roof.
9. Repair of the existing asphalt in the amount of approximately \$1,200 will be undertaken.
10. The hours of operation of the sales and display will be from 8:00 a.m. to 9:00 p.m. Monday through Saturday and from 8:00 a.m. to 6:30 p.m. on Sunday.
11. A sketch plan will be prepared and reviewed by Township Staff prior to presentation to the Township Board that will include the pods, which will be constructed of attractive pressured lumber.
12. The pods will be 5' x 4' x 30" high
13. The site plan will show the location of the four canopy trees and two bushes in front of each pod.
14. The Special Land Use permit is subject to approval from the ZBA since the property is slightly less than one acre in size.
15. The existing trailer on the site will be removed.
16. Handicap parking will be provided.

17. The property owner will provide the Township with a letter agreeing to all of the provision of this motion and subsequent motions being made this evening regarding the Impact Assessment and Sketch Plan, and such will be available prior to the Township Board meeting.
18. All improvements to the site, excluding the installation of the sidewalk, will be completed by May 31, 2005.

**Moved** by Mortensen, seconded by Tengel, to recommend to the Township Board approval of the Impact Assessment dated October 27, 2004 for the outdoor sales and storage of all terrain machines on Grand River Avenue in the parking lot located at 3220 E. Grand River. Sec. 5, petitioned by William Riddle (Livingston County Moto Cross) with the following changes:

1. The hours of operation will be added and shall be consistent with those made in the motion recommending approval of the Special Land Use.
2. The Impact Assessment will be revised to indicate that no more than three vehicles will be displayed on three pods and only during business hours of operation.

**The motion carried unanimously.**

**Moved** by Mortensen, seconded by Brown, to approve the Sketch Plan for the outdoor sales and storage of all terrain machines on Grand River Avenue in the parking lot located at 3220 E. Grand River. Sec. 5, petitioned by William Riddle (Livingston County Moto Cross) with the following changes:

1. All of the requirements and conditions for the Sketch Plan made in the Special Lane Use motion will be incorporated into the Sketch Plan prior to review by the Township Board.
2. The Sketch Plan will receive the review and approval of the Howell Area Fire Marshall.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING # 2...**Review of special use application and impact assessment for a proposal by Genoa Township to put the Oak Pointe logo on the Oak Pointe water tower.

**Planning Commission disposition of petition**

- A. Recommendation regarding special use
- B. Recommendation regarding impact assessment

Township Supervisor Gary McCrie was present to represent that petitioner, the Township.

Mr. Purdy stated the Genoa Township is applying for a Special Use permit to put the Oak Pointe logo on the water tower located on their site. No other changes are proposed.

Supervisor McCrie showed a drawing of the proposed logo on the water tower. He was been approached several years ago by the residents of Oak Pointe and

asked for the Township to explore options for putting a logo on it. Since it needed to be painted now, they tried to get sponsors to help pay; however, that did not seem appropriate. He then directed Township staff and the engineers to explore putting the Oak Pointe logo on the tower facing Brighton Road and not the residents. The cost will be borne by the users within the water district, who are the same residents who pay for the regular painting and maintenance of the tower. The funding will come from money that was set aside from rates that are charged to users in this water district for infrastructure maintenance, such as the painting of the water tower. It will not come from the general fund.

The budget for this project was \$60,000. The low bid came in at \$41,655 and an addition \$9,500 for the logo.

Supervisor McCririe noted that the 300-foot notice was sent out and he did not receive any negative letters or phone calls. He also noted that there were no members in the audience to oppose this project. He has been approached by many residents to have something like this done.

Commissioner Tengel does not see the benefit to the community or a return on their investment.

Commissioner Brown wants to ensure that it is the water and sewer fees from Oak Pointe only that will be paying for this, and not other Genoa Township residents.

Commissioner Mortensen stated this water tower services other water systems, so non Oak Pointe residents will be paying for this logo. Supervisor McCririe stated that is true.

Commissioner Mortensen feels a legal review of this request is required for two reasons:

1. Funds are being used by fees paid by residents other than those in Oak Pointe.
2. The general implications of us putting a logo on the water tower.

Commissioner Brown noted that the 300 people that were sent notices will not see the logo from their homes. Supervisor McCririe stated this is true; however, the letters that were sent did not specify on which side of the water tower the logo would be displayed. The requirement is 300 feet and they met that.

The call to the public was made at 7:57 p.m. with no response.

Chairman Pobuda does not agree with this. He noted that the Cleary logo on the water tower was done many years ago. The water tower at Cracker Barrel has had many requests which have been denied and the motion specifically states

that no logos will be allowed. Permitting this logo could open up these discussions again.

He noted that the residents of Pine Creek were opposed to have a water tower, with a possible logo, erected near their homes. The City of Brighton and the Township agreed to change this water storage tank to an underground tank surrounding by a building appearing to be a house. There will also be no signs on this property identifying what it is.

He stated that 12 representatives from each of the associations in Oak Pointe met and discussed this issue and there was only one person who was interested in this logo being put on the tower.

He added that Oak Pointe was built to be a private community. It appears that it is the country club who is pushing for this logo on the tower for advertisement purposes. The residents have not shown an interest in this. He noted that since the painting came under budget and if the logo is not put on the tower, rates could be refunded and/or the rates could be decreased for people using this water system. This is not appropriate for this area and he will be voting against it.

Commissioner Mortensen noted that the association is not the requesting body; it is the Township. Supervisor McCririe stated that the association has no standing on this issue. Their purpose is to maintain the condominiums, homes, and neighborhood. He added that the Township does not ask the association for approval to other water and sewer infrastructure improvements and maintenance.

**Moved** by Mortensen, seconded by Snyder, to recommend to the Township Board approval of a Special Use permit to allow the painting of the Oak Pointe logo as presented this evening on the water tower at Oak Pointe with the following conditions:

1. The Township attorney will be asked to review whether it is appropriate to make this payment of approximately \$10,000 for the painting and similar maintenance costs of the logo out of funds generated from water uses both within and outside of Oak Pointe.
2. The Township attorney will be asked to comment on the general implications of granting a logo on the water tower while refusing others as well as other general implications that the Township Planning Commission and Board shall be aware of.

Commissioner Tengel asked for a discussion before a vote was taken. He still questions why the Township is the petitioner. He is not opposed to this logo, but feels the people who will benefit from this logo should be the ones petitioner this request.

Mr. Purdy stated that Special Use permits need to be applied for by the property owner, who in this case is Genoa Township. Oak Pointe cannot petition for this because they do not own the tower.

Chairman Pobuda asked for a roll call vote. **Tengel – no; Brown – no; Mortensen – yes; Pobuda – no; Olson – yes; Snyder – yes). The motion failed.**

**OPEN PUBLIC HEARING #3...** Recommendation to incorporate the comments made by the ZBA at their November 16, 2004 meeting regarding the amendments to the proposed zoning ordinance amendments in Article 23

Mr. Purdy reviewed the changes proposed to Section 23 of the zoning ordinance by the ZBA. All Commissions agree that acting on this item this evening is appropriate.

**Moved** by Mortensen, seconded by Brown, to recommend approval of the changes to Article 23 regarding the ZBA contained in Draft #5 dated November 17, 2004. **The motion carried unanimously.**

### **Member Discussion**

Ms. Kolakowski put together a presentation from their trip to Niagara on the Lake in Ontario, Canada. She showed the site plan, colored renderings of their vision as well as pictures of residences that have been constructed in The Villages. This is the type of development that the Township is hoping to create in the area located between Grand River and Dorr Road.

Recommendation to incorporate the comments made by the ZBA at their November 16, 2004 meeting regarding the amendments to the proposed zoning ordinance amendments in Article 23

**Moved** by Mortensen, seconded by Snyder to approve the minutes of November 8, 2004. **The motion carried unanimously.**

Ms. Kolakowski noted that the FTAG and Township Rezoning requests went to the County Planning Commission and they recommended denial of the MDR zoning and recommended approval of the Township's rezoning to five-acre parcels.

Ms. Kolakowski noted that the next Planning Commission would not be until January of 2005. She wished everyone a happy holiday season.

The meeting adjourned at 9:05 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary