

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
July 12, 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, Barbara Figurski, Teri Olson, Dean Tengal, and Mark Snyder. Also present was Kelly Kolakowski, Township Planner; Jeff Purdy and Tom Dabareiner from Langworthy, Strader, LeBlanc & Associates, Inc. and Debra McAvoy 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.

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 7:00 p.m.

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

Moved by Figurski, seconded by Tengal, to approve the Agenda as presented.
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 7:06 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 rezoning application, environmental impact assessment, and site plan to rezone 7.7 acres located in Section 33, on the south side of Brighton Road, east of Chilson road, petitioned by Pheasant Development LLC. The request is to rezone property from LDR (low density residential) to SR (suburban residential). (PC 04-13)

- **Planning Commission disposition of petition**

- A. Recommendation regarding rezoning application.
- B. Recommendation regarding impact assessment.

James Barnwell and Ed Pachota of Desine Engineering were present to represent the petitioner.

Mr. Barnwell stated they are requesting to rezone the property on the corner of Brighton and Challis Roads from one acre to ½ acre. There is an existing home and garage in the northeast corner of the site, which will be removed. They were before the Planning Commission in the past and due to some of the utility changes that were being planned, they were asked to postpone their application. Those utilities are now planned for this area so they would like to request this rezoning again. He showed the preliminary site plan for eight lots. The rear setbacks will be approximately 85 feet. They feel this rezoning is consistent with the current and projected growth in the area.

Mr. Purdy reviewed his letter of June 3, 2004.

1. The proposed rezoning is consistent with the Township Master Plan that was amended a few years ago, which anticipated the extension of water and sewer services to this area.
2. The proposed rezoning is compatible with adjacent land uses in terms of density and zoning and provides appropriate transition from the Oak Pointe development to the property to the south.
3. The site will be served by water and sewer.

Commissioner Figurski questioned the concept plan. She noted that the lots shown are larger than what is could actually be built there. The lots are larger than ½ acres.

Ms. Humphriss reviewed her letter of June 16, 2004.

1. The rezoning of this property will increase the traffic on the adjacent roadways by 15 trips in the AM peak hour and 11 trips in the PM peak hour.
2. The petitioner should be aware that construction permits for the on-site water and sewer couldn't be issued until the proposed facilities for the Oak Pointe System have been constructed.
3. The storm water drainage system shall be designed in compliance with the regulations of the Livingston County Drain Commissioner.

Chairman Pobuda questioned if the proposed site plan is "pretty close" to what the applicant would develop. Mr. Barnwell stated that based on certain constraints, this is how it would be developed. Most of the site would remain

wooded. They would only grade for the road, utilities, and house building envelopes.

Commissioner Figurski noted that Patricia and Fran Gruda submitted a letter opposing this rezoning stating "we do not need any more traffic on the road".

The call to the public was made at 7:16 p.m.

Ms. Elizabeth Swift of 6530 Forest Beach Drive asked if single-family homes or condominiums will be built on this site. Mr. Barnwell stated single-family homes would be built.

She questioned if the current wastewater treatment plant can handle this growth. Ms. Humphriss stated the plant has been expanded and it can handle the increase.

Ms. Swift said it is already difficult to enter on Brighton Road.

Mr. Mark LeFevre of 4700 Brighton Road lives on the east side of this site. He feels this is already a dangerous road and does not want to add more traffic. When they purchased the land, they believed that only their home, their neighbor's home, and 4 other homes would be built on these parcels and now they are proposing eight homes.

He asked if the Township has an open space community option. Mr. Purdy stated there has to be a minimum of 20 lots or more proposed for this option. There is also a cluster option, which would allow these 8 homes to be build on $\frac{1}{4}$ acre lots and then the rest would be left for a park; however, this is completely the developer's option.

Mr. LeFevre is concerned about his property values. 980 square feet is the minimum size home that can be built on these lots. Ms. Kolakowski confirmed this and advised that is the same minimum required under the current zoning.

He questioned if they would be required to connect to the water and sewer. Ms. Kolakowski stated it has not yet been determined who is in the district, but if your current system is not failing, then you do not have to connect. However, if your system fails, the Health Department may require you to connect.

He is concerned about the impact on the wildlife. He current feels all types of animals all year round. He also asked if the current easement is going to be used for construction traffic.

Mr. Don Croyer of 4688 Brighton Road questioned if any of these eight homeowners will have use of their easement.

Ms. Stacy Croyer of 4688 Brighton Road is concerned about the traffic on Brighton Road as well as the road conditions during the winter.

The call to the public was closed at 7:30 p.m.

Commissioner Mortensen arrived at 7:30 p.m.

Mr. Barnwell addressed the residents' concerns. With regard to the easement, based on feedback from the Township, they will have all of the homes access the site off of Brighton Road from their private drive and the easement could be abandoned.

He stated there is a 35-foot greenbelt, a 50-foot rear-yard setback, and a 40-yard side setback required in this zoning. The rear setback would be approximately 85 feet between the home and the existing ROW. They will be required to keep the 35-feet along the ROW in a natural state. There is a 50-foot greenbelt required for the parcels adjacent to the easement and existing homes. There is not a large change in slope on this property so they would only need to grade for the road, utilities, and the building envelopes.

Ms. Huntley stated there is a four-way stop planned for the corner of Brighton and Chilson Roads for later this year and a stoplight is anticipated to be installed within five years.

Commissioner Mortensen stated that the abandonment of the easement could not be a condition of the rezoning, however, it could be added to the Impact Assessment. Mr. Purdy concurred.

Moved by Tengal, seconded by Mortensen, to recommend to the Township Board approval of the application to rezone 7.7 acres located in Section 33, on the south side of Brighton Road, east of Chilson road, petitioned by Pheasant Development LLC. The request is to rezone property from LDR (low density residential) to SR (suburban residential) for the following reasons:

1. The proposed rezoning is consistent with the Township Master Plan.
2. The proposed rezoning is compatible with adjacent land uses in terms of density and zoning.
3. The site will be served by water and sewer.
4. The proposed rezoning meets the criteria set forth in Section 22.04 of the Township Zoning Ordinance.

The motion carried unanimously.

Moved by Mortensen, seconded by Tengal, to recommend to the Township Board approval of the Impact Assessment dated May, 2004 for the rezoning of 7.7 acres located in Section 33, on the south side of Brighton Road, east of Chilson road, petitioned by Pheasant Development LLC. The request is to

rezone property from LDR (low density residential) to SR (suburban residential) with the following additions:

1. The easement on the east side of the property will be abandoned and recorded at the time of Site Plan approval for the redevelopment.
2. Dust control measures shall be added.

The motion carried unanimously.

Chairman Pobuda advised the members of the audience that this is the first step in this process and they will be able to voice their concerns and opinions during Site Plan approval.

OPEN PUBLIC HEARING # 2...Review of preliminary sketch plan application, sketch plan, and environmental impact assessment for proposed Starbucks Coffee, located in Section 9, on the south side of Grand River at 1415 East Lawson Rd., within the PUD containing Kohl's, petitioned by Matt Jonna/MJM Group LLC. (PC 04-17)

- **Planning Commission review of petition**

A. Evaluation of preliminary sketch plan & impact assessment.

Mr. Randal Secondino of Victor Saroki & Associates Architects, and Mr. Matt Jonna, representing the property owner, were present.

Mr. Jonna stated his company has developed 14 Starbucks in southeast Michigan. This development would compliment the uses that are already in this PUD. They will only build on this site if they are allowed to have a drive thru. The building will be made of quality materials, such as brick and limestone.

Commissioner Mortensen stated that the PUD states there are to be no drive thrus. An exception was made for Krispy Kreme and now another one is being requested. He questioned if the petitioner has an agreement with Mr. Weiss to put a drive thru on this site. Mr. Secondino read a letter from a representative of Mr. Jonna's asking Mr. Weiss to amend the PUD to allow this drive thru in a similar way the Krispy Kreme was requested. Commissioner Mortensen does not want another drive thru on this site. He would not want to make a recommendation without a full review of the traffic patterns, etc.

Chairman Pobuda stated it was anticipated that each out lot would contain one freestanding building and the drawing does not reflect that. Starbucks would only be a part of the building with other tenants. This is the entrance into the Township from I-96.

Commissioner Mortensen suggested having a staff meeting, including Mr. Weiss, and review the entire project to have a new traffic study done, determine what other uses are planned for this PUD, etc.

Mr. Jonna stated that the multi-tenant building is allowed, however, it is the drive thru that is in question. Ms. Kolakowski confirmed this.

Chairman Pobuda does not want a small strip mall on one of the out lots. This is not what was envisioned for this site. Mr. Purdy stated the PUD allows for retail, but since this is a PUD, approval would be at the discretion of the Planning Commission.

Mr. Jonna showed exterior elevations of the proposed building. They do not build typical strip mall structures. Commissioner Mortensen stated the use is not the concern. It is the drive thru. He reiterated that the entire project should be revised and discussed with Mr. Weiss.

Commissioner Snyder feels it is difficult to discuss this issue this evening as the other tenants have not yet been determined.

Commissioner Olson is concerned with the drive thru. Starbucks is always busy and with specialty drinks being made, the wait time is longer so cars will be stacked at the drive thru longer.

Commissioner Figurski is against the drive thru. She voted against the drive thru for Krispy Kreme.

Commissioner Tengel questioned what types of businesses accompany a Starbucks. Mr. Jonna stated they are in the concept of "de-malling". They would have similar casual dining restaurants. Putting in a Starbucks brings in other high-level tenants.

Mr. Dabareiner reviewed their letter of July 6, 2004.

1. Drive thru restaurants are prohibited by the PUD Agreement; however the petitioner has suggested amending the PUD and provided proposed language.
2. There is a patio indicated on the plans. Restaurants with outdoor seating in the General Commercial District require special land approval.
3. The proposed drawings are only for the Starbucks and do not show the entire building.
4. The proposed ground sign exceeds the maximum sign area and the number of wall signs exceeds the amount permitted.
5. The waste receptacle is located in the front yard setback.
6. The waiting spaces for the drive thru are deficient by five.
7. The proposed loading space is 10' x 40', and 10' x 50' is required.
8. Lot area, width and coverage need to be provided.

Ms. Humphriss stated that a different use than what was originally approved has been proposed so an updated traffic study may be required.

Mr. Jonna questioned the fact that if they did not have a drive thru, they would not need to involve Mr. Weiss in this approval. Ms. Kolakowski confirmed this. If the PUD were complied with, then he would not need to be involved, but because the PUD is an agreement between Mr. Weiss and the Township, then his approval would be needed. Mr. Purdy agreed.

Administrative Business:

- *Planners report presented by LSL Planners*

Mr. Purdy advised they have done the first draft of the new zoning ordinance and it will be reviewed with the subcommittee and then presented to the Planning Commission and the Board.

There was a discussion regarding Paragon in Novi and how Lantec is citing this case for their reason for applying to the ZBA for a use variance, as opposed to a rezoning. They will be at the July 28, 2004 ZBA meeting.

- *Approval of June 28, 2004 minutes*

Moved by Figurski, seconded by Mortensen, to approve the minutes of June 28, 2004 as presented. **The motion carried unanimously.**

The meeting adjourned at 8:28 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary