

**GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
December 22, 2003
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, Ken Burchfield, Curt Brown, and Bill Litogot. Also present was Kelly Kolakowski, Township Planner; Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. and Debra McAvoy 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 7:03 p.m.

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

Moved by Litogot, seconded by Mortensen, to approve the Agenda as written.
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.

Township Supervisor Gary McCirie addressed the Commission. He thanks all of the members for their services to the Township. All of their hard work is appreciated. He advised the Commission that Ken Burchfield has resigned from the Planning Commission and tonight will be his last meeting. Ms. Teri Olsen, a 13-year veteran of Genoa Township, previous deputy clerk for Brighton Township, and currently Chris Ward's assistant, will replace Mr. Burchfield. Her first meeting will be in January; however, she was in the audience this evening to observe the meeting.

OPEN PUBLIC HEARING # 1...Rezoning application, to rezone a 2.0-acre parcel of land in Section 13 that will result from the proposed land division of parcel 4711-13-100-042, from IND (industrial) to LDR (low density residential), petitioned by John Conely. (PC 03-20)

Planning Commission disposition of petition

A. Recommendation regarding rezoning application.

Mr. John Conely of Conely Enterprises and Mr. Christopher Grzenkowicz of Desine Engineering was present to represent the petitioner. They are proposing to rezone this site from industrial to low-density residential. They feel that developing this as a residential property would be able to preserve some of the natural features and it will be a more compatible zoning to the property to the west and south as well as keeping with the Genoa Township Master Plan.

Mr. Purdy agreed that it is consistent with the Master Plan and putting residential on the end of Lindsey Drive would be consistent due to the residents along Lindsey Drive. The would like the zoning line shifted north to include the terminus of Lindsey Drive as well as avoid needing the easement at the end of the road. Mr. Grzenkowicz feels this would be a case of split zoning and they have suggested putting the line where they did in order to provide more residential, which would be best for the surrounding residents. Mr. Purdy advised there would still be two acres of residential even if the property is reconfigured. He feels the rezoning to residential is appropriate and he will leave it up to the Planning Commission as to where they would like the dividing line to be.

Commissions Litogot, Cahill, Brown, Mortensen and Pobuda all agree leaving the line as proposed by the petitioner. Commissioner Burchfield had no comment.

The call to the public was made at 7:13 p.m.

Mr. Bill Ross of 603 Hubert owns property to the south of this site. He questioned the area considered wetlands. This is a lake. It almost never goes dry. He also has questions about the setbacks. Is there enough room to build a home on this site.

Mr. Mike Young of 7118 Lindsey Drive would like to know what the access drive would be into the property.

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

Mr. Purdy advised that a wetland is an area that is at least five acres in area and supports vegetation that is a hydrophite. An area that is permanently submerged in water is not a wetland; however, the area around the pond could be considered a regulated wetland. He advised that there would be $\frac{3}{4}$ of an acre available on this site to build a home with the wetland setbacks. He noted that if

the home were on well and septic, it would need to be 100 feet from the shoreline.

Commissioner Mortensen questioned if the Planning Commission needs to be concerned if a rezoned property is buildable. Mr. Purdy advised that the Planning Commission would not want to rezone land and create an unbuildable site.

Mr. Grzenkowicz advised that the ordinance stated that the shoreline of a "lake" must be 100 feet, and this is a pond. Ms. Kolakowski noted that the word "pond" was recently taken out of the ordinance because it was difficult to determine between a lake and a pond. Staff usually considers a body of water a lake if it has a name. She added that at a staff level, the wetland standards have been applied to ponds, which would be 25 feet.

There was a discussion if this body of water is a pond or a lake to determine what the setbacks would be and if this site would be buildable. Mr. Conely stated that this body of water is larger than five acres.

Commissioner Mortensen feels that the decision on this item will affect Agenda Item #2. The idea to rezone this to residential is to shield the neighbors from the industrial property and the expansion that is being proposed in Item #2. Chairman Pobuda suggested tabling both items to determine if this is a lake or a pond and if the two acres would be a buildable site.

Mr. Conely would like to determine this evening what the setbacks would be and determine if the lot is buildable and move on to Agenda Item #2. He noted that he is proposing to rezone two acres as residential instead of industrial, which may never even be built upon.

Commissioner Cahill stated that determining if this is a lake or a pond is not the issue before the Planning Commission; the rezoning is. Chairman Pobuda agrees.

Commissioner Litogot feels the Livingston County Drain Commission needs to determine what type of body of water this is. Chairman Pobuda reiterated his feeling that both items should be tabled until a determination can be made as to what type of body of water is on this site.

Commissioner Mortensen stated he would be comfortable with recommending the rezoning and then the petitioner would run the risk of a home not being able to be built on the site. He would then like to hear Item #2 and if it is recommended for approval, it could be contingent upon the approval of Item #1.

Commissioner Cahill noted that if the applicant is asking for a rezoning and the result is an unbuildable lot, that is his concern.

Mr. Purdy reiterated that the Township would not want to rezone a property to create an unbuildable site because then the petitioner could claim a hardship and go before the ZBA for a variance.

Moved by Cahill, seconded by Litogot, to table Agenda Item #1. **The motion carried (Cahill – yes; Brown – yes; Mortensen – yes; Pobuda – yes; Burchfield – no; Litogot – yes).**

OPEN PUBLIC HEARING # 2...Review of special use application, site plan, and environmental impact assessment for proposed 3000 sq. ft. addition to existing structure and a new 11,958 sq. ft. building with (4)-lease spaces located at 7208 W. Grand River, involving outdoor commercial display, sales and storage, petitioned by Conely Engines, (John Conely). (PC 03-20)

Planning Commission disposition of petition

- A. Recommendation regarding special use application.
- B. Recommendation regarding impact assessment.
- C. Recommendation regarding site plan.

Mr. Grzenkowicz stated they are proposing to add an additional 3000 square feet onto the existing structure as well as construct a new 11,958 square foot building with four lease spaces. They were before the Planning Commission in August and since then have had two meetings with staff. He reiterated that they are proposing to rezone the two acres to create a screen from the residential. They have also provided additional landscaping.

Mr. Purdy reviewed his letter of December 18, 2003.

The petitioner has added additional landscaping along the south side of the site; however, the front side does not have the required amount. Mr. Grzenkowicz showed where they have put landscaping on other areas of the site, which is more than what is requested, as well as how they put extra shrubs where they took out trees in the front.

Commissioner Cahill noted that the site is not currently in compliance as there are cars parked on the grass and there are engines outside of the building. He would not want to consider approval of a special land use to a property owner who is not currently in compliance and would definitely want more trees to screen the site to prevent the cars to be parked on the grass. Mr. Grzenkowicz stated they will be providing parking for the cars that are currently on the grass. Commissioner Cahill stated this should have been done already.

Commissioner Mortensen stated that this petitioner's business has changed over the years and it is hard to turn business away when the site does not accommodate it. The petitioner is proposing this change in order to allow him to

clean up the site. He would insist that the site be all cleaned up and enforced before a land use permit is granted.

Commissioner Burchfield noted that when the petitioner was before the Planning Commission in August, he made a motion to deny the request because of consistent non-compliance and the petitioner is still in non-compliance. He stated that special land uses are a privilege and not a right. He agrees with Commissioner Cahill.

Commissioner Brown agrees. He would like to see a pledge of good faith before this is considered.

The call to the public was made at 7:50 p.m.

Ms. Nancy Brown of 7121 Lindsey Drive lives next door to this site. The vehicles from the back of the site have not been moved. There are cars, car carriers, and a motor home there. She has always come to these meetings and the Township continues to tell Mr. Conely that he cannot park the cars on the grass and he does anyway. She is living next to a junkyard. She noted that the trees that were just planted this weekend are not on the berm like they were supposed to be. She feels Mr. Conely is blatant and he will do what he wants when he wants. They just installed the berm this weekend and it is not as tall as it is supposed to be.

Mr. Douglas Sams of 7089 Lindsey Drive lives next to Mrs. Brown. He stated that Mr. Conely has used Lindsey Drive to do the berm work and other construction. He questioned if he is allowed to do this.

Mr. Ross stated he is concerned about the south side of the property. He would like whatever is going to be put there will it be blocked.

Mr. Mike Young of 7118 Lindsey Drive is concerned as to what trees would need to be removed to access the residential site. He also agrees with Mrs. Brown's concerns.

The call to the public was closed at 7:54 p.m.

Mr. Purdy advised that Lindsey Drive is a public road so Mr. Conely can use it with permission from the Livingston County Road Commission. Mr. Grzenkowicz advised they have received permission.

Mr. Grzenkowicz advised they have installed some of the trees near the building. The berm was just started this weekend and it has not been completed. Once it is completed, the trees will be planted on top of the berm.

Commissioner Mortensen feels the petitioner is trying to upgrade his site and this is a good plan.

Moved by Mortensen, seconded by Litogot, to table Agenda Item #2. **The motion failed (Cahill – no; Brown – yes; Mortensen – yes; Burchfield – no; Litogot – no; Pobuda – yes).**

Commissioner Burchfield wanted to note that the Desine Engineering is an excellent engineering firm and he does not want to impede their reputation. The statements made this evening are entirely regarding the petitioner and not the engineer. Commissioner Cahill agrees.

Moved by Burchfield, seconded by Litogot to deny the request for a special use application, site plan, and environmental impact assessment for proposed 3000 sq. ft. addition to existing structure and a new 11,958 sq. ft. building with (4)-lease spaces located at 7208 W. Grand River, involving outdoor commercial display, sales and storage, petitioned by Conely Engines, (John Conely). (PC 03-20) for the following reasons:

1. The petitioner has been historically in non-compliance with current Township ordinances and regulations regarding uses of the subject property.
2. The special land use requested by the petitioner fails to meet the requirements of Section 12.08 of the zoning ordinance as the proposed use is not compatible nor in accordance with the goals, objectives, and policies of the Genoa Township Comprehensive Plan nor does it promote adequately the statement of purpose of this zoning district, which is industrial.
3. The use is not compatible with the intended character of the general vicinity.
4. The proposed use will involve activities, which by the nature of the uses proposed, will add to the nuisance that this petitioner has already created.
5. The petitioner's attempts the day before this meeting to minimize the negative impacts already existing in the current usage are nothing short of insulting.
6. A special land use is a privilege and not a right.

The motion carried (Cahill – yes; Brown – yes; Mortensen – no; Pobuda – yes; Burchfield – yes; Litogot – yes).

OPEN PUBLIC HEARING # 3...Review of PUD (planned unit development) application, site plan, PUD agreement and environmental impact assessment for proposed 19,875 sq. ft. commercial development (Shops of Westbury), which is part of the Lorentzen PUD, Sec. 9, petitioned by Singh Development Co. (PC 03-15)

Planning Commission disposition of petition

- A. Recommendation of amendment to PUD agreement.
- B. Recommendation regarding impact assessment.

C. Recommendation regarding site plan.

Mr. Mike Cane of Singh Development and Mr. Tom Dumond of Boss Engineering were present to represent the petitioner. Mr. Dumond noted the following changes they made after appearing before the Planning Commission and subsequent work sessions with staff.

1. They have changed the length of the building from 305 feet to 270 feet and reduced the total square footage by 2,500.
2. Added a service drive along the east property line
3. Added a landscape buffer to meet the requirements.
4. Eliminated the driveway approach at the northeast corner
5. The sign has been pulled from the plans as they do not know who the tenants will be. They will come before the Planning Commission for further approval.

Mr. Dumond noted that they would like to keep the proposed height of the building to match the clubhouse to the west of the site.

Mr. Cane addressed the concern of the west property line. They cannot make these two properties separate due to financing issues that were noted at the previous meeting; however, they are willing to put the condition that both properties have to be under the same ownership, and this condition will follow the title of the land. They do, however, need two tax ID#'s for financing purposes.

He also stated that they feel where the access drive is located to the east allows the best traffic flow on the site. He noted that when White Horse Drive is completed, it will allow for a northern exit point for people to access the lights at Latson and Lawson Drives.

Commissioner Mortensen would like the Planning Commission Members polled to see if they agree with the two drives not being aligned. Mr. Cane stated they understand the concern of the Planning Commission; however there is a practical difficulty. They cannot move the building back and the drive can not be moved further back because this is a retail building and that would not be marketable to tenants. He added that the peak demands for traffic between the restaurant and retail store will not be the same. They are proposing three entrances and the restaurant only has one. He does not feel this is as large of an issue as is being made. Commissioner Mortensen noted that this is still a big building on a small piece of property and this issue has been brought to the petitioner's attention at three different meetings.

Chairman Pobuda noted that the petitioner originally stated these retail shops would be primarily for the residents of the apartments. Mr. Cane stated that they still need the traffic from Grand River or else the businesses will not survive.

Mr. Purdy agrees with the Planning Commission. These driveways need to be aligned. This road is not only a shared driveway, but it is a private road leading to the residences behind it. Also, traffic could be backed up turning onto Grand River and then it would be difficult for cars to enter onto the site. He feels the building could be reconfigured for the site.

Ms. McAvoy stated that a left turning conflict would be created if the driveways were not aligned.

The call to the public was made at 8:25 p.m. with no response.

Mr. Cane stated they are anxious to work this out. He asked if the issue is the alignment or the potential traffic problem that would occur if the drives were not aligned. Chairman Pobuda stated they are concerned with the stacking of people getting off of the drive onto Grand River and then the traffic coming from Grand River to turn into this site. Mr. Cane asked that if the traffic peaks do not coincide with each other, would that make a difference. Chairman Pobuda does not feel that would matter.

Commissioner Mortensen stated that the Planning Commission can not determine what the future uses of the sites are going to be.

Mr. Cane reiterated that when the roadway is complete and the lights are installed, people would be making a right out of the restaurant to use the light at Lawson or Latson. They need to meet the 75-foot rear setback so whatever they do the driveway will always be coming onto the side of the building and this would make this property unmarketable for leasing. He asked if they could change the location of the driveway for the restaurant at their cost. Mr. Purdy stated the driveways need to be 150 feet from Grand River.

Moved by Mortensen, seconded by Litogot, to table Agenda Item #3 at the petitioner's request. **The motion carried unanimously.**

OPEN PUBLIC HEARING # 4...Recommendation regarding Zoning Ordinance Text Amendment, petitioned by Genoa Township. (PC 03-29)
Planning Commission disposition of petition

A. Recommendation regarding Zoning Ordinance Text Amendment.

Mr. Purdy stated they are proposing to make the following changes to the Zoning Ordinance.

1. Amend Section 5.06 to add "k. Church, temples and similar places of worship, including any accessory school or child/day care center (in Country Estate District only)."
2. Amend Section 7.04.h to read "h. Public golf courses with residential dwellings for groundskeeper, driving ranges or restaurant/banquet facilities".

3. Eliminate Section 16.04 and Section 16.12, which would eliminate expressway business signs as MDOT has implemented their practice of posting signs identifying business that are at the upcoming exit.

Commissioner Mortensen feels that the change to Section 7.04.h should be limited to one home. All Commissioners agree to change the wording to “.....with a **residential** dwelling for.....”. Chairman Pobuda also would like a different word instead of “groundskeeper”.

There was a discussion regarding if Section 5.06.k should require a paved road for all churches in this district. Commissioner Cahill suggested stating “Church or temple without accessory structure or school unless it is on a paved road”. Commissioner Mortensen feels that if this is changed, then the Planning Commission could review the ordinance to require paved roads for churches with accessory structures in all other zoning districts.

The call to the public was made at 8:55 p.m.

Mr. Chuck Wilks of 4366 Beck Road has concerns with the amount of traffic that would be generated with a church at the end of his road. He would like to see it kept Country Estates with five-acre home sites and not allow a church. There would be less traffic and increase their property value. He also does not want his road paved.

Ms. Kolakowski advised Mr. Wilks that this piece of property is Master Planned for rural residential, which is a two-acre minimum or a church.

The call to the public was closed at 9:00 p.m.

Moved by Burchfield, seconded by Mortensen, to recommend to the Township Board the text changes to the Zoning Ordinance as proposed with the following changes:

1. Relative to Section 1, 5.06.k “Churches temples, and similar places of worship with any accessory school or day care center may be permitted where the church fronts on a paved road (in Country Estate District only)”.
2. Section 2, 7.04h “Public golf courses with driving ranges, restaurant/banquet facilities or with one residential dwelling for a **facilities manager**”.

The motion carried unanimously.

Moved by Litogot, seconded by Mortensen, to approve the minutes of December 8, 2003. **The motion carried unanimously.**

Member Discussion

Commissioner Burchfield wants all Commissioners and staff to know that he has enjoyed working with the Planning Commission and had a great time being here. He will miss the people that he has been associated with. He has learned more than he has been able to give. It has been a great experience.

Commissioner Mortensen stated that the Commissioners have learned from Ken as well.

Commissioner Cahill is always impressed the way Ken takes firm positions, however, takes them in a nice and professional manner. He has learned from that.

Commissioner Cahill asked why Mr. Conely's violations haven't been addressed. Ms. Kolakowski stated that Adam is in court with Mr. Conely every other week. Six months ago a Civil Infraction Ordinance was adopted, which allows Adam to now issue tickets for violations.

The meeting adjourned at 9:15 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary