

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
December 8, 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, Barbara Figurski, James Mortensen, Curt Brown, John Cahill, Ken Burchfield, and Bill Litogot. Also present was Michael Archinal, Township Manager; 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 Figurski, seconded by Litogot, 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 7:05 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING # 1...Rezoning, PUD, and Site Plan applications, environmental impact assessment, conceptual PUD plan, and PUD agreement to rezone a 191 acre parcel (Preserve of Genoa) located south of Brighton Road and east of Chilson Road, Section 33 & 34, petitioned by Crescendo Homes, the request is to rezone property from AG (agricultural) to RPUD (residential PUD). (PC 03-25)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding PUD rezoning application.

- B. Recommendation regarding conceptual PUD plan.
- C. Recommendation regarding PUD agreement.
- D. Recommendation regarding impact assessment.

Mr. Nick Balberman of Crescendo Homes, Kirt Andersen and Amy Ackerman of Atwell-Hicks, and Richard Barr, the attorney for the petitioner, were present.

Ms. Kolakowski stated that in early 2002, the Township Staff began looking at this parcel, which includes a total of nine different parcels under one owner) and this development. Township staff have met with the petitioners four or five times, including a site visit, and have worked out many issues and feel the plan is ready to be presented to the Planning Commission. She also noted that in September of 2003, the Master Plan changed and this area is now zoned for 2 to 4 units per acre. The petitioner is proposing a development with 2.06 units per acre. They would like some feedback and direction from the Planning Commission this evening.

Mr. Archinal gave a brief overview of the proposed water and sewer improvements for the Oak Point area, which will affect the parcel being discussed this evening. The residents in the subdivision would become part of a special assessment district to help fund the upgrades.

Mr. Andersen stated this property is located east of Chilson Road and north of Brighton Road and is currently an active gravel mine. There is low-density residential and vacant DNR property surrounding the site. There is a large wetland in the center of the property and a seven-acre lake and small pond in the north area. He showed a topographical map.

He noted that they have environmental issues on this site. Some asphalt companies had used the area for a storage facility and there were some fuels in above ground storage tanks and there is some subsurface contamination. There is also an area that was dug up and debris was buried there; however, they are researching this further.

Ms. Ackerman stated that after working with Township Staff and proposing different plans, they have decided that the one being proposed this evening is the best. They are proposing 85-foot-wide single-family lots and a small multi-family component. There are two entrances. They are preserving 40 percent of the site as open space and except for the two road crossings, they have not touched the wetlands.

Mr. Balberman reiterated that there will be two types of homes on this site, single family residents and multi-family, dual-unit dwellings.

Commissioner Mortensen asked what types of homes will be put here. Mr. Balberman stated they do not have any final plans, but conceptually, they are

planning on upscale two-story homes. The multi-family will either be one or two story units, or a combination of both. The single-family homes will be 2,000 – 3,000 square feet and the multi-family will be between 1,400 and 1,600 square feet. Commissioner Mortensen noted that this number would have to be more specific and he would like to see a minimum of 2,500 square feet. Mr. Balberman noted that the ranch homes will be less square footage. Commissioner Mortensen would allow the 2,000 square foot minimum for ranches and a 2,500 square foot minimum for the two-story homes.

Commissioner Cahill questioned how the square footage proposed will affect the building envelopes and setbacks. Ms. Ackerman stated they are proposing 25-foot front-yard setbacks, 35-foot rear-yard setbacks, and side yard setbacks of five feet, with a minimum total side yard setback of 20, which will allow side-entry garages.

Commissioner Mortensen would like to see a high proportion of brick on these homes and not just brick on the front and vinyl siding on the other three sides. Chairman Pobuda agrees.

Mr. Purdy reviewed his letter of December 3, 2003.

In order to cluster the units and preserve open space, they are proposing the following setbacks:

- a. Lot area: 10,200 square feet – 18,000 is required.
- b. Lot width: 85 feet – 90 is required.
- c. Front setback: 25 feet – 30 required
- d. Side setback: 5/20 feet – 10/25 is required
- e. Rear setback: 35 feet – 50 is required.

Commissioner Cahill would prefer to decrease the lot size to preserve the open space; however, the side setbacks are too small. Mr. Purdy noted that the PUD can dictate which homes are placed on which lots to ensure that even with a five-foot side setback, the homes cannot be less than 20 feet apart (i.e. two five-yard side setbacks cannot be next to each other). The petitioner advised they would be open to considering this request. All commissioners agree with this condition.

The Township wants to ensure high-quality architecture for these homes. The petitioner will be open to discussion on this issue.

Details are required on the measures to be taken to protect the wetlands in areas where road crossing are proposed to ensure continuity of the flow under the road crossings. Ms. Ackerman advised they will need to comply with DEQ standards so she is not sure how it will be handled at this point.

Chairman Pobuda asked if a wildlife study has been done on this site. Mr. Andersen advised they have identified three endangered species and they will need to address this issue.

Mr. Purdy feels the active park areas should have road frontage and should not be to the rear of the lots so they can be easily accessed by all residents. He also suggested spreading the parks throughout the development instead of having them all in a row as well as making different types of parks, one for adults, one for older children, one for toddlers, etc. After a brief discussion regarding the common areas and the trail system, Ms. Ackerman advised she will look at this further and provide a revised plan which will show detail of the path system, play equipment, amenities, etc. Ms. Kolakowski noted that 1,500 square feet for each lot or dwelling unit is required for open / common area.

Commissioner Mortensen does not feel the parks need to be relocated. Commissioner Burchfield agrees and he also does not feel road access need to be provided. Pedestrian easements could be granted for access to these areas.

Chairman Pobuda asked how visitor parking is being handled. Ms. Ackerman advised they are proposing one-side, on-street parking. Ms. McAvoy advised that the road are only proposed to be 27 feet and this will not allow for two lands of traffic with on-street parking. With on-street parking, the roads would need to be 30-feet wide.

Mr. Purdy advised the Planning Commission has the discretion to require a bike path along Chilson Road as this area is proposed for a bike path area in the future. Mr. Balberman stated they will put the bike path if it is required by the Township. Mr. Purdy advised this is not a current issue; however, it is something that is planned for the future. Commissioner Burchfield would prefer having the developer work on short-term plans instead of a long-term plan, such as a bike path that would lead to nowhere. He suggested having the developer build a bike path on the other side of the road, which would link to current paths. Chairman Pobuda advised the petitioner to review these suggestions.

Commissioner Mortensen does not feel that the developer should have to spend the money which the Township does not see connection to it in the near future.

Commissioner Cahill suggested that the Township, along with Hamburg Township, could continue the sidewalk to the state land adjacent to this site.

The status of the wetlands must be obtained. The petitioner advised there was a report from JCK done in 2002 and that was submitted to the DEQ, who has agreed with it. They will submit something in writing.

Lots 103, 111, 112, 114 – 119, and 125 to 125 as well as Building #2 encroach into the wetlands. The petitioner noted that the overlay presented might not be

exact and once they get another draft of the layout, they will be able to determine which lots actually encroach on the wetlands and address this issue. They are cognizant of the Township's concerns over the wetlands.

The dimension standards for the condos are not shown. The Township would usually require 35 feet; however, due to the type of buildings being proposed, 20 – 25 feet from the sidewalk would be allowed. The petitioner will comply.

A traffic impact study is required. The petitioner will comply and submit one.

Ms. McAvoy reviewed her letter of December 12, 2003. Most of her issues will need to be addressed at final site plan review; however, she noted the following concerns at this time:

1. In some areas, the proposed finished grade elevations are significantly greater than the adjacent grades. Some retaining walls may be necessary. They would like to see further detail.
2. The storm water management system will require approval from the LCDC and MDEQ.
3. A detailed review of the storm sewer system will be performed during the final site plan review.
4. The length of the two of the water mains are approximately 1,000, which is longer than the allowed length. After a brief discussion, the petitioner advised they will extend one of the water mains out to Chilson Road and the other one to the property line for possible future connection.
5. Fire hydrants should be located in order to provide adequate coverage for all of the homes.
6. A grading easement will need to be obtained from the adjacent property for the cul-de-sac near Lots 97 and 98
7. The LCRC requires that no more than four parcels from a cul-de-sac. The cul-de-sac ending near Lot 24 has six parcels fronting it. The petitioner will change the driveways for Lots #22 and #27 so they will be accessed from the parallel part of the road and not the cul-de-sac.

Chairman Pobuda questioned the possibility of another outlet in case a road is blocked and residents cannot get out of the cul-de-sacs. Ms. Ackerman stated she could add "break away paths" to both of the cul-de-sacs.

Commissioner Mortensen noted that the Impact Assessment and the PUD Agreement are inconsistent in terms of the number of buildings. This needs to be corrected. Also, Section 5.3 of the PUD Agreement, which states ".....roads and sidewalks have been dedicated to and are accepted by the Township as public improvements" is not true and it will need to be removed. He also noted that the Township will need to see a copy of the Master Deed for this development and the REU's have yet to be determined and will be calculated by the Township Engineer and Staff.

Commissioner Mortensen noted the Fire Department's letter and their concern that the road width at the boulevard and approach does not meet the requirements. The petitioner advised they will address this issue.

Mr. Richard Barr, the petitioner's attorney, noted that they are addressing the environmental issues on this site with regard to the soil and groundwater. They know that something needs to be done as they will not build homes on contaminated soils. Once they have evaluated the test data, they will determine if a Brownfield Plan is needed. They will have the results of the test sometime in the beginning of January.

The call to the public was made at 8:44 p.m.

Mr. Bob Herbst of 5390 Mountain had the following questions:

1. Will the cul-de-sac connect to the Copperleaf property in the northeast corner of this site. Mr. Purdy advised there is no stub at that point in Copperleaf.
2. How many units will be on this site. There will be 300, including the duplexes.
3. Will all of the lots be the same size. Ms. Ackerman advised they will be the same size.
4. He noted that the lake is pumped water from part of the mining process. The petitioner advised they were not aware of this and they will investigate this further and include it in the Environmental Impact Assessment.
5. He feels the issue of dogs in public parks needs to be addressed.

Mr. Bob Ausenmacher of 5439 Mystic Lake asked if this site will receive municipal sewer and water. Mr. Purdy advised they will be on the Genoa Township system.

Mr. Ausenmacher lives in Mystic Creek and he asked if his subdivision will ever be tied into water and sewer. Ms. McAvoy advised the current plan is to keep it as it is.

Mr. Arnold Rykowski of 5465 Glenway stated that his property overlooks the small pool of water and there is a buffer between his home and the mining operation. He questioned what was going to happen to this water area. Ms. Ackerman advised they are currently planning on keeping that water. He asked about the setbacks and Ms. Ackerman advised there is 125 feet from the proposed homes to the property line.

Ms. Elaine Serocka, who lives in Mystic Lake, asked if the cul-de-sac in the upper right hand corner of the site will have access to their subdivision. Ms. Kolakowski advised this site borders Rob Bolin's property and there is no access to Mystic Lake.

Mr. Ausenmacher asked if they could walk to property and the petitioner advised they will give the public the engineer's phone number and he can arrange a visit to the site.

The call to the public was closed at 8:56 p.m.

Ms. Kolakowski wanted to ensure that there is room for decks to be added to these homes. This issue, as well as the size limit of decks, needs to be addressed in the PUD Agreement and approved by the Planning Commission. She also advised that building permits are done on a lot-by-lot basis so the issue of the five-foot minimum and 20 foot maximum side yard setback that is being proposed needs to be addressed in the PUD Agreement. Mr. Andersen suggested that the final site plan include preliminary building envelopes to determine what kind of homes can be built on each lot.

Commissioner Burchfield would like the developer to make a commitment as to what is going to be done with the seven acres south of the railroad tracks west of Chilson Road.

Moved by Mortensen, seconded by Figurski, to table Agenda Item #1 at the petitioner's request. **The motion carried unanimously.**

Moved by Figurski, seconded by Mortensen to approve the minutes of November 24, 2003 as corrected. **The motion carried unanimously.**

Member Discussion

Commissioner Figurski noted that Three Fires Middle School on Nixon Road has a rolling lighted sign. Ms. Kolakowski noted that schools are exempt from the ordinance.

Ms. Kolakowski noted that the Board approved the rezoning of only the northern 40 acres of the Oliveto property. This is what Ms. Oliveto originally requested, however the Planning Commission asked her to rezone the entire 80 acres.

The meeting adjourned at 9:14 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary