

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
May 27, 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, Ken Burchfield, John Cahill, Curt Brown, and Bill Litogot. Also present was Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc., Debra Huntley from Tetra Tech MPS, and Kelly Kolakowski, Township Planner. 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 7:08 p.m.

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

Moved by Figurski, seconded by Mortensen, 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 7:09 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING # 1...Rezoning application, environmental impact assessment, and site plan to rezone 40 acres in the northwestern half of Sec. 12, Euler & McClements Rd. The request is to rezone property from PRF (public/recreational facilities) to RR (rural residential), petitioned by Joyce Oliveto. (PC 03-13)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding impact assessment.
 - B. Recommendation regarding rezoning request.

Ms. Joyce Oliveto, the property owner, and Dan Schrauben, the engineer for the project, were present.

Mr. Purdy reviewed his letter of April 29, 2003.

1. The request is consistent with the Master Plan and will provide a transition from the low density residential to the agricultural zoning.
2. This rezoning would allow the site to be developed with close to 20 single-family homes.
3. The site will be served by individual septic systems.

Debra Huntley reviewed her letter of May 1, 2003.

1. All roadways shall be designed in accordance with Genoa Township and Livingston County Road Commission standards.
2. All drainage, grading and soil erosion control measures shall be in compliance with the regulations of the Livingston County Drain Commission.

Commissioner Mortensen suggested that the entire 80 acres be rezoned to rural residential to comply with the Master Plan. Ms. Oliveto is fine with that suggestion. She is not planning on changing the way that she uses the property. Mr. Purdy advised that if the entire parcel was rezoned, the camp would be a non-conforming use and can continue to operate and would be grandfathered between owners; however, no changes could be made to it. Commissioner Cahill agrees with Commissioner Mortensen. He stated that this rezoning could not be done this evening as it would need to be noticed to the public that the entire parcel is being rezoned and another public hearing would need to be held. Kelly and Jeff agreed.

The call to the public was made at 7:17 p.m.

Gail, who is a resident of 1835 Euler Road, is concerned that if this parcel is rezoned, there could be a lot of homes built and the traffic would increase. She feels Euler Road would eventually be paved and then utilities would also be brought in.

Mr. Tom Evely of 7746 Darlene is a 30-year resident of Genoa Township and is concerned about losing more recreational land in the Township.

Mr. Baker of 1780 Euler Road feels there is no residential development needed in this area. The traffic is already busy. He feels the area needs to stay the way it is and preserve what is currently there.

Mr. Rob Russell of 1272 Pond Bluff Way agrees with what was stated by his neighbors. They enjoy the area and the wildlife.

Mr. Chris Hensick of 7589 Mc Clements questions the issue of the non-conforming use. He is not sure that the Township is aware of what the use is currently on the site and what would be considered a non-conforming use. He does agree that the entire parcel should be rezoned and not just half of it. He is concerned that the property could be sold to someone else and then developed. He feels that the two-acre zoning is appropriate. He is also concerned how the commercial development on Grand River has encroached north toward this area.

Mr. Charles Szafran of 7584 Mc Clements is concerned about the wetland that is part of what is being proposed as Parcel A as well as the drainage in that area. He lives adjacent to this parcel and does not want to have water drain onto his property.

Ms. Chris Gay of 1820 Euler Road echoed the concerns of her neighbors. She asked for clarification on what the Master Plan is. She noted that the Detroit Recreational Camp is being proposed to be sold and asked if that is going to be able to be developed as two-acre parcels.

Ms. Kay Spence of 1780 Euler Road believed that all of the property on Euler Road is zoned five acres. She is concerned about the traffic.

Mr. Hensick noted that this is not a public recreation area and it is operated by a private company.

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

Commissioner Mortensen advised the public that the Master Plan is a planning tool for the Township. Genoa Township developed their Master Plan in 1998 and it is based on how the growth of the Township is expected to go. There were public hearings held at that time.

Mr. Purdy showed how the surrounding area is master planned. Mc Clements Road south to Grand River is master planned for two acre zoning. North of Mc Clements is zoned for five-acre parcels. If this site is sold, and the new owner wanted to develop the property more dense than what it is currently zoned, they would need to come before the Planning Commission and Township Board and another public hearing would be held. He stated the Township has no knowledge of the City of Detroit wanting to sell this property.

Mr. Schrauben stated that $\frac{3}{4}$ or 50 acres of the property could be developed due to the wetlands and the pond, which would be approximately 25 homes.

Ms. Oliveto stated she has the same concerns as the neighbors. She wanted to keep this the way it is. She does not want the traffic or to have this developed. She needs money so that is why she is asking to sell the small portion. It was Township staff that suggested she rezone the 40 acres. She is building her

house in the middle of the site. She stated the camp is used for private functions and sometimes she rents out the buildings. There are groundhogs, fox, hawks, deer, as well as other wildlife and she wants to continue to preserve this.

Ms. Huntley addressed the neighbor's concern about drainage. She has not addressed the issue of drainage at the rezoning stage; however, any development would have to comply with the standards of the Livingston County Drain Commission.

Moved by Burchfield, seconded by Mortensen, to table Agenda Item #1, a rezoning application, environmental impact assessment, and site plan to rezone 40 acres in the northwestern half of Sec. 12, Euler & Mc Clements Road from PRF (public/recreational facilities) to RR (rural residential), petitioned by Joyce Oliveto for the following reasons:

1. To enable the petitioner to resubmit the rezoning application for the entire 80 acres.
2. The petitioner shall obtain written consent of the current titleholder for the rezoning.
3. The Impact Assessment shall be updated to include the entire 80 acres.

The motion carried unanimously.

Commissioner Mortensen noted to the petitioner that this is not guaranteed to be rezoned.

OPEN PUBLIC HEARING # 2...Consideration of a request for an increase in permitted pylon sign area for the Country Corners Shopping Center located on the south side of Grand River east of Latson Road pursuant to Footnote 3 of Table 16.1 of the Genoa Township Zoning Ordinance.

- **Planning Commission disposition of petition**
 - A. Disposition regarding pylon sign area for the Country Corners Shopping Center.

Mr. Dan Habril from the Sing Works was present to represent Country Corners. Ms. Kolakowski advised they are requesting an increase in area to the proposed pylon sign. He added that they are requesting only one sign and not two, which is allowed.

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

Mr. Jeff Kelley of Great Harvest Bread Company, who is a tenant at the Country Corners Shopping Center, noted that when he has put his temporary sign on Grand River, his business has been busier. The sign is very important to the businesses in that shopping center. He feels an agreement needs to be made.

The call to the public was closed at 7:51 p.m.

Moved by Burchfield, seconded by Litogot, to approve the increase in permitted pylon sign area for the Country Corners Shopping Center located on the south side of Grand River east of Latson Road pursuant to Footnote 3 of Table 16.1 of the Genoa Township Zoning Ordinance with the following note:

1. This approval is to increase the square footage to 108 square feet and allow the sign to be 17.2 inches from the ground, and not bermed, as depicted on the memo from Michael Archinal, Township Manager, dated May 12, 2003 and supplied to the Planning Commission for it's review and consideration.
2. This approval is in consideration of the petitioner's statement requesting not to pursue a second sign at this location.
3. There shall be no banners or lit signs on the outside of the building nor any street advertising.
4. The Zoning Board of Appeals approved the increase in height of the sign by two feet.
5. The owners of the shopping center shall be in compliance with the Genoa Township sign ordinance.

The motion carried unanimously.

OPEN PUBLIC HEARING # 3...Review of Conceptual PUD plan, PUD agreement, and environmental impact assessment for proposed construction of 17 single-family homes on approximately 70 acres, (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 and Sec. 29, petitioned by Chestnut Development. (PC 03-09)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding conceptual PUD plan.
 - B. Recommendation regarding PUD agreement.
 - C. Recommendation regarding impact assessment.

Chairman Pobuda advised that most of the Commissioners are familiar with this project. He asked the applicant to review any changes that have been made.

Mr. Dan Schrauber and Jeff Smith, architects for the project, were present to represent the petitioner. Mr. Schrauber gave a brief overview of the proposed project. He stated that Mr. Gronow has spoken to the neighbors and explained to them what he is proposing for the site. Mr. Schruaber noted that at the previous Planning Commission meeting, the rezoning was agreed upon; however, the details were unable to be worked out. They have since submitted a more detailed PUD Agreement.

They feel the benefits of the PUD is that they will be able to maintain a large portion of the site as rural and undeveloped and it will be stated in the master deed and bi-laws that it cannot be developed. They increased the turnaround area to approximately one acre and have added a walkway and gazebo in this

area. They feel they have met the standards for approval of the Conceptual PUD Site Plan as described in Section 10.07 of the Ordinance.

The call to the public was made at 8:09 p.m. with no response.

Commissioner Mortensen does not agree with everything that Mr. Schruaber said. There was no approval regarding the rezoning and there were more than a few details that needed to be worked out. This area is zoned and master planned for Country Estates, which is five-acre parcels. This plan would allow the developer to bring three additional homes to this site, which is a very large issue with the Township. He also noted that the Agreement states "No residence shall be build on Parcel D". He would like this to read "**Nothing** shall be built on Parcel D". Another concern Commissioner Mortensen had was why Parcel D could not be used as open space for the residents. Mr. Schrauber stated Mr. Gronow would like to use that as his own personal property as he currently owns it.

Chairman Pobuda asked what are the benefits to the PUD. Mr. Schrauber showed the parallel plan. The preferred plan would allow for larger buffer zones and more of a common area in the middle. It also separates the properties and takes out the possibility of Parcel D ever being developed. The parallel plan is just a "cookie cutter" development.

Commissioner Cahill feels that the developer wanted to include Parcels D and E in the plan so he could get more sites on the lower portion of the property. He feels the PUD process is being abused and Parcels D& E will only be used for the developer's personal use. Commissioner Mortensen noted that the applicant is just responding to a request by the Township; however, the property is included but it will not be able to be used by the residents of the PUD. Commissioner Cahill stated that if the petitioner wants a country estates feel, then he should use the country estates zoning. He does not feel there is a benefit to the Township to allow this PUD. Chairman Pobuda understands John's point, however, he does note that a larger area is being preserved. Commissioner Cahill advised that the residents of the PUD will not be able to use that area. Mr. Smith advised that Parcel D was never intended to be used as a common area. It was included due to a suggestion by the Township to reduce the impact of the rezoning.

Moved by Burchfield, seconded by Figurski, to recommend to the Township Board denial of the Conceptual PUD plan for a proposed construction of 17 single-family homes on approximately 70 acres, (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 and Sec. 29, petitioned by Chestnut Development, for the following reasons:

1. The Conceptual PUD plan does not provide one or more of the benefits not possible under the existing or another more compatible zoning district.

2. The plan does not provide significant amounts of buildable wetland area or open area on the site as available common areas for the use and enjoyment of the residents.
3. It does not provide for protected deed restrictions for common open space sites.
4. The Township planning consultant is not satisfied that this plan provides a significant benefit to the Township as stated in his May 7, 2003 and earlier letters.
5. The plan provides only one egress/ingress, which given the length of the road, does not provide for alternative emergency ingress and egress.
6. 4.3 acres per dwelling unit exceeds the 5-acre minimum as the site is currently master planned.

The motion carried unanimously.

Moved by Burchfield, seconded by Cahill, to recommend to the Township Board denial of the PUD Agreement for Public Hearing #3 for the reasons stated in the previous motion. **The motion carried unanimously.**

Moved by Burchfield, seconded by Litogot, to recommend to the Township Board denial of the Impact Assessment for Public Hearing #3 for the reasons stated in the previous motion. **The motion carried unanimously.**

Commissioner Cahill asked to address the issue of the rezoning that was approved at the last meeting prior to the item being tabled. He **moved** to adopt a Planning Commission Resolution stating “based on the information that became available regarding this proposed plan after the vote on rezoning, it would now be the position of the Planning Commission that if the rezoning issue were to be brought before the Commission today, the Commission would recommend denial of the rezoning.” Commissioner Figurski seconded and **the resolution carried unanimously.**

OPEN PUBLIC HEARING # 4...Review of site plan application, sketch review, and impact assessment to transform existing 2,684 sq. ft. building located at 3768 E. Grand River, Sec. 5, from a daycare center to a beauty salon and office space, petitioned by Michael and Lorri Brown. (PC 03-13)

- Planning Commission disposition of petition
 - A. Recommendation regarding impact assessment.
 - B. Disposition of site plan.

Mr. Neal Plante from Boss Engineering and Mr. Mike Brown were present to represent the petitioner.

Mr. Plante advised they are requesting to transform the existing use from a daycare center to a beauty salon and office space. They will preserve the existing landscaping on the site and make the following improvements:

1. They will install the sidewalk on Grand River Avenue. They are working on trying to have the SBC riser relocated as it will be in the path of the proposed sidewalk.
2. They are adding four trees along Grand River Avenue.
3. They will be adding a striped island in the middle of the parking lot to encourage a one-way traffic flow.
4. The Dumpster will be completely enclosed at the rear of the site.

Chairman Pobuda advised that Mr. Brown would need permission from the property owner to be a representative for this application. Ms. Christine Brant, who is the property owner, was present and stated that she and her sister, co-owners of KB & CB, Inc. give Mr. Brown permission to act as the agent.

Mr. Brown showed colored sketches of the new colors for the building.

Mr. Purdy reviewed his letter of May 19, 2003.

1. The existing building and lot are non-conforming and do not meet the required 50-foot rear yard setback; however, the proposed change in use does not affect these non-conformities and is permitted.
2. Five canopy trees are required along Cleary College Drive; however, because there is not enough space along Cleary College Drive for this, additional landscaping is being provided around the building. The Planning Commission has the discretion to allow this type of modification to the requirements. Mr. Purdy feels the proposed supplemental landscaping is adequate.
3. The sidewalk is required to be 8-feet wide, however, the sidewalk from the front of Kentucky Fried Chicken is only 5-feet wide and the petitioner has agreed to extend the 5-foot wide sidewalk. All commissioners agree to this. Commissioner Mortensen does not want the sidewalk to circle the SBC riser. He wants Township staff to know that they need to assist the petitioner with having the riser moved.

Ms. Huntley had no comments.

The call to the public was made at 9:00 pm with no response.

Moved by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment with a revision date of May 6, 2003 to transform existing 2,684 sq. ft. building located at 3768 E. Grand River, Sec. 5, from a daycare center to a beauty salon and office space, petitioned by Michael and Lorri Brown. **The motion carried unanimously.**

Moved by Burchfield, seconded by Figurski, to recommend to the Township Board approval of the Site Plan to transform existing 2,684 sq. ft. building located

at 3768 E. Grand River, Sec. 5, from a daycare center to a beauty salon and office space, petitioned by Michael and Lorri Brown, recognizing that this property is an existing non-conforming use, and subject to the following:

1. The petitioner shall relocate, with the permission of the utility owner, the telephone riser and then the 5-foot wide sidewalk from Kentucky Fried Chicken to Cleary College Drive shall be constructed. In the event the petitioner is unable to satisfy the condition of having the utility company relocate the riser, the sidewalk shall be erected around the riser.
2. The petitioner may need to obtain appropriate easements from Kentucky Fried Chicken; however, the sidewalk **MUST** be extended from Kentucky Fried Chicken to Cleary College Drive.
3. The Planning Commission finds that the supplemental landscaping around the existing building is sufficient and shall be in lieu of the requirement to provide a landscape greenbelt along Cleary College Drive as the Planning Commission recognized the decrease in parking that would occur if such landscaping requirement were complied with.
4. The petitioner shall repaint the exterior of the building an earth tone color within a reasonable time.

The motion carried unanimously.

OPEN PUBLIC HEARING # 5...Review of special use application, site plan, and environmental impact assessment for proposed 2,550 sq. ft. restaurant with drive-through service (Lion's Choice) located on the south side of Grand River, Lot 1 of the Wal-Mart site (Livingston Commons) Sec. 5, petitioned by David Brueckman. (PC 02-35)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding special use application.
 - B. Recommendation regarding impact assessment.
 - C. Recommendation regarding site plan.

Mr. Neil Plante of Boss Engineering and Mr. Dave Brueckman, a representative for the franchisee, were present to represent the petitioner.

Mr. Plante stated they are requesting to develop a fast food, drive-thru restaurant on Lot #1 on the Wal Mart site, west of Prairie House Restaurant and east of KFC. The parking lot will be accessed from the southeast corner and will not require a curb cut on Grand River. They have landscaped the whole perimeter with maple trees, oak trees, and various shrubs. The Dumpster area will be shielded by trees. They are proposing a monument sign for the front of the site. They do not have a sample of the proposed sign, however, it will be 3'6" tall. They are proposing one sign on the front of the building as well. He showed sample color photographs and sample building materials. The building will have a brick façade and a seamless steel roof and all rooftop equipment will be shielded.

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

1. A special land use approval is required for the drive thru. Commissioner Burchfield asked if the drive thru is essential. Mr. Brueckman advised that 50 – 60 percent of their business is generated from the drive thru. He also asked why the drive thru traffic is not exiting from a different location so as not to allow two way traffic on the site. Mr. Plante stated they feel there will be a problem with the stacking if another egress is added. They feel the proposed traffic flow is adequate.
2. The roof should utilize dimensional shingles. Mr. Brueckman has not presented that option to the restaurant, however, the roof they are proposing agrees with others in the area. Chairman Pobuda asked the commissioners for their opinions. Commissioner Brown has no preference, Commissioners Mortensen and Cahill would prefer the metal, and Commissioners Burchfield, Pobuda, and Figurski would prefer the shingles.
3. The southeast parking spaces should be removed to provide a longer driveway throat at the south driveway to minimize conflict with vehicles in the drive thru. Mr. Plante stated that the parking in that area is where employees would park and the shift changes occur at off peak hours and would not involve a conflict with the drive thru traffic. After a brief discussion, it was agreed that one parking space shall be eliminated from the area.
4. A revised photometric grid is required and lighting intensity should not exceed 10 foot candles on the site. The petitioner will comply.

Ms. Huntley stated they have one outstanding issue. The curb detail should be revised to provide MDOT type C or D curb, which is the Genoa Township standard. The petitioner will comply.

The call to the public was made at 9:35 p.m. with no response.

Moved by Burchfield, seconded by Figurski, to recommend to the Township Board approval of the Special Lane Use Application for a proposed 2,550 sq. ft. restaurant with drive-through service (Lion's Choice) located on the south side of Grand River, Lot 1 of the Wal-Mart site (Livingston Commons) Sec. 5, petitioned by David Brueckman, for the following reasons:

1. The Special Lane Use for a drive thru meets the discretionary standards.
2. The area is master planned for general commercial use.
3. It meets the special use standards as modified by the PUD Agreement.

The motion carried unanimously.

Moved by Figurski, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment dated November 27, 2002 for a

proposed 2,550 sq. ft. restaurant with drive-through service (Lion's Choice) located on the south side of Grand River, Lot 1 of the Wal-Mart site (Livingston Commons) Sec. 5, petitioned by David Brueckman. **The motion carried unanimously.**

Moved by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the Site Plan for a proposed 2,550 sq. ft. restaurant with drive-through service (Lion's Choice) located on the south side of Grand River, Lot 1 of the Wal-Mart site (Livingston Commons) Sec. 5, petitioned by David Brueckman subject to all of the following conditions:

1. The petitioner shall obtain written approval from the property owner consenting to the Special Land Use Application, Impact Assessment, and Site Plan.
2. The building elevations and sample building materials presented this evening shall be employed in the construction of the building. The roof shall be gray and utilize dimensional shingles. The awning may be yellow and made of fabric.
3. The petitioner may substitute three evergreen trees in the landscape area south of the Dumpster for the three recommended deciduous trees.
4. The petitioner is to eliminate the southeast parking space to enlarge the throat of the south driveway.
5. The lighting intensity shall not exceed 10 foot candles on the site.
6. The petitioner shall reduce the lighting intensity around the building to the satisfaction of the Township consultant planner and staff.
7. All building wall mounted light fixtures shall be boxed and downward directed with wattage subject to Township consultant planner and staff approval.
8. The petitioner shall comply with all Township Engineer requirements and specifications.
9. Township Board approval of the Impact Assessment as recommended by motion this evening.
10. Township Board approval of the Special Lane Use for a drive thru restaurant as recommended by motion this evening.
11. One wall sign of not more than 100 square feet is permitted.
12. Irrigation system for the landscaped areas shall be installed.

The motion carried unanimously.

OPEN PUBLIC HEARING # 6...Recommendation regarding amendments to the Zoning Ordinance Text, petitioned by Genoa Township. (PC 03-12)

- **Planning Commission disposition of petition**

- A. Recommendation regarding Zoning Ordinance Text amendments.

Mr. Jeff Purdy, Planning Commission Consultant, presented a summary of the ordinance amendments being proposed. He reviewed each of the changes with the Commission. Chairman Pobuda noted that the summary helped him to

understand what is being proposed to be changed and Commissioner Mortensen agreed.

The call to the public was made at 9:59 p.m. with no response.

Moved by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the amendments to the Zoning Ordinance Text as more specifically provided within the documents provided by Township staff and the Township planning consultant at this evening's Planning Commission meeting. **The motion carried unanimously.**

Moved by Figurski, seconded by Mortensen, to approve the minutes of May 12, 2003 as corrected. **The motion carried unanimously.**

Member Discussion

Kelly Kolakowski cited the letter from Hartland Township regarding their Master Plan update. She noted that with regard to the Township Planning Act, townships are required to advise neighboring township of their Master Plan changes.

Kelly advised that she is trying to streamline the Planning Commission process. She noted that only three items from this evening's agenda were new, others were tabled or could not be heard from a previous meeting. She stated that if a petitioner submits his plans within the timeframe allowed, they are entitled to be on the agenda.

Commissioner Mortensen feels the Chairman should have input as to what is on the agenda. He also feels the applicants should be notified of the rules at the time of submission (i.e. that the Planning Commission does not begin any new business after 10:00 p.m. and it is on a first-come / first-serve basis and that old business and tabled items are first on the next meeting's agenda).

Commissioner Cahill agrees that some control needs to be taken with regard to the agenda.

It was noted that the Commission should not have held the public hearing for Agenda Item #1 because at the work session level, it was known that this was going to be tabled and the petitioner was going to be asked to resubmit an application for the entire parcel. Kelly stated that the work session should be used for this type of discussion so that when the item comes up at the meeting, the decision that was made at the work session, could be stated and the item would not be heard.

All Commissioners welcomed Barb and are glad to see her back.

Commissioner Cahill will not be at the June 9, 2003 meeting.

The meeting adjourned at 10:21 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary