

GENOA TOWNSHIP  
PLANNING COMMISSION  
WORK SESSION  
April 14, 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, Curt Brown, John Cahill, and Bill Litogot. Also present was Michael Archinal, Township Manager; Kelly Kolakowski, Township Planner, Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. and Debra Huntley 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 7:06 p.m.

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

**Moved** by Litogot, seconded by Figurski, to approve the Agenda with the following change:

1. Items #5 and #6 will become Items #1 and #2 and the remaining items will follow.

**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 7:07 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

**OPEN PUBLIC HEARING # 1**...Consideration of a request by the Township Manager for a determination relative to Section 3.3204 of the Zoning Ordinance for decks in the Villas of Oak Pointe Subdivision.

- **Planning Commission Disposition of Petition**

- A. Recommendation regarding deck regulations for the Villa's of Oak Pointe Subdivision.

Mr. Archinal gave an overview of this request. Most of the homes that have been built in this subdivision have taken up the while building envelope and they have walkouts where decks would not be permitted as they would then be considered a second-story deck. The Association is now in control of these issues and they are seeking direction from the Township on how to permit these decks to be built.

The call to the public was made at 7:10 with no response.

After a brief discussion, Commissioner Mortensen **moved** to amend the PUD Agreement to limit second story decks in Oak Ponte Villas Subdivision to a maximum of 15' from the rear building line pursuant to the authority granted in Section 3.3204 of the Ordinance. Commissioner Figurski seconded and **the motion carried unanimously**.

**OPEN PUBLIC HEARING # 2...**Consideration of a request to amend the motion made March 10<sup>th</sup>, 2003 for Water's Edge Development Group to include a recommendation of PUD rezoning.

- **Planning Commission Disposition of Petition**

- A. Recommendation regarding PUD rezoning.

Ms. Kolakowski advised that this action was not included on the agenda, therefore the motion was not made regarding the PUD rezoning. Mr. Archinal advised there was a public hearing at that time and there were no comments. All commissioners agree with correcting this motion.

The call to the public was made at 7:12 with no response.

**Moved** by Mortensen, seconded by Litogot, to amend the action of March 10, 2003 to include a rezoning from MDR to MDR-PUD. **The motion carried unanimously**.

**OPEN PUBLIC HEARING # 3...**Review of site plan application, site plan, and environmental impact assessment for proposed 4,680 sq. ft. office building located in Sec. 13, on the southwest side of Grand River Ave., between Bendix Rd. and Hacker Rd., petitioned by Donald J. McCluskey. (PC 03-02)

- **Planning Commission Disposition of Petition**

- A. Recommendation regarding impact assessment.
- B. Disposition of site plan.

James Barnwell and Eric Rauch of Desine were present to represent the petitioner. They have addressed the concerns of the Township, the neighbors,

planner, and engineer. They have terraced the retaining walls to the west of the parking lot and have moved the building up to the property line. This will minimize the grading onto Lot #9. The Livingston County Road Commission has verbally approved their sketch.

Also, they are proposing four-foot terraced retaining walls to the rear of the site and have eliminated five parking spaces. This will put them right at the setback for Lot #9.

Mr. Purdy advised that the changes will significantly reduce the amount of grading on Lot #9 and preserve many more trees. He reviewed his letter of April 14, 2003.

1. The building will have a zero front yard setback and will require a variance from the ZBA.
2. A shared access agreement with the property to the south for the driveway needs to be recorded and provided to the Township.
3. The photometric grip must be based on manufacturer's light fixture specifications. Mr. Barnwell advised they will provide this. They have ordered it from the manufacturer.

Ms. Huntley reviewed her letter of April 14, 2003.

1. The driveway width are required to be 30 feet; however, the Planning Commission can reduce this to 26, which is proposed. All commissioners agree with allowing the 26-foot-wide driveway.
2. There are three parts of the site that the grades exceed the 1-foot vertical to 4-foot horizontal slope. Mr. Barnwell advised that they have tried to blend into the existing grading on the west of the site along Grand River. They would like to request a variance for the rear of the lot so as to stay with the existing grading, which will have less impact on Lot #9. Ms. Huntley advised that if this is allowed, she would recommend slope stabilization measures be taken using mulch blankets and sod. The petitioner will comply with this request and all commissioners agreed to allow the 1 to 4 slope in certain areas.

The call to the public was made at 7:26 p.m.

Mark Mohrenweiser of 2849 Stanwood asked how high the retaining wall is and how is it going to be terraced. He agrees that the erosion measures should be taken. He would like to see heavier screening on the incoming drive as well as to screen from the Waldecker lights. He reiterated at the planted material on the existing site has died and has not been replaced. He feels that the engineer and Mr. McClusky should sit down with the neighbors and come up with the best plan that will work for everyone.

Ms. Patrice Morris of 2831 Stanwood asked how far the grading will be into Lot #9.

Mr. Richard Stanley of 2755 Scottwood would like the board to put extreme concern with the photometric grid. He noted that the interior lights for the existing building are always on and they impact the neighbors.

Mr. Dick Morris of 2831 Stanwood lives behind the current building and the offices are constantly lit. He feels Mr. McClusky is not concerned about the surrounding neighbors. He does not feel there is enough buffer between the office buildings and the residential areas. He does not think these size buildings are suitable for these size lots.

Mr. Jeffrey Knop of 2797 Scottwood ask how much is the revised plan going to encroach onto Lot #9. He is also concerned about the lighting and noise pollution.

The call to the public was closed at 7:39 p.m.

Mr. Barnwell addressed the public's concerns. Each of the walls will be four-feet high and will be terraced and there are two boulder retaining walls.

There are seven proposed trees on the driveway and there are some existing pine trees there. Mr. Purdy would like to add approximately 4 or 5 additional evergreens along the west side of the proposed driveway. The petitioner will comply.

Mr. Barnwell advised the buildings will block some of the lighting from Waldecker and they are retaining many trees on Lot #9 to help screen the lighting. He advised that their light poles are only 13 feet high.

Commissioner Mortensen noted to the public that this building could be build on this property by right without any grading; however, the building is being moved forward to lessen the grading and impact on Lot #9 as was requested by the Planning Commission and it is not to reduce costs on behalf of the petitioner.

Mr. Barnwell advised they were originally going 57 feet into Lot #9 and that has been reduced to 27 feet.

The hours of operation are 7 a.m. to 9:00 p.m. and the lights should be turned off after that time. Mr. Purdy noted that the existing building's second story windows are on grade with the homes, however, the proposed building is lower so the interior lights will not be a problem with this building.

Mr. Barnwell stated that they feel they have met the concerns of the neighbors with regard to the building size, grading onto Lot #9, retaining wall, buffer, lower

light poles, etc. They have listened to them and made revisions to meet their concerns voiced at previous meetings.

Mr. Purdy advised a one-year landscape guarantee should be requested. Commissioner Cahill asked if some canopy trees can be planed to replace the trees that are going to be lost. Mr. Purdy feels there is an area where two additional trees can be added. The petitioner agrees.

**Moved** by Litogot, seconded by Mortensen, to recommend to the Township Board approval of the Impact Assessment dated April 9, 2003 for a 4,680 sq. ft. office building located in Sec. 13, on the southwest side of Grand River Ave., between Bendix Rd. and Hacker Rd., petitioned by Donald J. McCluskey with the following conditions:

1. Page 6, Item K shall be changed to read "Pole mounted site lighting that is proposed will be downward directed.
2. Page 6, Item L, the following will be added "The lighting will not exceed ½ footcandle at the property line as per Township ordinance.

**The motion carried unanimously.**

**Moved** by Burchfield, seconded by Mortensen, to recommend to the Township Board approval of the Site Plan for a 4,680 sq. ft. office building located in Sec. 13, on the southwest side of Grand River Ave., between Bendix Rd. and Hacker Rd., petitioned by Donald J. McCluskey subject to all of the following conditions:

1. Approval of the Impact Assessment prepared by Desine, Inc. dated April 9, 2003 and as further revised by the Genoa Township Planning Commission on April 14, 2003.
2. ZBA shall provide approval for the zero front yard setback variance.
3. There shall be a recorded shared access easement with the building and property commonly known as 7900 West Grand River and a copy is to be provided to the Township.
4. The architectural components, including building elevation, general design, materials, and color scheme shall be as currently exists at 7900 West Grand River.
5. Any portion of the detention pond which will be located within the Grand River ROW shall receive prior approval from the Livingston County Road Commission.
6. The petitioner is to provide the Township with a revised photometric grid for all site lighting, demonstrating an intensity of less than ½ footcandle along the residential property line.
7. All lighting shall be boxed, downward directed, and shielded.
8. Any signage shall receive prior administrative approval by the Township and the construction of such signage shall be similar with the building at 7900 West Grand River.
9. A one-foot vertical to four-foot horizontal slope may be varied due to the natural topography of the site, to decrease the grading onto Lot #9,

- and the saving of existing trees that provide some light and sound barrier to the existing residents.
10. Petitioner is to provide, during construction, slope stabilization and erosion control measures to be implemented, including mulching blankets and sod with prior design approval of the slope stabilization and erosion control measures approved by the Township Engineer.
  11. The petitioner, during construction, is to undertake tree protection measures with the requirement that if any existing trees on Lot #9 die within 12 months of a certificate of occupancy, they will be replaced with a tree of similar height and caliper as specified by the Township staff.
  12. Petitioner is to construct the two, four-foot terraces with boulders as designated on the current site plan.
  13. The petitioner is to add four additional evergreen trees along the southwest area of the driveway and they shall be staggered for increased screening, and two additional canopy trees are to be added on the site at a location to be determined by the petitioner and Township staff.
  14. The parking lot grad may not, in any area, exceed 7% slope.
  15. Driveway widths of 26 feet shall be approved, however, subject to approval by the Livingston County Road Commission.
  16. The site plan shall comply with all of the Township Engineer's requirements.
  17. Two REU's for municipal sewer and water connection is part of site plan approval.
  18. No outdoor waste disposal bins shall be permitted.
  19. Dust control measures shall be added to the plan.
  20. All additional landscaping required shall be certified as guaranteed by the owner/developer's landscape architect in writing, with such certification being delivered to Township staff.

**The motion carried unanimously.**

**OPEN PUBLIC HEARING # 4...**Rezoning application, environmental impact assessment, conceptual PUD plan, and PUD agreement (Chemung Highlands) to rezone 49 acres located on the south side of Grand River Ave., between Grand River and I-96, Section 10, the request is to rezone property from OSD (PUD) (office service district PUD) to MDR (PUD) (medium density residential PUD) petitioned by B/K/G Development L.L.C. (PC 03-04)

- **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.

Chairman Pobuda advised the petitioner to review what has been done to modify the plan based on feedback from the last meeting.

Mr. Chris Burton and Mr. Larry Goss from Burton-Katzman Development and Mr. Mike Polmear from Giffels-Webster Engineers were present to represent the petitioner.

Mr. Burton gave a brief overview of their company. They feel what they are proposing is a better transition next to the single-family residential rather than office. He reviewed the changes that were made:

1. They have provided a 100-foot buffer along I-96 and they will add a berm with undulated landscaping for additional screening.
2. They have reduced the density from 150 units to 144, which will provide a net density of 4.62 units per acre.
3. He noted that one access seems to be the only option for this site. He noted that the residents of Grey Road are not in favor of an emergency egress/ingress. They have extended the boulevard portion of the drive all of the way through the development with many curb cuts to accommodate emergency vehicles.
4. They have provided a 25-foot buffer to the wetlands.
5. They will be adding picnic areas to the nature walk that is being proposed.

Mr. Polmear stated they did not change the length of the road from 1,500 feet. He noted there have been other successful streets of this length and greater in the Township. He can provide information to show that the water pressure will be sufficient with regard to fire suppression and based on comments from the engineer, the water quality will not be an issue.

Mr. Burton noted they have preserved 11 of the 25 buildable uplands on this site. They would like to work with the Township and the neighbors to develop this property.

Mr. Purdy reviewed his letter of April 14, 2003.

The buildings along the boulevard should be setback 20 feet from the sidewalk. They are currently 10 feet from the sidewalk and 20 feet from the road; however, if they were moved back, they would be closer to the wetlands. All commissioners agree to keep the buildings away from the wetlands; however, Commissioner Burchfield had no comment on this issue.

A discussion was begun as to why the Planning Commission is going through each of the planner's items when the density is still the issue. Commissioner Burchfield stated that this project is too dense given the restrictions of the site. He noted that the other developments in the Township where this density was

permitted gave a greater percentage of buildable area as dedicated open space. Commissioners Litogot and Figurski agree.

Commissioner Mortensen stated this is the best project that has been proposed for this site, however, he is concerned with the density as well as the length of the road, and the fact that there is only one egress and ingress.

Commissioner Brown agrees. He does not feel this property is comparable to the other developments. Commissioner Cahill does not feel the density allowed in other developments should be used as a standard.

The major issues with this project are:

- the length of the road
- the density
- the ingress / egress
- fire suppression quality
- the cul-de-sac or turnaround at the end of the road
- guest parking provisions
- Detention Pond #3 is within the wetland buffer.

The call to the public was made at 9:05 p.m.

Mr. Larry Straights of 1900 Gray Road stated he previously lived on Brighton Road in Brighton behind Pine Creek Ridge, which is a development built by Burton Katzman. When they were approved for this development, they said they would put in a buffer, and there was none. He would prefer to have an office over there instead of this dense residential development. He feels the buildings to the east need to be buffered from the residents on Gray Road. He also questioned his property value.

Mr. Dennis Ling of 1840 Grey Road noted there is a septic field where the emergency ingress/egress is proposed. He is concerned about the value of his home and asked what is the price of these units.

The call to the public was closed at 9:10 p.m.

Mr. Goss responded to the public's comments and questions. If this site was developed as it is currently zoned, they would be able to build a 25,000 square foot office building with a parking lot. They would be happy to add fencing and burming to the east side of the site. The townhouses will sell for approximately \$200,000 and the 8-plex units will sell for approximately \$150,000. He is not sure what it will do to the property taxes in the surrounding area. He noted that they have conserved 40% of upland buildable area. They can research the T-turnaround and the 600-foot water loop is possible.

Commissioner Cahill asked Mr. Purdy what could be built on this site as it is currently zoned. Mr. Purdy advised that 60% of the site could be developed with a 2 ½ story building and the traffic impact would be greater with an office development.

He also asked if there is a benefit to the Township of the petitioner preserving 11 acres of buildable area. Mr. Purdy stated the small part on Grand River is not much of a benefit and the three “island” pieces of land along I-96 could be developed.

**Moved** by Burchfield, seconded by Figurski, to recommend to the Township Board denial of the application for Chemung Highlands to rezone rezone 49 acres located on the south side of Grand River Ave., between Grand River and I-96, Section 10 from OSD (PUD) (office service district PUD) to MDR (PUD) (medium density residential PUD) for the following reasons:

1. The density is too high for the proposed development with only one egress/ingress point.
2. The zoning reclassification does not achieve the purpose of Article 10 of the Genoa Township Zoning Ordinance in that it inadequately provides substantial benefit to the Township.
3. The zoning reclassification does not promote the public safety and welfare of the Township in that its proximity to I-96 does not provide adequate access for emergency vehicles, site evacuation or disaster relief.
4. The increase in traffic based upon the proposed density will adversely impact surrounding land uses.
5. It is not a suitable transition between the existing single-family residential development to the east and the multiple-residential proposed development when compared with current zoning.
6. The Township does not have adequate resources to enforce any on-street parking restrictions necessary for ingress and egress for everyday vehicles.
7. Leaving the future maintenance and repair of the internal private roads does not assure adequate protection for future maintenance and repair given the traffic from residents using the single access road.
8. The 4.67 units per acre is not a base line for determining density for multiple-family. The developments cited with that density have two points of ingress and egress and provided substantial buildable open space area as undevelopable.
9. The Planning Commission is not adequately assured based on the Township Engineer's opinions, that the water pressure for fire protection and water quality is adequate.
10. The length of the private road exceeds the maximum 1,000 feet allowable.
11. The Master Plan calls for two to four-acre density.

This motion for denial is not based upon the property owner, developer, engineer, architects, or product. It is strictly based on the land use plan, the density being too high, and only one means of access to a public road. **The motion carried unanimously.**

**OPEN PUBLIC HEARING # 5...**Review of special use application, site plan, and environmental impact assessment for proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction. (PC 03-08)

- **Planning Commission Disposition of Petition**
  - A. Recommendation regarding special use application.
  - B. Recommendation regarding Impact assessment.
  - C. Recommendation regarding site plan.

Mr. Steve Varilone of Brivar Construction, the Pastor of the Brighton Nazarene Church, and the co-chairs of the building committee for the church were present to represent the petitioner.

They are proposing to add a 17,600 square foot addition, including adequate parking. Mr. Varilone showed building materials and colored elevations.

Mr. Purdy reviewed his letter of April 9, 2003.

The storm water detention pond is located in the front yard and will require fencing; however, the Planning Commission discourages front-yard fencing. Mr. Varilone advised they have a "lay of the land" problem with this site. This is the only location for the detention pond. They have tried to accommodate for the fencing by adding extensive landscaping around it. They feel it is an improvement to what is currently there. He showed examples of proposed fencing. Commissioner Figurski asked if the detention pond could be put underground. Ms. Huntley stated the possibility of an underground detention pond is not appropriate for this site.

Commissioner Burchfield stated he likes the project, however, he does not like the fencing. He feels it detracts from the building. He feels that the proposed landscaping will alleviate the aesthetic impact of the pond. Mr. Purdy feels the amount of landscaping could be increased in the front of the pond, but Commissioner Burchfield noted that the fence will still be there. Commissioner Litogot wants to ensure that the pond will be property landscaped to screen the fence.

Commissioners Figurski, Mortensen, and Brown are comfortable with the proposed landscaping as amended by Mr. Purdy.

Commissioner Cahill suggested asking the Drain Commissioner if they could do without the fencing requirement and if he denies that, then the landscaping could be enhanced to screen the fence.

Ms. Huntley stated they have addressed all of their issues satisfactorily.

The call to the public was made at 10:00 p.m.

Mr. Sam Raguso of 4793 Al Joann was present to speak on behalf of their association. They have the following concerns:

1. The church has developed a commercial use on their site with the activity center and skate park. This is not appropriate for this zoning.
2. They have had problems with loitering, noise, trash, etc. from the children that use the skate park.
3. The proposed addition is very close to Brighton Road. There are 10 acres to the rear of the existing building and he feels they could add on to the back of the building.
4. There are concerns with the safety of the detention pond. There are kids in the neighboring area.

Mr. James Todd of 4931 Aljoann agrees with Mr. Raguso. He does not agree with the size and the height of the building as well as it being so close to Brighton Road. They have had problems with the children at the activity center and the skate park at all times of the day and night. He feels additional screening as well as enforcement of the curfews and existing rules needs to be done. He also asked how the new part of the building will be used.

Mr. David Tieman of 4827 Aljoann agrees with what was said by his neighbors. He asked if the church has any guidelines for keeping the privacy of the neighbors.

The Raguso feels the church needs to prove the size of their congregation and their need for this expansion.

The call to the public was closed at 10:09 p.m.

Mr. Purdy stated this site is zoned single-family residential, and churches are a special land use in this zoning. The accessory structure, which is the activity center, is also permitted.

Commissioner Mortensen feels the hours of operation, the lighting, noise, etc. should be addressed with the Impact Assessment before this item is acted on this evening.

The Commissioners nor the petitioner were aware of these concerns from the neighbors prior to this evening's meeting. The pastor addressed the neighbors

concerns. Their hours of operation are specified in the Impact Assessment, however, the parking lot is open and anyone can drive back there. He feels the children that are there after hours are not members of the church and it is like any other parking lot and the complaints should be directed toward the police. He added that they do not charge for the skate park. If children attend the Saturday service, they can skate for free and if they do not attend, they have to pay \$5.00. Approximately 75% of the children that skate do not pay.

The lights currently go off at approximately 12:00 am, but they can change that to assist the neighbors.

He advised the addition is only for a sanctuary and will not include an activity center. The future plan for the existing sanctuary is to expand their Sunday school classrooms. He added that there is no room on the back of the site to put the sanctuary.

Commissioner Burchfield feels the special land use permit should be granted if the skate park is taken out as it has a negative impact to the surrounding areas.

Commissioner Figurski feels the addition is very large and it will stick out far from the existing building close to Brighton Road.

Commissioner Mortensen is concerned about the impact this is having on the neighbors.

Chairman Pobuda asked if the addition of the skate park has increased the amount of children that attend services. The pastor stated it has a very positive impact on the children attending service. They have approximately 100 kids that come to Saturday service and then they can skate for free. He advised that they have just hired an outreach minister to spend his entire 40 hours a week attending to the skate park and the kids.

The pastor added that the skate park and their request for a new sanctuary are two separate issues. They have grown their congregation and they need the space, the skate park is not going to grow. He is willing to sit down with the neighbors and address their issues with regard to the skate park.

Commissioner Cahill is concerned about what he has heard from the neighbors. He would like to review the minutes from when the skate park was approved. He feels these issues need to be addressed by the church.

Chairman Pobuda agrees that the sanctuary and the skate park are two separate issues.

Commissioner Litogot stated that if the church is in violation of the skate park, they should not be granted an addition to the special land use.

Commissioner Figurski feels the commissioners need to visit the site and see how close this building will be to Brighton Road. Chairman Pobuda noted that this building is within the setback.

Mr. Varilone feels the issues of the skate park and the proposed addition are separate. The petitioner is surprised that his problem exists because they were not aware of the extent of the problem. He would like the commissioners to view these as two separate issues.

**Moved** by Figurski, seconded by Mortensen, to table Open Public Hearing #5, a special use application, site plan, and environmental impact assessment for a proposed 17,600 sq. ft. sanctuary addition to existing church facility (Brighton Nazarene Church) located at 7679 Brighton Road, Section 25, petitioned by Brivar Construction, at the petitioner's request. **The motion carried unanimously.**

**OPEN PUBLIC HEARING # 6...**Rezoning application, environmental impact assessment, conceptual PUD plan, and PUD agreement to rezone 73.1 acres located west of Chilson Road, north of Coon Lake Road in Section 20 and Section 29. The request is to rezone property from CE (country estates) to RR (RPUD) (rural residential PUD) petitioned by Chestnut Development. (PC 03-09)

- **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.

This item was unable to be heard due to the hour of the evening. They will be the first item on next meeting's agenda.

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

### **Member Discussion**

Commissioner Mortensen stated he does not like having paper and/or review letters delivered to him the night of the meeting. Ms. Kolakowski advised that she is working on streamlining the process. The day after the meeting, the petitioners will receive a fax notifying them of the action that was taken the previous evening and it will include a deadline for when the next information is due.

4-14-03 Approved PC Minutes

Commissioner Burchfield feels tonight's agenda is too oppressive. Commissioner Mortensen agrees. Ms. Kolakowski advised that she is working on this problem.

The meeting adjourned at 10:53 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary