

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
December 9, 2002
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, Curt Brown, John Cahill, and Bill Litogot. Also present was Michael Archinal, Township Manager; Rob Nesbit 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 7:00 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 with the following changes:

1. Open Public Hearing #2 is tabled at the petitioner's request.
2. Open Public Hearing #3 becomes #2
3. Open Public Hearing #4 becomes #3

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 7:03 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING #1...review of rezoning application, environmental impact assessment, and site plan to rezone 20.33 acres located on the north side of Bendix Road, west of Hacker, 11 sections, 11-13-200-012, 11-13-200-18, 11-13-400-011, 11-13-400-012, 11-13-400-013, 11-13-400-014, 11-13-400-008, 11-13-400-009, 11-13-400-017, 11-13-400-007, 11-13-400-019, petitioned by First

National Bank, 1st Trust Investments. The request is to rezone property from SR (suburban residential) to MDR (medium density residential). (PC 02-31)

- **Planning Commission disposition of petition**

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

Mr. Nesbit stated they prepared the Impact Assessment for this proposal for the Planning Commission. There were two properties in this area that came before the Planning Commission for rezoning. This appeared to be a case of spot zoning so the entire area is being considered for rezoning. The proposed rezoning will allow for this area to remain residential, but will allow for a range of residential uses. As each property plans to be developed, the owner will need to come before the Township for site plan approval and it can be reviewed in greater detail at that time.

This rezoning will not have a great impact on the surrounding area, vehicular traffic, schools, or pedestrian traffic. Grand River is sufficient to handle any increased traffic.

This is consistent with the Master Plan and will provide a good transition from the commercial uses on Grand River to the more rural sites to the north of this area. They feel it will be an improvement to the area.

These lots are currently serviced by well and septic, but as it becomes denser, sewer and water may need to be extended to this area.

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

There were no comments from the commissioners.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the Impact Assessment dated December 9, 2002 for the rezoning of 20.33 acres located on the north side of Bendix Road, west of Hacker, 11 sections, 11-13-200-012, 11-13-200-18, 11-13-400-011, 11-13-400-012, 11-13-400-013, 11-13-400-014, 11-13-400-008, 11-13-400-009, 11-13-400-017, 11-13-400-007, 11-13-400-019, petitioned by First National Bank, 1st Trust Investments. The request is to rezone property from SR (suburban residential) to MDR (medium density residential) with the following change:

1. On Page 2, Parcel #11-13-200-014 should be changed from "(0 acre; no property address)" to "less than 1 acre, excluding the northern 470 feet; no property address)"

The motion carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the rezoning of the 12 properties listed on Page 2 of the Impact Assessment, as amended, subject to the Township Board's approval of said Impact Assessment.

The motion carried unanimously.

OPEN PUBLIC HEARING #2...Review of preliminary Cortland Condominium Development site plan application, site plan, and environmental impact assessment for proposed 61 unit residential attached condominiums located on the northwest corner of Kellogg Road and Grand River, Sec. 14, petitioned by RBS Companies, Inc. (PC 02-36)

- **Planning Commission disposition of petition**

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

Mr. Ralph Stoy of RBS Companies and Mr. Bruce Wallace and Mr. Bill Knighton of Atwell Hicks were present to represent the petitioner.

Mr. Stoy stated they are proposing to put 61 condominium units on the corner of Kellogg Road and Grand River Avenue. They will have an entrance on Grand River as well as on Kellogg Road. The less than two acres of wetlands on the site are not regulated, however, they will be keeping them as a natural feature and installing a pathway for residents to use as well as using part of it for their retention pond. The entrance on Grand River will be directly across from the mobile home entrance and there will be one deceleration lane on Grand River.

He showed proposed floor plans, exterior elevations, a colored rendering, as well as building materials.

They are proposing a decorative vinyl fence along Grand River and Kellogg. The fence will be on a two-foot berm and there will be landscaping on both sides of the fence.

Commissioner Litogot asked how high the fence is. Mr. Stoy advised the berm is two feet and the fence is seven feet.

Commissioner Mortensen stated he does not like the fence that is being proposed. It looks too much like a solid wall. He added the fence height ordinance is four feet.

Commissioner Brown asked if the entire back of the buildings are aluminum siding only. Mr. Stoy advised that they are.

Commissioner Cahill is very concerned about the appearance of this complex from Grand River. He does not like the back of the buildings, the berm or the fence.

Mr. Nesbit reviewed his letter of December 5, 2002. Many of their earlier comments have been addressed, but they still have some outstanding issues.

They are concerned about the linear area of the building. They suggest breaking up the rooflines of the units and stagger them along the Grand River frontage. Mr. Stoy advised the roof is staggered, as some of the units will have a third bedroom and that will bring the roofline up. It is difficult to stagger the units from front to back, but they have limited the number of units in the buildings so that all of the buildings are not the same size. All commissioners agree that if the roofline is staggered in height, that is sufficient. Commissioner Cahill would like a commitment from the petitioner that the roofline will be staggered. Mr. Stoy stated they will commit to this request.

The interior of the development is very attractive, but would like the Grand River side to be more consistent with the interior. They suggest adding brick to the rear of the buildings. Mr. Stoy stated he would explore introducing brick on the back of the buildings.

The required sidewalk along Grand River does not continue west through the area of the wetland because the topography of the land does not allow for it. It was discussed at a preliminary meeting that the applicant would put an amount of money in a bond so that if in the future the community want to develop the sidewalk, the money would be there. It was suggested the bond be for \$11,550 with a five-year limit.

There was a discussion regarding the amount of the bond as well as the realistic possibility that the sidewalk will ever be built. Mr. Archinal advised that the Township will probably never invest in extending the sidewalk in that area due to the cost, however, the purpose of the applicant putting up a bond for the money serves the purpose of him meeting the ordinance. Commissioner Cahill is very much in favor of continuing sidewalks throughout the Township and feels the petitioner should comply with this request. Chairman Pobuda stated the petitioner should not be burdened by the land feature and because of this, the Township would have to contribute funds for the sidewalk's improvement. Mr. Archinal stated it is a practical difficulty of the site for the petitioner and there will not be a sidewalk in that area for many years. Commissioner Cahill feels the bond should be for a longer time and the dollar amount should be determined by what the conditions of the land are currently. Commissioner Brown agrees. If the Township is not going to use the bond money, why ask the petitioner to post it. Mr. Stoy advised the ordinance states they need to install a five-foot-wide concrete sidewalk and that is the amount of money they are proposing to put into

escrow. The topography is a hardship that they cannot overcome and he does not feel it is fair to ask them for more than what the ordinance calls for.

Mr. Nesbit suggested a larger area be preserved around the two trees at the north edge of the site so as not to impact the root zones. Mr. Stoy advised he will comply with this request.

They suggest two additional deciduous trees, two evergreen trees, and several shrub beds be provided along the south side of the retention pond along Grand River. Mr. Stoy advised that grade goes straight down 30 feet so anything that would be planted on the edge of the wetlands would not be seen from the road. Also, there is no room to plant anything along Grand River because of the guardrail that is there and the steep slope of the land.

There was a brief discussion regarding the type, color and height of the proposed fence. All of the commissioners agreed they did not want a white fence and they wanted one with slots so as it does not look like a solid wall along Grand River. Mr. Stoy advised he will review the commissioners' comments and present a fence at final site plan review.

Ms. Huntley advised their concerns will be addressed at final site plan review. They have issues regarding drainage, grading, storm sewer, and utilities. Also, as the petitioner is proposing a driveway width of 28 feet at the entrances on Grand River and Kellogg Road. After a brief discussion it was decided that 28 feet is satisfactory. Ms. Huntley also advised the applicant is proposing 50-foot wide roads and the ordinance calls for 66; however, the Planning Commission has the discretion to approve 50-foot wide. She advised that 50 foot-wide roads are satisfactory. Mr. Stoy advised they would not be able to develop this site with this plan if the road widths were increased beyond 50 feet. Chairman Pobuda advised the petitioner has met all of the other setback requirements for this site. All commissioners agree that 50-foot-wide roads are satisfactory.

There was a discussion regarding an acceleration lane onto Grand River. The applicant advised they have a permit from the County stating they do not want an acceleration lane there. Chairman Pobuda advised the petitioner to present this information at final site plan review.

Mr. Nesbit advised they need to see the protection measures that are going to be taken regarding natural features.

The call to the public was made at 8:30 p.m.

Mr. Dennis D_____ of 1939 Kellogg is concerned about the traffic on Kellogg Road. It is currently a very busy road and he feels it will be increased with this development. The increased traffic making lefts into this site would interfere with the people turning into the mobile home park across the road. He

feels the residents who live on Kellogg will be impacted greatly by this development.

Mr. D_____’s wife, Pat, asked what type of lighting is being proposed. Also, she feels the northeast corner of the site needs additional landscaping for screening.

Mr. Stoy advised that most people will be coming into and out of the development on Grand River as Kellogg is not a paved road. They added the second entrance/exit on Kellogg mainly for emergency vehicles. Ms. Huntley advised that a development of this size will generate 358 trips per day, 50% of those will be in and 50% will be out, and 80% of the trips will be using the Grand River entrance.

Chairman Pobuda advised that the issue regarding the left turn lane traffic is a County issue and it will be determined by them. The Township cannot determine where driveways, turn lanes, or signals will be placed.

Mr. Stoy advised the only lighting they will have will be house lamps on the garages. There will be no light posts, poles, or streetlights. He advised this information will be added to the final site plan.

Mr. Stoy advised that seven trees have been added to the northeast corner. Mr. Nesbit suggested more evergreen trees be planted. The petitioner will comply.

The call to the public was closed at 8:38 p.m.

Moved by Mortensen, seconded by Brown, to recommend to the Township Board approval of the Impact Assessment for Cortland Condominiums dated December 2, 2002 with the following change:

1. The first sentence of the fifth paragraph under **Impact on Natural Features** shall be changed to “Wetland grasses, forbes, trees and shrubs will also be added as necessary on all slopes that border the undisturbed wetland”.

The motion carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the preliminary site plan for a proposed 61 unit residential attached condominiums located on the northwest corner of Kellogg Road and Grand River, Sec. 14, petitioned by RBS Companies, Inc. with the following conditions:

1. Buildings #6, #7, and #8, which back up to Grand River, will have a mixture of ranches and two-story homes so a varied roofline appearance will be seen.
2. The final site plan will have a partial brick façade or accent on the rear units facing Grand River.

3. A bond or escrow of \$11,500 will be provided with a 7 ½ year time duration from final site plan approval, which may be amended or eliminated during final site plan review subject to a comment letter from the Township Engineer regarding the practicality of building a sidewalk along the west portion of the site.
4. A deceleration lane will be provided by the developer at his expense. An acceleration lane will be provided at the developer's expense unless the County provides documentation stating none is required.
5. The building materials presented this evening are acceptable and become the property of the Township.
6. Approval of the Impact Assessment by the Township Board as recommended by motion this evening.
7. Issues raised by the Township Engineer will be handled to the satisfaction of the Township Engineer, including the side slope along Kellogg Road.
8. The driveway of 28 feet is acceptable.
9. A 50-foot road right-of-way is acceptable.
10. Lighting will be added to the final site plan and will meet the Township Ordinance.
11. Evergreen planting will extend around the northeast corner of the site.
12. The fence will be no higher than four feet on a two-foot berm and will not be solid. The colors will be decided at final site plan.
13. A copy of the association by-laws shall be presented at final site plan review.

Chairman Pobuda asked for discussion to the motion. Commissioner Cahill feels it is the Township's policy to require petitioners to provide sidewalks and he does not feel that all of the alternatives have been explored and this motion is essentially permanently removing the possibility of people moving through this area of the Township. He will be voting against this motion.

The motion carried. (Cahill – N; Brown – Y; Mortensen – Y; Pobuda – Y; Litogot – Y)

OPEN PUBLIC HEARING #3...Review of amendments to the Zoning Ordinance Text related to electronic message reader boards affecting the entire Township of Genoa (PC 02-37)

- **Planning Commission disposition of petition**

A. Recommendation regarding Zoning Ordinance Text

Mr. Nesbit stated they have revised the ordinance to prohibit any type of message reader board signs in the Township from the standpoint of aesthetics, safety, etc.

Mr. Archinal cited a case that is pending regarding this type of sign. The Township in question allows for display signs, but they can only display date and time. The argument is that the Township should not be allowed to limit what is put on the signs as it is against the Free Speech Amendment. He feels it would be best to eliminate any signs of this type.

Commissioner Brown asked about businesses that currently have the signs. Mr. Archinal stated those signs would become non-conforming uses and would be allowed to stay up; however, if they wanted to make a change to the sign, it would need to comply with the new ordinance, which would be no display signs at all.

The call to the public was made at 8:55 p.m. with no response.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the amendments to the zoning ordinance as presenting this evening by the Township Planner. **The motion carried unanimously.**

Moved by Mortensen, seconded by Litogot, to approve the minutes of November 11, 2002 as corrected. **The motion carried unanimously.**

Member Discussion

Commissioner Litogot stated there are signs in the windows of the Pet Supplies Plus as well as the CVS store, which are not permitted.

Commissioner Cahill stated the park at the Genoa Township Hall received an award from the Michigan Nursery and Landscape Association for Best Design.

The meeting adjourned at 9:03 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary