

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
January 8, 2001
6:30 P.M.
MINUTES
(REVISED)

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, Jerrold Joseph, John Cahill, James Mortensen, Bill Litogot, and Ken Burchfield. Also present was Michael Archinal, Township Manager; Jeff Purdy from Langworthy, Strader, LeBlance & Associates, Inc.; and Mark Brown 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 7:08 p.m.

The Pledge of Allegiance was recited.

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

1. Add the "Oaths of Office and Election of Officers"
2. Open Public Hearing #3 will be tabled
3. The actions for Open Public Hearing #4 will be amended to:
 - A. Disposition of master plan amendment
 - B. PUD Concept Plan
 - C. Recommendation regarding revised impact assessment

Moved by Mortensen, seconded by Cahill, to reelect the following officers:

Chairman – Don Pobuda

Vice Chairman – Bill Litogot

Secretary – Barbara Figurski

The motion carried unanimously.

Mike Archinal administered the Oaths of Office to all Planning Commission members.

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 7:12 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 parcels B-2 and B-4, totaling 67 acres on the northwest corner of Chilson and Crooked Lake Road, Sec. 17 & 18, the request is to rezone property from AG (Agricultural) to CE (Country Estates) petitioned by Robert & Rachel Kausrud. (PC 00-46)

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

Chris Fleck from Advantage Engineering and Marilyn Mix, the realtor for the property, were present to represent the petitioner. Mr. Fleck stated they feel the zoning is very similar to the surrounding areas. The master plan for this area has County Estates zoning in all directions surrounding it. He feels this is a reasonable request.

Commissioner Mortensen asked about the two surrounding properties that will remain Agricultural. Does the petitioner have any plans for these properties? Mr. Fleck stated they have different owners.

Jeff Purdy reviewed his letter of December 18, 2000. He stated the property is designated in the master plan for resident agriculture, which would allow it to be developed with five-acre minimal lot sizes. He feels the rezoning would be consistent with the long-range plan.

Mr. Purdy explained the difference between agricultural (AG) and Country Estates (CE). With AG, there are certain livestock and more intense farming operations allowed that would not be allowed with CE. Also, the lot size for AG is 10 acres, as opposed to 5 acres of CE. Chairman Pobuda advised the petitioner that they would have to notify potential buyers that the surrounding property is zoned AG. Ms. Mix stated that would have to be disclosed at the time of sale.

Mr. Purdy stated each site would have to have its own septic system. Ms. Mix stated that all of the perk tests have been completed.

Mark Brown reviewed his letter of November 17, 2000. He stated that all drive permits need to be approved by the Livingston County Road Commission.

The drainage shall not adversely affect adjoining parcels.

All wells and septic systems will need to be approved by the Livingston County Health Department. Mr. Fleck indicated that they are not proposing any grading at this time. This would be handled as part of the site plan approval.

The call to the public was made at 7:20 p.m. Ms. Bonnie Chrysler of 2858 Chilson Road stated that she owns 12 acres surrounded by this property. She would like to keep it in 10-acre parcels. She is worried about the traffic density and pointed out that there are no lights at the railroad crossing on Crooked Lake Road. She does not want it to become even more dense as time goes by. Mr. Purdy stated that the current zoning allows for 10-acre splits and if it is rezoned, it would be able to be split to five-acre lots. He does not recommend any denser than five acres. He stated that 20 years into the future, the five-acre parcels will not be changed. That will be the minimum allowed.

Ms. Chrysler also asked about the easement with regards to proposed Lot #10. If that easement is granted, would the acreage of that lot be decreased? If so that would bring the size of that lot below five acres. Mr. Purdy stated that tonight, we are only looking at the rezoning application. Each land division will have to be approved separately at site plan approval. Mr. Fleck stated that the 66-foot proposed easement does not count against acreage of the lot.

Chairman Pobuda asked about wetlands. Ms. Mix stated the area was perked last summer and the DEQ did not flag any part of the property.

The call to the public was closed at 7:28 p.m.

Moved by Figurski, seconded by Litogot, to recommend to the Township Board approval of the impact assessment to rezone parcels B-2 and B-4, totaling 67 acres on the northwest corner of Chilson and Crooked Lake Road, Sec. 17 & 18, the request is to rezone property from AG (Agricultural) to CE (Country Estates) petitioned by Robert & Rachel Kauserud. (PC 00-46). **The motion carried unanimously.**

Moved by Mortensen, seconded by Cahill, to recommend to the Township Board approval of the rezoning request for parcels B-2 and B-4, totaling 67 acres on the northwest corner of Chilson and Crooked Lake Road, Sec. 17 & 18, the request is to rezone property from AG (Agricultural) to CE (Country Estates) petitioned by Robert & Rachel Kauserud. (PC 00-46) as shown on the country estates drawing dated December 28, 2000.

Chairman Pobuda called for discussion.

Commissioner Figurski stated that she would like to see it stay as it is due to the traffic and the area where it is located. She is aware that there are a lot of wetlands toward the railroad crossing on Crooked Lake Road.

Commissioner Joseph would rather see it remain as it is, but since Country Estates has been approved as a density for the master plan, he feels compelled to vote for approval of this rezoning.

The motion passed. (Cahill – Y; Joseph – Y; Mortensen – Y; Figurski – N; Pobuda – Y; Burchfield – Y; Litogot – Y)

OPEN PUBLIC HEARING # 2... Review of special use application, environmental impact assessment, and site plan for a 3,172 square foot expansion of the Home Depot Outdoor Garden Center located in Howell on the south side of Grand River Ave., west of Latson Rd., Sec. 5, petitioned by Home Depot. (PC 00-41)

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

Jason Gustavson of Greenberg Farrow Architecture in Arlington Heights, Illinois was present to represent the petitioner.

Commissioner Litogot stated he will refrain from taking part in this discussion as he is a part-time employee of Home Depot in Howell.

Mr. Gustavson stated that Home Depot is requesting an addendum to the PUD to add an additional 3,000 square feet to the garden center at Home Depot. All materials will be consistent with what is currently there.

Mr. Purdy reviewed his letter of December 18, 2000. He stated that since the proposed addition is more than 2,000 square feet, an amendment is required. Mr. Purdy stated the restrictions and limitations on outdoor storage and displays are not being met. He recommends the use be brought into compliance before this addition is approved. Commissioner Cahill has many problems with the storage at Home Depot. Mr. Gustavson stated he is the architect for Home Depot. He has relayed the concerns of the Township to Home Depot and he believes they have been working on keeping in compliance. Commissioner Cahill stated there were various types of machines displayed in the front of the store today and there has been metal shelving installed on the back of the building. He does not feel that Home Depot is being a good neighbor and is not inclined to approve an amendment to the special use. He asked what assurances Mr. Gustavson could give. Mr. Gustavson stated he can only relay the concerns to Home Depot.

Commissioner Joseph stated he would also have difficulty voting for approval for the same reasons as Commissioner Cahill. He added that Home Depot has the same problem at their Brighton store.

Commissioner Mortensen is in favor of tabling this motion and would not approve it even if it was to come to a vote this evening. He feels someone from Home Depot should come before the Planning Commission and there should be written procedures that will show what measures will be taken to comply.

Commissioner Figurski agrees.

Commissioner Burchfield would vote against this proposal based on the concerns voiced this evening.

Chairman Pobuda stated that Home Depot has not met the specifications of the initial special use and have flagrantly ignored it. He advised the petitioner that the Planning Commission can vote on this request tonight or the petitioner can request to have it tabled. He would like to have a representative from Home Depot's corporate office as well as the Howell store at the meeting to give the Planning Commission a verbal and written agreement.

Moved by Cahill, seconded by Figurski, to table, at the petitioner's request, the request for a 3,172 square foot expansion of the Home Depot Outdoor Garden Center located in Howell on the south side of Grand River Ave., west of Latson Rd., Sec. 5, petitioned by Home Depot. (PC 00-41). **The motion carried.** (Cahill – Y; Joseph – Y; Mortensen – Y; Figurski – Y; Pobuda – Y; Burchfield – Y; Litogot – Abstain).

OPEN PUBLIC HEARING # 4... Review of a site plan application, environmental impact assessment, site plan and PUD (Planned Unit Development) Amendment, for a 296-unit apartment complex located on the north side of Grand River Ave, in the Lorentzen PUD, Sec. 4 & 9, petitioned by Singh Development Co. (PC 00-48)

- **Planning Commission disposition of petition**
 - A. Disposition of master plan amendment
 - B. PUD Concept Plan
 - C. Recommendation regarding revised impact assessment

Mr. Paul Rizzardi of Singh Development Company and Mr. David LeClair of Boss Engineering were present to represent the petitioner.

Mr. Rizzardi stated he is aware of the density concerns of the Township. They want to work with the Township on this issue but economics of the project is also a concern of theirs. They have looked at what they could do to offset the impact of the project so they altered the parking, building design, etc. Four units per acre is just not economically feasible for them. He gave an overview of the three plans that have evolved from the joint meetings they have had with the Township. He stated the detached condo plan of 180 units they presented first would meet the four unit per acre requirements, but not as many natural features (wetlands) will be preserved; however, they are still willing to go ahead with this plan.

There was a brief discussion regarding the clubhouse and pool area being right on Grand River. Mr. Rizzardi explained there are marketing reasons for the clubhouse and sales office to be on Grand River. They are proposing a small green space on Grand River in front of the pool and clubhouse area. All commissioners agreed the pool area should be screened from Grand River.

Mr. Rizzardi stated they are planning a continuous sidewalk on one side throughout the development and where there is a break in the sidewalks, they will install sidewalk connections.

Chairman Pobuda stated his concern about the remaining property in this PUD. The adjoining property owners may want to rezone their site for more density. Mr. Purdy agreed that we would want to be consistent with the density of each separate piece of property.

Chairman Pobuda asked why the petitioner feels this is a good area for a high-rent market. Mr. Rizzardi stated they base their market on the average sale of new homes in the area. The average new home price in Genoa Township is \$250,000. Also, there is not this type of housing in the Township currently.

Commissioner Cahill asked what would be able to be accomplished this evening. Mr. Purdy stated we can act on the master plan amendment, the PUD concept plan, and the revised impact assessment. The site plan should be deferred until the Township Board takes action on the master plan and PUD concept plan. This would specify what the density would be and then the details would have to be discussed at site plan approval.

Commissioner Mortensen feels the key issue is density. He asked if the Planning Commission is willing to approve anything over four units per acre. The petitioner is proposing 6.35 units per acre. He also advised the Planning Commission that this is currently zoned light commercial. It appears that the Commission is being given only two alternatives – 6.35 units per acre or light industrial.

Commissioner Joseph stated the property has been up for sale as light industrial and the asking price has not been favorable. He feels the owner of the property is holding out to receive the industrial price and the property may not be worth that price for industrial use. He does not feel that the Township should have to play a part in the economics of the property. Is the price too high? If the price was lowered, could this property be sold as industrial? Rezoning may not be the issue; it may be the asking price of the property.

Mr. Purdy explained if you take the three different phases of the Lorentzen PUD, you end up with an average of 4.8 units per acre. Mr. Rizzardi stated they would not build a complex with less than 200 units.

Commissioner Cahill likes the idea of residential in this area, but feels it is too dense. He would approve over four units per acre, but not as high as 6.35, which is what the petitioner is proposing. Commissioners Joseph, Mortensen, and Figurski agreed.

Commissioner Burchfield is not in favor of approving the amendment to the PUD. He feels the issue is not the density, but why should there even be a zoning change.

Commissioner Litogot stated the Township should allow the petitioner to build 200 units, which is their minimum for a complex, and that would average 4.45 units per acre. Mr. Rizzardi stated they would not build this project with only 200 units.

Chairman Pobuda agrees with this type of zoning. He would rather see residential instead of commercial and this is a high-end operation, which he feels is needed in this area. He feels that 6.35 units per acre is too dense, but he would approve 4.45 units per acre. Mr. Rizzardi stated they cannot drop 96 units off of their proposal.

There was a discussion about the petitioner's first proposal; a 180-unit detached condominium complex. Mr. Purdy stated this was denied due to of the lack of preservation of natural features. The question was raised if the property was developed light commercial, would the trees be impacted as well. Mr. Purdy stated most of the property would be cleared except for a 50-foot buffer on each side.

Mr. Rizzardi requested that this be tabled this evening so they can go back and review their project. He would like to hear the commissioners' concerns and thoughts.

Mr. Purdy reviewed his letter of December 21, 2000. He reviewed all of the points concerning landscaping, drives, and drive connections so the petitioner is aware of what is required by the Township while they are in the process of designing the property.

Chairman Pobuda asked for comments from each of the commissioners.

Commissioner Litogot likes this project but he feels some things need to be changed.

Commissioner Burchfield is not in favor of changing the PUD.

Commissioner Figurski would like to see if more trees could be saved.

Commissioner Mortensen is very sensitive to the density issue. He would like to see four units per acre. If the PUD is going to change, this is the density he would prefer.

Commissioner Joseph feels that density is a problem. He is willing to look at industrial zoning again and feels we need to consider the proposed Latson Road exit to I-96. He feels the asking price of the property is restricting the development and does not feel it should be the Township's concern to help the property owner sell the property at the highest price.

Commissioner Cahill is in favor of residential rather than industrial and is willing to increase the density to do this. He is also concerned with the connecting roads.

Chairman Pobuda would support a residential rezoning if the density of this project could be reduced.

The call to the public was made at 9:21 with no response.

Moved by Litogot, seconded by Joseph, to table at the petitioner's request a site plan application, environmental impact assessment, site plan and PUD (Planned Unit Development) Amendment, for a 296-unit apartment complex located on the north side of Grand River Ave, in the Lorentzen PUD, Sec. 4 & 9, petitioned by Singh Development Co. (PC 00-48). **The motion carried unanimously.**

OPEN PUBLIC HEARING # 5... Public hearing on the Re-affirmation of the final draft of the Greenways Plan, entitled Southeast Livingston Greenways Plan and Summary Report dated October 2000, and as referenced in the township Master plan that was approved in 1998. (PC 00-45)

- **Planning Commission disposition of petition.**
 - A. Recommendation regarding adoption of final Greenways Plan.**

Mr. Archinal explained this is a proposal to have the Township fund and coordinate pathways for pedestrians that will link two or more projects together. Mr. Purdy stated this is consistent with the master plan.

The call to the public was made at 9:24 with no response.

Moved by Joseph, seconded by Litogot, to recommend to the Township board adoption of the Greenways Plan, entitled Southeast Livingston Greenways Plan and Summary Report dated October 2000, and as referenced in the township Master plan that was approved in 1998 dated October, 2000. (PC 00-45). **The motion carried unanimously.**

Moved by Litogot, seconded by Burchfield, to approve the minutes of the November 27, 2000 Planning Commission meeting with the following change:

Page 5, #2 "A provision shall be included in the Site Plan stating **Unit 1**.....". The minutes had reflected "**Unit 4**". **The motion carried unanimously.**

The meeting adjourned at p.m. 9:37 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary