

GENOA TOWNSHIP
PLANNING COMMISSION
DECEMBER 13, 1999
WORK SESSION
6:30 P.M.
MINUTES

The work session of the Planning Commission was called to order by Vice 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, Jim Mortensen, Jerry Joseph, Gary McCririe and Bill Litogot. Also present was Michael Archinal, Township Manager; Jeff Purdy from The Strader Group; and Melissa Talley from McNamee, Porter, & Seeley. 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. It was noted that item #1 on the agenda (Phase 2-Mt. Brighton) would be tabled at the petitioner's request. Also, review of revised elevation drawings for Riverbend Office Center will be placed on the agenda as item #2. This item was inadvertently not typed on the agenda, nor included in the Commissioners' packets. No formal action was taken.

GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
7:00 P.M.
MINUTES

The regular session of the Planning Commission was called to order by Vice Chairman Pobuda at 7:02 p.m. **Moved** by McCririe, supported by Litogot to approve the Agenda with the following changes:

- Public Hearing #1 (Phase 2-Mt. Brighton) will be tabled at the request of the petitioner.
- Public Hearing #2 (Nordic Realty rezoning) will become Public Hearing #1, and there will be separate motions for recommendations of the impact assessment and rezoning for each portion of the property (OSD to NSD, and CE to OSD).
- Public Hearing #2 will be the Riverbend Office Center with a recommendation regarding the impact assessment, and approval of site plan.
- Public Hearing #3 will remain the same (ordinance amendments).

Motion unanimously carried.

A call to the public was made to discuss items not on the agenda. Mr. Glen Carter, 1273 Stelzer, Howell, MI stated he has an option on property in Genoa Township and he is interested in obtaining a special use permit for his towing business. He felt the property was well-suited for the business. It is in the GC district and its ingress/egress is off of

Grand River. However, because of the topography of the land (i.e., 8' drop from Grand River), it cannot be readily seen from Grand River. It is behind the Tenpenny store, next to Krug's and Quality Farm Fleet. It would be fenced, lighted, and secured. He noted that his business has a 1-30 day turnover. Towed cars are gone within 30 days. The entire area is commercial around the property, except for some homes that are quite a ways in back of the property. He wanted some input on obtaining a special use permit.

Mr. Purdy stated he felt the use seemed to be more of an industrial use.

Mr. Archinal stated the GC district would require some type of outdoor commercial sales. Industrial allows for a special use which is more in line with this type of business. His direction would be that a similar use determination would have to be made.

Commissioners Litogot, Figurski and Mortensen stated that with the information that has been provided, they would be inclined not to be in favor of such a use.

Commissioner McCririe stated he agreed with the zoning administrator's determination that it would be more of an industrial use than a commercial one.

Given the feelings of the Commission, Vice-Chairman Pobuda suggested Mr. Carter work with Mr. Archinal and Mr. Purdy on this issue to see what could be done.

With no other comments the call to the public was closed at 7:12 p.m. Vice Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

- 1) OPEN PUBLIC HEARING #1..REVIEW OF A REZONING APPLICATION, ENVIRONMENTAL IMPACT ASSESSMENT, AND SITE PLAN TO REZONE FROM OFFICE SERVICE DISTRICT (OSD) TO NEIGHBORHOOD SERVICE DISTRICT (NSD) AND COUNTRY ESTATES (CE) TO OSD AT 6867, 6877, AND 6879 EAST GRAND RIVER, SECTION 14, PETITIONED BY NORDIC REALTY.
 - A. RECOMMENDATION REGARDING IMPACT ASSESSMENT FOR APPROXIMATE 4 ACRE PORTION FROM OSD TO NSD.
 - B. RECOMMENDATION REGARDING IMPACT ASSESSMENT FOR APPROXIMATE 6 ACRE PORTION FROM CE TO OSD.
 - C. RECOMMENDATION REGARDING REZONING REQUEST FOR APPROXIMATE 4 ACRE PORTION FROM OSD TO NSD.
 - D. RECOMMENDATION REGARDING REZONING REQUEST FOR APPROXIMATE 6 ACRE PORTION FROM CE TO OSD.

Mr. Jim Barnwell from Desine Engineering stated the 10 acre parcel is located at Grand River and Kellogg Road. He briefly reviewed the zoning and uses of surrounding parcels. There is a mix of office/service, industrial and commercial districts all along the corridor. He noted that the front portion of the property is approximately 4 acres. It is currently

OSD and they wish to rezone it to NSD. The back portion is approximately 6 acres. It is currently zoned CE and they wish to rezone it to OSD. He stated they want to provide some flexibility for the front portion of the property, and they feel the rezoning would provide for a good transition to adjacent properties.

Mr. Purdy reviewed his letter dated November 22, 1999 regarding the rezoning process, as well as meeting the ordinance (Section 22.04) for rezoning. Basically, it is consistent with the Master Plan; the site's physical, geological and other environmental features are consistent with the proposed rezoning; the potential uses in the proposed rezoning are compatible with the surrounding uses; the proposed rezoning will not pose any additional burden to the township's current services being supplied, and; there is a demand for the types of uses permitted in the requested rezoning. The only area where it appears not to meet Section 22.04 is letter "C" ("Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning").

Mr. Neal Nielsen of Nordic Realty stated that regarding the "return on investment" question, they wish to not put "all of their eggs in one basket". They would run the risk of having a possible office glut in the future. The NSD is an enviable type of district and allows a combination of uses. He also stated it would be impractical to develop the back portion as CE because of the nature of the topography.

Ms. Talley reviewed her letter of December 7, 1999. A connection to Kellogg Road may be possible for the project. The applicant should verify that there is a positive outlet available from the detention pond. There is utilities capacity for the proposed rezoning.

Mr. Purdy noted that as part of any site plan approval, the Commissioners may require that they hook up to the township utilities.

Mr. Nielsen stated the development wouldn't happen until after the township water and sewer has been installed. They wouldn't go with a septic system.

Commissioner Mortensen noted to the petitioner that a sidewalk along Grand River will also be required.

Commissioner Joseph voiced his concerns with the increased traffic for such a rezoning. It was noted that a traffic impact study would be required at site plan review.

Mr. Nielsen noted that they would probably propose a future access on Kellogg Road.

Mr. Purdy stated that office use peaks are typically later than when residents are leaving for work in the morning. Non-peak hour traffic would be lower for office use. Also, commercial traffic tends to be spread out throughout the day, with more of a peak period at the end of the day. Based on the applicant's impact assessment, there would be a 10% increase in traffic. If rezoned, the development would be adding commercial traffic.

Regarding detention, Mr. Barnwell noted that there is no ponding on site, currently. They will probably make a permanent pond.

Vice Chairman Pobuda noted for the record receipt of a letter from Dennis and Pat Doran, 1939 Kellogg Road, regarding their opposition to the rezoning.

A call to the public was made at 7:35 p.m.

Ms. Pat Doran, 1939 Kellogg Road, stated her property is to the north of the petitioner's property. Regarding the "reasonable rate of return", she stated the petitioner could receive a very good return on the parcel if it stayed CE. The demand for this type of housing is great. She asked the Commissioners to take into consideration the wants and needs of residents who have been there for 20 years, over those of a land speculator. She also voiced her concern with the hours of operation as listed in the impact assessment (7:00 a.m. to 9:00 p.m.). She noted Dr. Bonine has been a good neighbor. They raise and breed Thoroughbred horses and the petitioner's development would put them out of business.

Mr. Dennis Doran, 1939 Kellogg Road, voiced his opposition, also. They use the property for livestock purposes. If rezoned, there will be too many potential uses that would be in conflict with their use.

With no other comments, the call to the public was closed at 7:39 p.m.

Mr. Nielsen responded to the Doran's concerns, including those in their letter. He stated that some of the pine trees were relocated. In fact, Dr. Bonine used some of the trees. He would continue to keep the trees along the back boundary line. He stated he felt the fears regarding the two fairly smaller buildings proposed are needless. Dr. Bonine's larger building has not caused them any trouble, and their proposed structures would not be any bigger than his. Regarding the hours of operation, they just listed what could potentially be in the rezoning uses. He was not opposed to having more restrictions on the hours of operation.

Commissioner Figurski voiced her concerns with the OSD in the back. It would be adjacent to residential. She felt the current CE zoning was a better transition to the residential already back there.

Commissioner Litogot agreed. He felt the transition from CE to the current residential was a good one. He stated he doesn't particularly like the idea of having unnecessary building on Grand River. He sees no reason to rezone it at this time.

Mr. Barnwell stated that he would anticipate the same type of buffering for this project as what was required for the Bonine project. The property is master planned for OSD. Through the zoning ordinance the protection would be provided.

Mr. Purdy noted that if the Planning Commission should forward a favorable recommendation to the Township Board on this petition, it would only be for the rezoning, not for any conceptual site plan. Any development would be subject to future review and approval by the Planning Commission and Township Board.

Commissioner Mortensen noted that he was somewhat sensitive to the change from CE to OSD on the rear portion, too, and he would be looking for a "Type A" buffering with any development.

Mr. Nielsen stated he would be willing to sit down with any members of the Planning Commission and/or the Township staff to discuss the landscaping and buffering before a plan is brought before the Planning Commission.

Moved by Mortensen, supported by McCririe to recommend to the Township Board approval of the Impact Assessment for the Nordic Realty application, as submitted to the Planning Commission on 12/13/99, as it applies to the property fronting on Grand River (approximately 4 acres) with the following changes:

1. Page 3: 4th paragraph from top, the word "could" should be changed to "will" in the following sentence: "Trees along the peripheral area of the site **will** be maintained and integrated into the landscaping for the site."
2. Page 6: Letter I, second paragraph, there is a typographical error. The word "the" should be removed so the sentence reads: "It would be anticipated that the peak would be significantly less than what is noted."

Motion carried (5 yes, 1 no with Figurski dissenting).

Moved by McCririe, supported by Mortensen to recommend to the Township Board approval of the rezoning of the approximately 4 acres of the Nordic Realty petition (Existing Site Conditions plan submitted from Desine Engineering, Project #8733, Sheet #1, for illustrative purposes, the front four acres) proposed from OSD to NSD, citing the Township Zoning Ordinance Section 22.04, that the petitioner has submitted satisfactory information to the Planning Commission to answer the Ordinance, specifically letters A, B, D, E, and F, in the affirmative. **Motion carried (5 yes, 1 no with Figurski dissenting).**

Moved by Mortensen, supported by McCririe to recommend to the Township Board approval of the Impact Assessment for the Nordic Realty application, as submitted to the Planning Commission on 12/13/99, as it applies to the approximately 6 acres in the norther portion of the property with the following changes:

1. Page 3: 4th paragraph from top, the word "could" should be changed to "will" in the following sentence: "Trees along the peripheral area of the site **will** be maintained and integrated into the landscaping for the site."
2. Page 6: Letter I, second paragraph, there is a typographical error. The

word "the" should be removed so the sentence reads: "It would be anticipated that the peak would be significantly less than what is noted."

Motion failed (3 yes, 3 no with Figurski, Joseph and Litogot dissenting).

Moved by McCririe, supported by Mortensen to recommend to the Township Board approval of the rezoning of the approximately 6 acres of the Nordic Realty petition (Existing Site Conditions plan submitted from Desine Engineering, Project #8733, Sheet #1, for illustrative purposes, the back 6 acres), proposed from CE to OSD, citing the Township Zoning Ordinance Section 22.04, that the petitioner has submitted satisfactory information to the Planning Commission to answer the Ordinance, specifically letters A, B, D, E, and F, in the affirmative. **Motion failed (3 yes, 3 no with Figurski, Joseph and Litogot dissenting).**

Mr. Archinal noted that the petition will be forwarded to the County for their review and then to the Township Board.

Vice Chairman Pobuda noted to the petitioner that if the rezoning should be eventually approved, he should take with him the Commissioners' comments on substantial buffering of the adjacent properties, as well as providing for a second access.

2) OPEN PUBLIC HEARING #2...REVIEW OF REVISED ELEVATIONS DRAWINGS FOR SITE PLAN REVIEW, DATED 12/10/99, FOR RIVERBEND OFFICE CENTER.

- A. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
- B. DISPOSITION OF SITE PLAN.

Mr. Wayne Perry from Desine Engineering stated the site plan had not changed, but the Commissioners requested revised elevation drawings for the proposed building in the northwest corner of the site. The architecture has been modified.

Mr. Andy Kline from Rand Construction stated they tried to incorporate some of the design elements of the existing building, as well as, some of the newer buildings in the area. The brick will match the existing building, as well as, the glass patterns. Some newer buildings along the corridor have metal seam roofs, and they have tried to complement these buildings.

Commissioner Litogot asked how tall the building was?

Mr. Kline answered that it was not noted on the revised elevation drawings, but it will be 16' at the eaves, or a total of approximately 26'.

Mr. Purdy noted that the ordinance allows for 35' in height.

Commissioner McCririe asked about REU's. Have there been discussions between the applicant and the township's engineer on this? Also, will there be screening of the two transformers on the existing building?

Ms. Talley answered "Yes" REU's were in her last review letter.

Mr. Perry stated the transformers will be screened, and no rooftop equipment is proposed on the new building.

Commissioner Joseph voiced his concerns about the life of a metal roof. What is the usable life of a standard seem roof, and where does it normally fail?

Mr. Kline answered they will be using a product (Kynac) that guarantees 20 years against fading and discoloration. They will be using the leader in the industry for standard seamed roofs. If a roof is not seamed properly, it will fail. It is very important to hire a good roofing contractor.

A call to the public was made at 8:12 p.m. with no response.

Moved by McCririe, supported by Joseph to recommend to the Township Board the approval of the Impact Assessment for Riverbend Office Center, dated revised 9/28/99.
Motion unanimously carried.

Moved by McCririe, supported by Joseph to approve the site plan for Riverbend Office Center with the following conditions:

1. Township Board approval of the Impact Assessment as recommended by motion this evening.
2. Height of the building shall be no greater than 30' at the top of the roof ridge vent.
3. No rooftop equipment shall be added to the existing building or on the new building.
4. Petitioner shall provide for adequate screening of the two transformers currently on the site and show same on the site plan prior to submission to the Township Board.
5. Colors and materials shall match those on the existing building.
6. Petitioner acknowledges and accepts the REU calculations provided to them by the township engineer for sewer and water, subject to final audit by township staff and engineer.
7. If the petitioner proposes an on-site water softener system, they shall not discharge it into the sewer system and may only use potassium in place of sodium in its operation.

During discussion of the motion, Commissioner Joseph requested that some provision be included regarding the quality and standard of the metal seamed roof. After some discussion, Commissioner McCririe added an eighth condition to his motion, it being:

8. The roof will have a 20-year guarantee from the manufacturer.

Motion unanimously carried.

Moved by Mortensen, supported by McCririe to recommend to the Zoning Board of Appeals the approval of a variance of 16' 8" on the southwest corner of the Riverbend Office Center project for the expansion of a non-conforming structure. **Motion unanimously carried.**

The meeting was recessed at 8:25 p.m. and reconvened at 8:30 p.m.

- 3) OPEN PUBLIC HEARING #3...REVIEW OF THE FOLLOWING PROPOSED ORDINANCE AMENDMENTS:

ARTICLE 3, GENERAL PROVISIONS, SECTION 3.62, IS PROPOSED TO BE AMENDED TO PROVIDE DETAILED STANDARDS FOR SIDEWALKS AND BIKE PATHS.

ARTICLE 4, TABLE 4.3 IS PROPOSED TO BE AMENDED TO CHANGE THE SIDE-YARD SETBACKS IN THE LAKE RESORT RESIDENTIAL ZONING DISTRICT TO 10 FEET MINIMUM ON BOTH SIDE YARDS.

ARTICLE 13, SITE PLAN REVIEW AND IMPACT ASSESSMENT, IS PROPOSED TO BE AMENDED TO REQUIRE DETAILED INFORMATION ON THE USE OF WATER SOFTENERS, HOURS OF OPERATION, DUST CONTROL MEASURES AND OUTDOOR LIGHTING WITH IMPACT ASSESSMENTS.

ARTICLE 16, SIGN STANDARDS, IS PROPOSED TO BE AMENDED TO PROVIDE FOR PLANNING COMMISSION DISCRETION TO ALLOW TWO SMALLER WALL SIGNS ON TWO SIDES OF THE BUILDING INSTEAD OF ONE LARGE WALL SIGN WHERE THE TOTAL WALL SIGN AREA REMAINS THE SAME.

- A. RECOMMENDATION REGARDING PROPOSED TEXT AMENDMENTS.

Mr. Purdy explained the changes to the text in Article 2, Section 3.62. It provides more specific language on when and where sidewalks and bike paths will be required.

A call to the public was made at 8:35 p.m. with no response.

Moved by Litogot, supported by Figurski to recommend to the Township Board approval of the new drafted language for Section 3.62 of Article 3 of the Zoning Ordinance. **Motion unanimously carried.**

Regarding changes to Article 4 (side yard setbacks in LRR), Mr. Purdy explained the proposed changes to the ordinance. Currently, the minimum side yard setback is 25' total for two sides. The proposed text changes it to 20' total. This was a ZBA recommendation. The LRR district tends to be more dense with smaller lot sizes.

A call to the public was made at 8:40 p.m. with no response.

Moved by Mortensen, supported by McCririe to recommend to the Township Board approval of the new drafted language for Article 4, Table 4.3, providing for 10' side yard setbacks for a total of 20' in the Lakeshore Resort Residential District. **Motion unanimously carried.**

Regarding changes to Article 13, Mr. Purdy stated language had been added to include hours of operation, descriptions of lighting, dust control measures and use of water softeners in Impact Assessments.

Commissioner Joseph suggested also including a stipulation somewhere in the ordinance that a 27' wide roadway may only have parking on one side of the street. In that way it is part of the ordinance, and will not run the chance of being overlooked by the Planning Commission or Township Board when reviewing site plans.

The other Commissioners agreed it was a good idea. While action could not be taken this evening on such an amendment (because there was no legal public notice of such a change), Commissioner McCririe suggested the township planner and engineer research the idea in order to make a change in the future.

A call to the public was made at 8:50 p.m. with no response.

Moved by McCririe, supported by Figurski to recommend to the Township Board approval of the changes in the Ordinance in Article 13, as proposed. **Motion unanimously carried.**

Mr. Purdy reviewed proposed changes to Article 16, Sign Standards. It allows the Planning Commission to have the discretion of approving two smaller wall signs on two sides of a building instead of one large wall sign. The total square footage allowed does not change.

A call to the public was made at 8:52 p.m. with no response.

Moved by Figurski, supported by McCrie to recommend to the Township Board approval of the changes to Article 16, Sign Standards, as proposed. **Motion unanimously carried.**

ADMINISTRATIVE BUSINESS

There was no Planner's Report.

Moved by Litogot, supported by Joseph to approve the minutes of the November 22, 1999 meeting as written. **Motion unanimously carried.**

Mr. Archinal stated they have two applicants to interview for the position of Recording Secretary.

Vice Chairman Pobuda asked about the process regarding the timeliness of review letters sent to petitioners in order for them to revise their plans. He has been approached by a past petitioner who did not believe enough time was given for revision of plans before coming before the Planning Commission. Apparently, the second letter isn't received until a day or so before the meeting.

Mr. Purdy explained the review process. He noted there shouldn't be anything in the second review letter that would be a surprise to the petitioner. The second review letter almost always reiterates items that were in the first review letter, but which have not yet been addressed. Usually in these instances, the petitioner wants to take their case to the Planning Commission on certain issues.

Mr. Archinal stated the process is not set up for a petitioner to be able to respond to the last review letter until the meeting. In that way, the planners and engineers are not having to review a new set of revised plans at the meeting.

Mr. Archinal noted that Commissioner Colley has verbally resigned from the Commission. If the Commissioners know of anybody that may be interested in serving on the board, they should contact Bob Murray in writing.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Dia M. Moulton
Recording Secretary