

GENOA TOWNSHIP  
PLANNING COMMISSION  
APRIL 12, 1999  
WORK SESSION  
6:30 P.M.  
MINUTES

GENOA TOWNSHIP

APR 13 1999

RECEIVED

The work session of the Planning Commission was called to order by Chairman Bill Colley at 6:30 p.m. The following commission members were present constituting a quorum for transaction of business: Bill Colley, Don Pobuda, Barbara Figurski, Gary McCririe, and Jim Mortensen. Also present were Michael Archinal, Township Manager; Caryn Champine from The Strader Group; and Melissa Talley from McNamee, Porter & Seeley. By the end of the work session, there were numerous persons in the audience.

Items scheduled for action during the regular session of the commission were discussed. 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 Chairman Bill Colley at 7:07 p.m. **Moved** by Figurski, supported by Pobuda to approve the Agenda with item #1 (Goodman rezoning) tabled at the request of the petitioner. **Motion unanimously carried.**

Chairman Colley made a call to the public to discuss items not on the agenda with no response. He noted that the Board will not begin any new business after 10:00 p.m.

- 1) REVIEW OF FINAL PRELIMINARY PLAT FOR PEBBLE CREEK SUBDIVISION, 57.6 ACRES OFF HACKER ROAD, SECTION 12: DESINE. (Tabled from March 22, 1999 meeting.)
  - A. RECOMMENDATION REGARDING IMPACT ASSESSMENT.
  - B. RECOMMENDATION REGARDING SITE PLAN.

Mr. Christopher Grzenkowicz from Desine Engineering explained that the plan was presented at the last Planning Commission meeting by Jim Barnwell of Desine. Since that time, the deed restrictions and the updated impact assessment have been submitted. The entrance sign detail has also been submitted.

Commissioner McCririe had a few questions about the "Declaration of Covenants, Conditions and Restrictions." On page 4, section (e), he asked about charging fees for the use of the park facilities, etc.

Mr. Grzenkowicz answered this was added to keep the use of the amenities for the residents only. Only non-residents could be charged. It would be up to the association to apply the fee(s) and enforce it.

Commissioner McCririe suggested that this be changed to language that states the park and amenities are for the use of the lot owners only. He didn't like the idea of having "fees."

Chairman Pobuda recommended that the word "assessment" be used rather than "fees" if any improvements are to be made to the common areas. Homeowners seem to understand this term better as it relates to updating and/or improving areas.

The developer agreed to bring these suggestions to his attorney to change the language.

Commissioner McCririe also noted that on page 8 in the first paragraph, "Township Council" is referenced. This should be changed to "Township Board." Also, in the Impact Assessment, revised August 4, 1998, on page 9, section L., the sidewalks and street trees are proposed to be installed by individual homeowners. What about the common areas and the entrance?

The developer answered that anything not in front of a lot will be installed by the developer once the area is stabilized (wood chip path and common areas).

Commissioner McCririe suggested language to this affect be included in the document.

Commissioner Pobuda asked about the sign detail.

Mr. Grzenkowicz stated Desine has the details and they should have been forwarded to the township. The sign will be brick piers with wood.

Chairman Colley made a call to the public at 7:20 p.m. with no response, other than Mr. Bob Murray (Township Supervisor) who asked everybody to speak up and use their microphones as it was difficult to hear.

**Moved** by Pobuda, supported by Mortensen to recommend to the Township Board the approval of the Impact Assessment, dated March 23, 1998, with revisions of April 14, 1998, July 7, 1998, and August 4, 1998 with the addition to page 9, section L., the last paragraph, that the developer shall install all improvements in the general common elements such as paths and sidewalks. **Motion unanimously carried.**

**Moved** by McCririe, supported by Figurski to recommend to the Township Board the approval of the site plan for Pebble Creek Subdivision Final Preliminary Plat with the following conditions:

1. Township Board approval of the Impact Assessment, dated revised 8/4/98, as revised by motion this evening.
2. Township engineer review and approval of all plans and specifications.
3. Petitioner shall revise the By-Laws submitted, dated received 4/1/99 by the Township, specifically page 4, paragraph (e), with modification that the use of the common elements or park areas shall be for the property owners only, and remove the referencing to admission fees; and page 8, the first paragraph has two references to Township Council, which should be changed to read Township Board.
4. Developer shall provide bonding or some other mechanism, satisfactory to the Township Board and township attorney, to assure that all trees and sidewalks shall be installed as shown on the site plan of November 30, 1998.
5. It is understood that this development shall only proceed with the installation of township municipal sewer and water.

**Motion unanimously carried.**

Commissioner McCririe noted that it is at the discretion of the Township Manager to approve any sign detail if it is not included on the site plan.

- 2) REVIEW OF A REZONING APPLICATION AND ENVIRONMENTAL IMPACT ASSESSMENT TO REZONE 35 ACRES IN SECTION 25 AT 4141 BAUER ROAD FROM SR (SUBURBAN RESIDENTIAL) TO PRF (PUBLIC RECREATION FACILITY) DESIGN 3/MT. BRIGHTON.
  - A. RECOMMENDATION REGARDING REZONING APPLICATION.
  - B. RECOMMENDATION REGARDING IMPACT ASSESSMENT.

Mr. Bill McCririe, attorney for the petitioner, introduced Mr. Joe Bruhn (General Manager of Mt. Brighton), and Mr. Bruce Matthews (Design 3). Mr. Matthews stated he is a third generation golf course architect. His grandfather started building golf courses back in 1929. They have worked on over 400 golf courses in the state of Michigan. He explained that the applicant is looking to rezone the southern portion of the parcel (about 35 acres) from SR (suburban residential) to PRF (public recreation facility) to construct a 18-hole golf course. He introduced Mr. Howard Nauboris to review the current site, conditions, soils analysis, etc.

Mr. Nauboris stated the current zoning (SR) allows for two lots per acre. Southwest of the site is zoned SR and northeast of the site is zoned industrial in the City of Brighton. Mr. Nauboris reviewed the existing conditions of the site. Development constraints such as slopes in excess of 12%, septic limitations, unstable soils, etc. are in conflict with the

development potential of the site under its present SR zoning. The proposed rezoning to PRF would allow them to be more sensitive to site specific issues, protection of natural features, slope stabilization management and storm water management. He explained that the parcel provides for attractive opportunities for a golf course which would be viewed as constraints for residential development. Lots more grading and the cutting down of more trees and vegetation would be required for a residential development. He introduced Mr. Frank Schaldach of Schaldach Design Group to review the tree inventory.

Mr. Schaldach stated he is a registered forester and landscape architect. He inspected the site and distributed to the Commissioners a Woodlands Study (dated April 10, 1999) containing categorization of forest types, species, size, maturity/age, recommendations regarding the preservation of trees and proper methods of forest management. He stated that a typical residential development, after clearing for the building envelopes, driveways, infrastructure and utilities, would provide for 3-5 trees remaining per 1/2 acre lot. The proposed rezoning to PRF with the golf course would allow for the preservation of trees in mass groupings and result in a more aesthetically pleasing development. Because trees are used to border the golf holes on all sides, an overall forested situation can be maintained. By utilizing existing land forms, the architects can reduce site disturbances.

Mr. Nauboris reviewed a preliminary golf course plan. A championship 18-hole course is proposed with a driving range. It will be ADA accessible and open to the public. The existing parking and maintenance buildings will be used. The drainage patterns will not be significantly altered. They wish to maintain the natural slopes of the site, but they will know more about this in the next few weeks when more analysis is done. There will be a significant buffer for the residential along the southern edge with the natural wetlands. Several new ponds will be excavated for purposes of water retention and golf course aesthetics. Swales and ditches will be used to direct water into the ponds. All runoff will remain on the site, managed in retention/detention areas which also act as features on the golf course. About 50 acres will be irrigated. He explained that the months of June, July and August typically provide the most rainfall in Livingston County and so irrigating the site will not have an impact on neighboring wells.

Chairman Colley asked about potential contaminants.

Mr. Matthews answered the pesticide storage building will be over 2,000' from the Brighton City Well. It is a self-contained building which must be approved by the EPA, Michigan Department of Agriculture, MDEQ, Livingston County Health Department and the Fire Marshall. The use of pesticides and fertilizers have to be applied by a licensed certified applicator. He/she must be licensed by the EPA and the State of Michigan. Files and documentation must be kept on all uses, applications, conditions, etc. He noted that the golf course would require about 2 to 3 pounds of nitrogen per 1,000 square feet, which is less than the typical residential application by TruGreen/Chemlawn and other residential lawn care businesses.

Chairman Colley asked about assurances to the neighbors in regard to their well water.

Mr. Matthews answered there will be a back-flow prevention on the northern pond. He noted that during all his years in this business, he has not had any incidence of contaminants in well water from a golf course.

Commissioner Pobuda asked if the property were to remain residential, what types of problems would a developer encounter?

Mr. Matthews answered residential zoning would allow for about 40 lots. With the grading, tree clearing and infrastructure required, the impact on the woodlands and wetlands would most certainly be more severe.

Commissioner Pobuda asked if the owner would still be using the parking lot on occasion for the National Guard and tent sales, etc.? Also, what about the lighting?

Mr. Bruhn answered he hasn't really addressed the parking lot usage issue, but he thought that it would still be used for those things on certain occasions. The proposed driving range behind the ski lodge could be lit, but the actual golf course would not be.

Commissioner Pobuda asked about golf cart paths?

Mr. Matthews answered the cart paths would be asphalt in the uplands and boardwalks would be used to cross the wetlands. They will have to apply to the MDEQ for boardwalk crossings of the wetlands.

Commissioner Pobuda asked if there would be any changes to the actual ski slopes? And, what about storage of waste products (fallen trees, weeds, etc.) on the site?

Mr. Matthews answered there will be three holes on the ski hills, but no major grading will be proposed there. The ski slopes will essentially be the same. Also, there will be no waste storage or compost piles on the site.

Commissioner Pobuda asked about joggers/walkers on the cart paths, work hours for the maintenance crews and safety issues regarding the railroad tracks.

Mr. Matthews answered the cart paths will not be a compatible use for joggers from a liability standpoint; maintenance crews would be typically working during daylight hours; and, no special considerations have been made for the railroad tracks.

Commissioner Mortensen stated that while he is not a golf course designer, he wondered if the course was a little crowded, especially near the 15th hole?

Mr. Matthews answered "No" the course is spread out well, 200-250' apart with plenty of trees. He stated the parcel is really interesting, providing lots of natural features for a golf course.

Ms. Caryn Champine reviewed The Strader Group letter, dated March 17, 1999, regarding the process for rezoning. She stated the Planning Commission will make a recommendation to the Township Board. The Livingston County Planning Commission reviews the rezoning and makes a recommendation to the Township Board. The Township Board then takes into consideration the recommendations and either grants or denies the rezoning application. Before any development can take place, the applicant must submit a formal site plan with various details and go through the site plan review process with the Planning Commission and Township Board. She also reviewed the Rezoning Review criteria (letter "D", pages 2 and 3) of The Strader Group letter dated March 17, 1999.

Ms. Melissa Talley reviewed the McNamee, Porter & Seeley letter of March 17, 1999. She stated the grading and drainage of this area should not be significantly changed by the proposed golf course. The anticipated traffic use for the golf course will be less than the use from the existing ski area. No additional water or sanitary sewer facilities are proposed for the site.

Commissioner McCririe asked about the temporary turn-around.

Mr. Bruhn answered it will be closed off so that vehicle traffic couldn't get on the course.

Commissioner McCririe stated he had a few thoughts he wanted to express so that the applicant would be aware of them, even though they are site plan issues and not necessarily rezoning issues. He wanted to see turn-arounds accommodated; a plan for on-site bathrooms (not port-a-johns); irrigation and hydraulic studies, grading and drainage details; and a pollution incident prevention plan. He reiterated that the question before the Commissioners was whether or not the 35 acres was best suited for residential or public recreational facility. He felt that if the Rezoning Review requirements in The Strader Group letter of March 17, 1999 were satisfactorily met, then a motion to recommend approval could be made. If not, then the parcel should remain SR.

Chairman Colley made a call to the public at 8:20 p.m.

Mr. Mark Findlay, 4567 Mt. Brighton Drive (lot #76), voiced his concerns with well water (fertilizers), port-a-johns, winter sports (cross-country skiing and snowmobiling?), boardwalks on the wetlands (interference with the wetland buffer?), mud and silt during construction, fencing at the property lines and the only access being in front of the ski hill.

Chairman Colley noted that some of these concerns were site plan issues and would have to be dealt with whether the site was SR or PRF (i.e., mud and silt during construction).

Mr. Matthews answered erosion controls measures during construction will have to be taken no matter what the development. MDEQ will have to permit the boardwalks and

the wetland buffer will be at least 100' away from the wetlands. And the only access proposed is from Challis Road.

Mr. Bruhn stated there were no plans to allow cross-country skiing or snowmobiling. These could be very detrimental to the maintenance of the golf course.

Ms. Janet Adamski, 4518 Kingswood Dr., stated she lives near the turn-around. She noted that some of the documentation presented proposes "screened views" of the golf course. What does that mean? She was concerned with property values.

Mr. Matthews answered "screened" views means screened by trees and other natural elements. No fencing or actual screens are proposed.

A resident on Brookview Court stated she appreciated receiving notice from the Township regarding this rezoning application. She believed that for the most part, most people will think this development is a good idea, but she still had some environmental concerns. Was this a natural course design and will it be environmentally friendly?

Mr. Matthews stated he looks for minimal earth movement. This site lends itself to that. There are many natural features. They don't have to be man-made.

Mr. Tom McDermott of Brookview Drive asked about the time of construction.

Mr. Matthews stated it would take 6-9 months.

Mr. Rich Jay, 7468 Brookview Drive, stated a stream splits his property and his neighbor's. He voiced his concern with the water table of the stream. Also, the pesticide issue as children play in the stream. No new wells are proposed?

Mr. Matthews answered that no new wells are proposed. He reiterated that water flowing off-site will not be increased or decreased from its present rates. Drainage patterns will not be significantly altered. Details supporting this will have to be submitted prior to site plan approval.

Mr. Ted Rosick, 7609 Brookview Drive, stated the back of his lot is 315' and adjacent to the golf course. Is anybody overseeing the wetlands back there?

Mr. Matthews stated the MDEQ and the storm water manager will oversee the wetlands. The buffer zone will essentially be what is there now.

Chairman Colley reiterated that some of the comments/questions were site plan issues. He asked for specific comments on the rezoning from SR to PRF.

Mr. Don Rodzik, 7609 Brookview Drive, wondered if the parcel were to be rezoned, would fencing be allowed on the residential side? Also, would condos or townhouses be allowed in the future, too?

Chairman Colley stated fencing would be allowed to the extent of his association by-laws and/or ordinance. And if the parcel is rezoned to PRF, no residential of any kind would be allowed on the site.

A resident asked about the number of people projected to use the golf course, and could this rezoning affect the possible rezoning of adjacent properties?

Chairman Colley answered the projected numbers are 250 golfers/day on weekends and 150 golfers/day during the week. While this parcel is bound by the railroad tracks on one side and the City of Brighton well on one side, more than likely, this would not affect adjacent rezoning attempts. But, realistically, anybody could make application to the township for rezoning.

Mr. Bill Juday, 4537 Kingswood, asked about the impact to the township relating to tax revenues, 42 residential taxes vs. a golf course?

Chairman Colley stated the Commissioners don't look at the economics. Traffic, environmental impact, density, etc. are reviewed in making rezoning recommendations. The Commissioners must look at the best use of the land.

Mr. Bill Richards, 5746 Lake Ridge, stated he came to the meeting for another public hearing topic, but was curious to know if the revenue from the proposed golf course would allow the owners to update the existing structures at Mt. Brighton? Will this allow them to generally upgrade the site?

Commissioner McCririe stated from a rezoning application standpoint, the question doesn't have merit. But, from a site plan standpoint, the question can certainly be addressed. The Commissioners can require improvements to the overall facility during the site plan review process.

Chairman Colley stated he didn't feel that question was an appropriate question at this time. A formal plan has not been submitted. But, Mr. Bruhn could answer the question if he wished.

Mr. Bruhn answered that building a championship golf course will take lots of money. Obviously, the more money taken in, the more money with which to make improvements. He hoped he could.

Mr. Chuck Ronan, 2156 Cumberland, stated he felt the proposal looked like a good use of the land. It appears that the wetland areas will be maintained as an asset to the overall site. The rural character of the site will be maintained. He sees the proposed development



as preserving green space, as opposed to taking away green space with homes, drives, infrastructure, etc. He felt rezoning was the way to go.

Mr. Ronald Paler, 5771 Lake Ridge Drive, asked about the impact to Lime Lake.

Mr. Matthews answered he doesn't see any movement of fertilizer or pesticides off the site. There will be retention/detention basins and sediment controls.

Mr. Jim Harwell, 4506 Mt. Brighton, stated he has lived 14 years behind Mt. Brighton and Mr. Bruhn has been a pretty good neighbor. He wanted to echo the views of Mr. Ronan. He would rather see a golf course than 40 additional homes on the site.

Ms. Sherry Graenser, 7272 Brookview Dr., stated she wasn't clear on the main issue. She asked if the rezoning was approved tonight, would the owner be able to develop the golf course?

Chairman Colley explained the only action to be taken tonight by the Commissioners would be to recommend the rezoning or not recommend the rezoning to the Township Board. If approved by the Township Board, that doesn't guarantee the golf course will be developed. While he believed that it would be developed, if rezoned PRF, there are other uses allowed in that zoning district, as well.

Ms. Betsy Neil stated she felt the residents were in somewhat of a bind. Rezoning it, but not knowing for sure what will end up being developed, is difficult. She also was concerned with the spring fed ponds affecting their wells.

Mr. Matthews reiterated that they will have to demonstrate with engineering details, etc., at all governmental levels, that the drainage and other engineering issues will work.

Ms. Champine read from the ordinance the allowed uses in a PRF district, like governmental uses (township or state offices), civic uses (churches, libraries, museums), educational uses (elementary public or private schools), recreational uses (parkland, gardens), public facilities (sewage treatment plants), etc.

Commissioner McCririe noted that subject to site plan approval, the parcel that Mt. Brighton sits on now is zoned PRF and could be developed as any of those referenced.

Mr. Joe Faulkner, lot #51, stated when the survey was done the water level was low in the pond. He stated they have spent lots of money to enhance the pond. He didn't want to see it contaminated. While he is not opposed to the golf course per se, he is concerned with the pond.

Chairman Colley stated that would be a site plan issue. He encouraged Mr. Faulkner to return to any meetings to voice his concerns when the site plan is reviewed.

A resident clarified for the audience that if rezoning is approved and the site plan does not go forward for some reason, the zoning stays as PRF regardless.

Mr. Rich Jay wished to clarify his position. He is a golfer and is excited about the proposed development. He just wants to make sure that water and drainage issues are addressed.

A resident asked if they will get notified again when this is on the agenda for site plan approval?

Mr. Archinal stated notices will not be sent again. Meeting agendas are published in the Argus and posted on the door of the township hall. Or, residents can call the township offices. Planning Commission meetings are held on the second Monday of the month, and sometimes on the fourth Monday if another meeting is required.

Ms. Betsy Neil stated essentially, she was in favor of the golf course.

A resident asked about the Internet site for the township. Is it up and working? She tried to get it recently and couldn't.

Commissioner McCririe stated the website is fairly new and still working out some kinks. Keep trying.

Mr. Mike Brooks, 4645 Mt. Brighton, asked why an applicant didn't need to prove certain site plan issues now (i.e., water tables, drainage, etc.), instead of later?

Chairman Colley answered the question has to do with the use of the land. Until a site plan is presented for review and approval, many things on a development could change anyway. Those details are looked at then.

Mr. Tom Diebol, 7252 Brookview, stated he felt the proposed development would be a nice use of the land.

With no other comments, Chairman Colley closed the call to the public at 9:05 p.m.

Commissioner McCririe clarified the sequence of any motions made, noting action would be taken on the impact assessment first, then the rezoning request, with no action taken on a site plan as one has not been submitted.

**Moved** by Figurski, supported by Mortensen to recommend to the Township Board approval of the Impact Assessment submitted by Design 3 Architects, dated March 3, 1999. **Motion unanimously carried.**

**Moved** by McCririe, supported by Pobuda to recommend to the Township Board approval of the rezoning request of Mt. Brighton, Inc. from Suburban Residential (SR) to

Public Recreation Facility (PRF), citing the findings of this board that the request meets the spirit of the conditions required for the rezoning contained in the township ordinance, Section 22.04. **Motion unanimously carried.**

Chairman Colley recessed the meeting at 9:09 p.m. and reconvened at 9:14 p.m.

3) REVIEW OF A PRELIMINARY SITE PLAN AND CORRESPONDING ENVIRONMENTAL IMPACT ASSESSMENT FOR LAKE VILLAS OF PINE CREEK; SECTION 36: RIVER PLACE-ABBHEY/GIFFELS-WEBSTER.

A. RECOMMENDATION REGARDING IMPACT ASSESSMENT.

B. RECOMMENDATION REGARDING PRELIMINARY SITE PLAN.

Mr. Larry Doss from River Place/Abbey Limited Partnership stated they are proposing to develop 57 detached and 40 duplex condominium units between Brighton Road and the north side of Pine Creek Ridge Development. The project lay-out is a modification of the approved PUD concept plan that proposed multiple-family structures. It creates more open space, reduces the density and provides more setback room and more amenities. The exterior of the buildings have been upgraded. The units will be primarily brick with some stone and wood. They are trying to create a similar look to what is back further in the development. Abbey Homes will do the construction.

Chairman Colley made a call to the public at 9:20 p.m.

Mr. Bill Richards, 5746 Lake Ridge, stated the residents had meet on many occasions with the developer and they are very pleased with the direction it is going and with the improvements that have been made. As an adjacent homeowner, he felt the proposed development was quite acceptable. There were still some minor issues to be discussed (rear elevations, landscaping, etc.). But from a preliminary standpoint, he felt there weren't any real concerns.

Mr. Ron Paler, 5771 Lake Ridge Drive, asked about the widths of the roads, and will there be off-street parking?

Mr. Doss answered the roads will be private, maintained by the homeowners and are proposed as 27' wide. As far as parking is concerned, they haven't finalized that yet. The roads could be made a little wider to accommodate off-street parking.

Chairman Colley stated that with recent discussions, it is the opinion of the Commissioners that the roads must be 30' wide. It has become a safety concern. During graduation parties, etc., people will park on the street, and it will be very difficult to get an emergency vehicle through.

A resident asked about parking at the beach area and tennis courts.

Mr. Doss stated parking is provided at the tennis courts.

Ms. Judy Dorn of Brighton Court stated her property is located at the northwest corner of the site. She asked about the beach area and the proposed walkway. She voiced her concerns with pedestrian traffic so close to a private home, as well as more watercraft on the lake.

Mr. Doss stated a pedestrian walkway is proposed from the tennis courts to the beach area at Lime Lake. The beach area is not designed to be like the lodge area at Pine Creek Ridge. Also, there will be a landscaped buffer.

Ms. Dorn asked about access during construction.

Mr. Doss answered the trucks will enter the site through the main entrance off Brighton Road.

Mr. Paler voiced his concerns about damage to Lake Forest Blvd. during construction.

Mr. Doss stated they have discussed using this entrance with the County. They will be held accountable for repairs. He noted that from a marketing standpoint, this entrance and road is important to them, too.

With no other comments, Chairman Colley closed the call to the public at 9:30 p.m.

Commissioner Pobuda asked about the units behind the press box on the high school property. In the past, there was some discussion as to screening these.

Mr. Doss stated that the prior site plan showed two cul-de-sacs in this area. The revised site plan shows one looped road with less units abutting the school property. Landscaping is proposed in this area.

Commissioner McCririe voiced his concern with some changes in the site plan that do not seem to adhere to the PUD Agreement of 1989. Specifically, page 8, Section 5 concerning the beach area at the southeast shore of Lime Lake.

Mr. Doss stated modifications were made to the PUD Agreement at the September 9, 1996 Planning Commission meeting. He reviewed the minutes from that meeting. Apparently, the modifications were never included in a revised PUD Agreement.

Commissioner McCririe stated he had concerns with taking action on a site plan without having the modifications to the PUD Agreement made prior to the action. Also, according to the original PUD Agreement, the pool should be adjacent to the recreation facility in the single-family portion next to the Boy Scout lodge (page 5, Section C).

Mr. Doss stated he disagreed with the interpretation of that section. It states the developer "may" build the amenities there, and they opted not to. He believed the document speaks about two recreational areas.

Commissioner McCririe stated, as far as he could tell, there is no language in the PUD Agreement which states the pool and tennis courts would be put in the area proposed. He just wants to make sure the agreement is not being violated. If it is not in the spirit of the agreement, he wasn't sure the Commissioners could move this along to the Township Board.

Chairman Colley suggested that perhaps this could be moved along if the items that are not in the PUD Agreement are cited in the motion. Otherwise, he didn't think it would be fair to the petitioner. The only issue appears to be the pool facility and recreation area.

Commissioner McCririe stated the Commissioners needed to make a decision as to whether they want to make a recommendation to the Township Board allowing the tennis courts and pool in this location, and move the beach area from the southeast of Lime Lake even though the PUD has not been modified and reviewed.

Mr. Doss noted that even though there is a small portion south of Ore Creek that is not developed yet, they are not "transferring" any density from this site.

Commissioners Pobuda and Mortensen agreed with Chairman Colley that the plan could be moved along with the specific changes to the PUD Agreement cited in the motion.

Ms. Champine reviewed The Strader Group letter of April 5, 1999. It was noted that the pedestrian path as shown is acceptable and the PUD Agreement does not require sidewalks. Also, this is not considered a site condominium project. Regarding the road width, Chairman Colley opined that safety was more of a priority to him than 1 1/2' of additional green space in the front lawn. Commissioner Pobuda voiced his agreement.

Ms. Talley reviewed the McNamee, Porter & Seeley letter of April 7, 1999. She advised the petitioner resubmit the current site plan to the County for the private road connections since the site plan has changed. Even though the ordinance does not allow the use of "eyebrows" in the proposed roadway, she liked what was done from an aesthetic standpoint. She stated the Planning Commission has the option on this issue. The Commissioners agreed with Ms. Talley and felt the "eyebrows" were acceptable.

Ms. Talley also stated the high water elevation details for the remainder of the property need to be submitted. (The wetlands have been done.) Regarding the utilities crossing on Lake Forest Blvd., Mr. Doss stated he had talked with Rich Little of the Road Commission. Ms. Talley stated documentation of County approval is needed.

Commissioner Mortensen stated he was inclined to move this site plan along. But he wondered why a high-density subdivision as proposed would be put in front of a

development with million dollar homes? He did note that the density was reduced from previous plans, however. Also, he wondered if it was best to take green space away from front lawns in order to make the road a little wider in this particular instance. However, he noted the road width issue was not a "show-stopper" to him.

Commissioner McCririe stated he felt the Commissioners have learned from past mistakes regarding allowing road widths of less than 30'. Also, he noted, that the township needed something in writing from the petitioner agreeing to the reduction in the number of units for this phase. Going back to the tennis courts and pool issue, he voiced his concern with whether this was the best location for the recreational area. What about the view from Brighton Road when driving by?

Commissioner Pobuda noted that an advantage to the proposed location is that it is not in the center of the development, disturbing the neighborhood. As proposed, it is off by itself. If screened properly, he felt it could be done.

Commissioner McCririe noted that there is a single-family residence on the Brighton Court cul-de-sac. What about them?

Mr. Doss stated there would be no lighting, other than security, and so the facilities could not be used in the evening. He suggested flipping the pool and tennis court around so that the tennis court was the closest to the abutting residential. The tennis courts would probably generate less use and noise than the pool area.

Ms. Dorn, whose house abuts the proposed pool/tennis courts, stated she felt it would be acceptable as long as it was bermed or blocked properly. That was her main concern.

Commissioner McCririe stated that hearing the affected resident's comments and other discussions, he changed his opinion, and felt the pool/tennis court area was acceptable.

**Moved** by Figurski, supported by Pobuda to recommend to the Township Board approval of the Impact Assessment dated received March 24, 1999 by the Township, with changes on page 2 and page 3 in regards to the number of single-family attached units. The number should be changed from 44 attached units to 40 attached units. **Motion unanimously carried.**

**Moved** by McCririe, supported by Pobuda to recommend to the Township Board preliminary site plan approval for Lake Villas of Pine Creek, dated revised 3/23/99, with the following conditions:

1. Township Board approval of the Impact Assessment as modified by motion.
2. Township engineer review and approval of all plans and specifications.
3. Petitioner shall provide documentation regarding the high-water elevations for wetlands and lake areas within the project.
4. The plan shall not exceed 97 units and the developer shall provide

documentation to the township agreeing to said deviation from the PUD Agreement.

5. Petitioner shall note on the plans that no unit shall be riparian owners and that no docks are proposed for any specific units, but they shall provide documentation for the proposed common dock area adjacent to unit 32.
6. Roads within the development shall be 30' back-to-back.
7. The following modifications to the PUD Agreement are recommended for approval by the Township Board:
  - a. Regarding the setback deviations taken from page 12 of the minutes of the September 9, 1996 Planning Commission meeting (with a change to #3):
    1. 25' front yard setback from the road easement.
    2. 60' separation between opposing rear yards with an allowed 15' deck extension on the rear of those units.
    3. 45' rear setback for those sites abutting a landscape buffer or a public street with a 15' deck extension, except where it abuts the landscape easement along the main feeder road.
    4. 0' rear yard setback for those abutting a wetland buffer, with an allowed 15' deck extension into the buffer if enhancement of wetland is provided and meets with the planner's approval and the township ordinance.
    5. side yard separation between units to be a minimum of 25'.
  - b. Location of the pool and tennis court area is conceptually appropriate, subject to modification by discussion of the petitioner and the Planning Commission as to the specific configuration of these two items.
8. Approval of the Livingston County Road Commission, MDEQ, Livingston County Health Department, Livingston County Drain Commissioner and the Fire Marshall.
9. Before the next step of the approval process to the Planning Commission, the association documents and by-laws must be submitted.

**Motion unanimously carried.**

Before leaving, Chairman Colley noted to the petitioner that the revised PUD Agreement must be provided at the next step before the Planning Commission could take any final action.

- 4) REVIEW OF A SITE PLAN AND CORRESPONDING ENVIRONMENTAL IMPACT ASSESSMENT FOR A ONE STORY OFFICE BUILDING; SECTION 14: DR. BONINE/LINDHOUT.

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

A representative from Lindhout Associates stated Dr. Bonine is proposing a new 6,206 square foot professional office building. The use would be similar to the current site. Earlier review letters have been accommodated. The only major issue is the planner's recommendation for a 4' sill wall of brick along the base of the building. The brick would not match the existing building and the petitioner would like to either eliminate that requirement or perhaps only require 8". Photographs of the current building were provided to show the matching materials that will be used on the proposed building.

Chairman Colley made a call to the public at 10:35 p.m.

Ms. Pat Dorin of Kellogg Road stated she has a horse farm adjacent to Dr. Bonine's property. She stated Dr. Bonine has been a good neighbor. But she was concerned with the height of the berm for the proposed building and the lighting on the end of the parking lot. It could affect the horses.

The Lindhout representative suggested putting a reflector shield on the light fixture and making the berm match the height of the existing berm.

Commissioner McCririe noted that the petitioner does not propose to connect to the sanitary sewer along Grand River. He wanted to make sure they are aware there will be an assessment for the parcel in any case. Also, he noted that the site plan application needed to be signed by Lindhout before leaving the meeting tonight.

Due to the distance from Grand River, Ms. Talley recommended requiring a sewer connection only when the septic fields fail. It was noted that the current field is only a few years old.

**Moved** by Pobuda, supported by Mortensen to recommend to the Township Board approval of the Impact Assessment, dated 3/5/99, revised 3/25/99. **Motion unanimously carried.**

**Moved** by McCririe, supported by Pobuda to recommend to the Township Board approval of the site plan for Phase II-Bonine Dental Clinic, dated revised 3/29/99, with the following conditions:

1. Township Board approval of the Impact Assessment as recommended.
2. Township engineer review and approval of all plans and specifications.
3. Petitioner shall provide a 8" brick sill wall along the base of the entire building.
4. Existing berm shall be extended 200' to the east along the north property line to match the existing berm at an elevation equivalent to its highest



current point with required landscape plantings per the ordinance every 20' on center.

5. Petitioner shall provide cut-off deflectors on the two pole light fixtures on the north side of the new parking lot to direct the light to the south.
6. Petitioner shall not be required to connect to the sanitary sewer system until the failure of either of the septic fields, existing or proposed, but understands and agrees that they shall be subject to, and expected to pay, a sewer assessment as provided at a later date.
7. Petitioner shall provide a sidewalk along the entire Grand River frontage.
8. Photographs as presented are acceptable for the purposes of the architectural review and shall be present at the Township Board meeting.

**Motion unanimously carried.**

**Moved** by Pobuda, supported by Mortensen to table agenda items #6 through 12 due to the length of the meeting. **Motion unanimously carried.**

Regarding Public Hearing #13, discussion of a land use application from American Promotional Events to hold a tent sale in the Wal-Mart parking lot, the Commissioners briefly discussed this and unanimously directed the Township Manager to deny the request.

#### ADMINISTRATIVE BUSINESS

There was no Planner's Report.

**Moved** by Pobuda, supported by Figurski to approve the minutes of the March 22, 1999 meeting as written. **Motion unanimously carried.**

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Dia M. Moulton  
Recording Secretary