

**GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
JUNE 9, 2008
6:30 P.M.
AGENDA**

CALL TO ORDER: At 6:35 p.m., the work session of the Genoa Township Planning Commission was called to order. Present constituting a quorum were Chairman Doug Brown, Teri Olson, Barbara Figurski, Jim Mortensen, Dean Tenge, and Chris Grajek. Also present were Jeff Purdy of LSL, Tesha Humphriss, Township Engineer, Kelly VanMarter, Planning Director and approximately 12 people in the audience.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: **Moved by** Barbara Figurski, seconded by Teri Olson to approve the agenda as submitted. **Motion carried unanimously.**

WORK SESSION: The agenda items were discussed.

CALL TO THE PUBLIC: The call to the public was made at 6:38 p.m. with no response.

OPEN PUBLIC HEARING # 1... Review of site plan application, impact assessment and site plan for a proposed 16,877 sq. ft. ALDI Food Market located at 2250/2260 E. Grand River, Howell, MI 48843, Sec. 6, petitioned by Steven Swartz.

Chris Grzenkowicz with Desine Engineering and David Kapazanski and Steve Schwartz with Aldi were representing the petitioner. The proposed Aldi is located at the southwest corner of Grand River and Golf Club Road. The project is proposed on the old McDonald's and current Real Estate One properties. Both existing buildings are proposed to be removed.

Mr. Grzenkowicz provided a brief overview of the site plan and presented the building elevations. He presented samples of the building materials and rooftop equipment screening materials. He reviewed the proposed site lighting and the type of windows and signage proposed. They are proposing 2 wall signs with the total of both signs below the 100 sq. ft. requirement. He presented a rendering of the proposed ground mounted sign. They are proposing a sidewalk along Grand River Avenue and a shared driveway to provide access to the property to the west in the rear of the property. They are working with Livingston County to relocate their existing driveway and create a new shared access to Grand River at the light with Golf Club.

Chairman Brown requests that the applicant go through and discuss the Planners letter with the Commission. Mr. Grzenkowicz states that the request for a full parapet wall is difficult and would require a total redesign of the building and would take away from the look of the building. They would have to raise the entire building to the same height as the tower feature which would make the building look like a brick box.

Jeff Purdy addressed the Commission and indicated that his preference would be to have the full parapet screening. Commissioner Mortensen is troubled with making them add 4 feet to the building elevation without knowing what it will look like. Chairman Brown states that he would like to find a happy medium for both parties. Mr. Purdy suggests the parapet wall could be modified so that the equipment is screened from the center line of Grand River taken at the access point to the site. Commissioner Tenge suggested having the applicant submit information to Township Staff that shows that the equipment is not visible from Grand River.

Commissioner Mortensen requests that they do something to break up the west elevation to the building. Mr. Grzenkowicz reviews the proposed landscape plan and shows the vertical elements that have been added to the building to break up the building elevation.

Mr. Grzenkowicz explains that they need the additional impervious surface for emergency vehicle access, truck turning movements and for the safety of their shoppers. Commissioner Figurski would like to see the impervious surface reduced.

Mr. Grzenkowicz explains the driveway spacing and indicates that they are proposing to reduce the number of driveways. The planner's letter requested a screenwall on the south side of the truck well while Aldi is proposing a shorter wall with a fence on the top. Mr. Grzenkowicz states that the trees in the rear of the property are significant and they provide adequate screening for the truck well. Mr. Purdy requests that without a full screenwall there should be no outdoor storage in the truckwell.

Mr. Grzenkowicz presented a revised lighting plan showing the location of the wall sconces and addressing the footcandles exceedance at the property line.

Commissioner Mortensen requests that the petitioner explain the shared access. Mr. Grzenkowicz shows the location of the shared access areas on the site plan. He shows the shared access they currently have and are proposing with Livingston County. Additionally, there are two locations on the site plan, one in front of the proposed building and one in the rear that provide access to the property to the west. Commissioner Mortensen suggests having an easement drafted including a shared maintenance agreement to be held in escrow by the Township to be executed in the future with the neighboring property owner.

Mr. Grzenkowicz reviews the comments provided in the Township Engineer's letter.

A call to the public was made at 7:30 p.m.

John Conely at 7208 Grand River states the applicant appears to have done a really nice job and this community needs projects like this and we should stamp this and move it forward. We need to encourage projects like this. Business decisions are based on timing and the Township should help them to get construction started promptly.

The call to the public was closed at 7:35 p.m.

Commissioner Grajek addresses the audience and indicates the reasoning behind the Planning Commission meeting and explains why the Commission deliberates the issues. Commissioner Mortensen explains that the Genoa Charter Township Board relies on the Planning Commission to do the work on the site plans.

Planning Commission disposition of petition

A. Recommendation of impact assessment

Moved by Figurski, seconded by Grajek to recommend approval of the Environmental Impact Assessment dated April 30, 2008 including the traffic assessment and sewer and water connection material. **The motion carried unanimously.**

B. Disposition of site plan.

Moved by Mortensen, seconded by Grajek to approve the site plan dated May 21, 2008 subject to the following:

1. The building materials and renderings reviewed this evening are acceptable and will become the property of the Township.
2. Township staff will perform an additional review of the proposed method of screening of the rooftop equipment to ensure that it is not visible from the centerline of Grand River.
3. The property will be combined into one tax code.
4. The petitioner shall prepare and provide recordable shared access and sample maintenance agreements with the property to the west for both the north and rear shared access locations. These agreements shall be reviewed and approved by the Township attorney and will be held in escrow by the Township.

5. The supplemental lighting information presenting this evening demonstrating that the lighting is within the Township Zoning Ordinance is acceptable.
6. The requirements spelled out in the Township Engineer letter dated June 3, 2008 shall be complied with. Particular attention shall be paid to item number one regarding the relocation of the shared driveway with the county.

The motion carried unanimously.

OPEN PUBLIC HEARING # 2...Review of request to update the Genoa Charter Township Zoning Map by changing the current zoning of 42 parcels, petitioned by Genoa Charter Township.

Kelly VanMarter, Township Planning Director and Jeff Purdy with LSL Planning are present representing the Township.

Commissioner Mortensen questions the island in Crooked Lake that is part of Northshore and whether or not that is included. Mrs. VanMarter indicates that the island is not part of this proposal.

Chairman Brown reads into the record the letter received from Mr. and Mrs. Robert and Judith McDonald.

Mr. Robert McDonald questions the Commission on why the change is happening now. If they don't meet the setbacks what happens then. Chairman Brown explains that the PUD for Oak Pointe is a very complex document and that their property was never included in that. The rezoning is proposed now because the Township identified the error in the zoning map as part of an overall review of the Township Zoning Map.

Mr. Purdy explains that the older zoning maps were hand drawn and were not parcel specific. With the new technology and the use of GIS software, today's zoning maps are becoming more accurate and show the zoning of individual parcels. He indicated that the LRR zoning is less restrictive than the Oak Pointe zoning so there is a benefit to the McDonald's by having the Township correct the zoning on the map.

The call the public was made at 8:07 p.m.

Joe Fader of 6812 Rink on Grand Beach asks what a PUD is. Chairman Brown explains the PUD zoning. Mr. Fader asks how the zoning change will affect his property. Chairman Brown replies that the zoning change will not affect his taxes. Mr. Purdy explains the setback requirements for the two districts and indicates that the proposed LRR district is less restrictive. Mr. Fader questions how the zoning change will affect his ability to build another house on his

property in the future. Mrs. VanMarter states that the minimum lot size requirements for the two districts is the same, so the zoning change will not adversely affect the potential to take a lot split in the future.

John Conely of 7208 W. Grand River questions whether or not the tax is the same on commercial or industrial. Chairman Brown replies that tax is based on use not zoning and therefore the zoning change will not affect taxes. Commissioner Grajek explains how the zoning change may impact the value of the land. Mr. Conely states that if it increases in value that is great, however he does not want it to impact the taxes. Mr. Conely continues that back when this was all discovered no one told him there were mistakes in his zoning. This came at a good time to get this resolved, however it's unfortunate that this mistake wasn't caught earlier when he was trying to expand. It was a tough road so he would like to move forward on a positive track. We need to be sure that we can move forward and treat everyone the same way. This zoning change should not burden anyone and the Township needs to look after everyone that is here tonight.

Mr. Jeff Thompson of Thompson-MacDonald properties is the owner of 7356 W. Grand River. It is about a 2-acre parcel with 300 feet along Grand River. He purchased this property based on the flexibility of having IND zoning with a master planning of GCD. They have a plan for a mixed use office and retail building although with the economy they can't build it. The character of the area has an industrial tone and he is concerned with the change to Commercial. They would like to be removed from the rezoning.

Commissioner Mortensen asks if Mr. Thompson is the owner. Mr. Thompson replied that he is. Commissioner Mortensen questioned what is located on the property currently. Mr. Thompson replied that there is a brick ranch home on the property. Commissioner Mortensen states that he doesn't want to rezone any of the properties in this area on the South side of Grand River. He states that they are currently used as industrial and should remain in the IND zoning.

Commissioner Grajek asked if the Commercial district gives them greater use and value. Jeff Purdy replies that the types of uses are more retail in nature and would probably increase the value because of the Grand River frontage.

Mr. Thompson states that if in the future he requests the GCD he would like the Township to consider it favorably. He understands having to rezone on his own will cost him some money.

John Conely asked what other feedback the Township has received regarding the zoning change in this area. Mrs. VanMarter indicated that she has been contacted by the owner or representative of Best Storage, Handi-Rental, Grace and Porta, Community Bible Church and Smede-Son Steel and none of them indicated opposition to the proposed rezoning.

The call to the public was closed at 8:47 p.m.

Commissioner Mortensen states that he is not prepared to move on the rezoning of properties labeled 3-10 tonight. Commissioner Tenge states that if the other property owners are in favor of this it should not be tabled.

Commissioner Grajek indicates that he understands that the property owner likes the flexibility of having one zoning with the option to have another, but he feels that they need to pick one. There is a benefit to the property owner by the commercial district. It could be short sided to leave this as Industrial. The property owner should research the GCD district to see what will be allowed.

Commissioner Tenge feels the change is of the greater good. Commissioner Mortensen challenges that and says he feels the Industrial zoning is more intense. Commercial Grajek feels the commercial zoning is better. Chairman Brown thinks that GCD is the appropriate zoning for this area at this time. He feels the industrial uses are no longer appropriate in that area and most of the property in the area is going commercial. Commissioner Tenge agrees with Chairman Brown. Commissioner Figurski indicates that she would keep parcels 3-10 in Industrial and Commissioner Olson agrees to keep them Industrial.

Planning Commission disposition of petition

Recommendation regarding rezoning.

Moved by Tenge, seconded by Grajek to recommend approval of the rezonings as presented by staff in the map dated May 9, 2008.

The motion failed as follows: Ayes – Tenge, Brown, Grajek. Nays – Mortensen, Olson, Figurski.

Moved by Mortensen, seconded by Figurski to recommend approval of the rezonings as presented by staff in the map dated May 9, 2008 excluding parcels 3-10 which shall remain industrial.

The motion failed as follows: Ayes – Mortensen, Olson, Figurski. Nays – Tenge, Brown, Grajek.

Moved by Grajek, seconded by Tenge to table the rezoning of Parcels 3-10 to next meeting of the Planning Commission scheduled for July 14, 2008 and to recommend approval of the remaining properties.

The motion carried unanimously.

Administrative Business:

- *Planners report presented by LSL Planners:* Jeff Purdy indicates that he has nothing to report however suggests that he will need to do a review of Robert's Rules in light of the motions taken tonight on the rezonings.
- *Approval of May 12th, 2008 Planning Commission meeting minutes:* **Moved by** Figurski, seconded by Grajek to approve the minutes from the May 12, 2008 Planning Commission meeting.
The motion carried as follows: Ayes – Figurski, Olson, Tenge, Brown, Grajek. Abstain – Mortensen.
- *Member Discussion:* Mrs. VanMarter states that the next meeting is scheduled for Monday, July 14th and the tentative agenda includes the rezonings tabled at tonight's meeting, two additional rezoning parcels discovered after the original publication for tonight's hearing, a request by "The Well" church for occupancy in the Brighton Builders Supply building and a request by Krug Ford for a façade improvement.

Moved by Figurski, seconded by Mortensen to adjourn the meeting at 9:23 p.m.
The motion carried unanimously.

Submitted by: Kelly VanMarter, Planning Director