

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
SEPTEMBER 14th, 2009
6:30 P.M.**

MINUTES

CALL TO ORDER: At 6:30 p.m., the Genoa Township Planning Commission meeting was called to order. Present constituting a quorum were Chairman Doug Brown, Barbara Figurski, Dean Tengal, John McManus, Lauren Brookins, Diana Lowe and James Mortensen. Also present was Jeff Purdy with LSL Planning and Kelly VanMarter, Township Planner. There was one person in the audience.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

WORK SESSION: No work session was required.

APPROVAL OF AGENDA: Upon motion by Figurski and support by Mortensen, the agenda was approved as submitted. **Motion carried unanimously.**

CALL TO THE PUBLIC: (*Note: The Board reserves the right to not begin new business after 10:00 p.m.*)

OPEN PUBLIC HEARING # 1... Review of amendments to Zoning Ordinance Articles 3,6,7,8,9,11,12,13,14,16,18,19,23,25.

Chairman Brown discussed with the board regarding the format at which to conduct this review. It was decided that they would review each article one by one.

§ 3.02 Changes to min. lot size in LRR: Brown stated that he was not comfortable with making hundreds of non-conforming lots and by doing so, is it going to make it harder to get a homeowner to obtain a loan. Purdy replied that according to the ordinance that if the owner meets the setbacks on the lot then they can build on it. McManus stated that it might make it difficult for title insurance if the lot is nonconforming.

VanMarter stated that with the dates listed it is confusing and problematic at a staff level. Mortensen would like to keep the language the same. The Commission is not in favor of this proposed change.

§ 3.03.02 Change to keeping of pets - Commission had no issues.

§ 03.04.01 Reduce side yard setback in LRR: - Mortensen stated that he has a problem with changing the setback. He feels most of the cases should go before the Zoning Board of Appeals for a review. People with narrow lots are wanting to rebuild and place permanent homes on those lots and the Zoning Board of Appeals should do the review.

Figurski does not like that setback amendment. VanMarter presents a chart showing that the ZBA has approved 100% of the side yard variance requests and that the average setback allowed has been 6.21 feet since 2006. Purdy states that the chart shows that the Zoning Board of Appeals is not doing their job or the ordinance is not correct. Brown would like the Zoning Board of Appeals to do the review also.

Tengel questioned if this was making it difficult for staff to enforce. VanMarter stated that it is very difficult at staff level to enforce an ordinance with everyone getting approved at the Zoning Board of Appeals .

Brown stated that the ZBA does take safety into effect, the views, sound and light into consideration. Purdy stated that they could put a footnote into the section with certain criteria regarding setbacks between houses. This should be tabled so that it can be revised. The Commission agreed.

§ 6.03.02 Building height in PRF - Mortensen questioned what was approved in the amendment to the Livingston Commons PUD in relation to the height of the buildings. Purdy responded that this is for the setbacks for churches. The Commission had no issues.

Table 7.02 Coffee shops and drive throughs- Commission had no issues.

§ 7.0302 (h) Front yard special uses- Commission had no issues.

§ 8.02 & 8.02.02 (a) Criteria for cement operations: Table/revise - Brown would like to add safety language for cement. Cement is very toxic. Brown explained that difference between concrete and cement. Purdy suggested that more language could be added in regards to all material be contained with no runoff and that there should be a setback requirement from non-industrial areas.

Table 8.02 Remove billboard, criteria for health clubs, add indoor shooting/archery ranges-Commission had no issues to the 3 amendments.

§ 9.05.02 Stoop height and setback for ADA ramps - Commission had no issues.

§ 9.06.01 Street lighting criteria - Mortensen asked what it is currently for residential. Purdy replied that it is 100 feet. Commission had no issues.

§ 11.04.01 (f) Setbacks of accessory buildings in LRR - Mortensen asked how sensitive the board should be about residents without waterfront. Purdy stated that there are developments that have had condominiums coming in and blocking the view of the lake, which is considered a characteristic of the neighborhood. This should be tabled to see what the Commission decides for the principle structure side yard setbacks.

§ 11.04.02 (e) Accessory buildings in LRR- Commission had no issues.

§ 11.04.04 (c) (2) Pet enclosure restrictions- Commission had no issues.

§ 11.05 Wind Energy Systems (WECS) Ordinance: Purdy stated that the towers would be allowed in any zoning up to 72 feet tall. The tower needs to be setback equal to its height. Size will be restricted by size of the lot. It was also agreed that an introductory paragraph should be added.

Mortensen questioned if there are any federal standards. Purdy answered that there is no federal preemption of this. The State may make some requirements. He also stated that there are some smaller systems called wind spires that could go on smaller lots.

Tengel informed the Commission that the MSU Extension in Howell is holding a seminar regarding Wind Energy Systems on Thursday night and that a few of them should attend.

Brown questioned what is the lease unit boundary and on site WECS? Purdy stated that sometimes commercial entities rent farm property similar to what the cell tower companies do and this would involve a lease unit boundary. On site WECS are a homeowner putting it on his property for his own use. It would be accessory and private.

Brown also questioned if the Livingston County Building Department has restrictions on the depth and construction of the towers? VanMarter states that she is unsure if the building department regulates them. She will look into it.

Brown requested that §11.05.02 be cleaned up regarding vertical access height. It should be setback equal to the height.

A call to the public was made with the following response:

John Griffin – 5476 Mystic Lake Drive- stated that homeowners could obtain a tax credit for installing a tower on their property. There are Federal Grants and Guaranteed Loans from \$2500 to \$25,000,000. This is available to a rural small business or agricultural property. There are many programs available and so we should try to encourage the small businesses to take advantage of this. He has done a lot of research on different types and different noise levels of the towers. He feels that they should not be made available for businesses located along

Grand River Avenue due to the aesthetics. He also suggested that we address the color of the unit so that it does not contrast with the surrounding sky. He questions the decommissioning bond requirement and wonders if the same is required of cell towers.

Griffin stated that with the sound allowed at 50 decibels, you are eliminating many of the systems that are available. There are other municipalities in Michigan that allow up to 60 decibels or they allow ambient plus 10. They are not defined by a time frame. He questions how or when you would measure the noise and suggests that it be better defined. Purdy states that he can add language to measure the average sound over a set period of time. Purdy indicates that the maximum noise in a residential area should be 65 decibels.

The data that Mr. Griffin presented recommends 60 decibels with a minimum setback of 100 feet.

Mortensen states that the Commission needs to know a lot more about this before they pass an ordinance. He really appreciates the work that Mr. Griffin has done on this issue and says he wants to make sure they pass an ordinance that is enforceable.

Mr. Griffin questions how these units would be assessed. VanMarter indicates that the Township assessor would have to answer this question.

Mr. Griffin indicates that his lot is very deep and his house is setback far from the road. The best location on his property for a WECS would be in the front yard which would be prohibited by this ordinance. He suggests they be allowed in the front with a 200 foot setback

It was decided that more information should be added regarding the sound measuring system; color of the units, and that bonds for decommissioning should be strengthened.

Table 12.01.03 Fiber cement Criteria - Commission had no issues.

§ 12.01.06 Roof top equipment screening - Commission has no issues.

§ 12.02.05 (a) & (b) Detention/Retention pond criteria - Commission had no issues.

§ 12.05.02 (a)&(b)Criteria for sidewalks and paths- Commission had no issues.

§ 12.05.02 (c) Asphalt paths- Commission had no issues.

§ 13.04.02 Community Sanitary Drainfields- Mortensen stated that he would like tougher restrictions on these. Purdy stated that we cannot exclude them and that

we added stringent requirements. Mortensen would like to see a payment up front to the Township for decommission and for maintenance. Purdy stated that the developer could be made to put money into an interest bearing account.

§ 13.08.01 Add reference to Low Impact Design Standards - VanMarter stated that this is requested by the Township Engineer, which would allow more environmental friendly ways to cut down storm water discharge. SEMCOG released a report on this matter. Purdy stated that reference to the report could be added to the ordinance.

§ 13.08.02 Underground Stormwater Detention -Mortensen stated that when PEA Engineers was approved the Planning Commission put strict regulations on the approval. Purdy stated that those regulations were previously added to the ordinance.

Commissioner Lowe left the meeting at 8:30 p.m.

§ 14.06 & 14.06.01 Add language for Low Impact Design Standards- Commission had no issues.

§ 14.06.05 Clarify stacking spaces- It was discussed where the measurement is taken when measuring the width of the parking spot. Commission had no issues.

§ 15.05.03 (c) footnote (4) Waive Curb and Gutter requirement- Commission had no issues.

§ 15.05.03 (d)-(i) Add references/remove duplicate information to Township Design Standards- VanMarter explained that the language is being taken out of the ordinance due to the fact that it is referenced in the engineering standards.

§ 16.04.04 Prohibit Off-Premise Signs- Commission had no issues. Tengel questioned if industrial parks were allowed to have the signs. VanMarter stated that if they do not own any property at the entrance then they were not allowed to have them.

§ 16.04.15 Prohibit signs that exceed size limits- Commission had no issues.

Table 16.1 (l) & (2b) Wall sign restrictions for multi tenant buildings- Commission had no issues other than that language should be added requiring an entrance to have a building wall sign.

§ 18.07.07 Add sump pump restrictions- Commission had no issues.

§ 18.08.10 Clarify language regarding traffic improvements- Commission had no issues.

§ 19.02 Add sketch plan review for small special use requests- Commission had no issues.

§ 23.04.02 Revise Stay of Proceedings per State Zoning Act- Mortensen had difficulty understanding this ordinance. Purdy stated that the ordinance is from the State Zoning Act and that it allows someone who is in violation to continue to violate the ordinance until the Zoning Board of Appeals makes a decision regarding the use.

§ 23.08.02-23.08.04 Add definitions- In regards to coffee shops, Mortensen questioned if this change would liberalize the use of drive-thrus. McManus stated that coffee shops are determined if their main income is made from sales of coffee. VanMarter stated that the last sentence could be removed. Commission agreed to have the last sentence removed.

Moved by Mortensen, supported by Figurski to table the approval of the Zoning Text amendments to the next meeting. **Motion carried unanimously.**

Administrative Business:

- *Planners report presented by LSL Planners. The Planner had nothing to report.*
- *Approval of August 10th, 2009 Planning Commission meeting minutes. **Motion** by Figurski to accept the minutes. Support by Mortensen. **Motion carried unanimously.***
- *Member Discussion. VanMarter will contact the MSU extension and inquire if there are any spots open for the Wind Energy Seminar and she will let the Commissioners know.*

Adjournment. **Motion** by Figurski to adjourn at 8:55 p.m. Support by Mortensen. **Motion carried unanimously.**