

**GENOA CHARTER TOWNSHIP  
PLANNING COMMISSION  
PUBLIC HEARING  
NOVEMBER 9, 2009  
6:30 P.M.**

**MINUTES**

CALL TO ORDER: At 6:30 p.m., the Genoa Charter Township Planning Commission meeting was called to order. Present constituting a quorum were Chairman Doug Brown, Barbara Figurski, Dean Tengel, John McManus and Jim Mortensen. Also present was Jeff Purdy with LSL Planners, Tesha Humphriss, Township Engineer and Kelly VanMarter, Township Planner. There were 3 people in the audience.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

APPROVAL OF AGENDA: Moved by Figurski to approve the agenda as presented. Supported by McManus. Motion carried unanimously.

CALL TO THE PUBLIC: There was a call to the public at 6:34 p.m. with no response. (*Note: The Board reserves the right to not begin new business after 10:00 p.m.*)

**OPEN PUBLIC HEARING # 1... Review of sketch plan application and sketch plan for a proposed 3500 sq. ft. storage building located at Total Automotive at 520 Victory Drive, Howell, Sec. 5, petitioned by Morton Buildings.**

Dennis Marbury from Total Automotive and Andy Offrink from Morton Buildings were present for the petitioner.

Mr. Offrink presented that Total Automotive would like to construct a 50' by 70' building for the main purpose to be used as storage. They have had some recent thefts and damage. They would also like to clean up the area. The building will be used as a staging area also. Mr. Marbury stated that he is trying to protect his customer's cars.

Brown questioned if he received the letters from the planner. Mr. Marbury replied that he did and that he does understand all of the points on the letters.

Kelly VanMarter, Township Planner, reviewed her letter dated 11-2-09. Item #1 states that the building does not meet the eighty-foot (80') rear yard setback requirement due to the fact that it abuts a residential area. Item #2 states that the amount of masonry material on the east elevation must be increased to match

the building materials used on the existing building. The petitioner replied that he sees no problem with meeting those two requirements.

Mortensen stated that there is outdoor storage that the Township has no history of approval. He asked if the petitioner could stop the outdoor storage with the construction of the structure. Mr. Marbury said no and that he was not aware that this was an issue. There are some things that are out daily and then there is some that is stored there.

Brown stated that the outdoor storage would require a special use permit. Brown asked Ms. VanMarter if the petitioner has a car that is stored overnight would that be in compliance. Ms. VanMarter stated that the outdoor storage in the gravel area has grown outside of it. If it is controlled then she does not see a problem. Brown asked petitioner if there were cases that exceed 36 hours? Mr. Marbury stated yes, if he has an insurance job and there are parts that he is waiting for that would require the vehicle to be outside for over 36 hours.

Brown questioned if he is going to require outside storage approval, can the Commission approve it tonight? Ms. VanMarter replied that he would have to pay more fees and come to the next meeting and that the staff would need time to publish. Mr. Offrink asked if the vehicles are part of the normal operation of the car repair shop, would that fall under the zoning approval to begin with. Brown replied that there are certain requirements that have to be met for outside storage.

Mortensen questioned the petitioner on how high the large trailers that are on site and if they will fit inside the building. They are 11.5 feet and they will fit inside the building. Mortensen asked if the Commission stated that nothing taller than 6 feet will be stored outside if that would make landscaping a lot easier.

Ms. VanMarter read the section of the ordinance regarding car repair. Mortensen asked if the petitioner does everything that the ordinance says is there an alternative to going through the special used process. Ms. VanMarter replied that the storage would have to be in the existing parking lot. Mr. Marbury stated that is what the plan is to do. They have had 7 vandalizing issues happen in the last 4 months. Figurski asked the petitioner if he could store anything in the bays at night. Mr. Marbury stated that there is only one that can go in there. When he is working on the trailers they sometimes have to wait a long time for a part. He is trying to protect the customers units and he does not want to lose his insurance.

Brown questioned if the Commission can continue with the petition tonight. Ms. VanMarter replied yes and she can work with the petitioner to see if he can fit within the ordinance.

Ms. VanMarter continued reviewing her letter. Item #3 states that the garage doors on the east elevation should be removed. Item #4 states that the height of

the building must be listed on the plans and Item #5 states that the rear and north side yard buffer zones are deficient in terms of required plantings and screening from residential properties.

Mr. Offrink stated that the sidewall height is 16 feet. Tengel asked petitioner to put information on the drawing and asked if he could meet the masonry requirement. Mr. Marbury stated that he could comply. Ms. VanMarter stated that the ordinance limits the structure to 25% metal and 75% percent masonry. Mortensen asked what is the percentage of the existing building. Mr. Marbury replied that it is all block. Tengel stated that according to the ordinance it has to be 12 feet of masonry on the one side. Mr. Offrink asked if the gable would be added into that. Tengel stated that the petitioner could work with Ms. VanMarter regarding that.

Tengel stated that the garage doors need to be clarified. Mr. Marbury stated that having the doors face the way it is planned makes it easier for setup. Brown questioned if the petitioner needed two doors. Mr. Marbury replied that yes for moving the coaches it is more difficult with one door. Mortensen asked if the petitioner could move the building 45 feet east so it could be closer to the main building and if there was something that they could do with landscaping on the south side to shield the doors with something like an arborvitae. Mr. Marbury demonstrated where there is a Panhandle Gas Easement on his property and stated that nothing can be planted there. Mortensen recommended putting some plantings in front of the building. Ms. VanMarter stated that the building could be moved behind the existing building and place the doors on the west side. Mr. Marbury saw no problem with that. Ms. VanMarter stated that may screen from the residential area if petitioner chooses to move forward for approval.

Ms. VanMarter stated the buffer zone that the ordinance requires is a buffer zone A from residential property. If they shift the building that could meet the ordinance.

Brown did not see any evergreen trees on the site when he visited. He would like to recommend additional evergreen trees be provided. Mortensen believed that the business may have been there before the residential. He would also recommend putting evergreen trees on the rear of the property and the Commission would not require a berm. Tengel asked if the Commission had the ability to waive that requirement. Ms. VanMarter stated that the ordinance would require 20 evergreen trees that are 6 feet tall. Brown suggested that the owner take inventory of what exists. Ms. VanMarter stated that the Township could give credit for what is there. Mr. Marbury stated that in the summer you cannot see the homes at all. Ms. VanMarter stated that adding evergreen trees may deter the vandals. Mortensen asked the petitioner if he had a fence on the property? Mr. Marbury stated that he does not have a fence and that there are people that live behind him and cut thru there to go to work. He does not want to block their path to get to work. He has added cameras and lights.

Brown asked the petitioner if he would agree to do to the plantings as recommended. Mr. Marbury stated that if he had to he would.

Ms. VanMarter continued with her letter dated 11-2-09. Item# 6 states that any outdoor storage must obtain Special Land Use approval. Item #7 states that the Planning Commission may request lighting details to determine if current Ordinance requirements are being met and item #8 stated that any issues identified by the Township Engineer or Fire Department must be addressed.

Ms. Humphriss reviewed her letter dated 11-4-09. Item 1 states that the sketch plan is outdated. Brown stated that the hand drawn part on the plans is for what is there.

Item #2 states that the petitioner stated that when gravel was added to the site the existing detention pond was increased in size to handle the runoff from the additional impervious area. Based upon her visual observations it does appear a portion of the gravel area is directed towards the detention pond, however, the existing pond did not appear to have an adequate outlet control structure. The petitioner should provide documentation that the existing detention pond is adequate to handle the additional impervious area from the gravel parking lot and the proposed building.

The Township would require the petitioner to document if the pond can handle the drainage. Mr. Marbury stated that when they first put the gravel in, the Drain Commission came down to look at it and Mike Boss talked to them and said they could not asphalt and that they could do gravel because it would drain. Ms. Humphriss stated that for this site there is a regional pond for the Victory Drive development. There is a retention pond for this whole area. Ms. Humphriss does not believe that adding additional drainage is necessary. Mr. Marbury stated that when they redid this he thought that it was undersized at the end and he made improvements due to the fact that the ponds were getting filled with debris.

Mortensen suggested that a professional drawing showing the new building be drawn up. He stated that he would like to see this project go forward however he feels that there are other companies that would like the same approval.

Ms. Humphriss acknowledges that there are easements for drainage and that there are detention areas that take all of the drainage. Mortensen stated that assurance does need to come from a civil engineer. He thinks that the Commission is going to need to see a better sketch. Brown asked petitioner if he had any issues with doing that. Mr. Marbury stated that he did not have any drainage issues until the condos and apartments were there because they are high however he does understand where the Commission is coming from. Tengel stated that the Commission needs to see documentation to show that this site is

draining properly. Ms. Humphriss stated that the back 40 feet of the lot drains off the site.

Item #4 states that a cross section, or thickness and type, of the existing gravel parking lot should be specified. Ms. Humphriss asked that the petitioner if he knew what the type and thickness was put down. Mr. Marbury replied that it was 21AA probably 8 or 10 inches thick. Ms. Humphriss stated that what the petitioner described meets the ordinance.

Item #5 states that an additional fire hydrant would have to be installed. Ms. Humphriss stated that she has run into this issue before. She would be willing to waive the standard, due to the fact that there are no repairs or electricity going into the new structure. The Township standards are written for when someone is going to be adding new water main and are geared toward new developments. The Commission can waive this requirement and the fire department can waive it. Mortensen asked if Ms. Humphriss could work with the petitioner and fire department to get this waived.

Brown asked if the Township was going to anything with those standards. Ms. Humphriss stated that there is nothing in the works to require it for these buildings. It is more work for us and a dead end main is not good to us.

Ms. Humphriss continued to review her letter. Item #6 states that the petitioner is not proposing to connect the proposed storage building to municipal water or sanitary sewer service.

Brown reviewed the fire dept letter into the record dated Nov. 4, 2009 from Michael O'Brian.

A call to the public was made at 7:24 p.m. with no response.

### **Planning Commission disposition of petition**

A. Disposition of sketch plan.

**Moved** by Figurski to table this item at the request of the petitioner. Support by Mortensen. **Motion approved unanimously.**

### **OPEN PUBLIC HEARING # 2... Review of amendments to Zoning Ordinance Articles 3,6,7,8,9,11,12,13,14,16,18,19,23,25.**

Brown stated that there were three Commission members that went to a class regarding the wind ordinance and they discussed what they learned and offered their opinions.

Brown did not have any comments on the letter from Ms. VanMarter dated 11-5-09. Mortensen asked for and was provided clarification on what were the new changes. He also stated that he read a noise reference to 60 decibels. Ms. VanMarter stated that 80 decibels is the most allowed in the Township.

A call to the public was made at 7:35 p.m. John Griffin stated that he had read what Ms. VanMarter has provided and he approves of it. Call to the public was closed at 7:36 p.m.

### **Planning Commission disposition of petition**

#### **A. Recommendation of Zoning Ordinance Text Amendments**

Moved by Mortensen to recommend the approval of the Zoning Ordinance text amendments as summarized in the Planning Director's letters dated on 11-5-09 as revised from the 9-23-09 letter. Support by Figurski. **Motion carried unanimously.**

### **Open Public Hearing #3...Request for review of Genoa Charter Township Planning Commission Bylaws.**

Discussion was held regarding the proposed bylaws. On page 2 of 7 Section 4.2, Mr. Mortensen would like to add that each "non-board of trustees member" should hold office for a 3-year term. It also should state that the board of trustee member will serve at the board's discretion. Change wording that vacant positions shall be filled by the Township Board.

Section 5.1 shall be revised to add that the Board representative may not serve as an officer. Section 5.2 should state that either the Commission or the Board can delegate duties.

Mortensen questions the meeting notice requirements in Section 6.1. He inquired as to why we don't publish it in the paper. Mrs. VanMarter responded that the statute only requires a posting of meeting dates. The only time staff publishes an agenda is if there is special use or zoning change.

In regard to Article 7, Conflict of interest, Subscript 3, the last sentence – Mr. Mortensen questioned why that is the only one that the planning commission is going to make a rule on. He would like to see that sentence struck or moved up to the beginning. The Planning Commission is not equipped to make that and it should be the obligation of the member. The Commissioners agreed that the Commission would make a determination.

### **Planning Commission disposition of petition**

A. Disposition of Bylaws

Moved by Mortensen, to approve the Genoa Charter Township Planning Commission By-Laws as reviewed and modified this evening effective immediately. Subject to Township Attorney review. Support by Figurski. **Motion carried unanimously.**

**Administrative Business:**

- *Planners report presented by LSL Planners. Mr. Purdy had nothing to report.*
- *Approval of October 13, 2009 Planning Commission meeting minutes. Moved by Figurski to adopt the minutes as amended. Support by Mortensen. **Motion carried unanimously.***
- *Member Discussion. Brown asked if ATT and Verizon Wireless submitted for Township Board Approval. Mortensen stated that the Township received a FOIA request from the resident's attorney. Ms. VanMarter replied that the petitioner is working with the Homeowners Association to get the building on the Golf Course.*
- *Ms. VanMarter advised the Commission that the Township has been approached regarding the following request: the request was for an indoor gun range in the RCD (Regional Commercial District). She stated that this was just revised in the ordinance to allow for the use in Industrial. She asked the Commission if they think that it should be allowed in a commercial district. Tengel stated the ATF would assume that it is being done properly. Mortensen asked if it exists in either GCD and RCD? Ms. VanMarter replied that it is not specially listed in the commercial. They have no issues about adding this into commercial and making it a special use. Mr. Purdy stated that he has seen these allowed in commercial. Mortensen would be opposed to similar use determination. Tengel asked if the Commission can address changing the ordinance at tonight's meeting. Mr. Purdy stated that it would have to be made at the next PC meeting. It was agreed to add to the ordinance at the December meeting.*

*Ms. VanMarter discussed updating the Capital Improvement plan. The Planning Commission has a say in the public utility infrastructures that are built. Ms. VanMarter stated that her and Mr. Brown have interviewed all of the department heads. Some of the items for discussion are road improvements, sidewalk locations, land acquisition, recreational activities and improvements at the Township hall.*

*Mortensen stated that it would be helpful to have the Commission take a look at whatever the last C.I.P was. There has been a lot of thinking going on. A great way to use tax dollars is seal coat roads. He thinks that the Commission needs to have some input. Ms. VanMarter stated that the last time the CIP had been drafted was in 2003 and has not been updated since.*

*Ms. VanMarter stated that they start with the amount of money that the Township has. She would like the Planning Commission to prioritize the projects that they came up with. Please note anything that the Commission would like to have done in the community.*

*Ms. VanMarter stated that the bike paths are the best thing that the Township has done that really counts. Tengel stated that he would like to see a municipal ice arena and lake access to Lake Chemung.*

*Ms. VanMarter advised that the Chaldean Catholic Church purchased the Detroit Camp and they will be coming in for approval of a Cathedral for the December Planning Commission meeting.*

*Moved to adjourn the Planning Commission meeting at 8:24 p.m. by Figurski, supported by Tengel. Motion carried Unanimously.*

*Respectfully submitted:*

*Amy Ruthig*