

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
OCTOBER 12th, 2010 (Tuesday)
6:30 P.M.
MINUTES**

CALL TO ORDER: At 6:30 p.m., the meeting of the Genoa Township Planning Commission was called to order. Present constituting a quorum were Chairman Doug Brown, John McManus, Jim Mortensen, Barb Figurski, Lauren Brookins, Diana Lowe, and Dean Tenge. Also present were Jeff Purdy of LSL Planning and Kelly VanMarter, Planning Director.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

WORK SESSION: No work session was required.

APPROVAL OF AGENDA: Upon motion of Barbara Figurski and support by John McManus, 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 sketch plan application and sketch plan for a proposed 800 sq.ft. addition for cat housing located at the existing Humane Society Building at 2464 Dorr Road, Howell, sec. 15, petitioned by Humane Society of Livingston County.

Barb Benford, Executive Director of the Human Society addressed the Board. They are proposing an 800 square foot addition to be used to house cats in cage-free cat rooms. It will be less than 10% of the total building. The meeting room on the plan would be used for people to meet cats outside of the cat rooms, whether volunteers, staff, or prospective owners.

James Mortensen asked about the site plan sheet. There are two marked areas that are labeled proposed addition. The petitioner indicated that the area that is 40' x 8" is mislabeled.

Ms. VanMarter indicated that building materials do not match the ordinance, but would match the existing building. As it relates to the landscaping, the previous plan in 2002 required a number of pine trees that were never installed. Along the I-96 frontage, there is a deficiency in buffer zone B of evergreens and plantings. The petitioner indicated that there is approximately 8' of grass along I-96, but beyond that there is the MDOT easement and that is planted by the State. She

believes there is no room for 5 canopy trees and 41 shrubs. Bruce McCullen, the architect, indicated that there are many trees that have not been counted. Chairman Brown visited the site earlier today and addressed the vegetation he saw. Mr. Mortensen asked about the trees that were not installed. Ms. VanMarter indicated there is additional landscaping required along I-96, but not Dorr Road.

The Tetra Tech letter of October 4, 2010 was reviewed with the petitioner. There is no impact on storm water drainage or traffic. The site plan should include the location of the grinder pump and leads from the building. The location of the floor drains should be shown on the plan, as well.

The Brighton Fire Department letter of October 7, 2010 was discussed. The petitioner will display the address of the building.

Planning Commission disposition of petition

A. Disposition of sketch plan.

Motion by James Mortensen that the Commission approve the site plan for the addition of an approximate 800 square foot building to the Humane Society on Dorr Road, subject to the following:

1. The materials for the addition will match the existing building;
2. landscaping will require the addition of 5 canopy trees along the I-96 frontage;
3. The requirements spelled out in the Tetra Tech letter of October 4, 2010 will be complied with;
4. The requirements spelled out in the Brighton Fire Department letter of October 7, 2010 also will be complied with.

Support by Barbara Figurski. **Motion carried unanimously.**

OPEN PUBLIC HEARING # 2...Review of conditional rezoning agreement, environmental impact assessment and rezoning site plan for a rezoning located at 2980 Dorr Road from LDR (Low Density Residential) to a conditional OSD (Office Service District), Sec. 15, petitioned by Genoa Township on behalf of the Livingston County United Way.

Mr. Mortensen gave a brief history of this property. There is an agreement regarding a reversionary clause that currently stands on this property. Mr. Mortensen was concerned that any action by the Board may affect that reversionary clause. Chairman Brown believed that is something that the Board must consider, but not this Commission.

Mr. Mortensen voiced his concern about traffic caused by a child care facility. A special use permit may be considered under conditional zoning. Mr. Purdy agreed and believes the ordinance already provides for that.

Mr. Purdy indicated the property is currently zoned LDR and the office use would be considered a non-conforming use. Rezoning it to OSD would make it a conforming use. There is an agreement that has been drafted that would limit the types of uses permitted.

Chairman Brown addressed the agreement. He asked why the exclusions of medical uses were made. Mr. Purdy indicated that office use is fine, but that special land uses are excluded. Those would constitute hospitals, urgent care facilities, etc. He would suggest that the word "clinics" be deleted and that hospitals and urgent care facilities remain.

Chairman Brown addressed subsection 2.3. He believed that if the property owner wants to expand something, he must follow the zoning ordinance process. Approval by the Township is presumptuous. The next sentence is an incomplete sentence and should be done away with if the preceding sentence is rewritten.

Chairman Brown addressed subsection 2.4. The owner must understand that they're going to be financially responsible for a sidewalk if the Township wants them to put one in. Mr. Purdy believes the first sentence should be stricken and the second sentence should be revised.

The entire document should be recorded.

Planning Commission disposition of petition

- A. Recommendation of environmental impact assessment.
- B. Recommendation of conditional rezoning agreement.
- C. Recommendation of rezoning site plan.

Motion by Barbara Figurski to recommend to the Township Board that they approve the impact assessment dated September 29, 2010, subject to:

1. Approval by the Township Board of the conditional rezoning agreement and the rezoning site plan.

Support by James Mortensen. **Motion carried unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of conditional rezoning for the United Way property located at 2980 Dorr Road be approved, subject to the following:

1. This recommendation for conditional zoning is made for the following reasons:
 - A. the property is unique and given its location near both rail and wetland, the present zoning is residential and appears to this Commission to be inappropriate;
 - B. a more appropriate zoning, given the surrounding zoning would be conditional zoning of a OSD nature;
2. This recommendation is made with the understanding that the Livingston County United Way:
 - A. Offers to treat any potential request for child care or school care or day care as a special use and will apply for a special use permit within the conditional zoning agreement;
 - B. Consents to revise section 2.1(D) of the proposed agreement to eliminate the word "clinic" and replace the language with reference to hospitals.
 - C. Offers that any site plan revisions shall be submitted to the Township review in accordance with existing ordinances and the second sentence in paragraph 2.3 will be eliminated.
 - D. Consents to a revision to paragraph 2.4 of the agreement to indicate that easements will be provided should the Township desire to extend sidewalks in the area and the cost of such sidewalks will be borne by the property owner.
3. The Township Attorney is asked to review this proposed conditional zoning agreement and its compatibility with the reversionary clause that expires approximately 10 years in the future for compatibility;
4. This recommendation is made with the assumption that the Township Board will approve the environmental impact assessment and site plan.

Second by Barbara Figurski. **Motion passed unanimously.**

Motion by James Mortensen to recommend to the Township Board approval of the conditional rezoning site plan for the United Way building at 2980 Dorr Road, reviewed with the materials presented to the Commission this evening, subject to:

1. Approval by the Township Board of the conditional rezoning agreement;
2. Approval by the Township Board of the environment impact assessment;
3. Compliance with the requirements contained in the Tetra Tech letter dated 10/6/10.

Support by Barbara Figurski. **Motion carried unanimously.**

Administrative Business:

PC 10-12-10 Approved Minutes

- *Staff report*
- *Approval of September 13, 2010 Planning Commission meeting minutes. Upon motion by Barbara Figurski and support by James Mortensen, the minutes were accepted as amended. **Motion carried unanimously.***
- *Member Discussion*
- *Adjournment. **Motion** by Barbara Figurski to adjourn. Support by Lauren Brookins. **Motion carried unanimously.***