

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
June 11, 2018
6:30 P.M.
MINUTES**

CALL TO ORDER: The meeting of the Genoa Charter Township Planning Commission was called to order at 6:30 p.m. Present were Chairman Doug Brown, Jim Mortensen, Chris Grajek, Jill Rickard and Marianne McCreary. Absent were Eric Rauch and Jeff Dhaenens. Also present was Kelly VanMarter, Community Development Director/Assistant Township Manager, Brian Borden of Safebuilt Studio, Joe Siwek of Tetra Tech, and an audience of nine.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Moved by Commissioner Grajek, seconded by Commissioner Mortensen, to approve the agenda as presented.

CALL TO THE PUBLIC: The call to the public was made at 6:32 pm with no response.

OLD BUSINESS

OPEN PUBLIC HEARING # 1... Review of a request of a rezoning application and impact assessment to rezone approximately 61 acres from Agriculture (AG) to Low Density Residential (LDR) for the following parcels: 11-33-400-003 and 11-34-300-005. The parcels are located on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.

- A. Recommendation of rezoning
- B. Recommendation of Environmental Impact Assessment

Mr. David LeClair of Livingston Engineering was present and representing the property owner, Steve Gronow. They are requesting to rezone 67 acres from Agricultural (AG) to Low Density Residential (LDR). The Master Plan Future Land Use Map shows this area as being zoned LDR so they feel the rezoning is appropriate.

Mr. Borden agrees that the Master Plan Future Land Use Map designates this area as LDR. He noted that the proposed rezoning is consistent with the zoning and uses in the surrounding area.

Commissioner McCreary questioned if the applicant will need a permit from the DEQ for the wetlands on the site. Mr. LeClair stated yes, they will need a DEQ permit for their storm water discharge. One wetland is regulated; however, they are waiting to learn if the other one is regulated.

The Call to the Public was made at 6:52 pm.

Mr. David Keller owns the 103-acre parcel to the north of this site. For safety reasons, he would like the Planning Commission to require the developer to put up a fence and possibly a landscaped berm to restrict people who will be living in this area from entering into his property. They have a 3-acre pond and large well-drilling equipment.

Chairman Brown advised Mr. Keller that State law prohibits conditions being placed on a rezoning; however, it could be discussed during the next item on the agenda, which is the Site Plan approval for this property.

The call to the public was closed at 6:55 pm.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek, to recommend to the Township Board approval of the rezoning of two parcels: 11-33-400-003 and 11-34-300-005 known as Chestnut Springs and as depicted on a Site Plan prepared by Livingston Engineering dated May 2, 2018 from Agriculture to Low Density Residential. This recommendation is made because the Planning Commission finds that the rezoning is consistent with the requirements of Section 22.04 of the Township Ordinance and is consistent with the surrounding uses, which are also Low Density Residential.

The motion carried unanimously.

Moved by Commissioner Mortensen, seconded by Commissioner Rickard, to recommend to the Township Board approval of the Environmental Impact Assessment for two parcels: 11-33-400-003 and 11-34-300-005 known as Chestnut Springs and as depicted on a Site Plan prepared by Livingston Engineering dated May 2, 2018 conditioned upon the following:

- At this time, descriptions of the site plan details will be removed from the statement by Township Staff until such time as the site plan is recommended for approval by the Planning Commission and forwarded to the Township Board.

The motion carried unanimously.

OPEN PUBLIC HEARING #2... Review of a request of a site plan and impact assessment requesting preliminary site condominium approval for a proposed 25-unit site condominium. The property in question is located on approximately 61 acres involving parcels: 11-33-400-003 and 11-34-300-005 on the east side of Chilson Road, south of Brighton Road along the southern Township boundary with Hamburg Township. The request is petitioned by Chestnut Development LLC.

- A. Recommendation of Environmental Impact Assessment
- B. Recommendation of Preliminary Site Plan

Mr. David LeClair of Livingston Engineering was present and representing the owner, Steve Gronow. He showed and reviewed the proposed site plan. They are proposing 25 units, 24 of which are 1 acre + parcels and then there is one 25 acre parcel where the wetland is located. There will be paved, private roads. There will be an association so the owners will own the homes and the property, but all maintenance will be done by the association. There will be individual wells and septic systems.

They would like lenience from the Township for the following items:

1. The planting requirements around the wetlands. There is existing vegetation.

2. The Road commission required them to move the entrance drive further from the railroad tracks so they are encroaching 20 feet into the wetland, which does not meet the Township's requirements.
3. The road length is 1,900 feet, which is longer than the allowable maximum length of 1,000 feet.

They do exceed the open space requirement by approximately three times.

Mr. Borden reviewed his letter of June 1, 2018. The following items were noted:

- The site plan approval is contingent upon the Township Board's approval of the rezoning, which was recommended by the Planning Commission earlier this evening.
- Condominium documents are required. Mr. Borden is recommending that the areas that are to be undisturbed and remain natural be clearly noted in these documents.
- Details for Unit 25 must be provided
- The plans must include a clear delineation of the natural feature setbacks, specifically the walking trails and roads and drives.
- The applicant should provide a copy of the MDEQ permit.
- A private road maintenance agreement shall be provided.
- The applicant shall provide proof that the park/open space requirements are met and their preservation must be shown in the condominium documents.

Mr. Siwek reviewed Tetra Tech's letter dated May 31, 2018. The following items were noted:

- Due to the groundwater quality concerns on this site, the petitioner has agreed to install monitoring wells prior to the development.
- A final grading and site development plan must be submitted and comply with the Livingston County Drain Commissioner
- They agree to allow the 1,900 foot road. The natural features on this site would make it impossible to loop the road back to the entrance.
- All drainage, grading, and soil erosion control measures must be approved by the Livingston County Drain Commissioner.
- The applicant shall obtain an MDEQ permit to use the wetland as a detention pond.
- The pipe plunge pools that will be managing the sediment discharge for the detention area are located near lots and the wetland area; the applicant should prepare a maintenance plan or relocate them towards the roadway ditch for easier maintenance.
- The Livingston County Health Department shall approve the suitability of the soils for the wells and septic systems.

Commissioner Rickard questioned the storm water plan. Mr. LeClair showed the retention pond as well as the location where it will discharge. Commissioner Rickard advised the petitioner that an easement must be obtained since it will be going through Lot #7.

Mr. LeClair reviewed the three shared drives and which parcels each will service.

Commissioner McCreary questioned if the petitioner would consider eliminating the shared driveways. Mr. LeClair stated he has engineered several communities with shared driveways and they seem to work well. Because of the irregularly shaped lots and the wetlands, it would not be possible to develop these lots as they would not be able to be accessed from the main roadway that runs through the community.

Commissioner Grajek noted there is an error on the cover sheet of the plans. It notes 67 acres; however, the site plan is not for the entire 67 acres that were previously recommended for rezoning this evening.

The call to the public was made at 7:36 pm.

Mr. David Keller reiterated his concerns requesting a fence and berm be installed between this property and his.

The call to the public was closed at 7:37 pm.

The Commissioners questioned if the plans presented this evening are ready to be recommended for approval. There are concerns regarding the drinking water source, there is an outstanding legal issue in regard to the former sand extraction on the property between the owner and the Township, engineering concerns, the detention pond, regulated wetlands, and the legal description.

Mr. LeClair stated that the regulatory approvals are typically obtained between preliminary and final site plan approval. He does not believe the engineer's comments need to be addressed until the construction phase of the project nor do the comments from the planning consultant need to be addressed in order to receive preliminary site plan approval. The wells for the groundwater quality are being drilled right now and they will be providing that information to the Township. The property owner has also granted permission to the Township to do surface water testing.

Mr. Steven Gronow stated that they will be addressing the monitoring wells and the access to these wells in their by-laws and master deed.

The Commissioners were in agreement that this item should be tabled this evening. Mr. LeClair requested the Commissioners provide him with feedback on the three requests they have, specifically, the planting requirements around the wetland, the road length, and their encroachment into the wetlands for the access drive.

Chairman Brown and Commissioners Mortensen and Rickard are in favor of granting the requests. Mr. Borden noted that the wetland encroachment is not able to be addressed during Site Plan approval process. It would need to have a Special Land Use Permit.

Moved by Commissioner Grajek, seconded by Commissioner Rickard, to table the recommendation of the Environmental Impact Assessment and Preliminary Site Plan for Chestnut Springs until the July 9, 2018 meeting. **The motion carried unanimously.**

OPEN PUBLIC HEARING #3... Consideration of Zoning Ordinance Text amendments to Article 10 of the Zoning Ordinance, entitled "Planned Unit Development" and Article 25, entitled "Definitions". The ordinance is proposed to be amended to add standards and definitions related to "Interchange Commercial PUD" and "Interchange Campus PUD".

A. Recommendation of Text Amendments

Ms. VanMarter provided a history of the rezoning discussion and proposed development for the Interchange Commercial PUD, which is the area to the south of I-96 and on the west side of Latson Road. The property owner is interested in developing it as industrial.

She reviewed the changes that she is proposing, which includes the definitions for different types of industrial uses. All of them would be permitted uses. She is also suggesting that all buildings exceeding 40,000 square feet require a Special Lane Use Permit.

Other changes are the permitted uses, site dimensional requirements, and architectural requirements in the Interchange Campus PUD zoning

She asked the Planning Commission for feedback on her proposed changes.

All Commissioners agreed that industrial zoning is not what is desired for this area; however, certain types of industrial or manufacturing could be allowed with a Special Land Use Permit. They are also not in favor of truck/distribution centers in this area. The desired zoning for this location is Interchange Campus PUD, which is what is shown on the Master Plan Future Land Use Map.

There was further discussion regarding transitional zoning from this area to the surrounding residential properties.

The call to the public was made at 8:46 pm.

Mr. Leo Nicholas, who lives on South Latson Road, suggested to the Planning Commission that they reconsider allowing industrial uses in this area. The industrial uses today are not the same as they were in the past. There is very little, if any, contamination from industry.

His property abuts the south of the area being discussed this evening, and he would like to have his property zoned the same.

Ms. Michaela Zint, of 4159 Sweet Road stated she would like her property to be included in the Campus zoning area. She would prefer that it stay AG; however, the future Master Plan Map shows it as being zoned large lot rural residential - 2 acres. She presented a plat map showing the location of her property as well as a memo explaining why her property would benefit from the rezoning to Campus versus two acres. She added that the other residential properties on the north side of Sweet Road should also be included in the rezoning. If they were not included, they would all be residential properties surrounded by campus and commercial properties.

Mr. Rob Vedro of 4036 Sweet Road would like the Planning Commission to stay with the Master Plan and not allow a property owner to determine what is developed. He is not in agreement with industrial in this area. People who live in this area still want to live in the country.

Stephanie Wooster agrees with what Mr. Nicholas said. She knows change is going to happen as it already has. She is in support of the discussion by the Planning Commission and what they would like to see developed in this area.

The call to the public was closed at 9:12 pm.

Ms. VanMarter thanked the Commissioners for their feedback. She will make the changes discussed and return with revised texted amendments.

Moved by Commissioner Mortensen, seconded by Commissioner Grajek to table the Recommendation of the Text Amendments to Article 10 of the Zoning Ordinance until the July 9, 2018 Planning Commission meeting. **The motion carried unanimously.**

Administrative Business:

- Staff Report: Ms. VanMarter stated that Jeff Dhaenens has been appointed to the Planning Commission to replace Commissioner John McManus. Jeff was previously the Chairman of the Zoning Board of Appeals.

There will be a July Planning Commission meeting.

- Approval of the May 14, 2018 Planning Commission meeting minutes: **Moved** by Commissioner McCreary, seconded by Commissioner Rickard, to approve the minutes

of the May 14, 2018 Planning Commission Meeting with changes noted by Commissioner McCreary. **The motion carried unanimously.**

- Member Discussion: There were no items discussed.
- Adjournment: **Moved** by Commissioner McCreary, seconded by Commissioner Grajek, to adjourn the meeting at 9:18 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary