

GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
WORK SESSION
NOVEMBER 13, 2006
6:30 P.M.
AGENDA

CALL TO ORDER: The meeting was called to order at 6:33 p.m. Present constituting a quorum for conducting business were: Chairman Pobuda, Barbara Figurski, James Mortensen, Teri Olson, Curt Brown and Dean Tenge. Also present were Kelly VanMarter, Township Planner, Brian Borden from LSL and Tesha Humphriss.

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

DISCUSSION: of Agenda items of the regular meeting of the Planning Commission.

DISCUSSION: of general items.

ADJOURNMENT: The work session of the Genoa Planning Commission was adjourned at 6:54 p.m.

GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
NOVEMBER 13, 2006
7:00 P.M.
AGENDA

CALL TO ORDER: The meeting was called to order at 7:05 p.m. Present constituting a quorum for conducting business were: Chairman Pobuda, Barbara Figurski, James Mortensen, Teri Olson, Curt Brown and Dean Tenge. Also present were Kelly VanMarter, Township Planner, Brian Borden from LSL and Tesha Humphriss.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited followed by a brief moment of silence.

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

CALL TO THE PUBLIC: (Note: The Board will not begin any new business after 10:00 p.m.)

OPEN PUBLIC HEARING # 1... Review of rezoning application and impact assessment to rezone 60.16 acres located north of Crooked Lake Road between Springhill Drive and Fishbeck Road. The rezoning consists of the following 20 parcels: 11-16-400-006, 008, 010, 014, 015, 018, 019, 020, 022, 023, 024, 025, 026, 030, 031, 032, 033, 034, 038 and 039. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by David and Elizabeth Bonten, Cheryl Reed and Genoa Charter Township. (06-22)

Petitioner, Dave Bonten, 4859 Crooked Lake Road is present and is speaking on behalf of the other petitioners. He requests the rezoning outlined above.

There is a pond located partially on petitioner's property and the property to the east, but he doesn't believe it contains wetlands. The property does perk and is buildable. He believes it's an acre and a half. He has discussed his petition with some of his neighbors.

Brian Borden indicates the master plan reflects some areas within that site that are classified as wetlands.

Petitioner indicates that a private road may be required to split up Cheryl Reed's parcel.

Brian Borden indicates that while the request is consistent with the master plan, it would by definition be a spot zone. This is how the recommendation resulted in broadening the subject area. He reviews the designations that are in the nearby area to the subject site. The request is consistent with the Township's future land use plan. This site is also located within the rural reserve area and is compliant with the goals and policies of the master plan.

The potential uses for a CE district are very similar to a RR district. The primary difference is density, i.e., lot size and also certain agricultural uses under CE that would not be permitted under RR.

James Mortensen clarifies whether use changes with the current owner or upon sale of the property. The use for the existing owner does, in fact, remain and is grandfathered until a change of ownership or a division of the lot. Brian Borden indicates that we are not creating any non-conformity issue. Kelly VanMarter indicates that is correct, including duplex properties continuing until a change.

Brian Borden indicates no extension of public utilities would be required. The lots could accommodate well and septic. There is a potential for gravel roads. The proposed rezoning could maintain and preserve the basic character of the area. Brian Borden believes the proposal is consistent with environmental issues.

Brian Borden notes that 7 of the 16 proposed lots would become conforming lots as a result of the project.

Brian Borden reviewed the apparent demand for the types of RR uses, such as residential growth, both experienced and projected. He sees the request as a way to balance the demand for residential properties and lack of necessity to install more public utilities.

Kelly VanMarter indicates the master plan designates this area for two acres.

Brian Borden reiterates that based upon the master plan, capacity for infrastructure and environmental necessities, this plan does accommodate the intent of the master plan.

Tesha Humphriss addresses her October 18th and October 26th letters regarding this petition. Public utilities would not be necessary. Private septic and wells would accommodate the plan. Traffic patterns were identified and there would be little effect on traffic. Private roads would be necessary.

Mark Hunkel, 2100 Fishbeck, addressed the Commission. He indicates that many have moved into the area to get elbow room. He is on a 4.5 acre parcel. They moved out here thinking there wouldn't be dividing of lots. He understands some would like to subdivide to make extra money and he says they knew when they bought the land they couldn't do it and shouldn't be allowed to subdivide now. He believes tax revenue for the Township is probably coming into play, too.

Mike Adkins, 5448 Crooked Lake addressed the Commission. He is on five acres. His home is in the center of his lot. The back portion of his property is wetlands. It's a foot to foot and a half deep. He asks who will benefit from the subdividing of the lots. He moved here in 2001. In April of 2001, he was told that his property was zoned CE. In his opinion, petitioner's request is self serving because his intent is to sell his property and move away. Petitioner's home sits close to the road and the remaining acreage butts up to Mr. Adkins' property. He opposes the petition. He also asks about any private road and where it would be located. He indicates he has paid for all maintenance on the private drive that is his easement, despite the deed indicating these expenses are to be shared between he and the petitioner.

Kim Mays, 2745 Spring Hill Drive addressed the Commission. She is property number 36. She butts up against the 15 acres in question. She asks why the 5 acres at the end of Spring Hill were excluded. She inquires about rezoning her property as well as that of her neighbor.

Brent Euler, 2926 Fishbeck Road addressed the Commission. He inquires as to the septic limitations because more septic systems will be necessary if the land is split.

Mrs. Brubeck, 4660 Crooked Lake spoke to the Commission. She has no opposition to splitting 10 acres into 5 acre parcels. The sand hill cranes would be displaced.

Mark Hunkel addressed the Commission again and indicates that there would be a loss of value in the property due to the change in permitted land uses.

Beverly New, 2786 Fishbeck spoke to the Commission. She has no opposition to 10 acre parcels being split into 5 acre parcels.

Brian Borden addresses the Commission and speaks about the demand for residential land in this township. Population trends and projections make that clear. He feels this request helps with that demand, while preserving the rural character and not requiring an extension of public utilities and infrastructure.

Brian Borden addresses concerns regarding non-conforming parcels. Currently, 16 of the parcels do not conform. If this plan is adopted, 7 of those will become conforming parcels.

Tesha Humphriss addresses maintenance of the existing shared driveway and the easement discussed. Any split would be extended to all potential splits.

Kelly VanMarter indicates another benefit for the nonconforming lots is that the setbacks are less. So, there is an increase in buildable area for the nonconforming smaller parcels. If a private road is required, the Livingston County Road Commission would determine its location. Paving of that road is not required if it services 18 or fewer lots. Shared driveways can service four or fewer lots. There is at least one road, possibly two that would be required under the plan.

Tesha Humphriss indicates that in general, any parcel will require soil borings to determine if a septic is feasible. There is a possibility for engineered fields on parcels that don't perk. This is not required for rezoning.

Brian Borden suggests that by rezoning, they are not subdividing or splitting the parcels. This merely opens up the potential for that. There is a review process and requirements that must be met before any split is possible.

James Mortensen indicates that this doesn't amount to much for tax revenue. Kelly VanMarter reiterates there is no change unless the property is actually split. James Mortensen outlines the process of rezoning briefly.

Kelly VanMarter indicates if Ms. Mays would like to join in the petition, the Board could table this. This action would save Ms. Mays the expense of petitioning the Board. Kelly has received no formal requests to be included, but feels that there is at least one more parcel that may be interested in joining.

Brian Borden indicates that the property to the north side of Spring Hill was not included because the master plan designation was different. If this is being opened up to additional properties, this must be kept in mind.

James Mortensen asks if this can be verified this evening. Kelly VanMarter shows that the area north is master planned for agricultural country estate. The properties north on Spring Hill is master planned for 5 acres. If an extension is granted for the north, the master plan would need to be amended.

Dean Tenge is opposed to the rezoning. Curt Brown feels the same. If the residents were for this, he would support it. There did not appear to be much support from the public for this petition. The majority of the residents seem to be against it. Kelly VanMarter indicates there were no letters from the general public regarding this issue. James Mortensen is in favor of the petition since the master plan would reflect this change. Barbara Figurski is opposed to the petition. Teri Olson is also opposed. Chairman Pobuda would oppose it, as well.

Brian Borden reminds the Commission a formal action is a recommendation. The Township Board would be responsible for any changes.

Chairman Pobuda calls to the public if anyone supports this petition and lives in the area of petitioner. No one responds.

Planning Commission disposition of petition

- A. Recommendation regarding rezoning application.
- B. Recommendation regarding impact assessment.

Motion by Curt Brown to recommend to the Township Board that the petition for rezoning be denied. Support by Teri Olson. Motion opposed by James

Mortensen. Roll call made. Dean Tenge, Curt Brown, Barbara Figurski, Chairman Pobuda, and Teri Olson all support the motion to deny the rezoning application. James Mortensen opposes the motion. Motion carried 5-1.

Motion by Curt Brown to recommend to the Township Board that the impact assessment not be approved. Support by Barbara Figurski. Motion opposed by James Mortensen. Roll call made. Dean Tenge, Curt Brown, Barbara Figurski, Chairman Pobuda and Teri Olson all support the motion to recommend to the Township Board that the impact assessment not be adopted. James Mortensen opposes the motion. **Motion carried 5-1.**

OPEN PUBLIC HEARING # 2... Review of rezoning application and impact assessment to rezone 126.92 acres centered on Westgate Drive, south of Beck Road and extending west along Chilson Road. The rezoning consists of the following 29 parcels: 11-07-400-001, 002, 003, 004, 005, 010, 011, 024, 025, 026; 11-08-300-001, 006, 009, 023, 025, 026, 027, 028, 029, 030, 031, 032, 033, 037, 038, 039, 040, 041 and 042. The request is to rezone from Country Estates (CE) to Rural Residential (RR) and is petitioned by Leonard Wilks and Genoa Charter Township. (06-23)

Chuck Wilks 4366 Beck Road appeared before the Commission. Petitioner is his father. He requests rezoning as outlined above.

Brian Borden discusses the environmental factors involving the petition. Surrounding designations are discussed. The area is primarily zoned for, planned for and used for residential of varying densities. The master plan identifies the area as rural reserve. The uses for CE and RR are very similar and the differences are primarily agricultural. A two acre minimum lot size would allow for the preservation of the natural environment. This lot size could accommodate septic and well. No extension of utilities is required. The existing roadway would service this area.

This plan would serve the demand for more residential area as seen in the projections. He believes this plan balances this need with the environmental concerns of the public.

Petitioner indicates the wetlands are one to two acres, at most.

Tesha Humphriss addresses her letter of October 18th and October 26th. There is no municipal water and sewer and private wells and septic would be required.

There would be an additional 38 trips in the a.m. peak hour and 41 trips in the p.m. peak hour and therefore, would meet the Township's requirements.

Petitioner indicates the property did perk.

Petitioner indicates shared driveway situations would exist. He would have to come back to the Township regarding private roads.

Joseph Miller, 3432 Beck Road addressed the Commission. He discussed the poor roads and busing situations. He worries about the infrastructure problems caused by traffic. He opposes rezoning. He fears that the Latson Road interchange will cause additional problems with low income housing, strips malls, etcetera. His parcel is 4.99 acres. He has access to a private road with five homes on it. He has a maintenance agreement with the people on that road. There are 4 homeowners that participate in the maintenance agreement. Eventually, he'd like that paved.

Greg LeBlanc, 3444 Beck Road addressed the Commission. He opposes rezoning. He indicates he spent a long time seeking a parcel that was this size and in this area to accommodate his hobbies. Rezoning would affect his life if he wished to add-on. Additionally, he built his house in the center of the property with the assumption that no re-zoning would take place. His parcel is 5.06 acres. He suggests that when he lived in Novi, he was told usage would be grandfathered in and although it was true, he ended up fighting in Court to preserve that right.

Cheryl Barnes, 1677 Chilson Road addressed the Commission. Her parcel is 2 acres. She doesn't wish to see a subdivision. She moved here to be in the country, not in a subdivision. She opposes the petition.

Debbie Allen, 1881 Chilson Road addressed the Commission. Her parcel is 7.5 acres. She opposes the petition. She wants to maintain her wildlife environment.

Mrs. Rose, 1784 Westgate Drive addressed the Commission. She supports the petition. She feels that everyone can have what they want. Their land can remain seven acres or two acres. They determine their own situation and everybody wins. Most of her neighbors on Westgate do support this petition.

Madonna Bork, 3398 Beck Road addressed the Commission. Her parcel is 5.07 acres. She supports approval of the petition. She thinks there is plenty of room for splitting. She reiterates that property need not be sold, but the opportunity to split it would be welcomed.

Larry Stevens, 3356 Beck Road addressed the Commission. He supports the petition. He purchased his property, envisioning a future split.

Theresa Sincog, 1822 Westgate addressed the Commission. She opposes the petition. The roads are not maintained well in the winter and more users would result in worse roads. Her parcel is 7.5 acres.

Martha Well, 1689 Chilson Road addressed the Commission. She opposes the petition. She feels the petition would change the integrity of the environment and neighborhood. She feels that the needs of those who already live in the community should override the need for growth/expansion of the community.

Rick Barnes, 1677 Chilson Road addressed the Commission. He opposes the petition and believes it would be a major impact to the area. There are already problems with keeping up with the growth in schools and municipalities. Perhaps this should be rethought and larger splits be permitted.

Larry Stewart, 1749 Westgate addressed the Commission and is in favor of the petition.

Mike Beelers of 1711 Chilson Road opposes the petition. He feels that doubling the residences in the area could cause problems with traffic and wildlife.

Dorothy Beelers of 1711 Chilson Road opposes the petition. She indicates that Chilson and Beck Road is a high traffic area with many major accidents. Adding another thirty homes into the area would be a major problem. If you consider the railroad crossing, it would be even more dangerous. They spent years searching for their property and were married on it. The wildlife would be endangered.

Ms. Rose discussed a letter sent to the Township by Mr. Engle. Kelly VanMarter indicates almost all letters were in favor of the petition and only one letter opposed it.

Chairman Pobuda asks for a show of hands for those in favor and those opposed to the petition. Chairman Pobuda then requests that only one hand per household be shown.

Chairman Pobuda asks Kelly VanMarter how this petition would work with the proposed Latson Road interchange. The property is master planned for 2 acres, even assuming the interchange.

Petitioner reminds the Commission that granting this petition would be a safety plan for many of these property owners, should they need to subdivide in the future.

Brian Borden indicates this area is planned for a higher density than it's actually zoned for.

James Mortensen asks Brian Borden about the balancing act of unreasonable plans and how that affects lawsuits by developers against municipalities. If the interchange goes through, the developers will bring a lot of pressure against the Township for larger developments.

Planning Commission disposition of petition

- A. Recommendation regarding rezoning application.
- B. Recommendation impact assessment.

Motion by James Mortensen to recommend the Township Board approve the rezoning application. Support by Chairman Pobuda. Roll call made. The motion was approved by Dean Tenge, James Mortensen, and Chairman Pobuda. The motion was opposed by Curt Brown, Barbara Figurski, and Teri Olson. **Motion fails, 3-3.**

Motion by James Mortensen to recommend to the Township Board approval of impact assessment dated October 26th. Support by Chairman Pobuda. Roll call made. The motion was approved by Dean Tenge, James Mortensen and Chairman Pobuda. The motion was opposed by Curt Brown, Barbara Figurski, and Teri Olson. **Motion fails, 3-3.**

Administrative Business:

- *Planners report presented by LSL Planners*
- *Approval of October 30, 2006 Planning Commission meeting minutes. Motion by Barbara Figurski to approve the minutes of the October 30th meeting. Support by James Mortensen. Motion carried unanimously.*
- *Member Discussion*

Meeting adjourned at 8:50 a.m.

Respectfully submitted,

Kristi Cox
Recording Secretary