

GENOA TOWNSHIP
PLANNING COMMISSION SPECIAL MEETING
PUBLIC HEARING
OCTOBER 30, 2006
6:30 P.M.
MINUTES

CALL TO ORDER: The meeting was called to order at 6:37p.m. Present constituting a quorum for conducting business were: Chairman Pobuda, Barbara Figurski, James Mortensen, Steve Morgan, and Teri Olson. Also present were Kelly VanMarter, Township Planner and Jeff Purdy from Langworthy Strader and LeBlanc representing Genoa Township.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited followed by a brief moment of silence.

APPROVAL OF AGENDA: **Motion** by Barbara Figurski to approve agenda. Seconded by Teri Olson. Motion Carried.

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

OPEN PUBLIC HEARING #1...Review of amendments to the Zoning Ordinance text affecting the entire Township of Genoa.

Jeff Purdy was present on behalf of LSL: Jeff Purdy outlines proposed changes to the Zoning Ordinance. Chairman Pobuda asks if it meets the qualifications required by the public act. Jeff Purdy describes changes to Article 3 regarding regulations for keeping of animals. Description of changes regarding the public recreation facility district and changes to the commercial district. Jeff Purdy explains that an existing restaurant would not need to come before the Planning Commissioners for outdoor seating approval. However new restaurants will have to come before the Planning Commission. Mr. Purdy states that alcohol can be served outside if the establishment has a liquor license and they fulfill the requirements of the Liquor Control Commission. James Mortensen asks questions regarding temporary outdoor sale events. Kelly VanMarter clarifies the changes being made to the Zoning Ordinance regarding outdoor sales. Land use permits for temporary outdoor sales events will be extended to the NSD district. Permanent outdoor sales are allowed with special land use approval. Temporary outdoor sales events are approved administratively. Community centers and philanthropic uses are being added to commercial districts.

Kelly VanMarter summarizes the issue that has been brought up by business owner Blythe Patterson regarding an outside vendor doing sales or events in a parking lot. This is not allowed per the ordinance. Kelly VanMarter recites the proposed language drafted by the Township Attorney regarding this issue for community fundraising and non profit events. James Mortensen states his opposition to the proposed amendment. Jeff Purdy explains that other townships address this issue through special event permits rather than an amendment to the zoning ordinance.

Jeff Purdy explains the proposed changes to the Commercial and Industrial Districts. They have added a clarification to the set back regulations when there is parking on the

side and in the rear. Mr. Purdy explains the changes in the Industrial District. Steve Morgan asks why community centers are being added to the industrial district as special use. Jeff Purdy explains that purpose behind this amendment. Kelly VanMarter explains that the purpose of adding the community centers was per the Salvation Army's request. Jeff Purdy suggests changing the language to the zoning ordinance regarding the term "community center." Jeff Purdy will work on language and a definition of community centers.

Discussion of changes to ordinance regarding the planned unit development and parallel plans regarding redevelopment PUDs.

Jeff Purdy explains changes to the general provisions in the Zoning Ordinance. Accessory building regulations clarified language regarding accessory buildings being permitted in front yards on lots of 5 acres or more. Maximum lot coverage restriction has been eliminated. Proposal to eliminate the setback requirement for privacy fences.

Jeff Purdy explains the proposed changes to Article 12 Site Development Regulations and the allowable building materials.

Jeff Purdy explains the proposed changes to the buffer zone requirements landscaping between uses, size of the parking lot and the amount of trees in the parking lot.

Changes to environmental protection regulations. Comments from Tesha Humphriss via letter. This change will add additional regulations for private community waste water management systems. James Mortensen states that the requirements should be recorded as part of a master deed. Jeff Purdy will make those changes. Steve Morgan states that PCWS does not have to come to the PC for approval but that it should. Steve Morgan questions the financial reserve requirement. Jeff Purdy explains that the intent would be that the developer would have to establish the fund to begin the project to safeguard the Township. James Mortensen asks if the intent is to force the developers to put up front money if the system fails. Steve Morgan states that the residents are going to have to pay for this fund. Discussion of pros and cons of the replacement fund. Steve Morgan indicates that he does not agree with this provision. Kelly VanMarter states that this would be a good addition to the ordinance to protect the residents. Steve Morgan states that adequate buffering should not be determined by the Township but is rather a health department issue. Jeff Purdy states that they could defer to the Health Department. The Board finds that this is a reasonable suggestion. Steve Morgan thinks that the design engineer should certify as-built plans to the Township in writing so that the design engineer may be held accountable. The Commission supports this addition.

Jeff Purdy describes storm water management changes as it relates to underground detention basins. Steve Morgan suggests adding language "failure of the" underground water system.

Jeff Purdy explains the changes to the parking provisions as well as private roads and setback requirements. This amendment will eliminate the setback requirements for a driveway. Kelly VanMarter clarifies that this does not address easements or other right of ways. Sign Regulations: elimination of the political sign restrictions. This ordinance will follow what the attorney general recommends. Costume people were added to the

definition of a sign and will be regulated as a sign. The regulations for wall signs have been amended.

Description of proposed changes made to the Administration and Enforcement Section. Kelly VanMarter points out the review letter from tetra tech making a recommendation regarding storm water. James Mortensen states that the only changes that are unclear are the changes regarding community centers and outside sales for community fundraising and non-profit events. Jeff Purdy suggests re-wording community centers to include community service facilities. Kelly VanMarter states that she has a clear understanding of the intent of adding community center and she feels these changes can be made without re-review by the Commission.

Call to the public was made with the following response:

Allen Patterson, ASI Corporation: States concerns regarding Costume People and political signs. He states his concerns regarding community events. States that car shows were not addressed. States that the Township will run into a real problem if they try to grandfather certain locations. He states that one size does not fit all. This should be a special use and should allow good things that occur in the community. Does the Township really want to shut that down? These types of events should not be grandfathered.

Ted Kuderko, 2650 East Grand River: Asked what the intention of the Planning Commission was when the provision regarding outdoor events was drafted. Kelly VanMarter states that this issue just came up and she explains the concerns of Township regarding this issue. Mr. Kuderko asks if there is way to simplify the process. Kelly VanMarter states that the permit process is pretty basic and simple. Steve Morgan states that the Township does not want to prevent anyone from doing anything. Mr. Kuderko asks if the fee for a non-profit event can be waived. Discussion of enforcement of this provision.

Gary McCrie, Township Supervisor: States that the case law and public acts allow the Township to restrict the private waste water systems from coming into the township altogether. He intends to bring these restrictions to the Township Board because of the propensity of these systems to fail. His intention is to prohibit these systems from coming into the Township.

Blythe Patterson, 2424 Coon Lake Road: She is the business owner of Great Escape She states that a difficult situation is being set up. Four times a year to allow for an event is not sufficient. She wanted her business to have community events. This community is being turned into a very sterile community. She urges the Planning Commission to draft language to make outdoor community fund raising and non-profit sale events a legal use. These events bring heart to the community.

Call to the public closed

Jeff Purdy describes the definition of a political signs. The person that is dressed as the Statute of Liberty does not constitute a political sign. To constitute a political sign, it must promote something relative to an upcoming election. Sandwich boards are considered temporary signs and are prohibited.

Kelly VanMarter states that the draft language would allow for car shows because it allows for community fundraisers or nonprofit events. Questions regarding a for profit organization putting on an event “not for profit.” Chairman Pobuda states that this would be similar to a car show. James Mortensen cautions regarding interpretations of this provision. Kelly VanMarter states that she can see the difficulty in determining what would be permitted. She states that there is a good point to either not allow them or to allow them all. Arbitrary lines will create difficulty for the staff to decide which is a community event, what is non-profit, etc.

Allen Patterson states that one way to get around the ordinance is for an organization to ask for donations. That would be considered non-profit.

Planning Commission disposition of petition

- A. Recommendation regarding zoning ordinance amendments.

Motion by James Mortensen for approval of the zoning ordinance amendments as presented in the LSL letter dated October 11, 2006 subject to the following:

1. In section 8.02.02 the word “community centers” will be revised along the lines providing service center consistent with the services provided by the shelter.
2. Article 13 regarding Environmental Protection Regulations for Private Community Wastewater Systems (PCWS):
 - a. That the entire language be required to be recorded;
 - b. The minimum buffering for the PCWS in 8.02.02(f) will be determined by the Livingston County Health Department;
 - c. Item (g) shall be deleted;
 - d. Language will be added to require the design engineer to certify construction and provide as-built drawings of the community waste water system.
3. Language added to include failure of the underground water detention system in section 13.08.02(d).
4. In section 13.08.02b the language should be added that “the petitioner shall submit an annual maintenance plan for the township’s engineer’s approval during the site plan review.

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

Motion by Steve Morgan that we insert the language as provided by counsel on page 7-15 as item (w) as written. Seconded by Barbara Figurski. **Motion Carried. 3-1-1 (James Mortensen voted no).**

Motion by Barbara Figurski to approve the minutes as amended. Seconded by Teri Olson. Discussion of the meeting minutes. Change on page 3 delete the word “to” in last motion on the page by James Mortensen. **Motion carried unanimously.**

Administrative Business:

- *Planners report presented by LSL Planners*
- *Approval of October 10, 2006 Planning Commission meeting minutes*

10-30-06 Approved PC Minutes

- *Member Discussion:* Discussion agenda items for the November 13, 2006 meeting involving rezoning areas. November 13, 2006 is the only meeting scheduled in November. Update regarding the cell tower.

Adjournment at 8:34 pm.

Respectfully Submitted,

Kristi Cox
Recording Secretary