

GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
April 26, 2004
7:00 p.m.
MINUTES

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:08 p.m. The following commission members were present constituting a quorum for transaction of business: Don Pobuda, Barbara Figurski, James Mortensen, Curt Brown, John Cahill, Bill Litogot and Teri Olson. Also present was Kelly Kolakowski, Township Planner; Paul LeBlanc from Langworthy, Strader, LeBlanc & Associates, Inc., Debra McAvoy from Tetra Tech, MPS, and Dennis Perkins, Township Attorney. There were approximately 400 people in the audience.

The Pledge of Allegiance was recited and a moment of silence was observed.

Moved by Litogot, seconded by Figurski, to approve the Agenda as written. **The motion carried unanimously.**

The call to the public was made to discuss items not on the agenda. There was no response and the call to the public was closed at 7:09 p.m.

Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

OPEN PUBLIC HEARING # 1...Rezoning application, environmental impact assessment, and site plan to rezone 177.66 acres (Faulkwood Shores Golf Course) located on both sides of Hughes Road, ¼ mile south of Golf Club Road, Section3 and Section4, from PRF (public/recreational facilities) to MDR (medium density residential), petitioned by Landtec Realty, Inc. (PC 04-02)

- Planning Commission disposition of petition
 - A. Recommendation regarding rezoning application.
 - B. Recommendation regarding impact assessment.

Chairman Pobuda stated this is a follow up to last month's meeting where the petitioner made his presentation followed by the public hearing. He noted that the Township has legal procedures to follow when a petitioner requests a rezoning. There has to be a public hearing, which was held last month, and this is a follow up to that.

Mr. LeBlanc stated this is the first stage of the rezoning application process. After the public hearing, the Planning Commission will make a recommendation to the Township Board; however, before it is presented to the Board, the

Livingston County Planning Commission has 30 days to review the application and make a recommendation to the Township Board. The Township Board will then review the request, review the comments from the public, as well as the findings and recommendations from the Commissioners. They will then take final action to approve or deny the request.

Mr. Thomas Kalas, an attorney representing the petitioner, Carlos Santia, a traffic consultant, and Brent Levanway from Boss Engineering, were present.

Mr. Kalas stated they have responded to the comments and concerns from the Planning Commission, consultants and the public regarding the wastewater treatment plant, wells, airport, traffic, water table, etc. They have also submitted additional information and are present this evening to answer any questions they can. They would like to receive a recommendation this evening so they can proceed to the County Planning Commission.

He reviewed his letter dated April 14, 2004.

1. 1. Wastewater Treatment Plant – They chose that area of the site for the plant because they were looking for an area with suitable soils and upon reviewing this, they found the northwest corner of the site as the best as well as it being the highest point on the site.
2. 2. Wells and Water Table - He noted several other projects in the area, Covington Greens, Chemung Forest, Forest Ponds, etc. that have wells. He stated that during the site plan review process, the Township can review the details and ensure that all ordinances and requirements are met.
3. 3. Airport – Mr. Kalas stated they acknowledge that they will need to get approval from the FAA and MDOT at the site plan phase of this project.
4. 4. Existing Lease of Treatment Pond on the Site – The proposed wastewater treatment plant will be sized for both their site and the adjacent campground to the site so the need to lease the pond will no longer be necessary.
5. 5. Water Levels of Lake Chemung – This issue will also be addressed during the site plan process.

Mr. Carlos Santia reviewed his traffic impact analysis. They have based their study on 5 percent growth in the area. He reviewed the major roads and intersections that will be affected and gave current and future peak hour counts. He also compared these numbers to the current golf course use as well as SR and LDR zonings. He advised proposed road improvements to the area that would need to be made. He added that the Livingston County Road Commission will need to make any final decisions regarding road improvements.

Mr. Paul LeBlanc reviewed Mr. Purdy's letter of March 3, 2004. He reiterated that with the proposed zoning, 8 units per acre could be developed on this site,

for a total of 1,400 units. The petitioner is proposing to build 1016 units; however, the maximum number of units should be considered when considering the rezoning. He stated that the applicant has still not addressed all of their concerns, especially the inconsistency of this request with the Township's goals, policies, Master Plan, and future land use map. There has been no substantial evidence that this property could not be used as it is currently zoned as well as the need for more MDR zoning in the Township. They have concerns regarding servicing this site with a private wastewater treatment plan and water system and how this may impact the surrounding properties as well as the groundwater. The traffic study has been provided; however, there are details still lacking. Also, regarding the off-site improvements needed noted by the petitioner, the Township does not have the authority to require these improvements nor has the petitioner offered to fund them. They also have concerns regarding the compatibility of this density with the surrounding uses. The petitioner noted that all of these issues could be addressed during the site plan process; however, it would not be good for the Township to rezone this property without getting into the details of this proposed project first.

Ms. Huntley reviewed her letter dated April 21, 2004.

1. Lake Levels – She does not believe that the petitioner has complied with the Livingston County Drain Commission and has not addressed the concerns of the residents regarding lake levels.
2. Water Service – She would like to see that the aquifer in this area could service these 1400 units. She added that if there is not a central water softener, then each residence would have an individual softener and the Township has seen problems with sodium chloride being discharged back into the system. She would like to see plans for a central water softening system.
3. Wastewater Treatment Plant – There is also sodium chloride concerns with regard to this. She would also like to see a plan for this.
4. Traffic – She would like to see further details provided. Two critical intersections, Hughes Road and Grand River and Hughes Road and Golf Club, need to be reviewed. If these two intersections cannot handle the traffic generated by the 1,400 units, then the rezoning should not go forward.

Commissioner Figurski is very concerned with the traffic impact. She is also concerned with the sodium chloride from the water softeners. This area is not master planned for this and she does not feel it is good for the Township or the people in the area.

Commissioner Cahill asked the engineer about the traffic study that was received on April 22, 2004, which she did not have time to review. Ms. Huntley advised she met with the Road Commission on April 12th and as a result of this meeting, she advised the petitioner of issues that needed to be addressed. She advised the petitioner that she would need their report by April 21st so she could review it

and report to the Planning Commission at tonight's meeting. She received the report one day later. She noted that the petitioner's traffic study was done based on 1,016 homes and not the 1,400 units that could possibly be built on this site. To make a final judgment on the traffic impact, she would like to see that information and she does not have that right now.

Commissioner Cahill asked the petitioner why the study was not done based on 1,400 units. Mr. Santia stated they need more time to do that study. He advised that they could do that study if the Township requested it. Mr. Santia did an estimated calculation and he determined that based on 1,400 units, it could increase the trips to 1500 – 2000 per day, which could change some of the service levels slightly.

Commissioner Cahill reiterated that he has asked for proof that the current landowner could not generate an economical return as it is currently used and it has not been provided. Mr. Kalas stated they do not have that information at this time. He does not want the Planning Commission and public to assume that this site will be built to the maximum allowed. Depending on certain issues, they may not be able to build as many units as proposed. He noted that the Planning Commission could put limits after they receive the information that is being requested. They have safeguards. It is very costly to perform all of the tests that are being requested and they do not want to spend the money if the rezoning is not going to be approved. There are issues such as traffic, road conditions, water, the wastewater treatment plant, etc. that could affect the number of homes that could be put on this site. They want to have a marketable product. They do not want negative feedback from the surrounding residents, which will hinder the sale of these units.

Commissioner Cahill noted that the rezoning criteria states there needs to be a lack of reasonable economic return on the property. He lives in the area and can not golf there because it is very crowded. He would like evidence. Mr. Kalas advised that his statement that the use is not economically feasible is evidence and the owner's tax returns, etc. are confidential and will not be provided at this time.

Commissioner Litogot stated that the petitioner has not addressed the engineer's concerns, he does not feel Hughes Road can handle this traffic, and he lives on the lake and has a great concern with the wastewater treatment plant and the well.

The call to the public was made at 7:58 p.m. Chairman Pobuda advised the public to discuss any new or different concerns or comments than what was discussed at the previous meeting or addressed this evening.

Mr. Jim Pratt of 285 N Hughes Road stated that since the last meeting, he has become aware of some things and wanted to inform the Planning Commission.

1. The Planning Commission has approved other developments similar to this and due to this, there is an overstock of existing homes and it is bringing the value of these homes down by 3 percent.
2. 63 homes for less than \$200,000 are currently for sale within one mile from Faulkwood Shores and have been on the market for over 90 days.
3. In all of the Howell School District, 743 units were sold last year.
4. The 2000 census data for the condos at Latson and Grand River were 25 percent of the homes had 2 children, 21 percent had 1 child, and 8 percent had 4 children. This is much less than what the applicant has suggested.
5. If this is approved, 1,230 children would be added to the Howell School District. Three Fires Middle School cost \$27 million to build and it accommodates less than that amount.
6. 22,550 rounds of golf were played at Faulkwood Shores last year, which is up 6 percent from the previous year.

He does not see anything but increased business, since some of the surrounding golf courses in the area may be closing.

Handy Township has recently put a hold on development due to the discrepancies in their ordinance. He would encourage the Planning Commission to suspend any MDR zoning due to the variances in the ordinance.

He advised that their group has organized and researched and have found something that may work for this property. A 1905 law allows for a Township Park Commission to be organized by the citizens. If two Townships are adjoining a property, a park committee can be established. Genoa and Osceola Township are proposing to put this on the ballot for the next election. They are proposing 1.05 mills over 10 years, which could generate \$1.2 mills, to allow the Township to purchase and keep the area as a public golf course and park.

He noted there is currently other development in the area and does not feel the Township can afford to approve this rezoning and allow this development. He asked the Planning Commission to consider all options that may be available.

Ms. Mary Jo Coopersmith of 1600 Hughes Road noted that in February of 2004, Marion Township turned down the rezoning of a golf course because they felt that D-19 could not handle the traffic of 630 homes. She does not feel Hughes road can handle that kind of traffic and it cannot be widened. There are three subdivisions in the area that are not even complete.

Mr. John Champa of 2491 Itselll feels the Township needs to review this further before making a decision.

Mr. Steve March of 4747 Edinburgh advised that they have formed a group called GUARD. They continue to be opposed to this based on the concerns that

have been addressed. He does not feel the petitioner is willing to work with the Township. They should pay for the studies that are being asked of by the Township.

Ms. Laura Wildman of 658 Pathway is strongly opposed to this rezoning. She is concerned for the wildlife, the traffic, and property values. She hopes the Petitioner will withdraw their offer and allow the golf course to stay or a park to be built there.

Ms. Sandy Hargrove of 660 Olde Ivy Lane lives on the 17th Fairway of Faulkwood Shores. She noted that at the last meeting it was raining out and when she got home, there were puddles of water near her home and she is concerned that the additional building will make this worse. She is concerned about the traffic on Hughes Road as well as the softener / salt use as noted by the Engineer.

Ms. Christy Steel of 622 South Hughes Road was present with her son, Robert, who owns the property at 4841 South Hughes Road. He rides his horses and tends to his cows on this property. She does not want a traffic light on that corner. The Township needs the green space. There is enough building already in the area. She does not want 10 years of construction traffic in front of her home.

Mr. Walter Ogle of 5438 Ivy Court does not feel the traffic estimates made by the petitioner are accurate. He asked them to travel that road when the mail is being delivered, the trash is being picked up, and the school bus is picking up children. He stated he had to wait to get onto the golf course today, and it was raining, so he does not believe it is not economically feasible.

Mr. Dave Best of 628 Pathway noted that the petitioner is refusing to give financial proof of the lack of economic feasibility of the golf course, as well as not conducting the studies that are being requested by the Township. He does not want Latson Road widened to a boulevard. He does not want "Telegraph Road" in Livingston County.

Mr. Frank Menisee of 230 S Hughes Road is a seasonal resident. He is a boater on Lake Chemung and there is currently a problem with receding water. He does not need a traffic study to tell him he would not want his kids walking down Hughes Road.

Mr. Jim Spaewa of 684 Olde Ivy Lane asked the audience who is in favor of this rezoning and no one raised their hands.

Ms. Sue Pickle of 182 South Hughes Road stated she has reviewed the Master Plan and this proposal does not comply with its goals. The Master Plan shows that you need to have public sewer and water. She added that the Master Plan states "poor planning lingers" and it is the desire of the residents to preserve

existing views. She is concerned about the small creek that runs through this site and all of the wildlife in the area. She asked the Planning Commission to please consider all of the questions that need to be answered in the Township's Land Use Plan. There needs to be a "yes" answer to all of them.

Mr. Phil Mularski of 320 S Hughes Road purchased a lake house on Lake Chemung and he feels there is already too much traffic.

Mr. Jack Pike of 686 Pathway has lived here for 14 years. He stated there are four deer that live on the golf course and the residents feed them. The deer want the golf course to stay.

Mr. Andy Burke of 612 Olde Ivy Lane does not feel that the economic feasibility of the golf course should be an issue when deciding to rezone a property.

Mr. Jerry Petrucci of 652 Olde Ivy Lane is concerned with the construction traffic in the area for 10 years.

Ms. Connie Kara, who lives in Forest Pines Subdivision, hopes the rezoning does not go through. She is concerned with a fire issue. We can not currently sustain full time firepersons now and the hospital in the area cannot accommodate an additional 3,000 people. The community cannot support this rezoning.

Mr. Gary Revenaugh of 404 Cloverview, which is off of Latson Road, is concerned with the traffic. There have been 2,000 new homes built at the corner of Latson and Grand River and this needs to be considered with the traffic study. He also noted that the Latson and I-96 interchange will be developed and that will increase the traffic on Latson Road. He would like to ask the petitioner how they would feel if they bought a nice home and someone put a sewer treatment plant in their front yard. He questioned how the odor is going to be controlled.

Ms. Sandy Glowacki of 1621 Hughes Road has children and lives on the curve on Hughes Road. The 25 MPH speed limit is not enforced. She has asked for speed bumps in this area but was denied. The cars travel 60 MPH.

Mr. Eugene Corizon, who is a Korean War Veteran, lives at 1418 South Hughes Road stated the traffic is very fast on Hughes Road and many animals have been killed trying to cross the road. The people on the Board are supposed to represent the people and not the developers.

Mr. Fred Jones of 800 Pathway stated that 10 years ago he tried to get sidewalks put on Hughes Road and the Livingston County Road Commission and the Township denied his request. The children need to ride their bikes on the road. He would like sidewalks.

Ms. Kelly Chandler of 222 Shorewood owns nine acres next to the proposed wastewater treatment plant and has been waiting to build her dream house there. She and all of the people here this evening are trusting the Planning Commission to make the right decision for their health, safety, and welfare.

Mr. Dale Smith of 979 White Willow shares the concerns voiced this evening regarding the wastewater treatment plan. He noted that Lake George will also be affected by this, not just Lake Chemung. He reiterated the other residents' concerns regarding the runoff problems that are currently in the area.

The call to the public was closed at 8:47 p.m.

Mr. Dennis Perkins noted that the Planning Commission needs to consider Ordinance Section 22.032 before they make a recommendation to the Township Board. They need to follow the criteria set forth in Section 22.04 of the Ordinance when considering the rezoning.

Commissioner Mortensen stated that if the rezoning is to be approved, the highest density possible under the ordinance needs to be considered, not what the petitioner is proposing. Once it is rezoned to MDR, it would be very difficult to rezone it to a less dense zoning.

Commissioner Cahill stated it is gratifying to see so many residents of the Township here for both of these meetings. The views of the neighbors are always important to him.

Chairman Pobuda concurred and notified the public that the Planning Commission does listen to their comments.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board denial of the rezoning of 177.66 acres (Faulkwood Shores Golf Course) located on both sides of Hughes Road, ¼ mile south of Golf Club Road, Section 3 and Section 4, from PRF (public/recreational facilities) to MDR (medium density residential), petitioned by Landtec Realty, Inc. for the following reasons:

1. 1. The petitioner has not met the requirements of Section 22.04 of the Township Ordinance.
2. 2. The petitioner has not responded to the concerns of the Engineer's letters dated February 11, 2004 and the Planner's letter dated March 3, 2004, including
 - a. The petitioner has not provided information on soil boring tests for the wastewater treatment plant.
 - b. The petitioner has not provided aquifer tests to ensure 1,400 homes could be serviced by the well.
 - c. There has been no hydrological or aquifer studies done to show the affect on Lake Chemung or the neighboring wells.

- d. The petitioner has not provided an investigation of sodium chloride pollutant on groundwater discharge.
- e. This zoning is not consistent with the goals, policy or future land use map of the Master Plan.
- f. The petitioner has not provided sufficient traffic data, including the affects on two critical intersections, Hughes Road and Grand River and Hughes Road and Golf Club Road.

Commissioner Brown proposed a friendly amendment to the motion on the table:

- 3. The number of units allowed would have significant impact on schools, which was not fully analyzed.

Commissioner Cahill proposed a further friendly amendment to the motion on the table:

- 4. The petitioner has failed to show that a reasonable rate of return could not be received under the current zoning.

Commissioners Mortensen and Litogot accepted the two amendments and **the motion carried unanimously with a roll call vote (Cahill – yes; Brown – yes; Mortensen – yes; Figurski – yes; Pobuda – yes; Olson – yes; Litogot – yes).**

Mr. Perkins advised the public that the rezoning request has not been denied, but a recommendation to deny has been made to the Township Board. He also suggested the Planning Commission address the next item on the agenda, which is a recommendation regarding the Impact Assessment.

Moved by Mortensen, seconded by Litogot, to recommend denial of the Impact Assessment dated January 28, 2003 for the rezoning of 177.66 acres (Faulkwood Shores Golf Course) located on both sides of Hughes Road, ¼ mile south of Golf Club Road, Section 3 and Section 4, from PRF (public/recreational facilities) to MDR (medium density residential), petitioned by Landtec Realty, Inc. for the reasons outlined in the above motion recommending denial of the rezoning request. **The motion carried unanimously.**

The meeting adjourned at 8:59 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary