

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
March 8, 2004
6:30 P.M.
MINUTES

The work session of the Planning Commission was called to order by Chairman Don Pobuda at 6:30 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; Jeff Purdy from Langworthy, Strader, LeBlanc & Associates, Inc. and Debra McAvoy from Tetra Tech, MPS. By the end of the work session, there were a few persons in the audience.

Items scheduled for action during the regular session of the commission were discussed.

GENOA TOWNSHIP
PLANNING COMMISSION
PUBLIC HEARING
7:00 P.M.
MINUTES

The regular session of the Planning Commission was called to order by Chairman Don Pobuda at 7:00 p.m.

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

Chairman Pobuda advised that Agenda Item #2, Faulkwood Shores Golf Course Rezoning, would be adjourned this evening. He noted that the Commissioners have received and read all of the letters from the residents. He asked Mr. Purdy to explain the process for the rezoning application.

Mr. Purdy stated the petitioner has filed an application for rezoning of the property and the Township is obligated to consider the application. There are a number of steps in the process. The first step is to conduct a public hearing. Then the Planning Commission makes a recommendation to the Township Board and the County Planning Commission will review the request and make a recommendation to the Township Board. The Township Board would then consider all comments and recommendations and make a final decision on the rezoning. If the rezoning is approved, then a site plan would need to be submitted and there would be another public hearing and another recommendation to the Township Board from the Planning Commission.

Chairman Pobuda stated that the Township would like to have the petitioner make their presentation and then allow all of the public to make their comments; however, with the large number of people this evening, the building is over capacity. The Township will hold a special meeting on Wednesday, March 24, 2004 at 7:00 p.m. at Three Fires Middle School on Crooked Lake Road.

A resident rose and stated he does not feel it is fair that all of these residents have come this evening and now it is being postponed. All of these people are here because they are opposed to this development.

Mr. Purdy stated the number of people in the building at this time is over capacity and in violation of the fire code; it is the Township's legal responsibility to postpone the public hearing.

Moved by Litogot, seconded by Figurski, to approve the Agenda with the following changes:

1. Adjournment of Agenda Item #2.
2. At the petitioners' requests, delete Agenda Item #3 and Agenda Item #5.

The motion carried unanimously.

The call to the public was made to discuss items not on the agenda. Mr. Darrell Brown of 438 Lillyview Court, President of the Lakewood Knoll Condominium Association, stated they are having a problem with the drainage in their development. They have contacted Hampton Ridge and they are stating that the problem is being caused by the Singh development. He would like the Planning Commission to hold off on any further development on this site until this issue is resolved.

Ms. Kolakowski advised that the wetlands located behind the Lakewood Knoll Condominiums have been experiencing sedimentation. She is working with the Livingston County Drain Commission's office to determine the source of the sedimentation.

Ms. McAvoy is not aware of this issue; however, she can assist the County with their investigation.

Mr. Mike Can of Singh Development was unaware of the problem. They worked with the Drain Commission's office to determine how their drainage would work with Hampton Ridge. They will work with the Drain Commission to correct this problem if they are the cause.

The call to the public was closed at 7:15 p.m.

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

OPEN PUBLIC HEARING # 1...Review of site plan, PUD amendment, and environmental impact assessment for proposed 19,875 sq. ft. commercial development (Shops at Westbury), which is part of the Lorentzen PUD, Sec. 9, petitioned by Singh Development Co. (PC 03-15)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding PUD agreement.
 - B. Recommendation regarding impact assessment.
 - C. Recommendation regarding site plan.

Mr. Tom Dummond of Boss Engineering and Mr. Mike Cane of Singh Development were present to represent the petitioner.

Mr. Dummond noted the changes that were made to their plan. Per the request of the Planning Commission, their sign is now in compliance with the Township Ordinance. Also, they have relocated the driveway approach to align with TW Friends' driveway and the building size has been decreased to 18,000 square feet.

Mr. Purdy advised that the petitioner has addressed their previous comments. They have three outstanding issues that need to be addressed in the PUD Agreement, which does require approval from the Township Board.

1. The building will have a zero setback from the west lot line, which is not a problem as long as the two properties remain under the same ownership. The Petitioner has agreed to this condition.
2. The proposed building height of 26 feet requires an amendment to the PUD Agreement. Mr. Purdy noted that the height is compatible with the multi-family dwellings to the rear because of the change in grade.
3. Restaurants with outdoor seating need to be included in the PUD Agreement and will need to include restrictions, such as number of seats, hours of operation, no outside PA system, etc.

Ms. McAvoy advised that they have some minor aesthetic items that need to be worked out with the applicant.

Commissioner Cahill questioned how the height of the proposed building compares with the clubhouse next to it. Mr. Cane stated the grade on this site is six to seven feet less so the building will appear the same height as the clubhouse.

Commissioner Mortensen asked where the outside seating will be located. It will be on the southwest corner of the building and there are only three tables proposed at this time.

Commissioner Figurski feels the lighting is excessive and she does not agree with allowing the zero lot line. Commissioner Mortensen noted it was agreed in

the past that if the two sites remain under one ownership, then there is truly not a zero lot line.

Mr. Purdy advised that their lighting currently meets the ordinance.

Mr. Cane advised that most of the lights are decorative in nature or for safety. After a brief discussion, the petitioner agreed to eliminate the two building lights in the middle of the front façade.

Commissioner Litogot asked how the 26-foot building height was calculated. Mr. Dummond said it is measured midway from the eaves to the top of the roof and therefore meets the ordinance.

He also questioned the signage. Mr. Dummond stated they are proposing a six-foot monument sign on the ground, and not on a berm. Commissioner Litogot wants to ensure that there is no other tenant signs on the building. Mr. Cole is aware that he will need to return to the Planning Commission with any of these requests.

Commissioner Cahill asked for building material samples. The petitioner stated they are using the same materials that were used on the clubhouse.

Commissioner Cahill noted Mr. Brown's concerns with the drainage. He is wondering if the "culprit" is Summerfield Point. Ms. Kolakowski reiterated that it has not been determined who is causing the drainage problem.

The call to the public was made at 7:40 p.m. with no response.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the PUD Agreement for a proposed 19,875 sq. ft. commercial development (Shops at Westbury), which is part of the Lorentzen PUD, Sec. 9, petitioned by Singh Development Co. (PC 03-15) with the following conditions:

1. The proposed building will have a zero setback from the west lot line without a firewall and the Agreement will be amended in such a fashion to preclude the sale of this building from the adjacent property to the west.
2. The building height of 26 feet as measured according to Township Ordinance is acceptable.
3. Outside seating will be limited to three to four tables seating four people each and shall comply with the following restrictions:
 - a. The seating area will be delineated with landscaping.
 - b. The hours of operation will be from 7:00 a.m. to 11:00 p.m.
 - c. There will be no outside music or PA system.
 - d. There will be no additional outside lighting.
 - e. It will be allowed from May 1st through October 31st.

- f. The tables and chairs and related fixtures will be removed from November 1st through April 31st.
 - g. All requirements of the Livingston County Liquor Commission will be complied with.
4. Signage will be according to the Township Ordinance and will require staff approval.

The motion carried unanimously.

Moved by Litogot, seconded by Figurski, to recommend to the Township Board approval of the Impact Assessment dated February 4, 2004 for a proposed 19,875 sq. ft. commercial development (Shops at Westbury), which is part of the Lorentzen PUD, Sec. 9, petitioned by Singh Development Co. (PC 03-15) with the following conditions:

- 1. Item #F needs to include "Shops of Westbury"
- 2. The outdoor seating restrictions shall be included.
- 3. The last sentence in Item F needs to be changed to "Completion of the service drive is scheduled for no later than _____" (Not October 2003).

The motion carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the Site Plan for a proposed 19,875 sq. ft. commercial development (Shops at Westbury), which is part of the Lorentzen PUD, Sec. 9, petitioned by Singh Development Co. (PC 03-15) with the following conditions:

- 1. The two center decorative building lights will be removed from the front façade.
- 2. Materials will match the clubhouse building immediately to the west.
- 3. Signage will be according to Township Ordinance and a monument sign no taller than six feet will be allowed. All signage materials will match the clubhouse building materials.
- 4. At the time of Township Board review, the petitioner will be prepared to respond to any drainage issues discovered and identified by the Township Engineer.
- 5. Petitioner will comply with the requirements of the Howell Fire Department's letter dated February 19, 2004.
- 6. Wall pack lighting units at the rear of the building shall be approved by Township Staff.

The motion carried unanimously.

OPEN PUBLIC HEARING # 4...Reconsideration of January 26th, 2004 motion regarding approval of the PUD Rezoning Application for a 191 acre parcel (Preserve of Genoa) located south of Brighton Road and east of Chilson Road, Section 33 & 34, petitioned by Crescendo homes. The request is to recommend a PUD (mixed use) zoning classification rather than a RPUD (residential) designation. (PC 03-25)

- **Planning Commission disposition of petition**
 - A. Reconsideration of January 26th, 2004 motion.
 - B. Recommendation regarding rezoning.

Moved by Cahill, seconded by Mortensen, to reconsider the Planning Commission's motion of January 26, 2004. **The motion carried unanimously.**

Ms. Kolakowski stated that upon review, the Livingston County Planning Commission recommended denial of this request because there are two underlying zonings and the rezoning showed the incorrect zoning classification.

The call to the public was made at 7:55 p.m.

Mr. Brian Walker of Atwell Hicks on behalf of Crescendo Homes was present to answer any questions the Commissioners may have.

The call to the public was closed at 7:56 p.m.

Moved by Mortensen, seconded by Brown, to recommend to the Township Board approval of the rezoning of a 191 acre parcel (Preserve of Genoa) located south of Brighton Road and east of Chilson Road, Section 33 & 34, petitioned by Crescendo homes to a PUD (mixed use) zoning classification because it is consistent with development trends in the area and is consistent with the Master Plan.

The motion carried unanimously.

Moved by Figurski, seconded by Olson to approve the minutes of February 9, 2004 with the changes noted. **The motion carried unanimously.**

Member Discussion

Mr. Purdy advised that there will be a fifth Monday meeting this month on March 29, 2004 to discuss zoning ordinances and their recommended changes.

Ms. Kolakowski advised there will be a second Planning Commission meeting this month on Monday, March 22nd as well as the special meeting for Faulkwood Shores at Three Fires Middle School on March 24th at 7:00 p.m.

Commissioner Cahill wants to ensure that there are adequate microphones, etc. for the Faulkwood Shores meeting. Ms. Kolakowski will ensure that everyone that would like to will be heard. There was a brief discussion on how to organize all of the comments that will be received. It was suggested that each different group could have a spokesperson.

The meeting adjourned at 8:10 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary