

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
January 12, 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, and Bill Litogot. 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 7:02 p.m.

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

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

1. Election of Officers
2. **PUBLIC HEARING #2**...Discussion regarding Grand River corridor lighting requirements.

The motion carried unanimously.

Moved by Mortensen, seconded by Brown, to continue all present offices through 2004; Don Pobuda, Chairman; John Cahill, Vice Chairman; Barbara Figurski, Secretary. **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 7:05 p.m. Chairman Pobuda noted that the Board will not begin any new business after 10:00 p.m.

PUBLIC HEARING # 1...Rezoning, and Site Plan applications, and environmental impact assessment to rezone 11 acres located at Challis Road east of Bauer Road and south of the railroad tracks, Section 24 & 25, from CE (country estates) to PRF (public/recreational facilities), petitioned by Schoolhouse Facilities, LLC. (PC 03-28)

- **Planning Commission disposition of petition**

- A. Recommendation regarding rezoning application.
- B. Recommendation regarding site plan application.
- C. Recommendation regarding impact assessment.

Ms. Dawn Singer for Dickinson Wright representing Schoolhouse Facilities, LLC and Ms. Tyla Wells, who would be the principal at the proposed school, were present to represent the petitioner. Mr. Wayne Perry from Desine Engineers as well as William Simpson, the petitioner's traffic consultant, were also present.

Ms. Singer stated they are requesting a rezoning of the subject property. They have spoken with staff and noted what they would like to develop this site as a school and staff suggested rezoning it so the school would be allowed as a use by right. She reviewed the surrounding zoning.

Mr. Simpson gave a brief summary of their traffic study findings. They did their study based on the proposed use, as well as allowing for growth. They have estimated the increase in traffic and determined what the road improvements would need to be, assuming a five percent increase in traffic. The current ratings for the morning peak west of Challis is C, and the afternoon peak is F. A traffic signal is currently needed so the addition of the school would not change that. He noted that with the addition of the school, the morning peak traffic would become an F. He feels the level of service could be increased to an A or B.

Ms. Singer reviewed TTMP's letter dated December 31, 2003. They will be providing private well and septic and will comply with Livingston County Health Department standards. They will also comply with the Livingston County Drain Commission with regard to all drainage, grading, and soil erosion. She noted they will address the fire department's concerns regarding hydrants at final site plan approval.

She reviewed LSL's letter dated December 16, 2003.

1. The Master Plan does not show any PRF zoning. They are not proposing much of a deviation from the County Estates zoning.
2. LDS zoning would not allow this school as a principle structure, even with a special land use.

They feel the current zoning does not allow for a reasonable economic return on the property. Their proposal would be a unique asset to the community and its residents.

Commissioner Litogot questioned why this site is desired for a private school. Ms. Wells said the unique nature of this property, the steepness, and natural features would be a unique site for this school. She has been looking in this county for a site for a school. This property has the feel that she was looking for. It is also close to neighborhoods that could support this type of school.

Commissioner Figurski asked what time school begins in the morning. Ms. Wells said they begin between 8:00 and 8:30 a.m.; however, they will have before care services beginning at 7:00 a.m. School lets out between 3:00 and 3:30 p.m. and some children stay for after school care until 6:00 p.m.

Commissioner Cahill is concerned that the driveway would be right on a curve in the road. He does not feel this is safe. Mr. Simpson stated the curve is not as severe as it appears. The entrance would be graded as to Livingston County Road Commission Standards.

Commissioner Cahill also questioned traffic back up to the railroad tracks, which is a dangerous situation.

Chairman Pobuda advised the applicant that traffic is going to be a large concern for the Planning Commission.

Commissioner Cahill noted that the school will back up to the railroad tracks, which could derail and toxic fumes, etc. could put children in danger. Ms. Wells stated they are required by the State to have a light and security fencing around the railroad tracks. Chairman Pobuda noted another safety concern of people riding the trains and jumping off near the school.

Mr. Purdy reviewed his letter of December 16, 2003. He agrees that the Master Plan does not call for any recreational areas. To add this zoning to the Township is a decision that would be made by the Planning Commission. He noted that if this is rezoned, a civic use building, a church, a library, government offices, school, playground, golf course, driving range, public utility facility, cemetery, skate rink, and a small healthcare clinic could be built there.

Ms. McAvoy stated she has met with the Road Commission and based on their preliminary plans, they are proposing the Challis Road ROW to be 100 feet, which would affect the petitioner's site plan. She showed a drawing of the Road Commission's proposed changes to this intersection. With these changes, the level of service will improve. This project is scheduled to begin in 2005 / 2006. They will not be putting a traffic signal at this intersection for 5 to 10 years. They will put stop signs and left turn lanes first.

Commissioner Brown asked how accurate the Commission's timeline is. Ms. McAvoy stated they are moving along as scheduled.

The call to the public was made at 7:52 p.m.

Ms. Christine Cross of 6984 Challis Road stated there is currently a horrible traffic situation at this intersection. She also questioned how there could be less traffic in the morning than in the afternoon. If children are getting dropped off, then they must need to be picked up. There is not enough vision for her to see to back out of her driveway. She questioned the lighting. Mt. Brighton already generates a lot of light. She is also concerned about the noise. She noted that the Master Plan is for residential and would not want it to be changed. She also questioned if the Road Commission's improvements will be completed.

Ms. Lynn Winkelbauer of 3844 Bauer Road does not feel there is any way traffic should be increased in this area. The curve is very dangerous.

Mr. Michael Gates, who represents the Eisenbergs and Shapiros, who own property in this area, asked if Challis is being moved to the north. Ms. Kolakowski advised that it is.

Ms. Sarah Cross of 6984 Challis noted that the petitioner did not address traffic concerns during bad weather. It is difficult to get up the hill. There are no gates at the railroad tracks and vehicles can slide onto them.

Ms. Winkelbauer noted that this property is being proposed to be developed as single-family homes, which will increase traffic also. Mr. Purdy noted that if it is developed for single-family homes, it would have to be rezoned as it is currently agricultural.

The call to the public was closed at 8:00 p.m.

The petitioner addressed the public's concerns. They will only have security lighting in the parking area and inside the building. The parking lot and playground lights would be on a timer. With regard to the noise, Ms. Wells advised she would like the playground to be on top of the hill, far away from the tracks, but there are never 300 children out at one time, they go out by individual class.

Chairman Pobuda asked if all of the public's concerns regarding the hill, traffic, etc. will be resolved by the proposed new intersection. Ms. McAvoy confirmed this.

Ms. Singer noted that the proposed timing for the road improvements is consistent with their plans to begin construction.

Commissioner Cahill questioned if a school would be allowed in LDR zoning as a special use and Mr. Purdy stated yes. Commissioner Cahill suggested rezoning the property to LDR and permitting it as a special use, which would allow the

Planning Commission more control of site improvements. Mr. Purdy noted this is an option, but the petitioner requested PRD zoning. He noted that the Planning Commission can recommend rezoning to a less intense zoning district than what is being requested. Commissioner Cahill reiterated his feeling that LDR, with a special use, would be better so the Planning Commission can have more control of issues such as traffic and safety.

Commissioner Mortensen feels the Township Engineer needs to determine what the levels of service would be if the improvements are made and the school is developed. He also addressed the residents by stating this property is not going to stay vacant. Land is too valuable in this Township and the property owner has a right to develop their property. He added that a school, once the traffic issues are addressed, is a low-density use and this is a good site for it.

He advised the petitioner that they may be asked to participate financially with improvements, such as decel lanes, traffic lights, etc.

Ms. Singer stated PRF zoning would be more consistent with the surrounding zoning. She noted that control conditions can be placed on the site plan even without a special land use. She also noted that a child care facility is not allowed at all in LDR zoning, not even as a special use. Ms. Wells stated that since they have before and after school care, by State law, they need to be in a zoning that allows child care as well as a school.

Commissioner Mortensen asked the petitioner if they would be willing to participate with traffic improvements. Ms. Singer stated they would need to review this further to see what would be required. Commissioner Mortensen stated if the traffic improvements were done, he would not have any concerns about this project, however, the Township cannot be certain if and when they will be done. He would like to rezone the site to LDR with a special land use; however, this is not an option for the petitioner because of the child care facility.

Commissioner Mortensen would like to see specifics regarding geometrics, traffic control at the intersection, level of service analyses, etc.

Commissioner Cahill stated he will not vote for this if Challis is not realigned.

Mr. Purdy advised the conditions cannot be placed on a rezoning. He added that in PRF zoning, a school is permitted by right, so all the petitioner would need to do would be to meet all of the site plan requirements.

Commissioner Brown feels the Township will always struggle with this site until we can be sure the road is going to be realigned.

Commissioner Mortensen's concerns are regarding traffic. He would like to see what the levels of service would be in the area if the road is realigned. He stated

that infrastructure improvements follow development. You cannot wait for infrastructure improvements to rezone property.

Commissioner Figurski agrees. She would like to see more traffic information.

Commissioner Litogot does not want to rezone the property at this time. There is too much traffic. He does not feel this is the right place for a school. He would like to leave it how it is.

Moved by Cahill, seconded by Figurski, to table Agenda Item #1 at the petitioner's request until the February 9, 2004 Planning Commission meeting. **The motion carried unanimously.**

PUBLIC HEARING #2... Discussion regarding Grand River corridor lighting requirements.

Commissioner Litogot agrees that these lights are needed; however, a plan needs to be implemented. He feels it should extend from Exit 141 until the Howell City limits. Commissioner Figurski agrees.

Commissioner Mortensen is in favor of the lighting; however, he is not sure if he would support that much of an area. He needs more facts. He would like to see some "pros and cons" as well as suggestions from staff regarding how far it should go, should there be a special assessment district, should it be required similar to sidewalks, etc.

Chairman Pobuda feels the lighting is needed and would like it extended south on Latson in case the expressway interchange is developed. He would also like to see it north on Latson to Golf Club Road. Ms. Kolakowski advised that Comerica Bank was required to put these in so she believes the intent is to continue them on Latson Road.

Commissioner Brown feels it is a good idea, but he would like some more facts, such as how much they cost, etc.

Commissioner Cahill feels it would be a nice way to let people know they are entering Genoa Township.

Ms. Kolakowski will review the Commissioners' concerns and bring additional information to the Planning Commission.

Moved by Figurski, seconded by Mortensen to approve the minutes of December 22, 2003. **The motion carried unanimously.**

Member Discussion

Ms. Kolakowski stated she has done some research regarding the “lake vs. pond” issue that was raised as a result of the Conely request. The State of Michigan says that 5 or more acres of open water is a lake. She is going to implement these standards for the Township. LSL has created a water body map for the Township. She will use this map and specifically call certain bodies of water lakes, and others will be wetlands, and the respective setbacks will apply.

The meeting adjourned at 8:52 p.m.

Submitted by: Patty Thomas, Recording Secretary

Approved by: Barbara Figurski, Secretary