

GENOA TOWNSHIP
PLANNING COMMISSION
WORK SESSION
JULY 28, 2003
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 Huntley 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 7:10 p.m.

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

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

The call to the public was made to discuss items not on the agenda.

The call to the public was closed at 7:11 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, conceptual PUD plan, and PUD agreement to rezone 8.248 acres located on Grand River at Lawson Drive, Section 9, petitioned by Weiss Properties, LLC. The request is to rezone property from IND (industrial) to PUD (planned unit development). (PC 02-28)

- **Planning Commission disposition of petition**
 - A. Recommendation regarding PUD rezoning application.
 - B. Recommendation regarding conceptual PUD plan.
 - C. Recommendation regarding PUD agreement.
 - D. Recommendation regarding impact assessment.

Mr. Harvey Weiss from Weiss Properties, LLC. And Mr. Michael Boggio from Boggio and Associates were present to represent the petitioner.

Mr. Boggio presented a sketch of the site and location. He advised the members that development studies have been done to show the following different options:

1. The 1st study consisted of an industrial zoning, which would allow a 131,000 sq. ft. building is not suitable with the proximity to residential and the entrance to the Township.
2. The 2nd study consisted of 2 outlots and strip retail, this is considered better than industrial, but the not as a desirable use, there would be traffic concerns, enforcement issues concerning tenants and the Township already has quite a few strip retail already in place.
3. The 3rd study which consisted of a 80,000 sq. ft. retail building that consists of higher quality architecture, would have controlled hours, would have less traffic concerns than industrial and this would provide more of a buffer to the residential areas.

Commissioner Pobuda asked if there are any negotiations with the Sunrise Park Subdivision on the road. Mr. Weiss advised that there are not but they did include it in the PUD and they would provide access if necessary in the future.

Commissioner Pobuda asked if they would consider closing the second ingress-egress at that site. Mr. Weiss advised that he is reluctant; in his opinion the size of the site needs more than one point of ingress and egress.

Commissioner Cahill asked why the building is on the east side of the site closer to residential. Mr. Boggio stated that they have designed this with a large setback from the residential area and provided extensive landscaping. They did not want to put major parking against the residential areas. Mr. Boggio felt that the building could buffer that traffic and parking from the residential areas. Also, it is designed to have a 10-foot retaining wall along residential.

A call to the public was made at 7:34 p.m.

Mr. Gary McCririe, Genoa Township Supervisor, made the following comments:

1. Likely this piece will be developed in the future, unlikely it will be industrial.
2. We are probably going to see a commercial or retail use.
3. The PUD ordinance as it has been recently modified for these types of situations to enhance landscaping, enhance buffers and negotiate parking.
4. Along Grand River Avenue, buildings are close to the road; in this case there is one single user that makes it aesthetically pleasing for the residential that is nearby.
5. The design is pushed away from the road that makes it aesthetically pleasing to the Township.
6. Mr. Weiss has offered to fund that installation of a traffic light at Lawson Drive. He has been in contact with MDOT and with the Genoa Township staff.

The call to the public was closed at 7:37 p.m.

Mr. Purdy reviewed his letter of July 28, 2003.

1. The concept plan places a large building and a loading dock adjacent to residential with only a wall for a buffer.
2. If a shared driveway is implemented on the east side of the premises, it must be limited access right-turn in and out only drive and should be shown on site plan.
3. An 8-foot wide concrete sidewalk is required along Grand River Avenue and a 5-foot wide sidewalk is required along Lawson Drive and the interior of the site.
4. An extensive landscape greenbelt should be provided along the east end of the property as a buffer between the site and the residential development.

Moved Mortensen, seconded by Litogot, to recommend to the Township Board approval of the rezoning request for 8.248 acres located on Grand River at Lawson Drive, Section 9, petitioned by Weiss Properties, LLC. The request to rezone property from IND (industrial) to PUD (planned unit development) citing the following reasons:

1. Master plan is no longer consistent with development that has occurred in this area.
2. Benefit to the Township is that the use proposed in this rezoning is more beneficial to the Township than Industrial.
3. The possible opening of an access to an internal road to go to the Sunrise Park.

Motion was made with the following conditions:

1. Approval of the tenant PUD Plan, Impact Assessment and PUD Agreement by the Township Board.
2. Township Board approval of the revision to the Master Plan.

The motion carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the conceptual PUD plan dated July to rezone 8.248 acres located on Grand River at Lawson Drive, Section 9, petitioned by Weiss Properties, LLC.

1. Approval of PUD rezoning, PUD agreement and Impact assessment by the Township Board.
2. Township Board approval of the revision to the Master Plan.
3. The 10-foot east side wall will include a 20-foot buffer.
4. The petitioner understands that substantial landscaping and architecture requirements will be asked for at final site plan.
5. Up to 10 percent of parking will be banked and replaced with landscape along Lawson and Grand River.
6. Truck docks will be relocated so loading and unloading will occur to the north.

7. There will be a 30-foot rear yard setback.
8. There will be an 8-foot cement sidewalk along Grand River and a 5-foot cement sidewalk along Lawson Drive.
9. The entrance on Grand River Avenue will be limited to right in and right out only.
10. The sign will conform to Township ordinances.
11. The pond shall be designed as an ornamental water feature and will be extensively landscaped and without a fence.
12. Conceptual site plan needs an architectural seal.

The motioned carried unanimously.

Moved by Mortensen, seconded by Litogot, to recommend to the Township Board approval of the PUD agreement dated July 17, 2003 for 8.248 acres located on Grand River at Lawson Drive, Sec. 9, petitioned by Weiss Properties, LLC with the following conditions:

1. Signage will be one monument sign that will conform to the Township ordinance with final decision to be made at final site plan.
2. Approval of PUD plan, impact assessment, and rezoning by the Township Board.
3. Township Board approval of the revision to the Master Plan.
4. PUD Agreement will be revised to be consistent with the motions made on rezoning and PUD plan.
5. All road improvements required by MDOT will be installed and funded by the developer including a potential south bound lane addition on the west side of Lawson Drive.
6. PUD agreement will be revised to show only one 81,000 sq. ft. building.
7. Sewer and water will be utilized and REUs will be determined by the Township Engineers.
8. Article 6- add ornamental street lighting along Grand River and Lawson.
9. Article 6.2- Add sidewalk on Lawson
10. Section 2.3- change to 25% will be open space.

The motion carried unanimously.

Moved by Litogot, supported by Mortensen to recommend to the Township Board approval of the impact assessment dated July 22, 2003 for 8.246 acres located on Grand River at Lawson Drive, sec. 9, petitioned by Weiss Properties, LLC with the following conditions:

1. Subject to approval of rezoning, PUD agreement and conceptual plan by the Township Board.
2. Township Board approval of the revision to the Master Plan.
3. Draft will be revised to be consistent with the other motions approved this evening.
 - a. Including reference to number of buildings revised to include one building.
 - b. Retail stores change to retail store on page 5.

The motion carried unanimously.

OPEN PUBLIC HEARING #2...Review of conceptual PUD plan, PUD agreement, and environmental impact assessment for proposed construction of 17 single-family homes on approximately 70 acres, (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 and Sec. 29, petitioned by Chestnut Development. (PC 03-09).

- **Planning Commission disposition of petition**

- A. Recommendation regarding conceptual PUD plan.
- B. Recommendation regarding PUD agreement.
- C. Recommendation regarding impact assessment.

Mr. Steve Gronow from Chestnut Development and Dan Schrauben from Professional Engineers were present to represent the petitioner.

Mr. Schrauben advised that since the last time this petition was before the Planning Commission they realized that more could be done. Most revised information is located in the impact assessment. He further described the location of the development in relation to Chilson Creek. They have increased the preservation area from 21 acres to 26 acres and reduced the building envelopes. They have made the common area a park like setting that is centrally located in the development. They want to maintain the rural character in addition with having only one road cut onto Chilson Road.

Mr. Schrauben stated that the limited preservation area is for a lawn area or accessory buildings. 50 acres out of the 73 are under preservation limitations. In most cases the wetland buffer is a minimum of 50 feet except for 2 areas that have a 30-foot wetland buffer and that exceeds that townships minimum of a 25-foot wetland buffer.

Commissioner Cahill would like to see cluster housing and more common open space, he also stated that this petition is an improper design for PUD and enforcement of the preservation area is impossible.

Commissioner Mortensen is not quite as concerned with enforcement; homeowner associations are typically self-enforcing.

The call to the public was made at 9:13 p.m.

Mr. Gary McCririe, Genoa Township Supervisor, made the following comments:

1. Mr. McCririe stated that the Township had asked Mr. Gronow to include his home to preclude further splits.
2. He was also concerned with how a large tract of land like this could be developed in the future.
3. By entering into the PUD, this is all you will ever see on this property.
4. Mr. McCririe also stated that he isn't concerned with common areas for children to play. The lots are large enough for kids to have recreation on their own lot.

The call to the public closed at 9:18 p.m.

Mr. Purdy reviewed his letter of July 24, 2003.

1. The master plan recommends one (1) dwelling unit per five (5) acres. One (1) residence per 4.3 acres is proposed.
2. All lots are one (1) acre or greater and will require County Health Department approval for well and septic systems.
3. The site contains significant woodland and wetland resources. He recommends these areas be placed in common open space and protected through deed restrictions and conservation easements. The applicant has proposed conservation easements over the individual lots.
4. The PUD agreement needs to provide for conservation easements with stringent restrictions prohibiting any kind of uses. The Petitioner agreed.
5. Active recreational facilities are required in a PUD. Walking trails and a gazebo have been added around the detention pond in the road median.
6. The PUD agreement and master deed needs to provide for conservation easements with stringent restrictions.
7. The road pavement width must be 26 feet wide.
8. The 60-foot rear yard setbacks shown on the site plan do not match the 80-foot setbacks in the PUD agreement and required by the CE district.

Ms. Huntely reviewed her letter dated May 8th, 2003:

1. The petitioner has provided a roadway right-of-way width of 50 feet. The Genoa Township Zoning Ordinance generally requires a right-of-way of 66 feet for private roads. However, this may be reduced by the Planning Commission to not less than 50 feet when all of the following criteria are met:
 - a. The width is determined to be adequate for the necessary pavement and utilities,
 - b. Adequate clear sight distance can be maintained,
 - c. There is not a desire that the road could become a public street or extended in the future, and
 - d. It is not expected to accommodate over 300 trips per average weekday. The site plan does meet all of the aforementioned criteria; therefore, the Planning Commission may reduce the width of the right-of-way to 50 feet, if so desired.
2. The petitioner has provided two options for the roadway. The first option provides an open ditch with gravel shoulders while the second provides a bituminous valley gutter. The Genoa Township Zoning Ordinance requires that all private roads serving more than five lots shall be constructed with concrete curb and gutter. However the Planning Commission may waive the requirement for concrete curb and gutter where the dwelling unit density is low, anticipated traffic levels will be low or surrounding environmental conditions make open ditch drainage preferable. Either option is acceptable for the submitted site plan.

3. The Genoa Township Zoning ordinance states that the minimum pavement width shall be 30 feet as measured back to back to curb. The pavement width may be reduced to not less than 26 feet where the Planning Commission determine that the reduced width will preserve significant natural features, will not serve as a through street, will serve only a low number of dwelling units and shall be posted to prevent parking. It is appropriate for the Planning Commission to reduce the width to 26 feet as measured from back of curb to back of curb for this site plan, if so desired. However, the petitioner is proposing the curbed roadway cross section of 22 feet as measured from back of curb to back of curb. This cross section should be increased to incorporate 11 foot traveled lanes, however the shoulder width may be reduced to keep the roadway width to 26 feet.
4. The Genoa Township Zoning Ordinance and Livingston County Road Commission required a minimum horizontal curve of 230 feet in radius. The Zoning Ordinance states that the Planning Commission may be reduced to not less than 150 feet if the design would accommodate the expected vehicle speeds, traffic flows, a significant number of mature trees would be preserved, or where the width of the parcel would not accommodate a wider radii. The proposed site plan has one radius delineated at 212.5 feet. Based on the traffic flow and speed limit on the roadway, a radius of 212.5 feet would be acceptable if so desired by the Planning Commission.
5. The Genoa Township Zoning Ordinance also states that 55-foot radius for the outside edge of pavement should be utilized for a cul-de-sac with a landscaped island. This may reduce to the Livingston County Road Commission Standards of a 50-foot radius if so desired by the Planning Commission.

Moved by Mortenson, supported by Litogot, to recommend to Township Board approval of conceptual PUD plan dated July 9, 2003 for proposed construction of 17 single-family homes on approximately 70 acres, (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 and Sec. 29, petitioned by Chestnut Development. This recommendation is subject to the following conditions:

1. Approval by Township Board of the rezoning and environmental impact assessment.
2. Township Board approval of revision to the Master Plan.
3. Road width will be 26 feet with two 11 foot traveled lanes with remainder to be shoulder.
4. Outside of pavement radius will be not less than 50 feet.
5. Open ditch with gravel siding is acceptable.
6. Road right-of-way of 50-feet is acceptable.
7. Parcels 4 thru 15 will have 80-foot rear yard setbacks.
8. The Township Board will review the conceptual plan presented and the plan will denote the deeded and limited preservation areas.
9. The 212.5 foot radius is acceptable.

The motion carried (Litogot – Yes; Figurski – No; Mortensen – Yes; Brown – Yes; Cahill – No, Pobuda - Yes)

Moved by Mortensen, supported by Litogot to recommend to Township Board approval of PUD agreement dated May 9, 2003 for proposed construction of 17 single-family homes on approximately 70 acres. (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 and Sec. 29, petitioned by Chestnut Development. This recommendation is subject to the following:

1. Approval by Township Board of rezoning, environmental impact assessment, and conceptual PUD plan.
2. Township Board Approval of the revision to the Master Plan.
3. This recommendation is made in view of the following benefits to the Township:
 - a. Preservation of 73 acres with no more than 17 homes.
 - b. Preservation of headwaters for Chilson Creek Watershed
 - c. Locks in permanently low density on this parcel,
 - d. Natural transition from CE to RR in the area.
 - e. Preservation natural features.
4. This recommendation is subject to approval of the Conceptual PUD by Township Attorney
5. All appropriate easements and DEQ permits will be obtained.
6. Conservation easements will be obtained which are suitable to the Township.

Commissioner Cahill stated for the record he has great respect to Mr. McCririe and is in favor of the PUD but is opposed to this plan. He thinks that we can do better.

The motion carried. (Litogot – Yes; Figurski – No; Mortensen – Yes; Brown – Yes; Cahill – No; Pobuda – Yes)

Moved by Litogot, supported by Mortensen, to recommend approval to the Township Board of the Impact Assessment dated July 9, 2003 for proposed construction of 17 single-family homes on approximately 70 acres, (Timber Green) located west of Chilson Road, north of Coon Lake Road in Sec. 20 and Sec. 29, petitioned by Chestnut Development.

The motion carried (Litogot – Yes; Figurski – No; Mortensen – Yes; Brown – Yes; Cahill – No, Pobuda – Yes).

Open Public Hearing #3...Review of site plan application, site plan and PUD agreement for proposed amendment to the Chemung Forest/Woodland Springs PUD Agreement regarding Lots 20, 21, 25 & 77, petitioned by Boss Engineering.

- **Planning Commission disposition of petition**

- A. Disposition regarding amendment to PUD Agreement.

Mr. Mike Boss from Boss Engineering was present to represent the petitioner.

Mr. Boss presented an overall plan for Chemung Forest that showed that there are 5 homes with combination garages that consist of both side and front entry garage. There are no stand alone front entry garages that have been constructed in the subdivision.

A call to the public was made at 10:00 p.m.

Chairman Pobuda closed the call to the public at 10:01 p.m.

Moved by Mortensen, supported by Litogot for approval of amendment to PUD Agreement for proposed amendment to the Chemung Forest/Woodland Springs PUD Agreement regarding Lots 20,21,25 & 77, petitioned by Boss Engineering for the following permitting front yard setback reduction from 35 feet to 25 feet for wetland setback for lots 20,21,25 & 77.

Chairman Pobuda asked for a vote regarding Commissioner Mortensen's motion for recommendation of approval. The motioned carried. (Litogot – Yes; Figurski – No; Mortensen – Yes; Brown – Yes; Cahill – Yes; Pobuda – Yes)

Moved by Figurski, supported by Litogot, to approve minutes of July 14, 2003. **The motion carried unanimously.**

Member Discussion

Commissioner Cahill thanked the Township for sending flowers in respect to the passing of his mother.

The meeting adjourned at 10:18 p.m.

Submitted by: Amy Ruthig

Approved by: Barbara Figurski, Secretary